

## SCHEDULES

### SCHEDULE 1

Sections 10, 11, 18, 20, 47, 61, 74

#### AMENDMENTS

#### PART 1

##### ANONYMOUS REGISTRATION

##### *The Juries Act 1974 (c. 23)*

- 1 In section 3 of the Juries Act 1974 (electoral register as basis of jury selection), after subsection (1) insert—

“(1A) If a register to be delivered under subsection (1) above includes any anonymous entries (within the meaning of that Act of 1983) the registration officer must, at the same time as he delivers the register, also deliver to the designated officer any record prepared in pursuance of provision made as mentioned in paragraph 8A of Schedule 2 to that Act which relates to such anonymous entries.”

##### *The 1983 Act*

- 2 The 1983 Act is amended in accordance with paragraphs 3 to 16.
- 3 In section 4 (entitlement to be registered as parliamentary or local government elector), after subsection (5) insert—

“(5A) If a person entitled to be registered by virtue of subsection (5) above has an anonymous entry in the register, the references in paragraphs (a) and (b) of that subsection to his entry in the register are to be read as references to his entry in the record of anonymous entries prepared in pursuance of paragraph 8A of Schedule 2 below.”

- 4 (1) Section 9 (registers of electors) is amended as follows.
- (2) In subsection (2), for “Each register” substitute “Subject to section 9B(3) below, each register”.
- (3) In subsection (5), for “names” substitute “entries”.
- 5 In section 10 (maintenance of registers: annual canvass), in subsection (3) after paragraph (b) insert “; or
- (c) the registration of persons with anonymous entries in the register.”
- 6 (1) Section 10A (maintenance of the registers: registration of electors) is amended as follows.
- (2) After subsection (3A) (inserted by section 12(4) of this Act) insert—

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“(3B) No objection to a person’s registration may be made if the person has an anonymous entry in the register.”

(3) In subsection (5) the words “the name of” are omitted.

7 In section 49 (effect of registers), after subsection (4) insert—

“(4A) Subsection (4) applies to an entry in the record of anonymous entries as it applies to an entry in the register of parliamentary or local government electors.”

8 In section 56 (registration appeals), in subsection (1) after paragraph (aa) (inserted by section 12(8) of this Act) insert—

“(ab) from a determination of the registration officer under section 9B(2) above.”

9 (1) Section 62 (offences as to declarations) is amended as follows.

(2) After subsection (1) insert—

“(1A) A person who makes a declaration under section 9B(1)(b) above—

(a) except as permitted by this Act, when he knows that he is subject to a legal incapacity to vote, or

(b) when he knows that it contains a statement which is false,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.”

(3) In subsection (2) for “the reference in subsection (1) above to a legal incapacity to vote refers” substitute “the references in subsections (1) and (1A) above to a legal incapacity to vote refer”.

10 (1) Section 91 (candidate’s right to send election address post free) is amended as follows.

(2) After subsection (2) insert—

“(2A) The candidate may require the returning officer to make arrangements with the universal service provider for communications under subsection (1)(b) to be sent to persons who have anonymous entries in the register.

(2B) Arrangements under subsection (2A) shall be such as to ensure that it is not disclosed to any other person that the addressee of such a communication has an anonymous entry.”

(3) In subsection (4)(b)—

(a) after “in that register” insert “(or, in the case of a person who has an anonymous entry in the register, in the record of anonymous entries)”, and

(b) after “from the register” insert “(or from the record)”.

11 In section 121 (presentation and service of parliamentary election petition), after subsection (1) insert—

“(1A) The reference in subsection (1)(a) to a person who voted as an elector at an election or who had the right so to vote does not include a person who had an anonymous entry in the register of electors.”

- 12 In section 128 (presentation of petition questioning local election), after subsection (1) insert—
- “(1A) The reference in subsection (1) to a person who voted as an elector at an election or who had the right so to vote does not include a person who had an anonymous entry in the register of electors.
- (1B) Subsection (1A) does not apply to a local government election in Scotland.”
- 13 (1) Section 202(1) (general provisions as to interpretation) is amended as follows.
- (2) Before the definition of “citizen of the Union” insert—
- ““anonymous entry”, in relation to a register of electors, shall be construed in accordance with section 9B above and “the record of anonymous entries”, means the record prepared in pursuance of regulations made by virtue of paragraph 8A of Schedule 2 to this Act;”.
- (3) In the definition of “elector”—
- (a) for “whose name is for the time being” substitute “who has for the time being an entry”, and
- (b) after “shown in the register” insert “(or, in the case of a person who has an anonymous entry in the register, in the record of anonymous entries)”.
- 14 (1) Schedule 1 (parliamentary elections rules) is amended as follows.
- (2) In rule 7 (subscription of nomination paper), after paragraph (6) insert—
- “(7) But, in this rule, “elector” does not include a person who has an anonymous entry in the register.”
- (3) In rule 28 (issue of official poll cards) after paragraph (3) insert—
- “(3A) In the case of an elector with an anonymous entry, instead of containing the matter mentioned in paragraph (3)(b) above the polling card shall contain such matter as is prescribed.”
- (4) In rule 29 (equipment of polling stations), in paragraph (3)(c) for “names of” substitute “entries relating to”.
- (5) In rule 40 (tendered ballot papers) after paragraph (4) insert—
- “(4A) This rule applies to an elector who has an anonymous entry subject to the following modifications—
- (a) in paragraphs (2)(b) and (3) the references to the name of the voter must be ignored;
- (b) otherwise, a reference to a person named on a register or list must be construed as a reference to a person whose number appears on the register or list (as the case may be).”
- 15 (1) Schedule 2 (provisions which may be contained in regulations as to registration etc.) is amended as follows.
- (2) In paragraph 1(3), for “name” substitute “entry”.
- (3) After paragraph 2A insert—

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*Status: This is the original version (as it was originally enacted).*

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“2B Provisions requiring registration officers to remind persons with anonymous entries in registers of the need to make a fresh application and declaration in order for them to remain so registered.”

(4) After paragraph 3A insert—

“3B Provisions as to the form and content of applications for an anonymous entry and declarations to be made in connection with such applications.”

(5) In paragraph 5, after sub-paragraph (1A) insert—

“(1B) Provisions as to the evidence which shall or may be deemed sufficient or conclusive evidence that a person’s safety would be at risk as mentioned in section 9B(10) of this Act.”

(6) After paragraph 8 insert—

“8A Provisions requiring the registration officer to prepare a record of those persons with anonymous entries in the register showing, in relation to each such person, such information as is prescribed.”

(7) In paragraph 10, after sub-paragraph (1) insert—

“(1A) The edited version shall also omit anonymous entries.”

16 In Schedule 2A (control of donations to candidates), the existing text of paragraph 10 becomes sub-paragraph (1) of the paragraph and after sub-paragraph (1) insert—

“(2) If the statement states that the candidate’s election agent has seen evidence of such description as is prescribed by the Secretary of State in regulations that an individual donor has an anonymous entry in an electoral register, the statement must be accompanied by a copy of the evidence.

(3) Sub-paragraph (2) does not apply to local government elections in Scotland.”

*The Representation of the People Act 1985 (c. 50)*

17 (1) Section 3 of the Representation of the People Act 1985 is amended as follows.

(2) After subsection (4) insert—

“(4A) For the purposes of subsections (3)(a) and (4)(c) above, a person who has an anonymous entry in a register of parliamentary electors or local government electors is not to be regarded as being included in that register.”

(3) In subsection (7), for “names” substitute “entries”.

*The Greater London Authority Act 1999 (c. 29)*

18 (1) Section 17A of the Greater London Authority Act 1999 (free delivery of election addresses) is amended as follows.

(2) In subsection (2)(b)—

(a) after “in any such register” insert “(or, in the case of a person who has an anonymous entry in any such register, in the record of anonymous entries for that electoral area)”, and

(b) after “from the register” insert “(or from the record)”.

(3) After subsection (2) insert—

“(2A) In subsection (2)(b), “anonymous entry” and “record of anonymous entries” have the meaning given in section 202(1) of the Representation of the People Act 1983.”

*The Representation of the People Act 2000 (c. 2)*

19 Schedule 4 to the Representation of the People Act 2000 (absent voting) is amended in accordance with paragraphs 20 to 23.

20 (1) Paragraph 3 is amended as follows.

(2) In sub-paragraph (3), after paragraph (a) insert—

“(aa) if he has an anonymous entry in the register of electors for the election,”.

(3) After sub-paragraph (3) insert—

“(3A) Sub-paragraph (3)(aa) does not apply to an application to vote by proxy at a local government election in Scotland.”

(4) In sub-paragraph (5), after paragraph (a) insert—

“(aa) in the case of a person who is eligible to vote by proxy by virtue of having an anonymous entry, if he ceases to have an anonymous entry,”.

21 In paragraph 4, after sub-paragraph (2) insert—

“(2A) Where a person who has an anonymous entry in the register of electors for a parliamentary or local government election applies to the registration officer to vote by proxy at a particular such election the registration officer shall grant the application if it meets the prescribed requirements.

(2B) Sub-paragraph (2A) does not apply to an application to vote by proxy at a local government election in Scotland.”

22 In paragraph 5, after sub-paragraph (3) insert—

“(4) In the case of a person who has an anonymous entry in a register the postal voters list or list of proxies (as the case may be) must show in relation to the person only—

(a) his electoral number, and

(b) the period for which the anonymous entry has effect.

(5) Sub-paragraph (4) does not apply to any list kept in respect of a local government election in Scotland.”

23 In paragraph 7, after sub-paragraph (8) insert—

“(8A) In the case of a person who has an anonymous entry in a register the special list mentioned in sub-paragraph (8) must contain only—

(a) the person’s electoral number, and

(b) the period for which the anonymous entry has effect.

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(8B) Sub-paragraph (8A) does not apply to a special list kept in respect of a local government election in Scotland.”

*The 2000 Act*

24 The 2000 Act is amended as follows.

25 In section 65 (submission of donation reports to Commission), after subsection (2) insert—

“(2A) If a donation report under section 62 or 63 states that the registered party has seen evidence of such description as is prescribed by the Secretary of State in regulations that an individual donor has an anonymous entry in an electoral register (within the meaning of the Representation of the People Act 1983), the report must be accompanied by a copy of the evidence.”

26 In paragraph 2 of Schedule 6 (details to be given in donation reports) after sub-paragraph (3A) insert—

“(3B) Sub-paragraph (2) applies in the case of a donation by a person who has an anonymous entry in an electoral register (within the meaning of the Representation of the People Act 1983), as if for paragraphs (a) and (b) there were substituted “state that the registered party has seen evidence of such description as is prescribed by the Secretary of State in regulations that the individual has an anonymous entry in an electoral register (within the meaning of the Representation of the People Act 1983)”.

(3C) Sub-paragraph (3) applies in the case of a donation in the form of a bequest by a person who either—

- (a) at the time of his death, or
- (b) at any time in the period of five years ending with the date of his death,

had an anonymous entry in an electoral register (within the meaning of the Representation of the People Act 1983), as if for paragraph (b) there were substituted—

“(b) a statement that the registered party has seen evidence of such description as is prescribed by the Secretary of State in regulations that the individual had—

- (i) at the time of his death, or
- (ii) at any time in the period of five years ending with the date of his death,

an anonymous entry in an electoral register (within the meaning of the Representation of the People Act 1983).””

27 The existing text of paragraph 3 of that Schedule becomes sub-paragraph (1) and after sub-paragraph (1) insert—

“(2) In the case of a donation by a person who has an anonymous entry in an electoral register (within the meaning of the Representation of the People Act 1983), instead of giving details of the address of the donor the party must state that it has seen evidence of such description as is prescribed by the Secretary of State in regulations that the person has such an entry.

