Elections Act 2022

CHAPTER 37

ELECTIONS ACT 2022

PART 1

ADMINISTRATION AND CONDUCT OF ELECTIONS

Voter identification, applications for postal and proxy votes, etc

1 Voter identification
2 Power to make regulations about registration, absent voting and other matters

Postal and proxy voting

3 Restriction of period for which person can apply for postal vote
4 Handling of postal voting documents by political campaigners
5 Handing in postal voting documents
6 Limit on number of electors for whom a proxy can vote
7 Requirement of secrecy

Undue influence

8 Undue influence

Assistance with voting for persons with disabilities

9 Assistance with voting for persons with disabilities

Nomination of candidates at parliamentary elections

10 Candidate nomination paper: commonly used names
11 Home address form: statement of local authority area

Northern Ireland elections

12 Local elections and Assembly elections in Northern Ireland

Voting system for elections for certain offices

13 Simple majority system to be used in elections for certain offices

PART 2

OVERSEAS ELECTORS AND EU CITIZENS

Overseas electors

14 Extension of franchise for parliamentary elections: British citizens overseas

Voting and candidacy rights of EU citizens

15 Voting and candidacy rights of EU citizens

PART 3

THE ELECTORAL COMMISSION

Strategy and policy statement

16 Strategy and policy statement
17 Examination of duty to have regard to strategy and policy statement

Membership of the Speaker's Committee

18 Membership of the Speaker's Committee

Criminal proceedings

19 Criminal proceedings

PART 4

REGULATION OF EXPENDITURE

Notional expenditure of candidates and others

20 Notional expenditure: use of property etc on behalf of candidates and others
21 Codes of practice on expenses
22 Authorised persons not required to pay expenses through election agent

Registration of parties etc

23 Declaration of assets and liabilities to be provided on application for registration
24 Prohibition on entities being registered political parties and recognised third parties at same time
25 Section 24: transitional provision

Controlled expenditure etc

26 Restriction on which third parties may incur controlled expenditure

27 Third parties capable of giving notification for purposes of Part 6 of PPERA
28 Recognised third parties: changes to existing limits etc
29 Code of practice on controls relating to third parties

PART 5

DISQUALIFICATION OF OFFENDERS FOR HOLDING ELECTIVE OFFICE ETC

30 Disqualification orders
31 Vacation of office etc
32 Candidates etc
33 Holders of relevant elective offices
34 Campaigners
35 Election etc of a person to the House of Commons who is subject to a disqualification order
36 Power to amend Schedule 9
37 Interpretation of Part
38 Minor and consequential amendments

PART 6

INFORMATION TO BE INCLUDED WITH ELECTRONIC MATERIAL

Definitions

39 Definitions relating to electronic material and publication
40 Definitions relating to parties etc

Requirements

41 Requirement to include information with electronic material
42 Electronic material to which section 41 applies: paid-for material
43 Purposes referred to in section 42
44 Electronic material to which section 41 applies: other electronic material
45 Purposes referred to in section 44
46 Electronic material relating to more than one candidate or future candidate
47 Exceptions to section 41

Enforcement

48 Offence of breaching section 41
49 Order to take down electronic material in breach of section 41
50 Enforcement by the Commission
51 Notice to take down electronic material in breach of section 41
52 Further provision about notice under section 51
53 Supply of information

Supplementary

54 Guidance
55 Information in Commission's annual report
56 Notices
57 Proceedings for an offence under this Part
58 Offences committed by bodies corporate
59 Offences committed by unincorporated associations etc

60 Regulations under this Part
61 Meaning of "the Commission"

PART 7

GENERAL

62 Review of operation of Act
63 Power to amend references to subordinate legislation etc
64 Financial provisions
65 Interpretation etc
66 Extent
67 Commencement
68 Short title

