
STATUTORY INSTRUMENTS

2006 No. 1972 (C. 67)

**REPRESENTATION OF THE PEOPLE
ELECTORAL COMMISSION
REGISTRATION OF POLITICAL PARTIES
POLITICAL PARTIES
NATIONAL ELECTION EXPENDITURE
REFERENDUMS**

The Electoral Administration Act 2006 (Commencement
No. 1 and Transitional Provisions) Order 2006

Made - - - - *20th July 2006*

The Secretary of State makes the following Order in exercise of the powers conferred by section 77(2), (3), (4) of the Electoral Administration Act 2006(1):

Citation and interpretation

1. This Order may be cited as The Electoral Administration Act 2006 (Commencement No. 1 and Transitional Provisions) Order 2006.
2. In this Order “the Act” means the Electoral Administration Act 2006.

Commencement of provisions

- 3.—(1) This article is subject to article 4.
(2) The day appointed for the coming into force of the provisions of the Act specified in Schedule 1 to this Order is 11th September 2006.

Transitional provisions

4. Schedule 2 to this Order, which makes transitional provisions, has effect.

Status: This is the original version (as it was originally made).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

Signed by the authority of the Secretary of State

20th July 2006

Bridget Prentice
Parliamentary Under Secretary of State
Department for Constitutional Affairs

SCHEDULE 1

Article 3

Provisions coming into force on 11th September 2006

1. Section 9 (Registration officers: duty to take necessary steps).
2. Section 15 (Offences as to false registration information).
3. Section 23(1) and (3) (Offences as to false statements in nomination papers), except so far as subsection (3) inserts subsection (1A)(c), and the word “or” preceding it, in section 65A of the 1983 Act.
4. Section 25 (Amount of expenses which may be incurred by third party).
5. Section 27 (Meaning of election expenses for purposes of the 1983 Act).
6. Section 39 (Undue influence).
7. Section 40 (Offences relating to applications for postal and proxy votes).
8. So far as it relates to the provision specified in paragraph 25(a), section 47.
9. Section 48 (Registered names of parties).
10. Section 50 (Confirmation of registered particulars).
11. Section 51 (Removal from register of registered parties).
12. Section 52(1) to (3) (Time for registration of parties fielding candidates).
13. Section 52(4) to (6), for the purposes of the parliamentary elections and elections to the Northern Ireland Assembly within the meaning of section 22(5)(a) and (e) of the 2000 Act⁽²⁾.
14. Section 53 (Requirements as to statements of account).
15. Section 54 (Time for delivery of unaudited accounts to Electoral Commission).
16. Section 55 (Policy development grants to be donations).
17. Section 56 (Exemption from requirement to prepare quarterly donation reports).
18. Section 57 (Repeal of section 68 of the 2000 Act).
19. Section 60 (Northern Ireland: disapplication of Part 4 of the 2000 Act).
20. In relation to England and Wales and Scotland—
 - (a) section 61 (Regulation of loans etc.), except so far as it provides—
 - (i) by subsection (1), for the insertion of section 71S(3) of the 2000 Act;
 - (ii) by subsection (5), for the insertion of paragraphs 2(3) and 3(2) of Schedule 6A to the 2000 Act;
 - (b) section 62 (Regulation of loans: power to make provision for candidates, third parties and referendums).
21. Section 64 (Campaign expenditure: standing for more than one party).
22. Section 65 (Time limit for claims in respect of campaign expenditure).
23. Section 67 (Performance of local authorities in relation to elections etc.).
24. So far as it relates to the provisions specified in paragraphs 25(b) to (m) and 26, section 74.
25. In Schedule 1—

(2) 2000 c. 41.

- (a) paragraph 71;
- (b) paragraph 104;
- (c) paragraphs 111, 112, and 116 to 119;
- (d) paragraphs 120 to 126;
- (e) paragraph 127;
- (f) paragraph 133;
- (g) paragraphs 138 and 139;
- (h) paragraphs 142 and 143(1), (2);
- (i) paragraphs 145, 147, 149;
- (j) paragraph 152;
- (k) paragraphs 154(3), (8), (9) and 155;
- (l) paragraph 156;
- (m) in relation to England and Wales and Scotland—
 - (i) paragraphs 97 to 102, except so far as paragraph 99 provides for the insertion of paragraph 16 of Schedule 7A to the 2000 Act;
 - (ii) paragraphs 140, 141, 144, 146, 148, 150, 151, 153, and 154(1), (2), (4) to (7).

26.—(1) The entries in Schedule 2 to the extent specified in this paragraph.

(2) In the entry relating to the Representation of the People Act 1983 (c. 2), the references relating to sections 9(6), 74A(2), 75(1), 90A and 90B.

(3) In the entry relating to the Political Parties, Elections and Referendums Act 2000 (c. 41), the references relating to—

- (a) sections 52(2)(b), 68 and 69;
- (b) Schedule 7, as denoted by “(b)”, “(d)”, and “(e)”;
- (c) Schedule 20;
- (d) so far as they relate to England and Wales and Scotland—
 - (i) sections 50(2)(e), 50(4) and 53(4)(a);
 - (ii) Schedule 7, as denoted by “(a)” and “(c)”.

