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## STATUTORY INSTRUMENTS

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# 2012 No. 1917

## The Police and Crime Commissioner Elections Order 2012

### PART 1

#### General

##### Citation and commencement

- 1.—(1) This Order may be cited as the Police and Crime Commissioner Elections Order 2012.
- (2) This Order comes into force on the day after the day on which it is made.

##### Interpretation

- 2.—(1) In this Order—

“the 1983 Act” means the Representation of the People Act 1983 <sup>M1</sup>;

“the 2000 Act” means the Political Parties, Elections and Referendums Act 2000 <sup>M2</sup>;

“the 2001 Regulations” means Representation of the People (England and Wales) Regulations 2001 <sup>M3</sup>;

[<sup>F1</sup>“the 2007 Order” means the National Assembly for Wales (Representation of the People) Order 2007;]

“the 2011 Act” means the Police Reform and Social Responsibility Act 2011;

“absent voter” means—

- (a) an elector who is entitled to vote by proxy, or
- (b) an elector or proxy who is entitled to vote by post;

[<sup>F2</sup>“anonymous elector’s document” has the meaning given in regulation 3(1) of the Voter Identification Regulations 2022;]

“anonymous entry” is to be read in accordance with section 9B of the Representation of the People Act 1983 <sup>M4</sup>;

<sup>F3</sup>  
...

<sup>F3</sup>  
...

“authorised person” means a person (other than a barrister or solicitor) who, for the purposes of the Legal Services Act 2007 <sup>M5</sup>, is an authorised person in relation to an activity which constitutes the exercise of a right of audience (within the meaning of that Act);

“bank holiday” means a day which is a bank holiday under the Banking and Financial Dealings Act 1971 <sup>M6</sup> in England and Wales;

“candidate” is to be read in accordance with article 3;

“the Commission” means the Electoral Commission established by section 1 of the 2000 Act;

- “counting agent” is to be read in accordance with rule 31(11) of the PCC elections rules;
- “disability”<sup>F4</sup>, except in paragraph 7A of Schedule 7], in relation to doing a thing, includes a short term inability to do it;
- “election court” means the court constituted under Part 3 of the 1983 Act, as applied by paragraph 1 of Schedule 9, for the trial of a PCC election petition;
- “elector”, in relation to a PCC election, means a person who has for the time being an entry on the register of electors, but does not include—
- (a) those shown in the register as below voting age on the day of the election, or
  - (b) in the case of a person with an anonymous entry in the register, those shown in the record of anonymous entries as below voting age on the day of the election;
- “electoral area” means any electoral division or ward or, in the case of a parish or community in which there are no wards, the parish or community, for which the election of councillors is held under the Local Government Act 1972<sup>M7</sup>;
- “electoral number” means a person's number in the register of electors or, pending publication of the register, the person's number (if any) in the electors lists for that register;
- “legal incapacity” includes (in addition, where applicable, to any incapacity arising by virtue of a subsisting provision of the common law) any disqualification imposed by this Order or any other enactment;
- “legal process” means a claim form, application notice, writ, summons or other process;
- “the list of proxies” means a list kept under paragraph 4(3) of Schedule 2;
- “local authority” means—
- (a) a district council,
  - (b) a county council in England for a county in which there are no district councils,
  - (c) the Council of the Isles of Scilly,
  - (d) a county council or county borough council in Wales;
- “local government election” means the election of councillors for any electoral area;
- “local referendum” means—
- (a) a referendum in England under Part 1A of the Local Government Act 2000<sup>M8</sup> (local authority governance in England);
  - (b) a referendum in Wales under Part 2 of the Local Government Act 2000 (local authorities in Wales: arrangements with respect to executives etc);
  - (c) a referendum in England under Chapter 4ZA of Part 1 of the Local Government Finance Act 1992<sup>M9</sup> (council tax increases);
- “local returning officer” means a person who, by virtue of section 35 of the 1983 Act, is a returning officer for any elections of members of a local authority [<sup>F5</sup>(but see paragraph (2B)(b))];
- <sup>F6</sup>  
...
- “nominating officer” means the person registered under the 2000 Act as the officer with responsibility for the matters referred to in section 24(3) of that Act in respect of a registered party;
- “PCC election” means an election of a police and crime commissioner in accordance with Chapter 6 of Part 1 of the 2011 Act;
- “PCC election petition” means a petition presented in pursuance of Part 3 of the 1983 Act as applied by paragraph 1 of Schedule 9;

“PCC elections rules” has the meaning given in article 12;

“person” includes (without prejudice to the provisions of the Interpretation Act 1978 <sup>M10</sup>) an association corporate or unincorporate;