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- (3) In the case of a donation in the form of a bequest by a person who either—  
    (a) at the time of his death, or  
    (b) at any time in the period of five years ending at the date of his death,  
had such an entry, instead of giving details of the address of the donor, the party must state that it has seen evidence of such description as is prescribed by the Secretary of State in regulations that the person had, at that time, such an entry.”
- 28 In Schedule 7 (control of donations to individuals and members associations), in paragraph 10, after sub-paragraph (4) insert—  
    “(4A) In the case of a donation made by an individual who has an anonymous entry in an electoral register (within the meaning of the Representation of the People Act 1983), if the report states that the donee has seen evidence of such description as is prescribed by the Secretary of State in regulations that the individual has such an anonymous entry, the report must be accompanied by a copy of the evidence.”
- 29 In Schedule 11 (control of donations to recognised third parties), in paragraph 10, after sub-paragraph (3) insert—  
    “(4) In the case of a donation made by an individual who has an anonymous entry in an electoral register (within the meaning of the Representation of the People Act 1983) if the statement states that the recognised third party has seen evidence of such description as is prescribed by the Secretary of State in regulations that the individual has such an anonymous entry, the statement must be accompanied by a copy of the evidence.”
- 30 In Schedule 15 (control of donations to permitted participants), in paragraph 10, after sub-paragraph (3) insert—  
    “(4) In the case of a donation made by an individual who has an anonymous entry in an electoral register (within the meaning of the Representation of the People Act 1983) if the statement states that the permitted participant has seen evidence of such description as is prescribed by the Secretary of State in regulations that the individual has such an anonymous entry, the statement must be accompanied by a copy of the evidence.”

## PART 2

### ALTERATION OF REGISTERS: PENDING ELECTIONS

- 31 The 1983 Act is amended as follows.
- 32 In section 13A(4) (alteration of registers), after “section 13B(3)” insert “, (3B) or (3D)”.
- 33 Schedule 1 (parliamentary elections rules) is amended as follows.
- 34 In rule 29 (equipment of polling stations) after paragraph (5) insert—  
    “(6) The reference in paragraph (3)(c) to the copies of the registers of electors includes a reference to copies of any notices issued under section 13B(3B) or (3D) of this Act in respect of alterations to the register.”

- 35 In rule 38 (votes marked by presiding officer), after paragraph (2) insert—
- “(3) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of this Act, paragraph (2) above applies as if for “on the register of electors of every voter” there were substituted “relating to every voter in respect of whom a notice has been issued under section 13B(3B) or (3D)”.”
- 36 In rule 39 (voting by person with disabilities), after paragraph (4) insert—
- “(4A) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of this Act, paragraph (4) above applies as if for “in the register of electors of every voter” there were substituted “relating to every voter in respect of whom a notice has been issued under section 13B(3B) or (3D)”.”
- 37 In rule 40 (tendered ballot papers), after paragraph (4A) (inserted by paragraph 14(5) above) insert—
- “(4B) This rule applies in the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) as if—
- (a) in paragraphs (1)(a), (1ZA)(a) and (1ZD)(a) for “named on the register” there were substituted “in respect of whom a notice under section 13B(3B) or (3D) of this Act has been issued”;
  - (b) in paragraph (2)(b) for “his number in the register of electors” there were substituted “the number relating to him on a notice issued under section 13B(3B) or (3D) of this Act”;
  - (c) in paragraph (3) for “his number on the register of electors” there were substituted “the number relating to him on a notice issued under section 13B(3B) or (3D) of this Act”.”
- 38 After rule 41 (spoilt ballot papers) insert—
- “Correction of errors on day of poll*
- 41A The presiding officer shall keep a list of persons to whom ballot papers are delivered in consequence of an alteration to the register made by virtue of section 13B(3B) or (3D) of this Act which takes effect on the day of the poll.”
- 39 In rule 43 (procedure on close of poll)—
- (a) in paragraph (1)(d), after “electors” insert “(including any marked copy notices issued under section 13B(3B) or (3D) of this Act)”;
  - (b) in paragraph (1)(f) after ““unable to read”,” insert “the list maintained under rule 41A,”.
- 40 In rule 55 (delivery of documents to Clerk of the Crown)—
- (a) in paragraph (1)(c) after “and the related statements,” insert “the lists maintained under rule 41A,”;
  - (b) in paragraph (1)(e) after “registers” insert “(including any marked copy notices issued under section 13B(3B) or (3D) of this Act)”.



### PART 3

#### STANDING FOR ELECTION

##### *European Parliament*

- 41 (1) Section 10 of the European Parliamentary Elections Act 2002 (c. 24) (disqualifications) is amended as follows.
- (2) In subsection (3) for “Commonwealth” substitute “qualifying Commonwealth citizens”.
- (3) After subsection (3) insert—
- “(3A) A Commonwealth citizen who is resident in Gibraltar and who—
- (a) does not, under the law of Gibraltar, require a permit or certificate to enter or remain there, or
- (b) for the time being has (or is by virtue of any provision of the law of Gibraltar to be treated as having) a certificate of permanent residence issued under the Immigration Control Ordinance,
- is not disqualified for the office of MEP under subsection (1)(a) merely because he is disqualified for membership of the House of Commons under section 3 of the Act of Settlement (12&13 Will 3 c. 2) (disqualification of persons, other than qualifying Commonwealth citizens and Republic of Ireland citizens, who are born outside Great Britain and Ireland and the dominions).
- (3B) But subsection (3A)(a) does not cause a person to be qualified for the office of MEP if he does not require a permit or certificate to enter Gibraltar by virtue only of section 14(1) of the Immigration Control Ordinance (certain exemptions from requirement of permit or certificate).”
- (4) In subsection (4A) for “provide” substitute “make such other provision as he thinks appropriate”.
- (5) After subsection (7) insert—
- “(7A) In this section “the Immigration Control Ordinance” means the Gibraltar Ordinance of that name (Ord. 1962 No. 12).
- (7B) The Secretary of State may by regulations amend this section if he considers it necessary or expedient to do so in consequence of developments in the law of Gibraltar relating to immigration control.
- (7C) Such regulations may—
- (a) make transitional or saving provision;
- (b) make provision extending or applying to (or extending or applying only to) Gibraltar or any part of the United Kingdom.”

##### *Greater London Authority*

- 42 (1) Section 20 of the Greater London Authority Act 1999 (c. 29) (qualification to be Mayor or Assembly member) is amended as follows.
- (2) In subsection (2)(a) before “Commonwealth” insert “qualifying”.

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(3) After subsection (7) insert—

“(7A) For the purposes of this section, a person is a qualifying Commonwealth citizen if he is a Commonwealth citizen who either—

- (a) is not a person who requires leave under the Immigration Act 1971 to enter or remain in the United Kingdom, or
- (b) is such a person but for the time being has (or is, by virtue of any enactment, to be treated as having) indefinite leave to remain within the meaning of that Act.

(7B) But a person is not a qualifying Commonwealth citizen by virtue of subsection (7A)(a) if he does not require leave to enter or remain in the United Kingdom by virtue only of section 8 of the Immigration Act 1971 (exceptions to requirement for leave in special cases).”

(4) In subsection (8), in paragraph (a) of the definition of “relevant citizen of the Union” before “Commonwealth” insert “qualifying”.

#### *Local authorities in England and Wales*

43 (1) Section 79 of the Local Government Act 1972 (c. 70) (qualifications for election and holding office as a member of a local authority) is amended as follows.

(2) In subsection (1) for “British subject” substitute “qualifying Commonwealth citizen”.

(3) In subsection (2A) before “Commonwealth” insert “qualifying”.

(4) After subsection (2A) insert—

“(2B) For the purposes of this section, a person is a qualifying Commonwealth citizen if he is a Commonwealth citizen who either—

- (a) is not a person who requires leave under the Immigration Act 1971 to enter or remain in the United Kingdom, or
- (b) is such a person but for the time being has (or is, by virtue of any enactment, to be treated as having) indefinite leave to remain within the meaning of that Act.

(2C) But a person is not a qualifying Commonwealth citizen by virtue of subsection (2B)(a) if he does not require leave to enter or remain in the United Kingdom by virtue only of section 8 of the Immigration Act 1971 (exceptions to requirement for leave in special cases).”

#### *National Assembly for Wales*

44 In section 13(2) of the Government of Wales Act 1998 (c. 38) (exceptions and relief from disqualification) before “Commonwealth” insert “certain”.

#### *Scottish Parliament*

45 In section 16(2) of the Scotland Act 1998 (c. 46) (exceptions and relief from disqualification) before “Commonwealth” insert “certain”.

*Local authorities in Scotland*

- 46 (1) Section 29 of the Local Government (Scotland) Act 1973 (c. 65) (qualifications for nomination, election and holding office as a member of a local authority in Scotland) is amended as follows.
- (2) In subsection (1) for “British subject” substitute “qualifying Commonwealth citizen”.
- (3) In subsection (2) before “Commonwealth” insert “qualifying”.
- (4) After subsection (2) insert—
- “(3) For the purposes of this section, a person is a qualifying Commonwealth citizen if he is a Commonwealth citizen who either—
- (a) is not a person who requires leave under the Immigration Act 1971 to enter or remain in the United Kingdom, or
- (b) is such a person but for the time being has (or is, by virtue of any enactment, to be treated as having) indefinite leave to remain within the meaning of that Act.
- (4) But a person is not a qualifying Commonwealth citizen by virtue of subsection (3)(a) if he does not require leave to enter or remain in the United Kingdom by virtue only of section 8 of the Immigration Act 1971 (exceptions to requirement for leave in special cases).”

*Councillors in Northern Ireland*

- 47 (1) Section 3 of the Local Government Act (Northern Ireland) 1972 (C.9) (qualifications for nomination, election and holding office as a councillor in Northern Ireland) is amended as follows.
- (2) In subsection (1) for “British subject” substitute “qualifying Commonwealth citizen”.
- (3) In subsection (2) before “Commonwealth” insert “qualifying”.
- (4) After subsection (3) insert—
- “(4) For the purposes of this section, a person is a qualifying Commonwealth citizen if he is a Commonwealth citizen who either—
- (a) is not a person who requires leave under the Immigration Act 1971 to enter or remain in the United Kingdom, or
- (b) is such a person but for the time being has (or is, by virtue of any enactment, to be treated as having) indefinite leave to remain within the meaning of that Act.
- (5) But a person is not a qualifying Commonwealth citizen by virtue of subsection (4)(a) if he does not require leave to enter or remain in the United Kingdom by virtue only of section 8 of the Immigration Act 1971 (exceptions to requirement for leave in special cases).”

**PART 4**

## OMISSION OF REFERENCES TO MAUNDY THURSDAY

*The Electoral Law Act (Northern Ireland) 1962 (C. 14)*

- 48 In Schedule 5 to the Electoral Law Act (Northern Ireland) 1962 (local elections rules), in rule 2 (computation of time) omit the words “Maundy Thursday”.

*The 1983 Act*

- 49 The 1983 Act is amended in accordance with paragraphs 50 to 52.
- 50 In section 40(1) (timing as to local elections in England and Wales), omit the words “Maundy Thursday,”.
- 51 (1) In section 119(2) (computation of time for purposes of Part 2), omit the words “Maundy Thursday,”.
- (2) The amendment made by sub-paragraph (1) does not have effect so far as it relates to a local government election in Scotland.
- 52 In rule 2(1) of Schedule 1 (computation of time for purposes of parliamentary elections rules), in paragraph (b), omit the words “Maundy Thursday,”.

