

SCHEDULES

SCHEDULE 8

Election addresses of candidates

PART 1

Requirements as to election addresses and website

Interpretation

1. In this Schedule—

“election address”, in relation to a candidate at an ordinary PCC election, means a statement that is prepared on behalf of the candidate for inclusion on the website;

“the website” means the website of election addresses referred to in article 52(1).

Deadline for submission of election addresses to police area returning officer

2. As soon as reasonably practicable after the publication of notice of an ordinary PCC election, the police area returning officer must give public notice of the latest time for the submission of election addresses of candidates to the officer.

Content of election address to be determined by candidate

3. Subject to the requirements imposed by paragraphs 4, 5 and 6, the candidate may determine the content of the election address.

Preparation and submission of election address

4.—(1) A candidate’s election address—

(a) must be prepared by the candidate’s election agent using Form 29 set out in Part 2 of this Schedule, and

(b) must be submitted to the police area returning officer before the time specified by the officer under paragraph 2.

(2) An election address must—

(a) contain a statement to the effect that it has been prepared by the candidate’s election agent, and

(b) give the name and address of the election agent.

(3) The election address must be completed in English or Welsh.

(4) The election address must be submitted in electronic form unless the police area returning officer is satisfied that there is good reason for it being submitted in hard copy form.

(5) When submitting an election address under sub-paragraph (4), the candidate's election agent may also submit a translation into Welsh or English (as the case may be) which is a complete and accurate translation.

Content of election address

5.—(1) An election address must specify the candidate's name and must contain matter relating to the ordinary PCC election only.

(2) In particular, an election address must not contain—

- (a) any advertising material (other than material promoting the candidate as a candidate at the PCC election), or
- (b) any material referring to any other candidate for election at the ordinary PCC election, or
- (c) any material appearing to the police area returning officer—
 - (i) to be included with a view to commercial gain, or
 - (ii) to be indecent, obscene or offensive, or
 - (iii) to be such that its publication or distribution would be likely to amount to the commission of an offence.

(3) Any photograph showing the candidate which is included in an election address—

- (a) must show no other person, and
- (b) must comply with sub-paragraph (2).

(4) An election address may include a representation of the registered emblem, or (as the case may be) one of the registered emblems, of a registered political party, if the address is prepared on behalf of an authorised party candidate.

(5) Where an election address is prepared on behalf of an authorised party candidate, the address may contain a description registered under section 28A of the 2000 Act or, if the description is registered for use by candidates of two or more parties, under section 28B of that Act.

(6) For the purposes of sub-paragraphs (4) and (5)—

“authorised party candidate”, in relation to a registered political party, means a candidate who has been authorised to use the emblem or description in question by a certificate which—

- (a) is issued by or on behalf of the registered nominating officer of the party where the description is registered under section 28A of the 2000 Act⁽¹⁾, or of each of the parties where the description is registered under section 28B of that Act, and
- (b) is received by the police area returning officer before the last time for the delivery of nomination papers set out in the Table in rule 1 of the PCC elections rules;

“registered political party” has the meaning given in rule 6(6)(a) of the PCC elections rules.

Formatting and length of election address

6.—(1) An election address must—

- (a) in relation to any part of the form in Part 2 in which a maximum number of words is specified, not exceed the number of words there specified,
- (b) comply with the requirements as to formatting which are specified in the form, and
- (c) comply with such other requirements as the Secretary of State may specify with a view to facilitating its inclusion on the website.

(1) Section 28A and 28B were inserted by section 49(1) of the Electoral Administration Act 2006 (c.22).

- (2) An election address must also be capable of being produced in hard copy form.

Duty of police area returning officer in relation to election address

7.—(1) In this paragraph “relevant requirements” means the requirements imposed by paragraphs 4, 5 and 6.

(2) Where an election address is delivered to the police area returning officer on or before the time specified by the officer under paragraph 2, the officer must consider whether it complies with the relevant requirements.

(3) If the police area returning officer considers that it does not comply with one or more relevant requirements, the officer—

- (a) must return it to the candidate’s election agent, specifying each respect in which the officer considers that it does not comply, and
- (b) may make any minor corrections which the officer reasonably considers necessary to secure that the election address does comply with those requirements.

(4) A candidate’s election agent may re-submit an election address at any time before the time specified by the police area returning officer under paragraph 2.

(5) Once the police area returning officer is satisfied that an election address complies with the relevant requirements, the officer must send the address to the Secretary of State together with a statement that the officer is so satisfied.