“police area” means a police area listed in Schedule 1 to the Police Act 1996 <sup>M11</sup> (police areas outside London);

“police area returning officer”, in relation to any police area, means the person designated by an Order made by virtue of section 54(1)(b) of the 2011 Act as the returning officer for that police area;

“polling agent” is to be read in accordance with rule 31(11) of the PCC elections rules;

“postal ballot paper” means a ballot paper issued to a postal voter;

“postal proxy” means a person who is entitled to vote by post as proxy at a PCC election;

“postal voter” means an elector or proxy who is entitled to vote by post;

“postal voters list” means a list kept under paragraph 4(2) of Schedule 2;

“presiding officer” is to be read in accordance with rule 27 of the PCC elections rules;

“proxy postal voters list” means a list kept under paragraph 7(7) of Schedule 2;

“record of anonymous entries” means the record prepared in pursuance of regulations made by virtue of paragraph 8A of Schedule 2 to the 1983 Act <sup>M12</sup>;

[<sup>F7</sup>“register of electors” means—

- (a) in relation to a PCC election in England the register of local government electors;
- (b) in relation to a PCC election in Wales—
  - (i) the register of parliamentary electors, excluding any entry included in pursuance of an overseas elector’s declaration; and
  - (ii) in the case of peers disqualified from voting as an elector at parliamentary elections and relevant citizens of the Union who will have attained the age of 18 on the date of the poll, the register of local government electors;]

“registered party” means a party registered under Part 2 of the 2000 Act;

“registration officer” means an electoral registration officer;

<sup>F8</sup> .....

“relevant registration officer”, in relation to voting area, means the registration officer of the local authority in whose area that voting area is situated;

[<sup>F9</sup>“Senedd election” means an election to return a member of the Senedd Cymru for a Senedd constituency or an election to return members of the Senedd for a Senedd electoral region (or both);]

[<sup>F9</sup>“temporary electoral identity document” has the meaning given in regulation 3(1) of the Voter Identification Regulations 2022;]

“voter” means a voter voting in the PCC election and includes a person voting as proxy and “vote” (whether noun or verb) is to be construed accordingly; and a reference to an elector voting or an elector’s vote includes a reference to an elector voting by proxy or an elector’s vote given by proxy;

“voting area” has the meaning given by [<sup>F10</sup>paragraph (2) or, where it applies, paragraph (2B)].

(2) [<sup>F11</sup>Subject to paragraphs (2A) and (2B)(a),] each of the following, as it exists on the day of a PCC election, is a “voting area” for the purposes of this Order—

- (a) a district for which there is a district Council,

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- (b) a county in England in which there are no districts with councils,
- (c) the Isles of Scilly,
- (d) a county or county borough in Wales.

[<sup>F12</sup>(2A) Paragraph (2B) applies where the poll at a PCC election is required to be taken together with the poll at [<sup>F13</sup>a Senedd] election by virtue of article 16A(1) of the 2007 Order.

(2B) At an election mentioned in paragraph (2A)—

- (a) [<sup>F14</sup>a Senedd] constituency as it exists on the day of the PCC election (and not a county or county borough) is a voting area for the purposes of this Order;
- (b) a reference in this Order to the local returning officer for a voting area is a reference to the local returning officer exercising functions in relation to that voting area pursuant to regulation 2A of the Police and Crime Commissioner Elections (Functions of Returning Officers) Regulations 2012; and
- (c) the definition of “relevant registration officer” has effect as if at the end there were inserted “(but where a voting area comprises any part of the area of more than one local authority, the registration officer of the local authority in whose area the greater or greatest (as the case may be) number of electors is registered)”.

(2C) In paragraph (2B)(a) “ [<sup>F15</sup>Senedd] ” means [<sup>F16</sup>a Senedd] constituency as provided by section 2 of the Government of Wales Act 2006 ( [<sup>F15</sup>Senedd] constituencies and electoral regions).]

(3) For the purposes of this Order a person is deemed not to have attained a given age until the commencement of the relevant anniversary of the day of the person's birth.