SCHEDULE 2

Article 4

Transitional provisions

Election expenses

1.—(1) Section 25(2)(a) and (5) of the Act does not have effect in relation to any election where any person has become a candidate within the meaning of section 118A of the 1983 Act(3) before 11th September 2006.

(2) In sub-paragraph (1), “election” must be construed in accordance with section 202(1) of the 1983 Act(4).

(3) 1983 c. 2; section 118A was inserted by the 2000 Act (c. 41), section 135.

(4) 1983 c. 2; in section 202(1), the definition of “election” was amended by the Greater London Authority Act 1999 (c. 29), Schedule 3, paragraph 38.

2.—(1) This paragraph applies to section 27 of, and paragraphs 111, 112, and 116 to 119 of Schedule 1 to, the Act.

(2) The provisions to which this paragraph applies do not have effect in relation to any of the elections mentioned in sub-paragraph (3), where the day of the poll is on or before 3rd May 2007 (or, in the case of an uncontested election, would have been had the election been contested).

(3) The elections mentioned in this sub-paragraph are—

- (a) a parliamentary by-election;
- (b) an election under section 89 of the Local Government Act 1972⁽⁵⁾ to fill a casual vacancy;
- (c) an election under section 10 or 16 of the Greater London Authority Act 1999⁽⁶⁾.

Regulation of loans etc.

3.—(1) Paragraphs 4 to 7 make transitional provisions in relation to section 61 of, and Part 6 of Schedule 1 to, the Act.

(2) In those paragraphs, references to “sections” and to “Schedules” are references to the sections and Schedules inserted in the 2000 Act by the provisions of the Act mentioned in sub-paragraph (1) (except so far as the contrary intention appears).

4. In the period beginning on 11th September 2006 and ending on 31st December 2006, section 71M has effect as if—

- (a) in subsection (1)—
 - (i) for “each year” there was substituted “2006”;
 - (ii) paragraphs (a) and (b) were omitted;
 - (iii) for paragraph (c), there were substituted—
 - “(c) 11th to 30th September;”;
- (b) in subsection (3), for the words “in that year” (as they appear in the definition of “relevant transaction”), there were substituted “in the period beginning on 11th September 2006 and ending on 31st December 2006”.

5.—(1) This paragraph applies to the first transaction report prepared under section 71M, so far as it relates to an existing transaction within the meaning of section 71O(3).

- (2) Section 71M(9) has effect as if the words from “and is dealt with” to the end were omitted.
- (3) Section 71N(3) has effect as if the words from “and in consequence” to the end were omitted.
- (4) The following provisions do not have effect—
 - (a) section 71T(2)(a) and (d);
 - (b) paragraph 4(b) of Schedule 6A.

6.—(1) In the period beginning on 11th September 2006 and ending on 31st December 2006, paragraph 9 of Schedule 7A has effect as if in sub-paragraph (2)(b)(i), for “the same calendar year”, there were substituted “in the period beginning on 11th September 2006 and ending on 31st December 2006”.

(2) Sub-paragraph (1) does not apply to paragraph 9 of Schedule 7A where it has effect for the purposes of paragraph 14 of that Schedule.

(5) 1972 c. 70; section 89 was amended by the 1983 Act (c. 2), Schedule 8, paragraph 13; and the Representation of the People Act 1985 (c. 50), section 19(6).

(6) 1999 c. 29.

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7.—(1) This paragraph applies to a transaction report made in respect of an existing transaction by virtue of paragraph 14 of Schedule 7A.

(2) Paragraph 10(3)(d), (4)(e) of Schedule 7A has effect as if, in each case, the words from “and the date when” to the end were omitted.

(3) Paragraphs 11(7)(c) and 13 of Schedule 7A do not have effect.

(4) Paragraph 12(1) of Schedule 7A has effect as if—

(a) for “30 days” there were substituted “60 days”; and

(b) before paragraph (a), there were inserted “(as applied by paragraph 14(1))”.

8. In section 62(3A) of the 2000 Act, as inserted by paragraph 148(2) of Schedule 1 to the Act, a relevant transaction does not include an existing transaction within the meaning of section 71O(3) of the 2000 Act, as inserted by section 61 of the Act.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 11th September 2006 the provisions of the Electoral Administration Act 2006 (c. 22) specified in Schedule 1, subject to the transitional provisions made in Schedule 2.

The provisions which are commenced relate principally to, first, the duty of electoral registration officers to take the steps that are necessary to maintain their registers of electors; secondly, offences in relation to electoral registration and the conduct of elections; thirdly, miscellaneous provisions relating to the regulation of political parties; fourthly, the regulation of loans (and other regulated transactions) made to political parties and their members; and, fifthly, the power conferred on the Electoral Commission to set performance standards for certain officers at elections and referendums.

Transitional provisions are made in respect of the election expenses provisions, principally to provide that the candidates' election expenses provisions will not apply in by-elections (and other irregular elections) held in the period ending on 3rd May 2007. Transitional provisions are also made in respect of the regulation of loans, principally in respect of the reporting requirements for loans for the remainder of 2006.