



# Parliament (Elections and Meeting) Act 1943

## 1943 CHAPTER 48

### PART II

#### PARLIAMENTARY WRITS

#### **26 Writs to be directed to returning officers**

The writ for a parliamentary election shall be directed to the sheriff, mayor or other officer, who is by virtue of his office the returning officer at the election, designated by the title of his office and not by his name.

#### **27 Persons to whom writs are to be conveyed**

- (1) The writ for a parliamentary election shall be conveyed to the sheriff, mayor or other officer, to whom it is directed:

Provided that the writ for a parliamentary election for a constituency, as respects which a notice in the prescribed form requesting that writs for parliamentary elections therefor shall be conveyed to the acting returning officer has been sent by the sheriff, mayor or other officer who is the returning officer, or by any predecessor in office of his, to the Clerk of the Crown in Chancery and received by the said Clerk one month or more before the date of the issue of the writ, shall be conveyed to the acting returning officer, unless the notice has been revoked by a further notice in the prescribed form sent and received as aforesaid.

- (2) Where under the preceding subsection a writ is required to be conveyed to the sheriff, mayor or other officer, to whom it is directed, that requirement shall be deemed to have been complied with if it is conveyed—
- (a) to an under-sheriff, deputy mayor or other person, who is for the time being authorised by or under any enactment to execute the office or discharge the functions of such sheriff, mayor or other officer; or

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- (b) to the person found in a place recorded in the prescribed manner as the office of such sheriff, mayor or other officer, who is for the time being in charge thereof.
- (3) Where under subsection (1) of this section a writ is required to be conveyed to an acting returning officer, that requirement shall be deemed to have been complied with if it is conveyed—
- (a) to a person temporarily appointed under subsection (4) of section twelve of the Representation of the People Act, 1918, to act for him; or
  - (b) to the person found in a place recorded in the prescribed manner as the office of the acting returning officer who is for the time being in charge thereof.
- (4) The person to whom the writ for a parliamentary election is conveyed under this Part of this Act shall, in accordance with the form of endorsement in that behalf contained in the Second Schedule to the Ballot Act, 1872, endorse the writ with a statement, signed by him, as to the date on which he received it.
- (5) Any notice in force immediately before the commencement of this Act given to the Postmaster General by a sheriff, and expressing his desire that writs for parliamentary elections for a constituency in respect of which he is the returning officer shall be conveyed to the acting returning officer, shall have effect for the purposes of the proviso to subsection (1) of this section as if it had been such a notice as is therein mentioned sent by the sheriff to the Clerk of the Crown in Chancery and received by the said Clerk one month before the commencement of this Act.
- (6) In relation to parliamentary elections for the City of London the preceding provisions of this section shall have effect subject to the following modifications, that is to say:—
- (a) the proviso to subsection (1), and subsections (3) and (5), shall not have effect; and
  - (b) for paragraphs (a) and (b) of subsection (2) the following paragraphs shall be substituted:—
    - “(a) to either of the sheriffs of the City of London; or
    - (b) to the Secondary of the City of London; or
    - (c) to the person found in a place recorded in the prescribed manner as the office of the said sheriffs who is for the time being in charge thereof”.
- (7) In relation to university elections the preceding provisions of this section shall have effect subject to the following modifications, that is to say:—
- (a) the proviso to subsection (1), and subsections (3) and (5), shall not have effect; and
  - (b) for paragraph (a) of subsection (2) the following paragraph shall be substituted:—
    - “(a) to a person designated under paragraph 25 of Part I of the Fifth Schedule to the Representation of the People Act, 1918, to act temporarily as returning officer at the election or a person appointed under paragraph 39 of Part II of that Schedule by the University Court of the University of Edinburgh to discharge the duties imposed by that Act on the Vice-Chancellor of that University, as the case may be”.
- (8) In this section the expression " prescribed " means prescribed by an Order in Council made under section twenty-nine of this Act and the expressions " constituency " and

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" university election " have the same meanings as in the Representation of the People Act, 1918.

## **28 Exclusion of s. 30 of 7 & 8 Geo. 5. c. 64**

Section thirty of the Representation of the People Act, 1918 (which provides for the discharge of the duties of returning officer at a parliamentary election by the registration officer as acting returning officer), shall not apply to any duty imposed on a returning officer by virtue of the last preceding section or of an Order in Council made under the next succeeding section.

