



Electoral Administration Act 2006

2006 CHAPTER 22

PART 6

CONDUCT OF ELECTIONS ETC.

Observation of elections etc.

28 Discretion to report on certain elections

In section 5 of the 2000 Act (reports on elections and referendums), after subsection (2) insert—

“(2A) After—

- (a) a parliamentary by-election,
- (b) an election held under section 9 of the Scotland Act 1998 (election for the Scottish Parliament in the case of a constituency vacancy), or
- (c) an election held under section 8 of the Government of Wales Act 1998 (election for the National Assembly for Wales in the case of a constituency vacancy),

the Commission may prepare and publish (in such manner as the Commission may determine) a report on the administration of the election.”

Commencement Information

- II** S. 28 wholly in force at 1.7.2008; s. 28 not in force at Royal Assent see s. 77; s. 28 in force for E.W.S. at 1.1.2007 by S.I. 2006/3412, art. 3, Sch. 1 para. 14(m) (subject to Sch. 2); s. 28 in force for N.I. at 1.7.2008 by S.I. 2008/1316, arts. 2(2), 4(j)

29 Observation of proceedings and working practices

After section 6 of the 2000 Act (reviews of electoral and political matters), insert—

Changes to legislation: There are currently no known outstanding effects for the Electoral Administration Act 2006, Cross Heading: Observation of elections etc.. (See end of Document for details)

“6A Attendance of representatives of Commission at elections etc.

- (1) A representative of the Commission may attend—
 - (a) proceedings relating to an election specified in subsection (5) which are the responsibility of the returning officer for the election;
 - (b) proceedings relating to a referendum to which Part 7 applies which are the responsibility of the relevant counting officer.
- (2) The right conferred on a representative of the Commission by this section is subject to any enactment which regulates attendance at the proceedings in question.
- (3) In this section, “representative of the Commission” means any of the following—
 - (a) a member of the Commission;
 - (b) a member of staff of the Commission;
 - (c) a person appointed by the Commission for the purposes of this section.
- (4) A reference to the relevant counting officer must be construed—
 - (a) if the area to which the proceedings relates is in Great Britain, in accordance with section 128(3);
 - (b) if the area to which the proceedings relates is Northern Ireland, as a reference to the Chief Electoral Officer for Northern Ireland.
- (5) The elections specified in this subsection are—
 - (a) an election mentioned in section 5(2);
 - (b) a parliamentary by-election;
 - (c) an election under section 9 of the Scotland Act 1998 (constituency vacancies);
 - (d) an election under section 8 of the Government of Wales Act 1998 (vacancies in constituency seats);
 - (e) a local government election in England or Wales;
 - (f) a local election in Northern Ireland.

6B Observation of working practices by representatives of Commission

- (1) A representative of the Commission may observe the working practices of any of the following—
 - (a) an electoral registration officer;
 - (b) a returning officer;
 - (c) a relevant counting officer;
 - (d) any person acting under the direction of a person mentioned in paragraphs (a) to (c).
- (2) In this section—
 - (a) “relevant counting officer”, and
 - (b) “representative of the Commission”,must be construed in accordance with section 6A.

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- (3) This section does not permit the observation of working practices which relate only to a local government election in Scotland.

6C Accredited observers: individuals

- (1) A person who is aged 16 or over may apply to the Commission to be an accredited observer at any of the following proceedings relating to an election specified in subsection (5) of section 6A or a referendum to which Part 7 applies—
- (a) proceedings at the issue or receipt of postal ballot papers;
 - (b) proceedings at the poll;
 - (c) proceedings at the counting of votes.
- (2) If the Commission grant the application, the accredited observer may attend the proceedings in question.
- (3) An application under subsection (1) must be made in the manner specified in the code of practice issued under section 6F.
- (4) The Commission may at any time revoke the grant of an application under subsection (1).
- (5) If the Commission—
- (a) refuse an application under subsection (1), or
 - (b) revoke the grant of any such application,
- they must give their decision in writing and must at the same time give reasons in writing for the refusal or revocation.
- (6) The right conferred on an accredited observer by this section is subject to any enactment which regulates attendance at the proceedings in question.