#### Textual Amendments

- F1** Words in art. 2(1) inserted (4.3.2016) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2016 \(S.I. 2016/300\)](#), arts. 1(2), **3(2)(a)** (with art. 1(3))
- F2** Words in art. 2(1) inserted (16.1.2023) by [The Voter Identification Regulations 2022 \(S.I. 2022/1382\)](#), regs. 1(3), **56(a)(i)** (with reg. 1(6)(7))
- F3** Words in art. 2(1) omitted (16.1.2023) by virtue of [The Voter Identification Regulations 2022 \(S.I. 2022/1382\)](#), regs. 1(3), **56(a)(ii)** (with reg. 1(6)(7))
- F4** Words in art. 2(1) inserted (28.2.2020) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2020 \(S.I. 2020/190\)](#), arts. 1(2), **2(2)**
- F5** Words in art. 2(1) inserted (4.3.2016) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2016 \(S.I. 2016/300\)](#), arts. 1(2), **3(2)(b)** (with art. 1(3))
- F6** Words in art. 2(1) omitted (8.12.2021) by virtue of [The Transfer of Functions \(Secretary of State for Levelling Up, Housing and Communities\) Order 2021 \(S.I. 2021/1265\)](#), art. 1(2), **Sch. 2 para. 30(2)** (with art. 12)
- F7** Words in art. 2 substituted (1.4.2018) by [The Wales Act 2017 \(Consequential and Saving Provisions\) Regulations 2018 \(S.I. 2018/272\)](#), regs. 1, **4(a)**
- F8** Words in art. 2 omitted (1.4.2018) by virtue of [The Wales Act 2017 \(Consequential and Saving Provisions\) Regulations 2018 \(S.I. 2018/272\)](#), regs. 1, **4(b)**
- F9** Words in art. 2(1) inserted (16.1.2023) by [The Voter Identification Regulations 2022 \(S.I. 2022/1382\)](#), regs. 1(3), **56(a)(iii)** (with reg. 1(6)(7))
- F10** Words in art. 2(1) substituted (4.3.2016) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2016 \(S.I. 2016/300\)](#), arts. 1(2), **3(2)(e)** (with art. 1(3))
- F11** Words in art. 2(2) inserted (4.3.2016) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2016 \(S.I. 2016/300\)](#), arts. 1(2), **3(3)** (with art. 1(3))
- F12** Art. 2(2A)-(2C) inserted (4.3.2016) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2016 \(S.I. 2016/300\)](#), arts. 1(2), **3(4)** (with art. 1(3))

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- F13** Words in art. 2(2A) substituted (16.1.2023) by [The Voter Identification Regulations 2022 \(S.I. 2022/1382\)](#), regs. 1(3), **56(b)** (with reg. 1(6)(7))
- F14** Words in art. 2(2B)(a) substituted (16.1.2023) by [The Voter Identification Regulations 2022 \(S.I. 2022/1382\)](#), regs. 1(3), **56(b)** (with reg. 1(6)(7))
- F15** Word in art. 2(2C) substituted (16.1.2023) by [The Voter Identification Regulations 2022 \(S.I. 2022/1382\)](#), regs. 1(3), **56(c)(i)** (with reg. 1(6)(7))
- F16** Words in art. 2(2C) substituted (16.1.2023) by [The Voter Identification Regulations 2022 \(S.I. 2022/1382\)](#), regs. 1(3), **56(c)(ii)** (with reg. 1(6)(7))

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**Modifications etc. (not altering text)**

- C1** Art. 2(1) modified (E.W.) (3.8.2012) by [The Neighbourhood Planning \(Referendums\) Regulations 2012 \(S.I. 2012/2031\)](#), regs. 1, 13, **Sch. 4 Pt. 2 para. 38**

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**Marginal Citations**

- M1** 1983 c.2.
- M2** 2000 c.41.
- M3** [S.I. 2001/341](#).
- M4** Section 9B was inserted by section 10(1) of the [Electoral Administration Act 2006 \(c.22\)](#).
- M5** 2007 c.29.
- M6** 1971 c.80.
- M7** 1972 c.70.
- M8** 2000 c.22. Part 1A of the Local Government Act 2000 was inserted by section 21 of, and Schedule 2 to, the [Localism Act 2011 \(c.20\)](#).
- M9** 1992 (c.14). Chapter 4ZA of Part 1 of that Act was inserted by section 72 of, and Schedule 5 to, the Localism Act 2011.
- M10** 1978 c.30.
- M11** 1996 c.16.
- M12** Paragraph 8A was inserted by section 10(2) of, and paragraphs 2 and 15 of Schedule 1 to the [Electoral Administration Act 2006 \(c.22\)](#).

**Meaning of “candidate”**

**3.—**(1) References to a candidate in this Order are to be construed in accordance with this article (except where the context otherwise requires).

(2) A person becomes a candidate at a PCC election—

- (a) on the last day for publication of notice of the election if on or before that day the person is declared by himself or herself or by others to be a candidate at the election, and
- (b) otherwise, on the day on which the person is so declared by himself or herself or by others or on which the person is nominated as a candidate at the election (whichever is the earlier).