## **29 Manner in which, writs are to be conveyed, and provisions consequential thereon**

- (1) His Majesty may by Order in Council specify the manner in which writs for parliamentary elections are to be conveyed, whether by sending through the post, delivery by an officer appointed by the Lord Chancellor or otherwise, and any such Order in Council may contain different provisions with respect to different classes of writs.
- (2) An Order in Council made under this section may—
  - (a) prescribe the form of any notice to be sent under the proviso to subsection (1) of section twenty-seven of this Act;
  - (b) require the person to whom, on the occasion for the issue of a writ for a parliamentary election arising, the writ would, under subsection (1) of section twenty-seven of this Act, be required to be conveyed, if requested by or on behalf of such authority or officer as may be specified in the Order so to do, to furnish to that authority or officer the address of a place at which the writ may be conveyed to him and, on any change of that address, the new address;
  - (c) provide for recording the place the address of which is last furnished under any provision of the Order having effect by virtue of the last preceding paragraph by any person as the office of that person;
  - (d) provide for the giving of receipts for writs for parliamentary elections by the persons to whom they are conveyed under section twenty-seven of this Act or who may receive them in the course of the conveyance thereof;
  - (e) provide for any incidental or supplementary matters for which it appears to His Majesty to be necessary or expedient for the purposes of the Order to provide.
- (3) His Majesty shall not be recommended to make an Order in Council under this section until a draft thereof has lain before each House of Parliament for a period of forty days, and if either House of Parliament within that period resolves that no further proceedings be taken in relation thereto, no further proceedings shall be so taken, but without prejudice to the preparation of a fresh draft.

In reckoning any such period of forty days as aforesaid, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

- (4) An Order in Council made under this section may be varied or revoked by a subsequent Order of His Majesty in Council.

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### **30 Application of Part II to Scotland**

- (1) This Part of this Act shall, in its application to Scotland, have effect subject to the modifications contained in the following provisions of this section.
- (2) The proviso to subsection (1) of section twenty-seven and subsections (3) and (5) thereof shall not have effect, and for paragraph (a) of subsection (2) thereof there shall (except in relation to university elections) be substituted the following paragraph:—
  - “(a) to a sheriff substitute who is for the time being authorised by paragraph (13) of section forty-three of the Representation of the People Act, 1918, as amended by this Part of this Act, to act as returning officer at the election”.
- (3) For section twenty-eight there shall be substituted the following section:—
 

Nothing in the last paragraph of section eight of the Ballot Act, 1872, or in paragraph (13) of section forty-three of the Representation of the People Act, 1918, as amended by this Part of this Act, shall entitle a deputy returning officer to discharge any duty imposed on a returning officer by virtue of the last preceding section or of an Order in Council made under the next succeeding section”.

### **31 Application of Part II to Northern Ireland**

- (1) This Part of this Act shall, in its application to Northern Ireland, have effect subject to the modifications contained in the following provisions of this section.
- (2) For the words " sheriff, mayor ", wherever those words occur, there shall be substituted the word " under-sheriff ".
- (3) For the reference in subsection (1) of section twenty-nine to the Lord Chancellor there shall be substituted a reference to the Governor of Northern Ireland.
- (4) The proviso to subsection (1) of section twenty-seven and subsections (3) and (5) thereof shall not have effect.
- (5) For section twenty-eight there shall be substituted the following section:—
 

Nothing in the last paragraph of section eight of the Ballot Act, 1872, in section thirteen of the Redistribution of Seats Act, 1885, or in Article 3 of the Government of Ireland (Election Laws Adaptation) (Northern Ireland) Order, 1922, shall enable a deputy or an assistant returning officer to be appointed to discharge any duty imposed on a returning officer by virtue of the last preceding section or of an Order in Council made under the next succeeding section, and nothing in the said section thirteen shall apply in relation to anything required or authorised to be done by the preceding provisions of this Part of this Act or any such Order in Council”.

### **32 Transitional provisions relating to Part II**

- (1) During the period beginning with the commencement of this Act and ending with the date on which the Order in Council first made as respects Great Britain under section twenty-nine of this Act comes into operation, section twenty-seven of this Act shall, in its application to Great Britain, have effect subject to the modifications specified in Part I of the Fifth Schedule to this Act, and the provisions contained in Part II of that

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Schedule shall have effect with respect to the conveyance of writs for parliamentary elections in Great Britain.

- (2) During the period beginning with the commencement of this Act and ending with the date on which the Order in Council first made as respects Northern Ireland under section twenty-nine of this Act comes into operation, paragraph (b) of subsection (2) of section twenty-seven of this Act shall, in its application to Northern Ireland, have effect with the omission of the words " a place recorded in the prescribed manner as ".

### **33 Consequential amendments and repeals**

- (1) The Acts specified in the Sixth Schedule to this Act shall have effect subject to the amendments specified in the third column of that Schedule.
- (2) The Acts specified in Part I of the Seventh Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Part of that Schedule as from the commencement of this Act, and the Acts specified in Part II of that Schedule are hereby repealed to the extent mentioned in the third column of that Part of that Schedule as from the date of the coming into operation of the Order in Council first made as respects Great Britain under section twenty-nine of this Act.