Schedules

Schedule 1 — Voter identification
1 Amendments of RPA 1983
2 After section 13BC insert— Electoral identity document: Great Britain (1) An application for an electoral identity document may be...
3 (1) Section 13C (electoral identity card: Northern Ireland) is amended...
4 (1) Section 13CZA (provision of false information: application for electoral...
5 In section 56 (registration appeals: England and Wales), in subsection...
6 In section 58 (registration appeals: Northern Ireland), in subsection (1),...
7 After section 59 (supplemental provisions as to members of forces...
8 (1) Section 61 (other voting offences) is amended as follows....
9 In section 66B (failure to comply with conditions relating to...
10 Schedule 1 (Parliamentary elections rules) is amended in accordance with...
11 After rule 19A insert— Date of birth lists for polling...
12 In rule 25 (provision of polling stations), after paragraph (5)...
13 (1) Rule 26 (appointment of presiding officers and clerks) is...
14 In rule 28 (issue of official poll cards), after paragraph...
15 (1) Rule 29 (equipment of polling stations) is amended as...
16 (1) Rule 35 (questions to be put to voters) is...
17 (1) Rule 37 (voting procedure), as it extends to Northern...
18 (1) Rule 37 (voting procedure), as it extends to England...
19 In rule 38 (votes marked by presiding officer), for paragraph...
20 In rule 39 (voting by persons with disabilities), for paragraph...
21 (1) Rule 40 (tendered ballot papers) is amended as follows....
22 After rule 40ZA insert— Refusal to deliver ballot paper: Great...
23 In rule 40A— (a) for the heading substitute "Refusal to...
24 After rule 40A insert— Collection and disclosure of information relating...
25 In rule 43 (procedure on close of poll), after paragraph...
26 After rule 53A insert— Destruction of date of birth lists:...
27 In rule 54 (sealing up of ballot papers), after paragraph...
28 In rule 55 (delivery of documents to registration officer), after...
29 In rule 56 (orders for production of documents), after paragraph...
30 After rule 56 insert— Inspection of ballot paper refusal list:...

31 In rule 57 (retention and public inspection of documents), after...
32 In rule 58 (disposal of documents in Scotland), after paragraph...
33 (1) In the Appendix of Forms, the form of directions...
34 Extension of Northern Ireland voter identification provisions to Great Britain
35 After section 7(4) of the Elections (Northern Ireland) Act 1985...
36 Section 5(2) of the Electoral Fraud (Northern Ireland) Act 2002,...
37 After section 8(5) of the Electoral Fraud (Northern Ireland) Act...
38 Section 13CZA of RPA 1983 (provision of false information: application...
39 After section 27(3) of the Northern Ireland (Miscellaneous Provisions) Act...
40 Consequential repeals

Schedule 2 — Power to make regulations about registration, absent voting and other matters
1 Amendments to the Representation of the People Act 1983
2 Schedule 2 to RPA 1983 (provision which may be contained...
3 (1) Paragraph 1 is amended as follows.
4 (1) Paragraph 1A is amended as follows.
5 (1) Paragraph 3ZA is amended as follows.
6 For paragraph 3A substitute— (1) Provision about— (a) applications for registration in Northern Ireland...
7 After paragraph 5 insert— (1) Provision about the manner in which relevant absent voting...
8 In paragraph 8B(1), for “or 10ZD” substitute “, 10ZD, 13BD,...
9 After paragraph 8B insert— (1) Provision requiring a registration officer in Great Britain to...
10 In paragraph 8C(1)— (a) in paragraph (a), for “or 10A”...
11 In paragraph 13, after sub-paragraph (1) insert—
12 Power to remove signature requirements
13 Power to make provision about unique reference numbers: elections in Northern Ireland
14 Consequential repeals

Schedule 3 — Restriction of period for which person can apply for postal vote
1 Representation of the People Act 2000
2 (1) Paragraph 3 (absent vote at elections for definite or...
3 (1) Paragraph 7 (voting as proxy) is amended as follows....
4 Transitional provision

Schedule 4 — Proxy voting: limits and transitional provision
1 Representation of the People Act 1983
2 (1) Section 61 (other voting offences) is amended as follows....
3 In section 202 (general provisions as to interpretation), in subsection...
4 (1) Rule 35 of Schedule 1 (questions to be put...
5 In Schedule 2 (provisions which may be contained in regulations...
6 Representation of the People Act 1985
7 Representation of the People Act 2000
8 Termination of certain proxy appointments on the specified day
9 (1) This paragraph applies where— (a) a proxy appointment is...
10 Termination of applications for certain proxy appointments on the specified day

11 (1) An application for a proxy appointment that is made...

