

SCHEDULE 1

THE CONSTITUENCY MEMBERS ELECTION RULES

PART III

Stages Common To Contested And Uncontested elections

Notice of election

5.—(1) The CRO shall publish notice of the election stating—

- (a) the place and times at which nomination papers are to be delivered, and
- (b) the date of the poll in the event of a contest,

and the notice shall state that forms of nomination papers may be obtained at that place and those times.

(2) The notice of election shall state the date by which—

- (a) applications to vote by post or by proxy, and
- (b) other applications and notices about postal or proxy voting,

must reach the electoral registration officer in order that they may be effective for the election.

Nomination of candidates and nomination papers

6.—(1) Each candidate shall be nominated by a separate nomination paper, in the appropriate form, delivered at the place fixed for the purpose by the CRO, which shall be at the offices of a local authority within the constituency.

(2) The nomination paper shall state the candidate's—

- (a) full names,
- (b) home address, in full, and
- (c) if desired, description,

and the surname shall be placed first in the list of names.

(3) The description, if any, shall not exceed six words in length, and need not refer to his rank, profession or calling so long as, with the candidate's other particulars, it is sufficient to identify him.

(4) A nomination paper may not include a description of a candidate which is likely to lead voters to associate the candidate with a registered political party unless the description is authorised by a certificate—

- (a) issued by or on behalf of the registered nominating officer of the party, and
- (b) received by the CRO before the last time for the delivery of nomination papers.

(5) A person shall be guilty of a corrupt practice if he fraudulently purports to be authorised to issue a certificate under paragraph (4) on behalf of a registered political party's nominating officer.

(6) In the application of this rule in relation to an election "registered political party" means a party which was registered under the Registration of Political Parties Act 1998(1) at the time by which the notice of election is required to be published.

(1) 1998 c. 48.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Consent to nomination

7. A person shall not be validly nominated unless his consent to nomination—
- (a) is given in writing in the appropriate form, or a form to the like effect, on or within one month before the last day for the delivery of nomination papers,
 - (b) is attested by one witness, whose full names and address are given; and
 - (c) is delivered at the place and within the time for delivery of nomination papers.

Deposits

8.—(1) A person shall not be validly nominated unless the sum of £1,000 is deposited by him or on his behalf with the CRO at the place and within the time for delivery of nomination papers.

- (2) The deposit may be made either—
- (a) by the deposit of any legal tender, or
 - (b) by means of a banker's draft, or
 - (c) with the CRO's consent, in any other manner,

but the CRO may refuse to accept a deposit sought to be made by means of a banker's draft if he does not know that the drawer carries on business as a banker in the United Kingdom.

(3) Where the deposit is made on behalf of the candidate, the person making the deposit shall at the time he makes it give his name and address to the CRO (unless they have previously been given to him under section 67 (appointment of election agent) of the 1983 Act).

Decisions as to validity of nomination papers

9.—(1) Where a nomination paper and the candidate's consent to it are delivered in accordance with this Part of these Rules, the candidate shall be deemed to stand nominated unless and until—

- (a) the CRO decides that the nomination paper is invalid, or
 - (b) proof is given to the CRO's satisfaction of the candidate's death, or
 - (c) the candidate withdraws.
- (2) The CRO is entitled to hold a nomination paper invalid only on the grounds either—
- (a) that the particulars of the candidate or the persons subscribing the paper are not as required by law; or
 - (b) that the paper is not subscribed as so required.

(3) As soon as practicable after each nomination paper has been delivered, the CRO shall examine it and decide whether the candidate has been validly nominated.

(4) Where the CRO decides that a nomination paper is invalid, he shall endorse and sign on the paper the fact and the reasons for his decision.

(5) The CRO shall, as soon as practicable after making such a decision as is mentioned in paragraph (4), send notice of it to the candidate at his home address as given in his nomination paper.

(6) The CRO's decision that a nomination paper is valid shall be final and shall not be questioned in any proceeding whatsoever.

(7) Subject to paragraph (6), nothing in this rule prevents the validity of a nomination being questioned on an election petition.

Publication of statement of persons nominated

10.—(1) The CRO shall prepare and publish a statement showing the persons who have been and stand nominated and any other persons who have been nominated, with the reason why they no longer stand nominated.

(2) The statement shall show the names, addresses and descriptions of the persons nominated as given in their nomination papers.

(3) The statement shall show the persons standing nominated arranged alphabetically in the order of their surnames, and if there are two or more of them with the same surname, of their other names.

(4) In the case of a person nominated by more than one nomination paper, the CRO shall take the particulars required by the foregoing provisions of this rule from such one of the papers as the candidate (or the CRO in default of the candidate) may select.

Inspection of nomination papers and consent to nomination

11. During ordinary office hours on any day, other than a day specified in rule 4(1), after the latest time for delivery of nomination papers and before the date of the poll, any person may inspect and take copies of, or extracts from, nomination papers and consents to nomination.

Withdrawal of candidates

12.—(1) A candidate may withdraw his candidature by notice of withdrawal—

- (a) signed by him and attested by one witness, whose name and address shall be given; and
- (b) delivered to the CRO at the place for delivery of nomination papers.

(2) Where a candidate is outside the United Kingdom, a notice of withdrawal signed by his election agent and accompanied by a written declaration also so signed of the candidate's absence from the United Kingdom shall be of the same effect as a notice of withdrawal signed by the candidate; but where the candidate stands nominated by more than one nomination paper a notice of withdrawal under this paragraph shall be effective if, and only if, it is accompanied, in addition to that declaration, by a written statement signed by the candidate that the person giving the notice is authorised to do so on the candidate's behalf during his absence from the United Kingdom.

Method of election

13.—(1) If the number of persons remaining validly nominated for the constituency after any withdrawals under this Part exceeds one, a poll shall be taken in accordance with Part IV of these Rules.

(2) If, after any withdrawals under this Part, only one person remains validly nominated for the constituency, that person shall be declared to be elected in accordance with Part V.