

SCHEDULES

SCHEDULE 6

Section 39

MINOR AND CONSEQUENTIAL AMENDMENTS

Representation of the People Act 1983 (c. 2)

- 1 (1) Section 10A (maintenance of registers: registration of electors) is amended as follows.
 - (2) In subsection (2), the words “, on the 15th October in the year in question,” are omitted.
 - (3) After that subsection there is inserted—
 - “(2A) The application referred to in subsection (2) above shall (subject to section 13BB(2)) be treated as made on the 15th October in the year in question.”
- 2 In section 13 (publication of registers), in subsection (5)(b), for “section 13A, 13B or 13BA” there is substituted “any of sections 13A to 13BB”.
- 3 In section 13A (alteration of registers), in subsection (5), for “this section and section 13B or 13BA below” there is substituted “this section, section 13B or 13BA below or section 13BB below”.
- 4 In section 65A (false statements in nomination papers etc), in subsection (1), after paragraph (a) there is inserted—
 - “(aa) (where the election is a parliamentary election) a statement under rule 6(5)(b) of Schedule 1 to this Act which he knows to be false in any particular; or”.
- 5 (1) Section 70 (effect of default in election agent’s appointment) is amended as follows.
 - (2) In subsection (4)(a), after “the statement as to persons nominated” there is inserted “(or where, in the case of a parliamentary election, the address is not given on that statement, the address as given under rule 6(4) of Schedule 1 to this Act)”.
 - (3) After subsection (6) there is inserted—
 - “(7) In the case of a parliamentary election, subsection (6) above applies whether or not a statement has been made under rule 6(5) of Schedule 1 to this Act requiring the candidate’s home address not to be made public.”
- 6 In section 76A (power to vary provisions about election expenses), after paragraph (d) of subsection (2) there is inserted—
 - “(e) section 76ZA(2) above.”
- 7 In section 90ZA (meaning of “election expenses”), for subsection (5) there is substituted—

Status: This is the original version (as it was originally enacted).

“(5) A reference in this Part of this Act to a candidate at an election, in relation to election expenses, includes (where the context allows) a reference to a person who becomes a candidate at the election after the expenses are incurred.”

- 8 (1) Schedule 1 (parliamentary elections rules) is amended as follows.
- (2) In rule 6 (nomination of candidates), in paragraph (2)(a), after “names,” there is inserted “and”.
- (3) In rule 9 (deposit), in paragraph (3), for “rule 6(1)” there is substituted “rule 6(4)”.
- (4) In rule 14 (publication of statement of persons nominated), in paragraph (2), after “nomination papers” there is inserted “and home address forms”.
- (5) In rule 14A (correction of minor errors)—
- (a) in paragraph (1), after “nomination paper” there is inserted “or home address form”;
 - (b) in paragraph (2), after sub-paragraph (b) there is inserted —
 - “(c) in the home address form, errors as to the information mentioned in rule 6(5)(b).”
- (6) In the Appendix of forms—
- (a) in the Form of nomination paper, in the first table following the words “candidate at the said election”, the final column (home address) is omitted;
 - (b) in the Form of Front of Ballot Paper, for the address after “Richard Edgbaston” there is substituted—
 - “(address in the Birmingham Northfield Constituency)”;
 - (c) in the directions as to printing the ballot paper, in paragraph 3(b), after “address” there is inserted “(or the constituency in which that address is situated)”.

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- 9 In section 1 (establishment of the Electoral Commission), in subsection (5) (appointment of chairman), after “in accordance with section 3” there is inserted “but subject to section 3A(6)”.
- 10 In section 3 (appointment of Electoral Commissioners and Commission chairman), in subsection (4) (political restrictions), for “A person may not be appointed” there is substituted “Subject to subsection (4A), a person may not be appointed”.
- 11 In section 15 (Deputy Electoral Commissioners), in subsection (3) (Deputy Electoral Commissioner must be eligible for appointment as Electoral Commissioner), for the words after “he is” there is substituted “prevented by section 3(4) (read without regard to section 3(4A)) from being appointed as an Electoral Commissioner”.
- 12 In section 54 (permissible donors), in subsection (1)(b), for “that person” there is substituted “the person offering the donation”.
- 13 (1) In section 55 (payments etc which are (or are not) to be treated as donations by permissible donors), at the end of subsection (2) there is inserted—
- “But such a payment shall not be regarded as a donation for the purposes of section 54A or paragraph 6A of Schedule 7.”

Status: This is the original version (as it was originally enacted).