Schedule 5 — Undue influence: further provision
1 Local Government Act 1972
2 In section 80 (disqualifications for election and holding office as...
3 Local Government Act (Northern Ireland) 1972
4 Representation of the People Act 1983
5 Greater London Authority Act 1999
6 Local Democracy, Economic Development and Construction Act 2009
7 Police Reform and Social Responsibility Act 2011

Schedule 6 — Local elections in Northern Ireland and elections to the Northern Ireland Assembly
Part 1 — LOCAL ELECTIONS IN NORTHERN IRELAND
1 Electoral Law Act (Northern Ireland) 1962
2 In section 96 (provisions applying to all persons reported personally...
3 In section 108 (penalties for corrupt practices), in subsection (4)(a)(i),...
4 In section 112 (incapacities resulting from convictions for corrupt or...
5 In section 114 (corrupt and illegal practices committed by agents),...
6 Schedule 5 (local elections rules) is amended in accordance with...
7 In rule 5 (nomination of candidates), for paragraph (2A) substitute—...
8 In rule 12 (publication of statement of persons nominated), in...
9 After rule 16A insert— Date of birth lists (1) The returning officer must prepare the following lists for...
10 In rule 22 (provision of polling stations), after paragraph (4)...
11 In rule 23 (appointment of presiding officers and clerks), in...
12 (1) Rule 26 (equipment of polling stations) is amended as...
13 (1) Rule 32 (questions to be put to voters) is...
14 (1) Rule 34 (voting procedure) is amended as follows.
15 In rule 35 (votes marked by presiding officer), in paragraph...
16 (1) Rule 36 (voting by persons with disabilities) is amended...
17 In rule 37 (tendered ballot papers), in paragraph (2)—
18 In rule 38 (refusal to deliver ballot paper), in paragraph...
19 In rule 41(1) (sealing and delivery of documents etc), after...
20 (1) Rule 56A (destruction of home address forms) is amended...
21 In form 1 in the Appendix of Forms (form of...
22 In the Appendix of Forms, in form 10 (declaration for...
23 Schedule 9 (electoral misdemeanours) is amended in accordance with paragraphs...
24 For paragraph 3 substitute— Undue influence (1) A person is guilty of undue influence if the...
25 After paragraph 5 insert— Handling of postal voting documents by...
26 (1) Paragraph 12A (illegal practices: voting offences) is amended as...
27 (1) Paragraph 27 (requirement of secrecy) is amended as follows....
28 Local Elections (Northern Ireland) Order 1985
29 In paragraph 9(1) of Part 1 of Schedule 2 to...
30 Elected Authorities (Northern Ireland) Act 1989
31 Elections Act 2001
32 Transitional provisions relating to proxy voting
33 (1) This paragraph applies to an application for a proxy...
34 Consequential repeals
Part 2 — ELECTIONS TO THE NORTHERN IRELAND ASSEMBLY
35 Northern Ireland Assembly (Elections) Order 2001

36 In the table, in the right-hand column of the entry...
37 In the table, after the entry for section 112 of...
38 In the table, for the entry relating to section 115...
39 In the table, after the entry for rule 19A of...
40 The entries in the right-hand column of the table in...
41 In the entry for rule 31 (notification of requirement of...
42 In the entry for rule 37 (voting procedure), before the...
43 Against the entry for rule 38 (votes marked by presiding...
44 In the table, after the entry for rule 53A of...
45 In the entry for section 8 of the Representation of...
46 In the Annex, in the form of declaration to be...
47 Transitional provisions relating to proxy voting
48 (1) This paragraph applies to an application for a proxy...

Schedule 7 — Overseas electors
Part 1 — MINOR AND CONSEQUENTIAL AMENDMENTS
1 Representation of the People Act 1983
2 In section 4 (entitlement to be registered as parliamentary or...
3 In section 202(1) (general provisions as to interpretation), for the...
4 (1) Schedule 2 (provisions which may be contained in regulations...
5 Representation of the People Act 1985
6 Finance Act 1996
7 Income Tax Act 2007
8 Constitutional Reform and Governance Act 2010
9 Police Reform and Social Responsibility Act 2011
10 House of Lords Reform Act 2014
11 Consequential repeals
Part 2 — TRANSITIONAL PROVISION
12 Interpretation of Part
13 Pre-commencement applications for registration in a register of parliamentary electors
14 Overseas electors registered pursuant to pre-commencement applications
15 Postal voting
16 (1) This paragraph applies where— (a) before the commencement date,...
17 Power to make supplementary provision
18 Promoting awareness of changes to overseas elector franchise