*The Representation of the People Act 1985 (c. 50)*

- 53 In section 19(6) of the Representation of the People Act 1985 (amendments and modifications of the Local Government Act 1972), in paragraph (b) (which modifies the rules about computation of time in section 243(4) of the 1972 Act), omit the words “Maundy Thursday,”.

*The 2000 Act*

- 54 In section 77(9) of the 2000 Act (computation of time for purposes of making claims in respect of campaign expenditure), in paragraph (a), omit the words “Maundy Thursday,”.

**PART 5**

## CONDUCT OF ELECTIONS

*THE ELECTORAL LAW ACT (NORTHERN IRELAND) 1962*

- 55 The [Electoral Law Act \(Northern Ireland\) 1962 \(C. 14\)](#) is amended in accordance with paragraphs 56 to 68.

*Attendance at election proceedings*

- 56 In Schedule 5 (local elections rules), in rule 9 (right to attend nomination)—  
(a) in paragraph (1), after paragraph (b) insert “or

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- (c) a person who is entitled to attend by virtue of section 6A or 6B of the Political Parties, Elections and Referendums Act 2000;”;
  - (b) after paragraph (3) insert—
    - “(4) Paragraph (3) does not apply to a person mentioned in paragraph (1)(c).”
- 57 In rule 29 of that Schedule (admission to polling station) for paragraph (1) substitute—
- “(1) The presiding officer shall exclude all persons from the polling station except—
- (a) voters;
  - (b) persons under the age of 18 who accompany voters to the polling station;
  - (c) the candidates and their election agents;
  - (d) the polling agents appointed to attend at the polling station;
  - (e) the clerks appointed to attend at the polling station;
  - (f) persons who are entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000;
  - (g) the constables on duty; and
  - (h) the companions of voters with disabilities.
- (1A) The presiding officer shall regulate the total number of voters and persons under the age of 18 who accompany them to be admitted to the polling station at the same time.”
- 58 In rule 44 of that Schedule (attendance at counting of votes) in paragraph (1), after sub-paragraph (e) insert—
- “(f) a person who is entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000.”

*Identifying marks and security markings on ballot papers etc.*

- 59 (1) Rule 16 of that Schedule (ballot papers) is amended as follows.
- (2) In paragraph (2)(c) after “number” insert “and other unique identifying mark”.
  - (3) In paragraph (2)(d) after “number” insert “and other unique identifying mark”.
- 60 (1) Rule 17 of that Schedule (the official mark) is amended as follows.
- (2) For paragraph (1) substitute—

“(1) Every ballot paper must contain an appropriate security marking (the official mark).”
  - (3) For paragraph (3) substitute—

“(3) The returning officer may use a different official mark for different purposes at the same election.”
- 61 (1) The Appendix of forms of that Schedule is amended as follows.

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- (2) In the Form of Front of Ballot Paper omit “Counterfoil No. The counterfoil is to have a number to correspond with that on the back of the ballot paper”.
  - (3) In the Directions as to printing the ballot paper omit paragraph 3(e).
  - (4) In the Declaration of identity Front of form omit “Ballot Paper No ... ..”.
  - (5) In the Directions for the guidance of voters in voting—
    - (a) omit paragraph 1;
    - (b) in paragraph 6 omit “holding the paper so that the presiding officer can see the official mark on the back of it”.
- 62 (1) Paragraph 27 of Schedule 9 (electoral misdemeanours) is amended as follows.
- (2) In sub-paragraph (2)(a) after “number” insert “or other unique identifying mark”.
  - (3) In sub-paragraph (3)(c) after “number” insert “or other unique identifying mark”.
  - (4) In sub-paragraph (4)(b) and (c) after “number” insert “or other unique identifying mark”.

*Tendered votes in certain circumstances*

- 63 (1) In rule 37 of Schedule 5 (tendered ballot papers) after paragraph (1) insert—
- “(1A) Paragraph (1C) applies if—
- (a) a person applies for a ballot paper representing himself to be a particular elector named on the register,
  - (b) he is also named in the absent voters list in pursuance of paragraph 2(4)(a) of Schedule 2 to the Local Elections (Northern Ireland) Order 1985 as a person entitled to vote by post, and
  - (c) he claims that he did not make an application to vote by post at the election.
- (1B) Paragraph (1C) also applies if—
- (a) a person applies for a ballot paper representing himself to be a particular person named as a proxy in the list of proxies,
  - (b) he is also named in the absent voters list in pursuance of paragraph 2(4)(b) of Schedule 2 to that Order as a person entitled to vote by post as proxy, and
  - (c) he claims that he did not make an application to vote by post as proxy.
- (1C) The person shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule, to mark a ballot paper (in these rules referred to as a “tendered ballot paper”) in the same manner as any other voter.”
- (2) After paragraph (1C) of that rule (inserted by sub-paragraph (1) above) insert—
- “(1D) Paragraph (1E) applies if before the close of the poll but after the last time at which a person may apply for a replacement postal ballot paper, a person represents himself to be—

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- (a) a particular elector named on the register who is also named in the absent voters list in pursuance of paragraph 2(4)(a) of Schedule 2 to that Order as a person entitled to vote by post, or
- (b) a particular person named as a proxy in the list of proxies and who is also named in the absent voters list in pursuance of paragraph 2(4)(b) of Schedule 2 to that Order as a person entitled to vote by post as proxy,

and claims that he has lost or has not received his postal ballot paper.

- (1E) The person shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule, to mark a ballot paper (in these rules referred to as a “tendered ballot paper”) in the same manner as any other voter.”

64 In rule 32 of that Schedule (questions to be put to voters) after paragraph (1A) insert—

“(1B) In the case of a person applying as an elector who is named in the absent voters list in pursuance of paragraph 2(4)(a) of Schedule 2 to the Local Elections (Northern Ireland) Order 1985 as a person entitled to vote by post, the presiding officer may put either or both of the following additional questions—

- (a) “Did you apply to vote by post?”;
- (b) “Why have you not voted by post?”.

(1C) In the case of a person applying as proxy who is named in the absent voters list in pursuance of paragraph 2(4)(b) of Schedule 2 to that Order as a person entitled to vote by post as proxy, the presiding officer may put either or both of the following additional questions—

- (a) “Did you apply to vote by post as proxy?”;
- (b) “Why have you not voted by post as proxy?”.

#### *Assistance for persons with disabilities*

65 In rule 35 of Schedule 5 (votes marked by presiding officer)—

- (a) in paragraph (1)(a) for “physical cause” substitute “disability”;
- (b) after paragraph (5) insert—

“(6) In this rule and in rule 36, reference to disability, in relation to voting, includes a short term inability to vote.”

66 In rule 36 of that Schedule (voting by persons with disabilities), in paragraph (1)—

- (a) in sub-paragraph (a) for “physical incapacity” substitute “disability”;
- (b) for “other incapacity” substitute “other disability”.

67 In rule 41 of that Schedule (procedure on close of poll), in paragraph (1)(f) for ““physical incapacity”” substitute ““disability””.

68 In the Appendix of Forms in that Schedule, in Note number 2 to the Form of declaration to be made by the companion of a voter with disabilities for “incapacity” substitute “disability”.

*THE 1983 ACT*

69 The 1983 Act is amended in accordance with paragraphs 70 to 96.

*Official poll cards*

70 (1) Rule 28 of Schedule 1 (issue of official poll cards) is amended as follows.

(2) For paragraph (1) substitute—

“(1) The returning officer shall as soon as practicable after the publication of notice of the election send to electors and their proxies an official poll card.

(1A) An official poll card shall not be sent to a person registered, or to be registered, in pursuance of an overseas elector’s declaration.”

(3) In paragraph (3) after sub-paragraph (c) insert—

“(d) such other information as is prescribed;

(e) such other information as the returning officer thinks appropriate,

and different information may be provided in pursuance of sub-paragraph (d) and (e) to different electors or descriptions of elector.”

*Election expenses*

71 In section 76(1B) (limitation of election expenses) for “above” (in both places) substitute “below”.

*Postal voting statement*

72 In section 65 (tampering with nomination papers, ballot papers etc.) in subsection (1)(b) after “or any” insert “postal voting statement or”.

73 (1) Rule 45 of Schedule 1 (the count at parliamentary elections) is amended as follows.

(2) In paragraph (1B)(b)—

(a) for “the declaration of identity” substitute “the postal voting statement”;

(b) omit the words “and authenticated”.

(3) In paragraph (1B)—

(a) omit “and” after paragraph (a);

(b) after sub-paragraph (b) insert—

“(c) the postal voting statement also states the date of birth of the elector or proxy (as the case may be), and

(d) in a case where steps for verifying the date of birth and signature of an elector or proxy have been prescribed, the returning officer (having taken such steps) verifies the date of birth and signature of the elector or proxy (as the case may be).”

*Questions to be put to voters*

74 For rule 35 of that Schedule (questions to be put to voters) substitute—



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- “35 (1) At the time of the application (but not afterwards), the questions specified in the second column of the following table—
- (a) may be put by the presiding officer to a person who is mentioned in the first column, and
  - (b) shall be put if the letter “R” appears after the question and the candidate or his election or polling agent requires the question to be put:

<i>Person applying for ballot paper</i>	<i>Questions</i>
1 A person applying as an elector.	<ul style="list-style-type: none"> <li>(a) “Are you the person registered in the register of parliamentary electors for this election as follows (<i>read out the whole entry from the register</i>)?” [R]</li> <li>(b) “Have you already voted, here or elsewhere, at this election, otherwise than as proxy for some other person?” [R]</li> <li>(c) At an election held in Northern Ireland, “What is your date of birth?”</li> </ul>
2 A person applying as proxy.	<ul style="list-style-type: none"> <li>(a) “Are you the person whose name appears as A.B. in the list of proxies for this election as entitled to vote as proxy on behalf of C.D.?” [R]</li> <li>(b) “Have you already voted here or elsewhere at this election, as proxy on behalf of C.D.?” [R]</li> <li>(c) “Are you the spouse, civil partner, parent, grandparent, brother/sister, child or grandchild of C.D.?” [R]</li> </ul>
3 A person applying as proxy for an elector with an anonymous entry (instead of the questions at entry 2 above).	<ul style="list-style-type: none"> <li>(a) “Are you the person entitled to vote as proxy on behalf of the elector whose number on the register of electors is (<i>read out the number from the register</i>)?” [R]</li> <li>(b) “Have you already voted here or elsewhere as proxy on behalf of the elector whose number on the register of electors is (<i>read</i></li> </ul>

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<i>Person applying for ballot paper</i>	<i>Questions</i>
	<i>out the number from the register)?” [R]</i>
	(c) “Are you the spouse, civil partner, parent, grandparent, brother/sister, child or grandchild of the person whose number on the register of electors is ( <i>read out the number from the register)?” [R]</i>
4 Person applying as proxy if the question at entry 2(c) or 3(c) is not answered in the affirmative.	“Have you at this election already voted in this constituency on behalf of two persons of whom you are not the spouse, civil partner, parent, grandparent, brother/sister, child or grandchild?” [R]
5 A person applying as an elector in relation to whom there is an entry in the postal voters list.	(a) “Did you apply to vote by post?” (b) “Why have you not voted by post?”
6 A person applying as proxy who is named in the proxy postal voters list.	(a) “Did you apply to vote by post as proxy?” (b) “Why have you not voted by post as proxy?”
(2) In the case of an elector in respect of whom a notice has been issued under section 13B(3B) or (3D) of this Act, the references in the questions at entries 1(a) and 3(a), (b) and (c) to reading from the register must be taken as references to reading from the notice issued under section 13B(3B) or (3D).	
(3) A ballot paper shall not be delivered to any person required to answer any of the above questions unless he has answered each question satisfactorily.	
(4) Except as authorised by this rule, no inquiry shall be permitted as to the right of any person to vote.”	

