



Electoral Administration Act 2006

2006 CHAPTER 22

PART 7

REGULATION OF PARTIES

Registration of parties

49 Political party descriptions

(1) In the 2000 Act after section 28 (registration of parties) insert—

“28A Descriptions

- (1) A party's application under section 28 may include a request for the registration of up to 12 descriptions to be used on nomination papers or ballot papers.
- (2) Where a request is made by a party under this section in relation to a description, the Commission shall register the description as a description of the party unless it is of more than six words in length or in their opinion it—
 - (a) would be the same as the name of a party or the registered description of a party which (in either case) is already registered in the register in which that party is applying to be registered,
 - (b) would be likely to result in electors confusing that party with another party which is already registered in respect of the relevant part of the United Kingdom,
 - (c) is obscene or offensive,
 - (d) is of such a character that its publication would be likely to amount to the commission of an offence,
 - (e) 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

Changes to legislation: There are currently no known outstanding effects for the Electoral Administration Act 2006, Section 49. (See end of Document for details)

- (ii) to contradict, or hinder an elector's understanding of, any directions for his guidance in voting given on the ballot paper or elsewhere,
 - (f) includes any script other than Roman script, or
 - (g) includes a word or expression prohibited by order made by the Secretary of State.
- (3) In subsection (2)(b) “already registered in respect of the relevant part of the United Kingdom” has the meaning given by section 28(5).
 - (4) An order under subsection (2)(g) may except the use of a word or expression from the prohibition in specified circumstances.
 - (5) In the application of subsection (2) above to a party which has made a declaration falling within section 28(2) which specifies Wales as a part of Great Britain in respect of which it is applying to be registered, for “it is of more than six words in length” substitute “ its length exceeds six words in either English or Welsh or, if the description is also expressed in the other of those languages, six words in that other language ”.
 - (6) The Secretary of State may, by order, substitute for the number “12” in subsection (1) such other number as he thinks appropriate.
 - (7) An order under subsection (2)(g) or (6) must not be made unless the Secretary of State first consults the Commission.

28B Joint descriptions

- (1) Two or more parties which are registered under section 28 above in the same register may apply to the Commission to register a description for use by a candidate standing in the name of both or all of the parties jointly.
- (2) The following provisions of section 28A apply to an application under this section as they apply to an application under that section—
 - (a) subsections (2) to (5);
 - (b) subsection (7), so far as it relates to subsection (2)(g).
- (3) Subsections (1)(bb), (4A) to (4D) and (6A) of section 30 apply to a description mentioned in subsection (1) above as they apply to a description to which section 28A applies; and for the purposes of such application—
 - (a) any reference to a party in section 30 (except in relation to an application to remove a description under subsection (1)(bb) of that section) must be construed as a reference to the parties mentioned in subsection (1) above acting jointly,
 - (b) section 30(4A)(a) must be taken to read “the parties already have a description registered in pursuance of section 28B above”, and
 - (c) the requirement in paragraph 9 of Schedule 4 for an application under section 30 to be signed by the responsible officer of a party must be taken to be a requirement for the application to be signed by a responsible officer of each party which joins in the application.”
- (2) In section 30 of that Act (changes to the register)—
 - (a) in subsection (1), after paragraph (ba) insert—

Changes to legislation: There are currently no known outstanding effects for the Electoral Administration Act 2006, Section 49. (See end of Document for details)

- “(bb) the addition, alteration, substitution or removal of a description.”;
- (b) in subsection (2) for “(6)” substitute “ (6A) ”;
- (c) in subsection (4) after paragraph (a) insert “or
- “(” such confusion in relation to a registered description of the party as is mentioned in paragraph (b) of section 28A(2),”;
- (d) after subsection (4) insert—
- “(4A) The Commission shall refuse an application to add a description if—
- (a) the party already has 12 descriptions (or such other maximum number of descriptions as is substituted by order under section 28A(6)),
- (b) the length of the description exceeds six words, or
- (c) in the Commission's opinion, any of paragraphs (a) to (g) of section 28A(2) apply to the description.
- (4B) The Commission shall refuse an application to alter a description if the effect of the alteration—
- (a) is that the length of the description as altered will exceed six words, or
- (b) in their opinion, is that any of paragraphs (a) to (g) of section 28A(2) will apply to the description as altered.
- (4C) The Commission shall refuse to substitute a description if—
- (a) the length of the new description will exceed six words, or
- (b) in their opinion any of paragraphs (a) to (g) of section 28A(2) apply to the new description.
- (4D) In the application of subsection (4A)(b), (4B)(a) or (4C)(a) above to a party which has made a declaration falling within section 28(2) which specifies Wales as a part of Great Britain in respect of which it is registered, for “six words” substitute “ six words in either English or Welsh or, if the description is also expressed in the other of those languages, six words in that other language ”.”;
- (e) after subsection (6) insert—
- “(6A) If an application under this section for the substitution or removal of a description is granted at any time between—
- (a) the date of publication of the notice of election at an election in which there are one or more candidates standing in the name of the party, and
- (b) the poll at the election,
- the change does not take effect until the day following the poll.”
- (f) in subsection (7), after “subsection (3)” insert “ (4A), (4B), (4C), ”;
- (g) in subsection (7), after paragraph (a) insert “or
- (aa) section 28A(2)(a) and section 28(5) as it applies by virtue of section 28A(3), or
- (ab) section 28A(2)(a) as it applies by virtue of section 28B(2),”.
- (3) In Schedule 1 to the 1983 Act (parliamentary elections rules) in rule 6A, after paragraph (1) insert—

Changes to legislation: There are currently no known outstanding effects for the Electoral Administration Act 2006, Section 49. (See end of Document for details)

- “(1A) In paragraph (1) above an authorised description may be either—
- (a) the name of the party registered under section 28 of the Political Parties, Elections and Referendums Act 2000, or
 - (b) a description of the party registered under section 28A of that Act.
- (1B) A nomination paper may not include a description of a candidate which is likely to lead electors to associate the candidate with two or more registered political parties unless the parties are each qualifying parties in relation to the constituency and the description is a registered description authorised by a certificate—
- (a) issued by or on behalf of the registered nominating officer of each of the parties, and
 - (b) received by the returning officer at some time during the period for delivery of nomination papers set out in the Table in rule 1.
- (1C) For the purposes of paragraph (1B), a description is a registered description if it is a description registered for use by the parties under section 28B of the Political Parties, Elections and Referendums Act 2000.”

Commencement Information

- II** S. 49 wholly in force at 1.1.2007; s. 49 not in force at Royal Assent see s. 77; s. 49 in force at 1.1.2007 by S.I. 2006/3412, art. 3, Sch. 1, (subject to transitional provisions in Schedule 2)

Changes to legislation:

There are currently no known outstanding effects for the Electoral Administration Act 2006, Section 49.