6D Accredited observers: organisations

- (1) An organisation may apply to the Commission to be accredited for the purpose of nominating observers at any of the following proceedings relating to an election specified in subsection (5) of section 6A or a referendum to which Part 7 applies—
- (a) proceedings at the issue or receipt of postal ballot papers;
 - (b) proceedings at the poll;
 - (c) proceedings at the counting of votes.
- (2) If the Commission grant the application the organisation may nominate members who may attend the proceedings in question.
- (3) The Commission, in granting an application under this section, may specify a limit on the number of observers nominated by the organisation who may attend, at the same time, specified proceedings by virtue of this section.
- (4) An application under subsection (1) must be made in the manner specified in the code of practice issued under section 6F.
- (5) The Commission may at any time revoke the grant of an application under subsection (1).

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- (6) If the Commission—
- (a) refuse an application under subsection (1), or
 - (b) revoke the grant of any such application,
- they must give their decision in writing and must at the same time give reasons in writing for the refusal or revocation.
- (7) The right conferred by this section is subject to any enactment which regulates attendance at the proceedings in question.

6E Attendance and conduct of observers

- (1) A relevant officer may limit the number of persons who may be present at any proceedings at the same time in pursuance of section 6C or 6D.
- (2) If a person who is entitled to attend any proceedings by virtue of section 6C or 6D misconducts himself while attending the proceedings, the relevant officer may cancel the person's entitlement.
- (3) Subsection (2) does not affect any power a relevant officer has by virtue of any enactment or rule of law to remove a person from any place.
- (4) A relevant officer is—
 - (a) in the case of proceedings at a polling station, the presiding officer;
 - (b) in the case of any other proceedings at an election, the returning officer;
 - (c) in the case of any other proceedings at a referendum, the relevant counting officer (within the meaning of section 6A);
 - (d) such other person as a person mentioned in paragraph (a), (b) or (c) authorises for the purposes of the proceedings mentioned in that paragraph.

6F Code of practice on attendance of observers at elections etc.

- (1) The Commission must prepare a code of practice on the attendance of—
 - (a) representatives of the Commission,
 - (b) accredited observers, and
 - (c) nominated members of accredited organisations,
 at elections specified in subsection (5) of section 6A and referendums to which Part 7 applies.
- (2) The code must in particular—
 - (a) specify the manner in which applications under sections 6C(1) and 6D(1) are to be made to the Commission;
 - (b) specify the criteria to be taken into account by the Commission in determining such applications;
 - (c) give guidance to relevant officers (within the meaning of section 6E) as to the exercise of the power conferred by subsection (1) of that section;
 - (d) give guidance to such officers as to the exercise of the power mentioned in subsection (2) of that section as it relates to a person having the permission mentioned in subsection (1) of that section;
 - (e) give guidance to such officers as to the exercise of any power under any enactment to control the number of persons present at any proceedings

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- relating to an election or referendum as it relates to a person having such permission;
- (f) give guidance to representatives of the Commission, accredited observers and nominated members of accredited organisations on the exercise of the rights conferred by sections 6A, 6B, 6C and 6D.
- (3) The code may make different provision for different purposes.
- (4) Before preparing the code, the Commission must consult the Secretary of State.
- (5) The Commission must lay the code before each House of Parliament.
- (6) The Commission must publish the code (in such manner as the Commission may determine).
- (7) The following persons must have regard to the code in exercising any function conferred by section 6A, 6B, 6C, 6D or 6E—
- (a) the Commission;
 - (b) representatives of the Commission;
 - (c) relevant officers (within the meaning of section 6E);
 - (d) relevant counting officers.
- (8) The Commission may at any time revise the code.
- (9) Subsections (4) to (7) apply in relation to a revision of the code as they apply in relation to the code.
- (10) In this section—
- (a) “accredited observer” must be construed in accordance with section 6C;
 - (b) “accredited organisation” must be construed in accordance with section 6D, and “nominated member” must be construed accordingly;
 - (c) “relevant counting officer” must be construed in accordance with section 6A;
 - (d) “representative of the Commission” has the same meaning as in section 6A.”

Commencement Information

I2 S. 29 wholly in force at 1.7.2008; s. 29 not in force at Royal Assent; s. 29 in force for E.W.S. at 31.1.2007 by S.I. 2006/3412 {art. 5}; s. 29 in force at 1.7.2008 by S.I. 2008/1316, arts. 2(2), 4(k)

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