### *Voting procedure*

75 (1) For rule 37 of that Schedule (voting procedure) substitute—

- “37 (1) A ballot paper shall be delivered to a voter who applies for one, and immediately before delivery—
- (a) the number and (unless paragraph (2) applies) name of the elector as stated in the copy of the register of electors shall be called out;

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- (b) the number of the elector shall be marked on the list mentioned in rule 29(3)(e) beside the number of the ballot paper to be issued to him;
    - (c) a mark shall be placed in the register of electors against the number of the elector to note that a ballot paper has been received but without showing the particular ballot paper which has been received;
    - (d) the voter shall sign the list mentioned in rule 29(3)(e) beside the number of the elector marked on the list in accordance with sub-paragraph (b) above; and
    - (e) in the case of a person applying for a ballot paper as proxy, a mark shall also be placed against his name in the list of proxies.
  - (2) In the case of an elector who has an anonymous entry, he must show the presiding officer his official poll card and only his number shall be called out in pursuance of paragraph (1)(a).
  - (3) In the case of an elector who is added to the register in pursuance of a notice issued under section 13B(3B) or (3D), paragraph (1) above is modified as follows—
    - (a) in sub-paragraph (a), for “copy of the register of electors” substitute “copy of the notice issued under section 13B(3B) or (3D) of this Act”;
    - (b) in sub-paragraph (c), for “in the register of electors” substitute “on the copy of the notice issued under section 13B(3B) or (3D) of this Act”.
  - (4) Paragraph (1)(d) above does not apply to a voter to whom rule 38 or 39 applies.
  - (5) The voter, on receiving the ballot paper, shall forthwith proceed into one of the compartments in the polling station and there secretly mark his paper and fold it up so as to conceal his vote, and shall then show to the presiding officer the back of the paper, so as to disclose the number and other unique identifying mark, and put the ballot paper so folded up into the ballot box in the presiding officer’s presence.
  - (6) The voter shall vote without undue delay, and shall leave the polling station as soon as he has put his ballot paper into the ballot box.”
- (2) This paragraph does not extend to Northern Ireland.

*Assistance for persons with disabilities*

- 76 In section 202 (general provisions as to interpretation), in subsection (1) after the definition of “Common Council” insert—
- ““disability”, in relation to doing a thing, includes a short term inability to do it;”.
- 77 In rule 38 of Schedule 1 (votes marked by presiding officer), in paragraph (1)(a) for “physical cause” substitute “disability”.
- 78 In rule 39 of that Schedule (voting by persons with disabilities), in paragraph (1)—
- (a) in sub-paragraph (a) for “physical incapacity” substitute “disability”;

(b) for “other incapacity” substitute “other disability”.

79 In rule 43 of that Schedule (procedure on close of poll), in paragraph (1)(f) for ““physical incapacity”” substitute ““disability””.

80 In the Appendix of Forms in that Schedule, in Note number 2 to the Form of declaration to be made by the companion of a voter with disabilities for “incapacity” substitute “disability”.

#### *Tendered ballot papers*

81 (1) Rule 40 of that Schedule (tendered ballot papers) is amended as follows.

(2) After paragraph (1ZE) (inserted by section 38(2)) insert—

“(1ZF) A person to whom a ballot paper is not delivered under paragraph (3) of rule 35 following his unsatisfactory answer to the question at entry 1(c) in the table in paragraph (1) of that rule shall, if he satisfactorily answers any other questions permitted by law to be asked at the poll, nevertheless be entitled, subject to the following provisions of this rule, to mark a ballot paper (in these rules referred to as “a tendered ballot paper”) in the same manner as any other voter.”

(3) In paragraph (3) at the end insert “and the voter must sign the list opposite the entry relating to him”.

#### *Attendance at election proceedings*

82 In section 66(1) (requirement of secrecy) after paragraph (b) insert—

“(c) every person so attending by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000,”.

83 (1) Rule 11 of Schedule 1 (right to attend nomination) is amended as follows.

(2) In paragraph (1), after sub-paragraph (b) insert “or

(c) a person who is entitled to attend by virtue of section 6A or 6B of the Political Parties, Elections and Referendums Act 2000,”.

(3) After paragraph (3) insert—

“(3A) Paragraph (3) does not apply to a person mentioned in paragraph (1)(c).”

(4) In paragraph (4) for “A candidate’s spouse or civil partner” substitute “One other person chosen by the candidate”.

84 In rule 32 of that Schedule (admission to polling station) for paragraph (1) substitute—

“(1) The presiding officer shall exclude all persons from the polling station except—

- (a) voters;
- (b) persons under the age of 18 who accompany voters to the polling station;
- (c) the candidates and their election agents;
- (d) the polling agents appointed to attend at the polling station;
- (e) the clerks appointed to attend at the polling station;

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- (f) persons who are entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000;
- (g) the constables on duty; and
- (h) the companions of voters with disabilities.

(1A) The presiding officer shall regulate the total number of voters and persons under the age of 18 who accompany them to be admitted to the polling station at the same time.”

- 85 (1) Rule 44 of that Schedule (attendance at counting of votes) is amended as follows.
- (2) In paragraph (2)(b) for “their spouses or civil partners” substitute “one other person chosen by each of them”.
- (3) After paragraph (2)(d) insert—
- “ (e) persons who are entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000.”

*Identifying marks and security markings on ballot papers etc.*

- 86 In section 66 (requirement of secrecy), in each of the following provisions, after “number” insert “or other unique identifying mark”—
- (a) subsection (2)(a);
  - (b) subsection (3)(c);
  - (c) subsection (4)(b) and (c);
  - (d) subsection (5).
- 87 In rule 19 of Schedule 1 (ballot papers at parliamentary elections), in paragraph (2) (c) after “number” insert “and other unique identifying mark”.
- 88 (1) Rule 20 of that Schedule (the official mark at parliamentary elections) is amended as follows.
- (2) For paragraph (1) substitute—
- “(1) Every ballot paper must contain an appropriate security marking (the official mark).”
- (3) For paragraph (3) substitute—
- “(3) The returning officer may use a different official mark for different purposes at the same election.”
- 89 In rule 29 of that Schedule (equipment of polling stations at parliamentary elections), in paragraph (3), sub-paragraph (b) is omitted.
- 90 (1) Rule 37 of that Schedule (voting procedure at parliamentary elections) is amended as follows.
- (2) In paragraph (1)—
- (a) sub-paragraph (a) is omitted;
  - (b) in sub-paragraph (c) for “the counterfoil” substitute “the list mentioned in rule 29(3)(e) beside the number of the ballot paper to be issued to him”.
- (3) In paragraph (2) for “the official mark” substitute “the number and other unique identifying mark”.

- (4) This paragraph extends only to Northern Ireland.
- 91 In rule 45 of that Schedule (the count), in paragraph (4) after “numbers” insert “or other unique identifying marks”.
- 92 In rule 47 of that Schedule (rejected ballot papers at parliamentary elections), in paragraph (1)(c) after “number” insert “and other unique identifying mark”.
- 93 (1) The Appendix of forms in that Schedule is amended as follows.
- (2) In the Directions as to printing the ballot paper, for paragraph 4 substitute—
- “4 The number and other unique identifying mark may be printed close to each other on the back of the ballot paper.”
- (3) For the Form of directions for the guidance of the voters in voting substitute—

*“Form of directions for the guidance of the voters in voting*

#### *GUIDANCE FOR VOTERS*

- 1 When you are given a ballot paper go to one of the compartments. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the candidate you are voting for.
- 2 Vote for one candidate only. Put no other mark on the ballot paper, or your vote may not be counted. Do not let anyone see your vote.
- 3 Fold the ballot paper in two. Show the back of the ballot paper to the presiding officer so as to disclose the number and other unique identifying mark. Put the ballot paper in the ballot box and leave the polling station.
- 4 If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.”

#### *Cancellation of postal ballot papers*

- 94 In Schedule 2 (provisions which may be contained in regulations as to registration etc), in paragraph 12 after sub-paragraph (a) insert—
- “(aa) authorising the cancellation or removal of ballot papers in any prescribed circumstances;”.

#### *Control of documents after parliamentary election: Northern Ireland*

- 95 (1) Schedule 1 (parliamentary elections rules) is amended as follows.
- (2) In rule 55 (delivery of documents after poll) after paragraph (1A) (inserted by section 41(3)(b)) insert—
- “(1B) Paragraph (1)(e) does not apply to an election for a constituency in Northern Ireland, but the returning officer shall endorse on each packet containing—
- (a) marked copies of the registers,
  - (b) the postal voters list,
  - (c) the proxy postal voters list, and

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(d) lists of proxies,  
a description of its contents, the date of the election to which it relates and  
the name of the constituency for which the election was held.”

(3) In rule 57 (retention and public inspection of documents) after paragraph (1) insert—

“(1A) The Chief Electoral Officer for Northern Ireland shall retain for a year the  
documents mentioned in rule 55(1B), and then, unless otherwise directed  
by order of the House of Commons or the High Court, shall cause them  
to be destroyed.”

(4) This paragraph extends only to Northern Ireland.

#### *Local government elections in Scotland*

96 The amendments made by paragraphs 72, 86 and 94 do not apply to a local  
government election in Scotland.

### **PART 6**

#### **CONTROL OF LOANS ETC. TO INDIVIDUALS AND MEMBERS ASSOCIATIONS**

97 The 2000 Act is amended in accordance with paragraphs 98 to 102.

98 After section 71X (inserted by section 61 of this Act) insert—

#### **“71Y Control of loans etc: individuals and members associations**

Schedule 7A, which makes provisions for controlling loans and certain other  
transactions to individual members of registered parties, associations of such  
members, and certain elected office holders, shall have effect.”

99 After Schedule 7 insert—

#### **“SCHEDULE 7A**

#### **CONTROL OF LOANS ETC TO INDIVIDUALS AND MEMBERS ASSOCIATIONS**

#### **Operation and construction of Schedule**

1 (1) This Schedule has effect for controlling loans and certain other  
transactions where one of the parties to the transaction is—

- (a) a member of a registered party,
- (b) a members association, or
- (c) the holder of a relevant elective office.

(2) The following provisions have effect for the purposes of this Schedule.

(3) References to a controlled transaction must be construed in accordance  
with paragraph 2.

(4) A reference to a connected transaction is a reference to a controlled  
transaction falling within paragraph 2(3)(b).

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- (5) A regulated participant is—
  - (a) a member of a registered party;
  - (b) a members association;
  - (c) the holder of a relevant elective office, whether or not he is a member of a registered party.
- (6) A credit facility is an agreement whereby a regulated participant is enabled to receive from time to time from another party to the agreement a loan of money not exceeding such amount (taking account of any repayments made by the regulated participant) as is specified in or determined in accordance with the agreement.
- (7) References to each of the following must be construed in accordance with Schedule 7—
  - (a) the political activities of a party member or a members association;
  - (b) members association;
  - (c) relevant elective office;
  - (d) the responsible person (in relation to a members association), as if for the reference in paragraph 1(9)(b) of that Schedule to donations there were a reference to receipts from controlled transactions.
- (8) This Schedule does not have effect in relation to—
  - (a) a member of the Scottish Parliament, or
  - (b) a member of a local authority in Scotland,
 if he is not also a member of a registered party.