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**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

- Order applied by [2022 c. 37 Sch. 11 para. 6\(3\)](#)

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. A1 para. 4 applied by [S.I. 2023/1150 reg. 23](#)
- Sch. A1 inserted by [S.I. 2023/1150 Sch. 1](#)
- Sch. 2 para. 3(10) amendment to earlier affecting provision S.I. 2023/1147, reg. 17(5)(a)(iii) by [S.I. 2023/1406 reg. 19\(2\)\(a\)\(ii\)](#)
- Sch. 2 para. 3(10) inserted by [S.I. 2023/1147 reg. 17\(5\)\(a\)\(iii\)](#)
- Sch. 2 para. 4(6) inserted by [S.I. 2023/1147 reg. 17\(5\)\(b\)\(iii\)](#)
- Sch. 2 para. 10A inserted by [S.I. 2023/1147 reg. 17\(5\)\(d\)](#)
- Sch. 2 para. 11(1)(aa) inserted by [S.I. 2023/1147 reg. 17\(5\)\(e\)\(i\)](#)
- Sch. 2 para. 11(5A)(5B) inserted by [S.I. 2023/1147 reg. 17\(5\)\(e\)\(ii\)](#)
- Sch. 2 para. 11(8)-(10) inserted by [S.I. 2023/1147 reg. 17\(5\)\(e\)\(iii\)](#)
- Sch. 2 para. 14(7A)(7B) inserted by [S.I. 2023/1147 reg. 17\(5\)\(f\)\(ii\)](#)
- Sch. 2 para. 16(2)(ab) inserted by [S.I. 2023/1147 reg. 17\(5\)\(h\)\(i\)](#)
- Sch. 2 para. 16(2E) inserted by [S.I. 2023/1147 reg. 17\(5\)\(h\)\(ii\)](#)
- Sch. 2 para. 16B-16D inserted by [S.I. 2023/1147 reg. 17\(5\)\(i\)](#)
- Sch. 2 para. 17(4A)-(4E) inserted by [S.I. 2023/1147 reg. 17\(5\)\(j\)\(ii\)](#)
- Sch. 2 para. 9A inserted by [S.I. 2023/1225 reg. 8\(6\)\(a\)](#)
- Sch. 2 para. 29(1A) inserted by [S.I. 2023/1225 reg. 8\(6\)\(b\)\(ii\)](#)
- Sch. 2 para. 43(3A) inserted by [S.I. 2023/1225 reg. 8\(6\)\(d\)\(ii\)](#)
- Sch. 2 para. 43A-43D inserted by [S.I. 2023/1225 reg. 8\(6\)\(e\)](#)
- Sch. 2 para. 46A-46E inserted by [S.I. 2023/1225 reg. 8\(6\)\(g\)](#)
- Sch. 2 para. 55(6)-(9) inserted by [S.I. 2023/1225 reg. 8\(6\)\(h\)\(ii\)](#)
- Sch. 2 para. 57(1)(g) and word inserted by [S.I. 2023/1225 reg. 8\(6\)\(i\)\(ii\)](#)
- Sch. 2 para. 59A(1)(a)(ii)(iii) inserted by [S.I. 2023/1225 reg. 8\(6\)\(k\)\(iii\)\(bb\)](#)
- Sch. 2 para. 59A(1)(c)(ii) inserted by [S.I. 2023/1225 reg. 8\(6\)\(k\)\(iv\)\(bb\)](#)
- Sch. 2 para. 16C(7)(ca) inserted by [S.I. 2024/43 reg. 24\(2\)](#)
- Sch. 2 para. 7(14) inserted by [S.I. 2023/1147, reg. 17\(5\)\(ca\)\(iii\)](#) (as inserted) by [S.I. 2023/1406 reg. 19\(2\)\(b\)](#)
- Sch. 2 para. 16C(6) omitted by [S.I. 2023/1406 reg. 12\(b\)](#)
- Sch. 2 para. 16C(5) substituted by [S.I. 2023/1406 reg. 12\(a\)](#)
- Sch. 2 para. 6(5)-(7) substituted for Sch. 2 para. 6(5) by [S.I. 2023/1147 reg. 17\(5\)\(c\)](#)
- Sch. 2 para. 16C(7) word substituted by [S.I. 2023/1406 reg. 12\(c\)\(i\)](#)
- Sch. 2 para. 59A(1)(a)(i) words in Sch. 2 para. 59A(1)(a) renumbered as Sch. 2 para. 59A(1)(a)(i) by [S.I. 2023/1225 reg. 8\(6\)\(k\)\(iii\)\(aa\)](#)
- Sch. 2 para. 59A(1)(c)(i) words in Sch. 2 para. 59A(1)(c) renumbered as Sch. 2 para. 59A(1)(c)(i) by [S.I. 2023/1225 reg. 8\(6\)\(k\)\(iv\)\(aa\)](#)
- Sch. 2 para. 16C(7)(b) words substituted by [S.I. 2023/1406 reg. 12\(c\)\(ii\)](#)
- Sch. 2 para. 16C(7)(c) words substituted by [S.I. 2023/1406 reg. 12\(c\)\(ii\)](#)
- Sch. 2 para. 16C(7)(d) words substituted by [S.I. 2023/1406 reg. 12\(c\)\(iii\)](#)
- Sch. 3 rule 11(2)(c) inserted by [S.I. 2023/1141 reg. 4\(4\)\(b\)](#)
- Sch. 3 rule 34(1)(ba) inserted by [S.I. 2023/1225 reg. 8\(7\)\(b\)](#)
- Sch. 3 rule 49(2)(e) and word inserted by [S.I. 2023/1225 reg. 8\(7\)\(c\)\(ii\)](#)
- Sch. 3 rule 37 Table modified (temp.) by [S.I. 2023/1147 Sch. 2 para. 21\(2\)\(3\)](#)
- Sch. 3 rule 70 Form 11 modified (temp.) by [S.I. 2023/1147 Sch. 2 para. 23\(2\)](#)
- Sch. 3 rule 70 Form 13 modified (temp.) by [S.I. 2023/1147 Sch. 2 para. 23\(2\)](#)
- Sch. 3 rule 70 Form 12 modified (temp.) by [S.I. 2023/1147 Sch. 2 para. 23\(3\)](#)

