



Electoral Administration Act 2006

2006 CHAPTER 22

PART 6

CONDUCT OF ELECTIONS ETC.

Correction of procedural errors

46 Returning officers: correction of procedural errors

- (1) A returning officer for an election to which this section applies may take such steps as he thinks appropriate to remedy any act or omission on his part, or on the part of a relevant person, which—
 - (a) arises in connection with any function the returning officer or relevant person has in relation to the election, and
 - (b) is not in accordance with the rules or any other requirements applicable to the election.
- (2) But a returning officer may not under subsection (1) re-count the votes given at an election after the result has been declared.
- (3) This section applies to—
 - (a) a parliamentary election;
 - (b) a local government election in England and Wales (within the meaning of the 1983 Act).
- (4) These are the relevant persons—
 - (a) an electoral registration officer;
 - (b) a presiding officer;
 - (c) a person providing goods or services to the returning officer;
 - (d) a deputy of any person mentioned in paragraph (a) to (c) or a person appointed to assist, or in the course of his employment assisting, such a person in connection with any function he has in relation to the election.

Changes to legislation: There are currently no known outstanding effects for the Electoral Administration Act 2006, Section 46. (See end of Document for details)

(5) Subsections (1) to (4) must be construed as part of the Representation of the People Acts.

(6) In section 63 of the 1983 Act (breach of official duty), after subsection (3) insert—

“(4) Where—

(a) a returning officer for an election to which section 46 of the Electoral Administration Act 2006 applies is guilty of an act or omission in breach of his official duty, but

(b) he remedies that act or omission in full by taking steps under subsection (1) of that section,

he shall not be guilty of an offence under subsection (1) above.

(5) Subsection (4) does not affect any conviction which takes place, or any penalty which is imposed, before the date on which the act or omission is remedied in full.”

Annotations:

Modifications etc. (not altering text)

- C1** S. 46 applied (with modifications) (E.) (28.7.2007) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2007 \(S.I. 2007/2089\)](#), **regs. 8, 11, 13**, {Sch. 4 Table 5}
- C2** S. 46 applied (with modifications) (24.7.2008) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2008 \(S.I. 2008/1848\)](#), **regs. 1(2)(3), 8**, {Sch. 4 para. 1 Table 4}
- C3** S. 46 applied (with modifications) (E.W.) (9.2.2012) by [The Local Authorities \(Conduct of Referendums\)\(England\) Regulations 2012 \(S.I. 2012/323\)](#), **reg. 1, Sch. 4 para. 1** Table 5
- C4** S. 46 applied (with modifications) (E.W.S.) (18.2.2012) by [The Local Authorities \(Conduct of Referendums\) \(Council Tax Increases\) \(England\) Regulations 2012 \(S.I. 2012/444\)](#), **reg. 1, Sch. 4 para. 1** Table 5 (with **reg. 27**)
- C5** S. 46 applied (with modifications) (E.W.) (3.8.2012) by [The Neighbourhood Planning \(Referendums\) Regulations 2012 \(S.I. 2012/2031\)](#), **regs. 1, 8, 12, 13, Sch. 4 Pts. 1** Table 5
- C6** S. 46 applied (with modifications) by SI 2012/2031 reg. 17 Sch. 8 Table 4 (as inserted (E.W.) (6.4.2013) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2013 \(S.I. 2013/798\)](#), **regs. 1, 7, Sch. 3**)

Commencement Information

- I1** S. 46 wholly in force at 1.7.2008; s. 46 not in force at Royal Assent see s. 77; s. 46 in force for E.W.S. at 1.1.2007 by [S.I. 2006/3412](#), **art. 3, Sch. 1 para. 14(v)** (subject to **Sch. 2**); s. 46 in force for N.I. at 1.7.2008 by [S.I. 2008/1316](#), **arts. 2(2), 4(s)**

Changes to legislation:

There are currently no known outstanding effects for the Electoral Administration Act 2006, Section 46.