### **Controlled transaction**

- 2 (1) An agreement between a regulated participant and another person by which the other person makes a loan of money to the regulated participant is a controlled transaction if the use condition is satisfied.
- (2) An agreement between a regulated participant and another person by which the other person provides a credit facility to the regulated participant is a controlled transaction if the use condition is satisfied.
- (3) Where—
  - (a) a regulated participant and another person (A) enter into a controlled transaction of a description mentioned in subparagraph (1) or (2) or a transaction under which any property, services or facilities are provided for the use or benefit of the regulated participant (including the services of any person),
  - (b) A also enters into an arrangement where a third person gives any form of security (whether real or personal) for a sum owed to A by the regulated participant under the transaction mentioned in paragraph (a), and
  - (c) the use condition is satisfied,
 the arrangement is a controlled transaction.
- (4) An agreement or arrangement is not a controlled transaction—



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- (a) to the extent that in accordance with any enactment a payment made in pursuance of the agreement or arrangement falls to be included in a return as to election expenses in respect of a candidate or candidates at a particular election, or
  - (b) if its value is not more than £200.
- (5) Anything given or transferred to an officer, member, trustee or agent of a members association in his capacity as such (and not for his own use or benefit) is to be regarded as given or transferred to the association (and references to money or any other benefit received by a regulated participant accordingly include, in the case of a members association, money or any other benefit so given or transferred).
- (6) The use condition is that the regulated participant intends at the time he enters into a transaction mentioned in sub-paragraph (1), (2) or (3)(a) to use any money or benefit obtained in consequence of the transaction in connection with relevant political activities.
- (7) For the purposes of sub-paragraph (6), it is immaterial that only part of the money or benefit is intended to be used in connection with relevant political activities.
- (8) Relevant political activities are—
  - (a) if the regulated participant is a member of a registered party, any of his political activities as a member of the party;
  - (b) if the regulated participant is a members association, any of its political activities;
  - (c) if the regulated participant is a holder of a relevant elective office, any of his political activities.
- (9) The Secretary of State may, by order, specify circumstances or any description of circumstances in which an agreement or arrangement falling within any of sub-paragraphs (1) to (3) is not a controlled transaction.

### **Valuation of controlled transactions**

- 3
  - (1) The value of a controlled transaction which is a loan is the value of the total amount to be lent under the loan agreement.
  - (2) The value of a controlled transaction which is a credit facility is the maximum amount which may be borrowed under the agreement for the facility.
  - (3) The value of a controlled transaction which is an arrangement by which any form of security is given is the contingent liability under the security provided.
  - (4) For the purposes of sub-paragraphs (1) and (2), no account is to be taken of the effect of any provision contained in a loan agreement or an agreement for a credit facility at the time it is entered into which enables outstanding interest to be added to any sum for the time being owed in respect of the loan or credit facility, whether or not any such interest has been so added.

**Authorised participants**

- 4 (1) A regulated participant must not—
- (a) be a party to a controlled transaction to which any of the other parties is not an authorised participant;
  - (b) derive a benefit in consequence of a connected transaction if any of the parties to that transaction is not an authorised participant.
- (2) This paragraph does not apply to a controlled transaction if it was entered into before the commencement of section 61 of the Electoral Administration Act 2006.
- (3) In this Schedule, an authorised participant is a person who is a permissible donor within the meaning of section 54(2).
- (4) The Secretary of State may, by order, specify circumstances or any description of circumstances in which a person who is not a permissible donor is to be treated as an authorised participant.

**Controlled transaction involving unauthorised participant**

- 5 (1) This paragraph applies if a regulated participant is a party to a controlled transaction in which another participant is not an authorised participant.
- (2) The transaction is void.
- (3) Despite sub-paragraph (2)—
- (a) any money received by the regulated participant by virtue of the transaction must be repaid by the regulated participant to the person from whom it was received, along with interest at such rate as is determined in accordance with an order made by the Secretary of State;
  - (b) that person is entitled to recover the money, along with such interest.
- (4) If—
- (a) the money is not (for whatever reason) repaid as mentioned in sub-paragraph (3)(a), or
  - (b) the person entitled to recover the money refuses or fails to do so,
- the Commission may apply to the court to make such order as it thinks fit to restore (so far as is possible) the parties to the transaction to the position they would have been in if the transaction had not been entered into.
- (5) In the case of a controlled transaction where a party other than a regulated participant—
- (a) at the time the regulated participant enters into the transaction, is an authorised participant, but
  - (b) subsequently, for whatever reason, ceases to be an authorised participant,
- the transaction is void and sub-paragraphs (3) and (4) apply with effect from the time when the other party ceased to be an authorised participant.

- (6) This paragraph does not apply to a controlled transaction if it was entered into before the commencement of section 61 of the Electoral Administration Act 2006.

**Guarantees and securities: unauthorised participants**

- 6 (1) This paragraph applies if—
- (a) a regulated participant and another person (A) enter into a transaction of a description mentioned in paragraph 2(3)(a),
  - (b) A is party to a controlled transaction of a description mentioned in paragraph 2(3)(b) (“the connected transaction”) with another person (B), and
  - (c) B is not an authorised participant.
- (2) Paragraph 5(2) to (4) applies to the transaction mentioned in sub-paragraph (1)(a).
- (3) The connected transaction is void.
- (4) Sub-paragraph (5) applies if (but only if) A is unable to recover from the regulated participant the whole of the money mentioned in paragraph 5(3)(a) (as applied by sub-paragraph (2) above), along with such interest as is there mentioned.
- (5) Despite sub-paragraph (3), A is entitled to recover from B any part of that money (and such interest) that is not recovered from the regulated participant.
- (6) Sub-paragraph (5) does not entitle A to recover more than the contingent liability under the security provided by virtue of the connected transaction.
- (7) In the case of a connected transaction where B—
- (a) at the time A enters into the transaction, is an authorised participant, but
  - (b) subsequently, for whatever reason, ceases to be an authorised participant,
- sub-paragraphs (2) to (6) apply with effect from the time when B ceased to be an authorised participant.
- (8) This paragraph does not apply to a regulated transaction if it was entered into before the commencement of section 61 of the Electoral Administration Act 2006.
- (9) If the transaction mentioned in paragraph 2(3)(a) is not a controlled transaction of a description mentioned in paragraph 2(1) or (2), references in this paragraph and paragraph 5(2) to (4) (as applied by sub-paragraph (2) above) to the repayment or recovery of money must be construed as references to (as the case may be)—
- (a) the return or recovery of any property provided under the transaction,
  - (b) to the extent that such is incapable of being returned or recovered or its market value has diminished since the time the

transaction was entered into, the repayment or recovery of the market value at that time, or

- (c) the market value (at that time) of any facilities or services provided under the transaction.

### **Transfer to unauthorised participant invalid**

- 7 If an authorised participant purports to transfer his interest in a controlled transaction to a person who is not an authorised participant the purported transfer is of no effect.

### **Offences**

- 8 (1) An individual who is a regulated participant commits an offence if—
  - (a) he enters into a controlled transaction of a description mentioned in paragraph 2(1) or (2) in which another participant is not an authorised participant, and
  - (b) he knew or ought reasonably to have known that the other participant was not an authorised participant.
- (2) A responsible person of a members association commits an offence if—
  - (a) the association enters into a controlled transaction of a description mentioned in paragraph 2(1) or (2) in which another participant is not an authorised participant, and
  - (b) he knew or ought reasonably to have known of the matters mentioned in paragraph (a).
- (3) An individual who is a regulated participant commits an offence if—
  - (a) he enters into a controlled transaction of a description mentioned in paragraph 2(1) or (2) in which another participant is not an authorised participant,
  - (b) sub-paragraph (1)(b) does not apply to him, and
  - (c) as soon as practicable after knowledge that the other participant is not an authorised participant comes to him he fails to take all reasonable steps to repay any money which he has received by virtue of the transaction.
- (4) A responsible person of a members association commits an offence if—
  - (a) the association enters into a controlled transaction of a description mentioned in paragraph 2(1) or (2) in which another participant is not an authorised participant,
  - (b) sub-paragraph (2)(b) does not apply to him, and
  - (c) as soon as practicable after knowledge of the matters mentioned in paragraph (a) comes to him he fails to take all reasonable steps to repay any money which the association has received by virtue of the transaction.
- (5) An individual who is a regulated participant commits an offence if—
  - (a) he benefits from or falls to benefit in consequence of a connected transaction to which any of the parties is not an authorised participant, and

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- (b) he knew or ought reasonably to have known that one of the other parties was not an authorised participant.
- (6) A responsible person of a members association commits an offence if—
  - (a) the association benefits from or falls to benefit in consequence of a connected transaction to which any of the parties is not an authorised participant, and
  - (b) he knew or ought reasonably to have known of the matters mentioned in paragraph (a).
- (7) An individual who is a regulated participant commits an offence if—
  - (a) he is a party to a transaction of a description mentioned in paragraph 2(3)(a),
  - (b) he benefits from or falls to benefit in consequence of a connected transaction to which any of the parties is not an authorised participant,
  - (c) sub-paragraph (5)(b) does not apply to him, and
  - (d) as soon as practicable after knowledge comes to him that one of the parties to the connected transaction is not an authorised participant he fails to take all reasonable steps to repay to any person who has provided him with any benefit in consequence of the connected transaction the value of the benefit.
- (8) A responsible person of a members association commits an offence if—
  - (a) the association is a party to a transaction of a description mentioned in paragraph 2(3)(a),
  - (b) the association benefits from or falls to benefit in consequence of a connected transaction to which any of the parties is not an authorised participant,
  - (c) sub-paragraph (6)(b) does not apply to him, and
  - (d) as soon as practicable after knowledge comes to him that one of the parties to the connected transaction is not an authorised participant he fails to take all reasonable steps to repay to any person who has provided the association with any benefit in consequence of the connected transaction the value of the benefit.
- (9) A person commits an offence if he—
  - (a) knowingly enters into, or
  - (b) knowingly does any act in furtherance of,  
any arrangement which facilitates or is likely to facilitate, whether by means of concealment or disguise or otherwise, the participation by a regulated participant in a controlled transaction with a person other than an authorised participant.
- (10) It is a defence for a person charged with an offence under sub-paragraph (2) to prove that he took all reasonable steps to prevent the members association entering into the transaction.
- (11) It is a defence for a person charged with an offence under sub-paragraph (6) to prove that he took all reasonable steps to prevent

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the members association benefiting in consequence of the connected transaction.

- (12) A reference to a regulated participant entering into a controlled transaction includes a reference to any circumstances in which the terms of a controlled transaction are varied so as to increase the amount of money to which the regulated participant is entitled in consequence of the transaction.
- (13) A reference to a regulated participant entering into a transaction in which another participant is not an authorised participant includes a reference to any circumstances in which another party to the transaction who is an authorised participant ceases (for whatever reason) to be an authorised participant.
- (14) This paragraph does not apply to a transaction which is entered into before the commencement of section 61 of the Electoral Administration Act 2006.