(6) The police area returning officer must notify the candidate of the date on which the candidate’s election address is sent to the Secretary of State and of any minor corrections which the officer has made.

Deadline for submission of election addresses to Secretary of State

8.—(1) No election address may be included on the website unless it is received by the Secretary of State before midnight on the 18th day before the day of the election.

(2) But the Secretary of State may include on the website an election address which is delivered on or after the time specified in sub-paragraph (1) if the Secretary of State is satisfied there is good reason for its late delivery.

Candidate’s right to comment in advance on the election address in template form

9.—(1) As soon as reasonably practicable after the receipt of an election address submitted in accordance with paragraphs 7 and 8, the Secretary of State must provide the police area returning officer with a copy of the election address as it will appear on the website.

(2) The police area returning officer must forward each copy of the election address provided under sub-paragraph (1) to the election agent of the candidate whose election address it is, together with a notice which—

- (a) invites the election agent to check the content of the copy against the content submitted by the election agent, and
- (b) specifies the latest time for submission to the officer of any comments or corrections which the election agent may have.

(3) Where any comments on or corrections to an election address are received by the police area returning officer at or before the time specified under sub-paragraph (2)(b), the officer—

- (a) must make such changes to the copy of the address provided under sub-paragraph (1) as the officer considers to be consistent with the requirements imposed by paragraphs 4, 5 and 6, and

(b) may make any typographical corrections which the officer considers necessary.

(4) As soon as reasonably practicable after the time specified under sub-paragraph (2)(b), the police area returning officer must return the copy of the election address to the Secretary of State with such changes (if any) as have been made to the address under this paragraph.

Election addresses included in the website

10.—(1) This paragraph applies where—

- (a) a copy of the election address of a candidate for any police area is returned to the Secretary of State under paragraph 9(4), and
- (b) the candidate's name is shown in the statement of persons nominated for that area(2).

(2) The election address is to be included on the website.

(3) The step described in sub-paragraph (2) is to be taken as soon as reasonably practicable after the latest time set out in the Table in rule 1 of the PCC elections rules for the delivery of notices of withdrawals of candidature.

Liability for election addresses

11. No person other than—

- (a) the candidate in respect of whom an election address is included on the website, and
- (b) the candidate's election agent,

is to incur any civil or criminal liability in respect of the publication of the content of that election address on the website or its distribution in accordance with paragraph 13.

The website

12.—(1) The Secretary of State must take all reasonable steps to ensure that the website is generally accessible and properly protected.

(2) The website must be capable of being searched according to—

- (a) candidate name;
- (b) police area;
- (c) postcode;
- (d) such other criteria as the Secretary of State considers appropriate.

(3) Any list of the names of candidates for a police area which results from a search carried out on the website must appear in alphabetical order.

(4) Any list of the names of candidates for a police area which appears on the website must be accompanied by a statement prepared by the police area returning officer.

(5) The statement referred to in sub-paragraph (4) must specify—

- (a) the date of the PCC election,
- (b) the nature and purpose of the website,
- (c) all the candidates for the police area in the order in which are to appear on the ballot paper, and
- (d) any description of a candidate referred to in paragraph 5(5).

(6) The statement referred to in sub-paragraph (4) must also include—

(2) See rule 13 of the PCC elections rules in Schedule 3.

- (a) the name and contact details of the police area returning officer,
- (b) the name and contact details of the website provider, and
- (c) any other information for voters which the Commission may supply to the Secretary of State which is appropriate for inclusion on the website.

(7) The information referred to in sub-paragraph (6)(c) may include information about the office of police and crime commissioner, the system of voting to be used at PCC elections and how to vote in a manner to ensure that the vote is validly given.

Request for printed version of election addresses

13.—(1) The Secretary of State must, on a request made by any person, send to that person a printed version of the election addresses of candidates for any police area in which the person is entitled to vote as an elector.

(2) The police area returning officer must forward to the Secretary of State any request for a printed version which is received by the officer.

(3) As soon as reasonably practicable after receipt of a request made by any person, the Secretary of State must send to that person—

- (a) a printed copy of the election addresses of those candidates for the police area whose election addresses appear on the website,
- (b) a list of all the candidates who then remain validly nominated for that police area, and
- (c) a copy of the statement referred to in paragraph 12(4).

(4) The Secretary of State may arrange for the taking of steps to ensure that the election addresses of candidates for a police area are, so far as practicable, available—

- (a) on request in large print, braille and on audio tape;
- (b) in the offices of each local authority wholly or partly comprised in the police area;
- (c) in public libraries in the police area.