

ELECTORAL ADMINISTRATION ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 7: Regulation of parties

Registration of parties

Section 52 Time for registration of parties fielding candidates

289. This section amends section 22 of the 2000 Act (Requirement for registration) and paragraph 6A of Schedule 1 to the 1983 Act (Nomination papers: name of registered political party).
290. Section 22 of the 2000 Act requires an organisation wishing to field candidates at a relevant election to be registered as a political party with the Electoral Commission. Under section 22, unless his nomination paper gives the description “independent” or gives no description, a person may only stand as a candidate at a relevant election if his nomination paper is supported by a certificate authorising his candidature. The certificate must be issued by, or on behalf of, the nomination officer of the party.
291. *Section 22(2)(a)* and (b) provides that a party must be registered in the relevant register maintained by the Electoral Commission under section 23 of the 2000 Act by the last date for publication of the notice of an election. Depending on the type of election, this date is usually around a week ahead of the close of nominations.
292. Paragraph 6A(1) of Schedule 1 to the 1983 Act provides that a nomination paper may not include a description of a candidate which is likely to lead voters to associate a candidate with a registered political party unless the party is a qualifying party in relation to the constituency and the description is authorised by a certificate issued by or on behalf of the registered nominating officer of the party.
293. The effect of the amendments is to remove the requirement that parties must be registered by the last date for publication of the notice of election in order to use a description. Instead, any candidate presenting a description bearing the description of a registered party should be entitled to use that description providing that the party is registered with the Electoral Commission two working days before the last day for the delivery of nomination papers at the election.