#### **Transaction reports: transactions with authorised participants**

- 9 (1) A regulated participant must prepare a report under this paragraph in respect of each controlled transaction entered into by him which is a recordable transaction.
- (2) For the purposes of this paragraph a controlled transaction is a recordable transaction—
  - (a) if the value of the transaction is more than £5,000 (where the regulated participant is a members association) or £1,000 (in any other case), or
  - (b) if the aggregate value of it and any other controlled benefit or benefits accruing to the regulated participant—
    - (i) from the same person and in the same calendar year, and
    - (ii) in respect of which no report has been previously made under this paragraph,
 is more than £5,000 (where the regulated participant is a members association) or £1,000 (in any other case).
- (3) A controlled benefit is—
  - (a) a controlled donation within the meaning of paragraph 1(3) of Schedule 7;
  - (b) a controlled transaction.
- (4) A controlled benefit which is a controlled donation accrues—
  - (a) from the permissible donor (within the meaning of section 54(2)) who made it, and
  - (b) when it is accepted by the donee.
- (5) A controlled benefit which is a controlled transaction accrues—
  - (a) from any authorised participant who is a party to it, and
  - (b) when it is entered into.
- (6) For the purposes of this paragraph, if—

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- (a) the value of a controlled transaction as first entered into is such that it is not a recordable transaction, but
  - (b) the terms of the transaction are subsequently varied in such a way that it becomes a recordable transaction,

the regulated participant must be treated as having entered into a recordable transaction on the date when the variation takes effect.
- (7) A regulated participant must deliver the report prepared in accordance with sub-paragraph (1) to the Commission within the period of 30 days beginning with—
  - (a) if sub-paragraph (2)(a) applies, the date on which the transaction is entered into;
  - (b) if sub-paragraph (2)(b) applies, the date on which the benefit which causes the aggregate amount to exceed £5,000 or (as the case may be) £1,000 accrues.
- (8) Each report prepared in accordance with sub-paragraph (1) must—
  - (a) give the name and address of the regulated participant, and
  - (b) if he is the holder of a relevant elective office, specify the office in question.
- (9) Each such report must also give—
  - (a) such information as is required to be given, in the case of a report prepared in accordance with section 71M, by virtue of paragraphs 2 and 5(2) and (3) of Schedule 6A;
  - (b) in relation to a controlled transaction of a description mentioned in paragraph 2(1) or (2) above, such information as is required to be given, in the case of a report prepared in accordance with that section, by virtue of paragraph 6 of that Schedule;
  - (c) in relation to a controlled transaction of a description mentioned in paragraph 2(3)(b) above, such information as is required to be given, in the case of a report prepared in accordance with that section, by virtue of paragraph 7 of that Schedule;
  - (d) the date on which the transaction is entered into;
  - (e) such other information as is required by regulations made by the Commission.
- (10) In the application of paragraphs 2, 5(2) and (3), 6 and 7 of Schedule 6A in accordance with sub-paragraph (9) above—
  - (a) any reference to a recordable transaction within the meaning of that Schedule must be construed as a reference to a recordable transaction within the meaning of this paragraph;
  - (b) any reference to section 71G or section 71F(4)(a) must be construed as a reference to paragraph 3 above or paragraph 2(3) (a) above;
  - (c) any reference to a regulated transaction or a registered party within the meaning of that Schedule must be construed as a reference to a controlled transaction or a regulated participant within the meaning of this paragraph;

- (d) any reference to a transaction report within the meaning of that Schedule must be construed as a reference to a report under this paragraph.

#### **Transaction reports: transactions with unauthorised participants**

- 10 (1) A regulated participant must—
- (a) prepare a report under this paragraph in respect of each controlled transaction entered into by him and falling within paragraph 5 or 6(1)(b), and
  - (b) deliver the report to the Commission within the period of 30 days beginning with the date when the transaction was dealt with in accordance with that paragraph.
- (2) Each such report must—
- (a) give the name and address of the regulated participant;
  - (b) if he is the holder of a relevant elective office, specify the office in question.
- (3) Each such report in respect of a transaction falling within paragraph 5 must also give—
- (a) the name and address of the unauthorised participant;
  - (b) the nature of the transaction (that is to say, whether it is a loan or a credit facility);
  - (c) the value of the transaction or, in the case of a credit facility to which no limit is specified, a statement to that effect;
  - (d) the date on which the transaction was entered into and the date when, and manner in which, it was dealt with in accordance with paragraph 5;
  - (e) such other information as is required by regulations made by the Commission.
- (4) Each such report in respect of a transaction falling within paragraph 6(1) must also give—
- (a) the name and address of the unauthorised participant;
  - (b) the value of the transaction or, in the case of a security to which no limit is specified, a statement to that effect;
  - (c) a description of the principal features of the transaction mentioned in paragraph 6(1)(a);
  - (d) where the security given consists in or includes rights over any property, the nature of that property;
  - (e) the date on which the transaction was entered into and the date when, and manner in which, it was dealt with in accordance with paragraph 6;
  - (f) such other information as is required by regulations made by the Commission.

#### **Transaction reports: changes to recorded transactions**

- 11 (1) A regulated participant must—



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- (a) prepare a report under this paragraph in respect of each change to a recorded transaction; and
  - (b) deliver the report to the Commission within the period of 30 days beginning with the date on which the change takes effect.
- (2) A recorded transaction is a transaction recorded in a report under paragraph 9.
- (3) There is a change to a recorded transaction if—
  - (a) another authorised participant becomes party to the transaction (whether in place of or in addition to any existing participant),
  - (b) there is any change in the details given in relation to the transaction in pursuance of paragraph 9(9), or
  - (c) the transaction comes to an end.
- (4) For the purposes of sub-paragraph (3)(c), a loan comes to an end if—
  - (a) the whole debt (or all the remaining debt) is repaid;
  - (b) the creditor releases the whole debt (or all the remaining debt).
- (5) There is also a change to a recorded transaction if a person who is not an authorised participant becomes party to the transaction (whether in place of or in addition to any existing participant).
- (6) Each report prepared in accordance with sub-paragraph (1) must—
  - (a) give the name and address of the regulated participant; and
  - (b) if he is the holder of a relevant elective office, specify the office in question.
- (7) Each such report must also give—
  - (a) details of the change;
  - (b) the date on which the change takes effect;
  - (c) in the case of a change falling within sub-paragraph (5), the date when and the manner in which the transaction was dealt with in accordance with paragraph 5 or 6;
  - (d) such other information as is required by regulations made by the Commission.

### **Offence of failing to deliver transaction report**

- 12
- (1) Where a report required to be delivered to the Commission under paragraph 9(1), 10(1) or 11(1) is not delivered by the end of the period of 30 days mentioned in paragraph 9(7), 10(1) or 11(1)—
    - (a) the regulated participant, or
    - (b) (if a members association) the responsible person,is guilty of an offence.
  - (2) If such a report is delivered to the Commission which does not comply with any requirements of paragraph 9, 10 or 11 as regards the information to be given in such a report—
    - (a) the regulated participant, or
    - (b) (if a members association) the responsible person,is guilty of an offence.

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- (3) Where a person is charged with an offence under this paragraph, it shall be a defence to prove that he took all reasonable steps, and exercised all due diligence, to ensure that any requirements—
  - (a) as regards the preparation and delivery of a report in respect of the transaction in question, or
  - (b) as regards the information to be given in the report in question, as the case may be, were complied with in relation to that transaction or report.
- (4) Where the court is satisfied, on an application made by the Commission, that any failure to comply with any such requirements in relation to any transaction entered into by a regulated participant was attributable to an intention on the part of any person to conceal the existence or true value of the transaction, the court may make such order as it thinks fit to restore (so far as is possible) the parties to the transaction to the position they would have been in if the transaction had not been entered into.
- (5) An order under sub-paragraph (4) may in particular—
  - (a) where the transaction is a loan or credit facility, require that any amount owed by the regulated participant be repaid (and that no further sums be advanced under it);
  - (b) where any form of security is given for a sum owed under the transaction, or the transaction is an arrangement by which any form of security is given, require that the security be discharged.

### **Declaration in transaction report**

- 13 (1) Each report under paragraph 9 or 10 must, when delivered to the Commission, be accompanied by a declaration made by—
  - (a) the regulated participant, or
  - (b) (if a members association) the responsible person,
 which complies with sub-paragraph (2) or (3).
- (2) In the case of a report under paragraph 9, the declaration must state that, to the best of the declarant's knowledge and belief, any transaction recorded in the report as having been entered into by the regulated participant was entered into with an authorised participant.
- (3) In the case of a report under paragraph 10, the declaration must state that, to the best of the declarant's knowledge and belief, the transaction recorded in the report as having been entered into by the regulated participant has been dealt with in accordance with paragraph 5 or 6.
- (4) A person commits an offence if he knowingly or recklessly makes a false declaration under this paragraph.

### **Existing transactions**

- 14 (1) Paragraphs 9 to 11 have effect in relation to existing transactions as they have effect in relation to transactions entered into after the date on which those paragraphs come into force, except that—

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- (a) references in paragraph 9 to a controlled benefit do not include references to a controlled donation;
  - (b) in paragraph 9(2)(b)(i) the words “and in the same calendar year” are omitted;
  - (c) the requirement in paragraph 9(7), 10(1)(b) or 11(1)(b) is a requirement to deliver the report within the period of 60 days beginning with the date on which that provision comes into force.
- (2) An existing transaction is a controlled transaction which, at the date on which paragraphs 9 to 11 come into force, has not come to an end for the purposes of paragraph 11(3)(c).

### **Register of recordable transactions**

- 15 (1) Section 71V applies in relation to transactions reported to the Commission under this Schedule (“relevant transactions”) as it applies to transactions reported to them under Part 4A of this Act.
- (2) But in its application in accordance with sub-paragraph (1), section 71V(2) has effect in relation to a relevant transaction as if (instead of requiring the register to contain the details mentioned in paragraphs (a) to (c) of that subsection) it required the register to contain such details as have been given in relation to the transaction in pursuance of paragraph 9(8) and (9), 10(2), (3) and (4) or 11(6) and (7).
- 16 (1) Paragraph 9 does not apply to holders of a relevant elective office.
- (2) Sub-paragraph (3) applies in relation to transactions in which a holder of a relevant elective office is a participant if—
- (a) the relevant body has in place arrangements requiring the holder of the office to report such transactions, and
  - (b) the Commission think that the arrangements correspond to the requirements of paragraph 9.
- (3) The Commission must make such arrangements as they think appropriate corresponding to section 71V (subject to such modifications as may be prescribed by the Secretary of State in regulations) to maintain a register of such information as they receive relating to such transactions.
- (4) In sub-paragraph (2)(a) a relevant body is—
- (a) if the holder of a relevant elective office is a member of a body mentioned in paragraphs (a) to (f) of paragraph 1(8) of Schedule 7, that body;
  - (b) if the holder of a relevant elective office is the Mayor of London, the London Assembly;
  - (c) if the holder of a relevant elective office is an elected mayor within the meaning of Part 2 of the Local Government Act 2000, the local authority of which he is the mayor.
- (5) For the purposes of sub-paragraph (1) it is immaterial whether the transaction is entered into by the holder of the office in that capacity or in his capacity as a member of a registered party.

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**Proceedings under paragraphs 5 and 12**

- 17
- (1) This paragraph has effect in relation to proceedings on applications under paragraphs 5(4) and 12(4).

(2) The court is—

(a) in England and Wales, the county court;

(b) in Scotland, the sheriff, and the proceedings are civil proceedings;

(c) in Northern Ireland, the county court.

(3) The standard of proof is that applicable to civil proceedings.

(4) An order may be made whether or not proceedings are brought against any person for an offence under paragraph 8 or 12(1) or (2).

(5) An appeal against an order made by the sheriff may be made to the Court of Session.

(6) Rules of court may make provision—

(a) with respect to applications or appeals from proceedings on such applications;

(b) for the giving of notice of such applications or appeals to persons affected;

(c) for the joinder, or in Scotland sisting, of such persons as parties;

(d) generally with respect to procedure in such applications or appeals.