- Sch. 3 rule 70 Form 14 modified (temp.) by S.I. 2023/1147 Sch. 2 para. 23(3)
- Sch. 3 rule 5(3) substituted by S.I. 2023/1141 reg. 4(4)(a)(ii)
- Sch. 3 rule 70 Form 11 substituted by S.I. 2023/1147 Sch. 8 Pt. 2
- Sch. 3 rule 70 Form 13 substituted by S.I. 2023/1147 Sch. 8 Pt. 2
- Sch. 3 rule 70 Form 12 substituted by S.I. 2023/1225 Sch. 6 Pt. 2
- Sch. 3 rule 70 Form 14 substituted by S.I. 2023/1225 Sch. 6 Pt. 2
- Sch. 3 rule 49(2)(c) word omitted by S.I. 2023/1225 reg. 8(7)(c)(i)
- Sch. 3 rule 37(1)(b) words inserted by S.I. 2023/1147 reg. 17(7)(a)
- Sch. 3 rule 5(1) words omitted by S.I. 2023/1141 reg. 4(4)(a)(i)
- Sch. 3 rule 37 table words omitted by S.I. 2023/1147 reg. 17(7)(b)(ii)
- Sch. 3 rule 13(3) words substituted by S.I. 2023/1141 reg. 4(4)(c)(i)
- Sch. 3 rule 13(3) words substituted by S.I. 2023/1141 reg. 4(4)(c)(ii)
- Sch. 3 rule 37 table words substituted by S.I. 2023/1147 reg. 17(7)(b)(i)
- Sch. 3 rule 32(1)(a) words substituted by S.I. 2023/1225 reg. 8(7)(a)(i)
- Sch. 3 rule 32(1)(b) words substituted by S.I. 2023/1225 reg. 8(7)(a)(ii)
- Sch. 4 para. 27(1)(a) words substituted by S.I. 2023/1225 reg. 8(8)(a)(i)
- Sch. 4 para. 27(1)(b) words substituted by S.I. 2023/1225 reg. 8(8)(a)(ii)
- Sch. 4 para. 27(2) words substituted by S.I. 2023/1225 reg. 8(8)(b)
- Sch. 7 para. 14A inserted by S.I. 2024/428 reg. 4(3)
- Sch. 10 para. 3(1)(b)(v) inserted by S.I. 2023/1225 reg. 8(10)(b)
- art. 3A inserted by S.I. 2023/1150 reg. 36(3)
- art. 13(1)(ea) art. 13(1)(ee) renumbered as art. 13(1)(ea) by S.I. 2024/131 reg. 22(2)(a)
- art. 13(1)(ea) words inserted by S.I. 2024/131 reg. 22(2)(b)
- art. 18(1A) inserted by S.I. 2023/1147 reg. 17(3)(a)
- art. 18A inserted by S.I. 2023/1141 reg. 4(2)
- art. 22(5A)-(5F) inserted by S.I. 2023/1225 reg. 8(3)
- art. 87(5) inserted by S.I. 2023/1147 reg. 17(4)