- (2) In that section as amended by sub-paragraph (1) above—
- (a) after “section 54A” there is inserted “or 54B”;
 - (b) after “paragraph 6A” there is inserted “or 6B”.
- 14 In section 56 (acceptance or return of donations: general), in subsection (5)—
- (a) in paragraph (a), for “paragraph (a) or (b)” there is substituted “paragraph (a), (aa) or (b)”;
 - (b) in paragraph (b)(i), for “subsection (2)(a)” there is substituted “subsection (2)(a) or (aa)”.
- 15 In section 58 (forfeiture of donations made by impermissible or unidentifiable donors), in subsection (1)(a) (donations that may not be accepted), for “section 54(1)(a) or (b)” there is substituted “section 54(1)(a), (aa) or (b)”.
- 16 In section 62 (quarterly donation reports), in subsection (9) (donation report to record donations that may not be accepted), for “section 54(1)(a) or (b)” there is substituted “section 54(1)(a), (aa) or (b)”.
- 17 In section 65 (submission of donation reports to Commission), in subsection (4) (offence of failing to comply with reporting requirements), for “the recording of donations in such a report” there is substituted “the information to be given in such a report”.
- 18 In section 67 (weekly donation reports in connection with elections other than general elections), in subsection (1)(c) (application of section 147 with modifications), for “section 147” there is substituted “an order under paragraph 16 of Schedule 19C”.
- 19 In section 71H (authorised participants), after subsection (3) there is inserted—
- “(3ZA) For the purposes of subsection (3), any reference to a donation in section 54(2ZB) is to be read as a reference to a regulated transaction.”
- 20 In section 71U (weekly donation reports in connection with elections other than general elections), in subsection (1)(c) (application of section 147 with modifications), for “section 147” there is substituted “an order under paragraph 16 of Schedule 19C”.
- 21 In the heading to Part 9, after “COMPANIES” there is inserted “AND UNINCORPORATED ASSOCIATIONS”.
- 22 In section 145 (function of Commission with respect to compliance with controls imposed by 2000 Act etc), in subsection (7) (definitions), for “and sections 146 and 148” there is substituted “, section 148 and Schedule 19B”.
- 23 In section 148 (general offences), in subsection (1) (offence of tampering with or hiding documents etc), for the words after paragraph (b) there is substituted “any book, record or other document which is or is liable to be required to be produced for inspection under paragraph 1 or 3 of Schedule 19B, and does so with the intention of falsifying the document or enabling any person to evade any of the provisions of this Act.”
- 24 In section 149 (inspection of Commission’s registers etc), in subsection (1), after paragraph (d) there is inserted—
- “(e) paragraph 19 of Schedule 7;
 - (f) paragraph 7 of Schedule 19A.”

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- 25 In section 156 (orders and regulations), in subsection (2), for “subsections (3) and (4)” there is substituted “subsections (3) to (4A)”.
- 26 In section 160 (general interpretation), in subsection (1) (definitions), at the appropriate places there are inserted—
- ““contravention” includes a failure to comply, and cognate expressions shall be construed accordingly;”;
- ““restriction” includes prohibition;”.
- 27 (1) Schedule 1 (the Electoral Commission) is amended as follows.
- (2) In paragraph 3 (term of office etc of Electoral Commissioners)—
- (a) in sub-paragraph (3) (circumstances in which Electoral Commissioner ceases to hold office), for “An Electoral Commissioner” there is substituted “Subject to sub-paragraph (3A), an Electoral Commissioner”;
- (b) after that sub-paragraph there is inserted—
- “(3A) Paragraph (d) of sub-paragraph (3) does not apply to a nominated Commissioner (within the meaning of section 3A).”
- (3) In paragraph 7 (Assistant Electoral Commissioners), in sub-paragraph (2) (Assistant Electoral Commissioner must be eligible for appointment as Electoral Commissioner), for the words after “he is” there is substituted “prevented by section 3(4) (read without regard to section 3(4A)) from being appointed as an Electoral Commissioner”.
- (4) In paragraph 11 (staff)—
- (a) sub-paragraphs (2) and (4) (which are superseded by the provision made by section 7(2) above) are omitted;
- (b) in sub-paragraph (3), for “sub-paragraph (4)” there is substituted “paragraph 11A(4)”.
- 28 (1) Schedule 7 (control of donations to individuals and members associations) is amended as follows.
- (2) In sub-paragraph (1)(b) of paragraph 6 (prohibition on accepting donations from impermissible donors), for “that person” there is substituted “the person offering the donation”.
- (3) In sub-paragraph (2) of paragraph 8 (acceptance or return of donations), for “section 56(3) and (4)” there is substituted “section 56(3), (3B) and (4)”.
- 29 (1) Schedule 11 (control of donations to recognised third parties) is amended as follows.
- (2) In paragraph 4 (payments etc not to be regarded as donations), at the end there is inserted—
- “(3) Any payment out of public funds shall not be regarded as a donation for the purposes of paragraph 6A.”
- (3) In sub-paragraph (3) of that paragraph (inserted by sub-paragraph (2) above), after “paragraph 6A” there is inserted “or 6B”.
- (4) In sub-paragraph (2)(b) of paragraph 7 (acceptance or return of donations), for “section 56(3) and (4)” there is substituted “section 56(3), (3B) and (4)”.
- 30 (1) Schedule 15 (control of donations to permitted participants) is amended as follows.

Status: This is the original version (as it was originally enacted).

- (2) In paragraph 4 (payments etc not to be regarded as donations)—
- (a) sub-paragraph (1)(a) is omitted;
 - (b) at the end there is inserted—
 - “(3) Any payment out of public funds shall not be regarded as a donation for the purposes of paragraph 6A.
 - (4) For all other purposes of this Schedule, such a payment shall not be regarded as a donation unless it is a grant provided to a designated organisation by virtue of section 110(2).”
- (3) In sub-paragraph (3) of that paragraph (inserted by sub-paragraph (2)(b) above), after “paragraph 6A” there is inserted “or 6B”.
- (4) In sub-paragraph (2)(b) of paragraph 7 (acceptance or return of donations), for “section 56(3) and (4)” there is substituted “section 56(3), (3B) and (4)”.
- 31 In Schedule 20 (penalties), in the entry for section 56(3) or (4), for “(3) or (4)” there is substituted “(3), (3B) or (4)”.