(7) Sub-paragraph (6) does not affect any existing power to make rules.”
- 100

In section 156(4) (provision about subordinate legislation), after paragraph (i) insert—

“(ia) paragraph 2(9) or 4(4) of Schedule 7A,”.
- 101

In Schedule 20 (penalties), after the entry relating to paragraph 14(5) of Schedule 7 insert—

“Paragraph 8(1) of Schedule 7A (individual regulated participant knowingly enters controlled transaction with unauthorised participant)	On summary conviction: statutory maximum or 12 months On indictment: fine or 1 year
Paragraph 8(2) of Schedule 7A (responsible person of members association which enters controlled transaction with unauthorised participant)	On summary conviction: statutory maximum or 12 months On indictment: fine or 1 year
Paragraph 8(3) of Schedule 7A (individual regulated participant failing to repay money obtained under controlled transaction with unauthorised participant)	On summary conviction: statutory maximum or 12 months On indictment: fine or 1 year

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Paragraph 8(4) of Schedule 7A (responsible person failing to repay money obtained by members association under controlled transaction with unauthorised participant)	On summary conviction: statutory maximum or 12 months On indictment: fine or 1 year
Paragraph 8(5) of Schedule 7A (individual regulated participant knowingly benefits from connected transaction involving unauthorised participant)	On summary conviction: statutory maximum or 12 months On indictment: fine or 1 year
Paragraph 8(6) of Schedule 7A (responsible person of members association which knowingly benefits from connected transaction involving unauthorised participant)	On summary conviction: statutory maximum or 12 months On indictment: fine or 1 year
Paragraph 8(7) of Schedule 7A (individual regulated participant failing to repay value of benefit obtained in consequence of connected transaction involving unauthorised participant)	On summary conviction: statutory maximum or 12 months On indictment: fine or 1 year
Paragraph 8(8) of Schedule 7A (responsible person failing to repay value of benefit obtained by members association in consequence of connected transaction involving unauthorised participant)	On summary conviction: statutory maximum or 12 months On indictment: fine or 1 year
Paragraph 8(9) of Schedule 7A (facilitating controlled transaction involving unauthorised participant)	On summary conviction: statutory maximum or 12 months On indictment: fine or 1 year
Paragraph 12(1) of Schedule 7A (failure to deliver transaction report to Commission within time limit)	On summary conviction: Level 5
Paragraph 12(2) of Schedule 7A (failure to comply with requirements for recording transactions on transaction reports)	On summary conviction: statutory maximum or 12 months On indictment: fine or 1 year
Paragraph 13(4) of Schedule 7A (making a false declaration about a transaction report)	On summary conviction: statutory maximum or 12 months On indictment: fine or 1 year

- 102 (1) The Secretary of State must not make an order under section 77 for the purposes of paragraph 16 of Schedule 7A to the 2000 Act (as inserted by paragraph 99) as it applies to the holders of a relevant elective office unless he is informed by the Commission that they are satisfied that they will receive the information mentioned in paragraph 16(3) of that Schedule (as so inserted) in relation to such holders of relevant elective office.

- (2) In sub-paragraph (1) references to the holder of a relevant elective office must be construed in accordance with Schedule 7 to the 2000 Act.

## PART 7

### MISCELLANEOUS

#### *The Family Law Reform Act 1969 (c. 46)*

- 103 In Schedule 2 to the Family Law Reform Act 1969 (provisions unaffected by section 1 to that Act), in paragraph 2, the words “section 7 of the Parliamentary Elections Act 1695” are omitted.

#### *The 1983 Act*

- 104 The 1983 Act is amended in accordance with paragraphs 105 to 133.
- 105 In section 10 (maintenance of registers: annual canvass), in subsection (4B) for “any incapacity” substitute “blindness or any other disability”.
- 106 In section 10A (maintenance of registers: registration of electors), in subsection (1B) for “any incapacity” substitute “blindness or any other disability”.
- 107 (1) Section 29 (payments by and to returning officer), as proposed to be amended by paragraph 6(3) of Schedule 21 to the 2000 Act, is amended as follows.
- (2) For subsections (3) to (6) substitute—
- “(3) A returning officer shall be entitled to recover his charges in respect of services rendered, or expenses incurred, for or in connection with a parliamentary election if—
- (a) the services were necessarily rendered, or the expenses were necessarily incurred, for the efficient and effective conduct of the election; and
  - (b) the total of his charges does not exceed the amount (“the overall maximum recoverable amount”) specified in, or determined in accordance with, regulations made by the Commission, with the consent of the Treasury, for the purposes of this subsection.
- (4) Regulations under subsection (3) may specify, or make provision for determining in accordance with the regulations, a maximum recoverable amount for services or expenses of any specified description and, subject to subsection (5) below, the returning officer may not recover more than that amount in respect of any such services or expenses.
- (5) In a particular case the Commission may, with the consent of the Treasury, authorise the payment of—
- (a) more than the overall maximum recoverable amount, or
  - (b) more than the specified maximum recoverable amount for any specified services or expenses,
- if the Commission are satisfied that the conditions in subsection (6) are met.
- (6) The conditions referred to in subsection (5) are—

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- (a) that it was reasonable for the returning officer concerned to render the services or incur the expenses, and
  - (b) that the charges in question are reasonable.”
- 108 In section 31(2) (polling districts at local government elections in Scotland), for “section 18” substitute “section 18A”.
- 109 In section 53 (power to make regulations as to registration etc.), after subsection (3) insert—
  - “(4) Provision may also be made by regulations—
    - (a) for the supply of any such record or special list as is mentioned in subsection (1) above to such persons as are prescribed;
    - (b) with respect to any conditions subject to which the supply is made;
    - (c) making it an offence (punishable on summary conviction by a fine not exceeding level 5 on the standard scale) for a person to fail to comply with any such condition.”
- 110 In section 58 (registration appeals: Northern Ireland), in subsection (1), after “except” insert “subsection (1)(aa) and (ab),”.
- 111 In section 73 (payment of expenses through election agent), in subsection (5)(d) for “section 90A(5)(b)” substitute “section 90ZA(5)”.
- 112 (1) In section 74A (expenses incurred otherwise than for election purposes) is amended as follows.
  - (2) In subsection (1)(b) for “section 90A(1)” substitute “section 90ZA(1)”.
  - (3) In subsection (2) omit “(determined in accordance with section 90B below)”.
  - (4) In subsection (3) for “sections 90A to” substitute “sections 90ZA and”.
- 113 In section 75 (prohibition of expenses not authorised by election agent), for subsection (4) substitute—
  - “(4) A copy of every return and declaration made under subsection (2) above in relation to a parliamentary election in England, Wales or Northern Ireland must be sent to the relevant officer within 21 days after the day on which the result of the election is declared by the person making the return or declaration.
  - (4A) The relevant officer is—
    - (a) in relation to England and Wales, the returning officer;
    - (b) in relation to Northern Ireland, the Clerk of the Crown for Northern Ireland.
  - (4B) The returning officer must forward to the relevant registration officer (within the meaning of rule 55 of the parliamentary elections rules) every document sent to him in pursuance of subsection (4) above.
  - (4C) Rule 57 of those rules applies to any documents sent under this section to—
    - (a) the relevant registration officer, or
    - (b) the Clerk of the Crown for Northern Ireland.”
- 114 In section 81(9) (returns as to election expenses)—
  - (a) for “subsection (3)” substitute “subsection (3A)”, and

- (b) the words “of each such matter” are omitted.
- 115 In section 89(1A) (inspection of return containing statement of donations), for “section 81(3)(e) above” substitute “paragraph 10 of Schedule 2A to this Act”.
- 116 In section 90 (election expenses at elections where election agent not required), in subsection (1)(a) for “sections 90A(5)” substitute “sections 90ZA(4)”.
- 117 In section 90C (property, goods and services provided free of charge or at a discount), in subsection (2) for “section 90A(3) above” substitute “Part 2 of Schedule 4A to this Act”.
- 118 (1) Section 90D (modification of election expenses provisions relating to election of London Assembly members) is amended as follows.
- (2) In the title, for “sections 90A to” substitute “sections 90ZA and”.
- (3) In subsection (1) for “Sections 90A to” substitute “Sections 90ZA and”.
- (4) In subsection (2)(b) for “section 90A(4)” substitute “section 90ZA(3)”.
- (5) In subsection (3)—
- (a) for “section 90A” substitute “section 90ZA”;
- (b) for “subsection (5)” substitute “subsection (6)”;
- (c) the substituted subsection there set out is renumbered as subsection (6).
- 119 In section 118 (interpretation of Part 2), in the definition of “election expenses” for “sections 90A” substitute “sections 90ZA”.
- 120 (1) Section 160 (persons reported personally guilty of corrupt or illegal practices) is amended as follows.
- (2) In subsection (4A) after “section 60” insert “or 62A”.
- (3) In subsection (5A) after “Subject” insert “to subsection (5B) below and”.
- (4) After subsection (5A) insert—
- “(5B) Subsection (5A) above, in its application to a candidate or other person reported personally guilty of a corrupt practice under section 62A above, has effect as if the references in it to public office did not include references to the office of councillor for a local government area in Scotland.”
- 121 In section 168 (prosecutions for corrupt practice), in subsection (1)(a)(i) after “section 60” insert “or 62A”.
- 122 In section 173 (incapacities on conviction of corrupt or illegal practice), in subsection (2) after “section 60” insert “or 62A”.
- 123 (1) Section 173A (incapacity to hold public or judicial office in Scotland) is amended as follows.
- (2) In subsection (1) after “Subject” insert “to subsection (3) and”.
- (3) After subsection (2) insert—
- “(3) Subsection (1) above, in its application to a person convicted of a corrupt practice under section 62A above, has effect as if the references in it to public office did not include references to the office of councillor for a local government area in Scotland.”



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- 124 In section 187 (application of Act to certain local elections) in subsection (1)(a) after “60” insert “, 62A”.
- 125 In section 191 (municipal elections in the City), in subsection (1)(a) for “and 61” substitute “, 61 and 62A”.
- 126 In section 193 (personation and other voting offences), in paragraph (a) for “and 61” substitute “, 61 and 62A”.
- 127 In section 197 (candidate’s expenses: ward, and liverymen in common hall, elections), in subsection (3) for the words from “An order under this subsection” to the end substitute—  
“The power to make an order under this subsection is exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- 128 (1) Section 202(1) (general interpretation) is amended as follows.  
(2) Omit the definition of “absent voters list”.  
(3) After the definition of “parliamentary election petition” insert—  
““the postal voters list” means—  
(a) in relation to England and Wales and Scotland, the list of persons kept in pursuance of paragraph 5(2) of Schedule 4 to the Representation of the People Act 2000 (persons whose applications to vote by post have been granted);  
(b) in relation to Northern Ireland, the list of persons kept in pursuance of section 7(4)(a) of the Representation of the People Act 1985 (persons whose applications to vote by post have been granted);  
“the proxy postal voters list” means—  
(a) in relation to England and Wales and Scotland, the list of persons kept in pursuance of paragraph 7(8) of Schedule 4 to the Representation of the People Act 2000 (persons whose applications to vote by post as proxy have been granted);  
(b) in relation to Northern Ireland, the list of persons kept in pursuance of section 9(9) of the Representation of the People Act 1985 (persons whose applications to vote by post as proxy have been granted).”
- 129 (1) Rule 6A of Schedule 1 (nomination papers: registered political parties) is amended as follows.  
(2) In paragraph (1) for “voters” substitute “electors”.  
(3) In paragraph (2) after “paragraph (1)” insert “or (1B)”.
- 130 In rule 12(3A) of that Schedule (decisions as to validity of nomination papers) after “rule 6A(1)” insert “or (1B)”.
- 131 In rule 14(5) of that Schedule (statement of persons nominated: documents to be sent to Electoral Commission) after “rule 6A” insert “(1) or (1B)”.
- 132 For rule 36 of that Schedule (challenge of voter) substitute—  
“36 A person shall not be prevented from voting by reason only that—

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- (a) a candidate or his election or polling agent declares that he has reasonable cause to believe that the person has committed an offence of personation, or
- (b) the person is arrested on the grounds that he is suspected of committing or of being about to commit such an offence.”

133 The amendments made by paragraphs 111, 112, 114, 117 and 119 do not apply to a local government election in Scotland.

*The Representation of the People Act 1985 (c. 50)*

134 In section 6 of the Representation of the People Act 1985 (absent vote at parliamentary elections for an indefinite period), in subsection (2)(b) for “physical incapacity” substitute “disability”.

135 (1) Schedule 1 to that Act (special polling stations in Northern Ireland) is amended as follows.

(2) In paragraph 1(6) (right to vote at special polling stations) for “section 18” substitute “section 18A”.

(3) Paragraph 7(2) (application of rules regarding ballot papers after election) is omitted.

*The Caldey Island Act 1990 (c. 44)*

136 In section 4(1) of the Caldey Island Act 1990 (savings) for “sections 18” substitute “sections 18A”.

*The Representation of the People Act 2000 (c. 2)*

137 (1) Schedule 4 to the Representation of the People Act 2000 (absent voting in Great Britain) is amended as follows.138

(2) In paragraph 1(1) omit the definition of “absent voters list”.

(3) In paragraph 2—

(a) in sub-paragraph (7), for the words from “if he is shown” to “as so entitled” substitute “if sub-paragraph (8) or (9) (as the case may be) applies to him in relation to the election”;

(b) after sub-paragraph (7) insert—

“(8) This sub-paragraph applies to a person who is shown in the postal voters list mentioned in paragraph 5(2) below as entitled to vote by post at an election.

(9) This sub-paragraph applies to a person who is shown in the list of proxies mentioned in paragraph 5(3) below as entitled to vote by proxy at an election.”

(4) In paragraph 3(3)(b) after “by reason of” insert “blindness or other disability or, in the case of local government elections in Scotland, by reason of”.

(5) In paragraph 5(1) for “a special list (“the absent voters list”) consisting of the two” substitute “the two special”.

(6) In paragraph 5(2) after “list” insert “(“the postal voters list”)”.

(7) In paragraph 7(8) after “list” insert “(“the proxy postal voters list”)

*The 2000 Act*

- 138 The 2000 Act is amended as follows.
- 139 In section 3 (appointment of Electoral Commissioners and Commission chairman), in subsection (4)(d) after sub-paragraph (iii) insert “, or  
(iv) been named as a participant in the register of recordable transactions reported under Part 4A.”
- 140 In section 24 (office-holders to be registered), in subsection (4), for paragraph (a) substitute—  
“(a) with the provisions of Parts 3, 4 and 4A (accounting requirements and control of donations, loans and certain other transactions)”.
- 141 In section 27 (financial structure of registered parties: accounting units), in subsection (2)(a) for “Parts III and IV” substitute “Parts 3, 4 and 4A”.
- 142 In section 29 (registration of party emblems), in subsection (2) after paragraph (c) insert—  
“(ca) would be likely, were it to appear on a ballot paper issued at an election—  
(i) to result in an elector being misled as to the effect of his vote, or  
(ii) to contradict, or hinder an elector’s understanding of, any directions for his guidance in voting given on the ballot paper or elsewhere,”.
- 143 (1) Section 34 (registration of minor parties) is amended as follows.  
(2) In subsection (3) for “three months” substitute “six months”.  
(3) In subsection (8), in paragraph (c)(i), after “sections 28(4) to (8)” insert “, 28A”.
- 144 (1) Section 50 (definition of donations for the purposes of Part 4) is amended as follows.  
(2) In subsection (2), omit paragraph (e).  
(3) In subsection (4)—  
(a) omit paragraph (a);  
(b) in the words following paragraph (b), omit “the loan or”.
- 145 In section 52 (payments, services etc. not to be regarded as donations), in subsection (2)(b) omit “except for the purposes of section 68,”.
- 146 (1) Section 53(4) (value of donations) is amended as follows.  
(2) For “section 50(2)(e) or (f)” substitute “section 50(2)(f)”.
- (3) In paragraph (a)—  
(a) omit “the loan or”;  
(b) omit sub-paragraph (i) and the “or” following it.
- 147 In section 55(2) (payments from public funds to be treated as donations received from a permissible donor), for “section 52(1)(a) and (b)” substitute “section 52(1)(b)”.
- 148 (1) Section 62 (quarterly donation reports) is amended as follows.

- (2) After subsection (3) insert—
- “**(3A)** “Relevant benefit”, in relation to any person and any year, means—
- (a) a relevant donation accepted by the party from that person as a donor, or
  - (b) a relevant transaction within the meaning of section 71M(3) entered into by the party and that person as a participant,
- and a relevant benefit accrues when it is accepted (if it is a donation) or entered into (if it is a transaction).”
- (3) In subsection (4)—
- (a) for “donation or donations” (in both places) substitute “benefit or benefits”;
  - (b) after “this subsection” insert “or section 71M(4)”;
  - (c) in paragraph (b) for “donations” substitute “benefits”.
- (4) In subsection (5), in paragraph (b)—
- (a) for “as part of” substitute “together with any other relevant donation or donations included in”;
  - (b) for “donation” (in the second place) substitute “benefit”;
  - (c) for “is accepted” substitute “accrues”.
- (5) In subsection (6)—
- (a) for “donation or donations” (in the first four places) substitute “benefit or benefits”;
  - (b) after “subsection (4)” (in the first place) insert “or section 71M(4)”;
  - (c) in paragraph (a), for “subsection (4)” substitute “that provision”;
  - (d) in paragraph (b), after “this subsection” insert “or section 71M(6)”;
  - (e) for the words following paragraph (b) substitute “any relevant donation falling within subsection (6A)”.
- (6) After subsection (6) insert—
- “**(6A)** A relevant donation falls within this subsection—
- (a) if it is a donation of more than £1,000, or
  - (b) if, when it is added to any other relevant benefit or benefits accruing since the time mentioned in subsection (6)(a) or (b), the aggregate amount of the benefits is more than £1,000.”

(7) In subsection (7)(a), for “donation” (in the first place) substitute “benefit”.

(8) In subsection (7)(b)—

    - (a) for “as part of” substitute “together with any other relevant donation or donations included in”;
    - (b) for “that subsection” substitute “subsection (6A)”;
    - (c) for “donation” (in the second place) substitute “benefit”;
    - (d) for “is accepted” substitute “accrues”.

149 In section 69 (register of recordable donations)—

    - (a) omit subsection (3), and
    - (b) in each of subsections (4) and (5), omit “or (3)”.

150 (1) Section 146 (supervisory powers of Commission) is amended as follows.

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- (2) In subsection (7) after paragraph (a) (before “or”) insert—  
    “(aa) a regulated participant (or former regulated participant),”.
- (3) In subsection (8), after paragraph (a) (before “or”) insert—  
    “(aa) such information or explanations relating to the income and expenditure of regulated participants in connection with the political activities as the Commission reasonably require for the purpose of monitoring compliance on the part of regulated participants with the requirements imposed on them by or by virtue of Schedule 7A,”.
- (4) In subsection (9), after the definition of “regulated donee” insert—  
    ““regulated participant” and “political activities” in relation to a regulated participant must be construed in accordance with Schedule 7A;”.
- 151 (1) Section 148(6) (general offences) is amended as follows.
- (2) In paragraph (a), after “donee” insert “regulated participant”.
- (3) In paragraph (b), after sub-paragraph (ii) insert—  
    “(iia) a regulated participant which is a members association,”.
- (4) In paragraph (c), after sub-paragraph (iii) insert—  
    “(iia) in relation to a regulated participant which is a members association, the person responsible for the purposes of Schedule 7A,”.
- (5) After paragraph (d) insert—  
    “(da) “regulated participant” has the same meaning as in Schedule 7A;”.
- 152 In Schedule 1 (the Electoral Commission), in paragraph 3(3) (term of office etc of Electoral Commissioners) after paragraph (c) insert—  
    “(ca) he is named as a participant in the register of recordable transactions reported under Part 4A;”.
- 153 In Schedule 6, after paragraph 5 insert—  
  
    *“Application of reporting requirement*  
    5A If the requirement to record the donation arises only because the value of the donation has, for the purposes of section 62(4) or (6), been aggregated with the value of any relevant transaction or transactions (within the meaning of section 71M), a quarterly report must contain a statement to that effect.”
- 154 (1) Schedule 7 (donations to individuals and members associations by donors) is amended as follows.
- (2) In paragraph 2—  
    (a) in sub-paragraph (1), omit paragraph (d);  
    (b) in sub-paragraph (3), omit paragraph (a);  
    (c) in sub-paragraph (3) omit “the loan or”.
- (3) In paragraph 4(3)(b), omit the words “except for the purposes of paragraph 14,”.
- (4) In paragraph 5(4)—

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- (a) for “2(1)(d) or (e)” substitute “2(1)(e)”;
- (b) in paragraph (a) omit “the loan or”;
- (c) in paragraph (a) omit sub-paragraph (i) and “or” following it.

(5) In paragraph 10, for sub-paragraphs (1) and (2) substitute—

“(1) A regulated donee must prepare a report under this paragraph in respect of each controlled donation accepted by the donee which is a recordable donation.

(1A) For the purposes of this paragraph a controlled donation is a recordable donation—

- (a) if it is a donation of more than £5,000 (where the donee is a members association) or £1,000 (in any other case);
- (b) if, when it is added to any other controlled benefit or benefits accruing to the donee—
  - (i) from the same person and in the same calendar year, and
  - (ii) in respect of which no report has been previously made under this paragraph,

the aggregate amount of the benefits is more than £5,000 (where the donee is a members association) or £1,000 (in any other case).

(1B) A controlled benefit is—

- (a) a controlled donation;
- (b) a controlled transaction within the meaning of paragraph 2 of Schedule 7A.

(1C) A controlled benefit which is a controlled donation accrues—

- (a) from the permissible donor who made it, and
- (b) when it is accepted by the donee.

(1D) A controlled benefit which is a controlled transaction accrues—

- (a) from any authorised participant (within the meaning of paragraph 4(3) of Schedule 7A) who is a party to it, and
- (b) when it is entered into;

and paragraph 9(6) of Schedule 7A applies for the purposes of paragraph (b) above.

(2) A regulated donee must deliver the report prepared by virtue of sub-paragraph (1) to the Commission within the period of 30 days beginning with—

- (a) if sub-paragraph (1A)(a) applies, the date of acceptance of the donation;
- (b) if sub-paragraph (1A)(b) applies, the date on which the benefit which causes the aggregate amount to exceed £5,000 or (as the case may be) £1,000 accrues.”

(6) In that paragraph, in each of sub-paragraphs (6) and (7)—

- (a) after “In the case of” insert “a controlled benefit which is”;
- (b) for “sub-paragraph (2)(b)” substitute “sub-paragraph (1A)(b)”;
- (c) for “by the same permissible donor” substitute “from the same person”.

- (7) In paragraph 12(1), for “that provision” substitute “paragraph 10(2) or 11(1)”.
  - (8) Omit Part 4 (reporting of donations by donors).
  - (9) In paragraph 15 (register of recordable donations), omit sub-paragraph (3)(b).
- 155 In Schedule 20 (penalties), omit the entries relating to section 68(5) and paragraph 14(5) of Schedule 7.

*European Parliament (Representation) Act 2003 (c. 7)*

- 156 In section 12 of the European Parliament (Representation) Act 2003—
- (a) in subsection (3) after paragraph (b) insert—
    - “(ba) the regulation of loans or credit facilities which benefit, or any form of security (whether real or personal) which benefits, registered parties in Gibraltar or their members or officers;”;
  - (b) in subsection (4), before the definition of “donation” insert—
    - ““credit facilities” must be construed in accordance with section 71F(11) of the Political Parties, Elections and Referendums Act 2000;”.