Schedule 8 — Voting and candidacy rights of EU citizens
Part 1 — AMENDMENTS TO THE REPRESENTATION OF THE PEOPLE ACT 1983
1 (1) In section 2 of RPA 1983 (local government electors),...
Part 2 — AMENDMENTS IN RELATION TO CERTAIN LOCAL ELECTIONS IN ENGLAND AND WALES
2 City of London (Various Powers) Act 1957
3 Local Government Act 1972
4 Greater London Authority Act 1999
5 Local Democracy, Economic Development and Construction Act 2009
6 Police Reform and Social Responsibility Act 2011
Part 3 — AMENDMENTS IN RELATION TO CERTAIN ELECTIONS IN NORTHERN IRELAND
7 Electoral Law Act (Northern Ireland) 1962

8 Local Government Act (Northern Ireland) 1972
9 Elected Authorities (Northern Ireland) Act 1989
10 Northern Ireland Act 1998
11 Northern Ireland Assembly (Elections) Order 2001
Part 4 — TRANSITIONAL PROVISION ETC
12 Holders of elected offices
13 Power to make transitional and saving provision

Schedule 9 — Offences for purposes of Part 5
Part 1 — COMMON LAW OFFENCES
1 Offences under the law of England and Wales, Scotland and Northern Ireland
2 Murder.
3 Offences under the law of England and Wales and Northern Ireland
4 Manslaughter.
5 Offences under the law of Scotland
6 Assault to the danger of life.
7 Assault to severe injury.
8 Assault with intent to rape or ravish.
9 Assault other than a kind listed in paragraphs 6 to...
10 Breach of the peace.
11 Culpable homicide.
12 Culpable and reckless conduct.
13 Culpable and reckless endangering of the public.
14 Culpable and reckless fire-raising.
15 Drugging.
16 Extortion.
17 Malicious mischief.
18 Mobbing and rioting.
19 Uttering threats.
20 Wilful fire-raising.
21 Offences under the law of Northern Ireland
22 Riot.
Part 2 — STATUTORY OFFENCES
23 Offences against the Person Act 1861
24 Explosive Substances Act 1883
25 Theft Act 1968
26 Theft Act (Northern Ireland) 1969
27 Criminal Damage Act 1971
28 Protection from Eviction Act 1977
29 Criminal Law Act 1977
30 Criminal Damage (Northern Ireland) Order 1977
31 Rent (Northern Ireland) Order 1978
32 Road Traffic (Northern Ireland) Order 1981
33 Taking of Hostages Act 1982
34 Rent (Scotland) Act 1984
35 Public Order Act 1986
36 Public Order (Northern Ireland) Order 1987
37 Criminal Justice Act 1988
38 Malicious Communications Act 1988
39 Malicious Communications (Northern Ireland) Order 1988
40 Trade Union and Labour Relations (Consolidation) Act 1992
41 Criminal Justice and Public Order Act 1994

42 Criminal Law (Consolidation) (Scotland) Act 1995
43 Protection from Harassment Act 1997
44 Protection from Harassment (Northern Ireland) Order 1997
45 Crime and Disorder Act 1998
46 Communications Act 2003
47 Sexual Offences Act 2003
48 Sexual Offences (Northern Ireland) Order 2008
49 Sexual Offences (Scotland) Act 2009 (asp 9)
50 Criminal Justice and Licensing (Scotland) Act 2010 (asp 13)
51 Serious Crime Act 2015
52 Hate Crime and Public Order (Scotland) Act 2021 (asp 14)
Part 3 — INCHOATE OFFENCES
53 (1) An inchoate offence in relation to an offence listed...

Schedule 10 — Disqualification orders: minor and consequential amendments
1 Electoral Law Act (Northern Ireland) 1962
2 Local Government Act 1972
3 Local Government Act (Northern Ireland) 1972
4 Representation of the People Act 1983
5 Northern Ireland Act 1998
6 Greater London Authority Act 1999
7 Government of Wales Act 2006
8 Armed Forces Act 2006
9 Police Reform and Social Responsibility Act 2011
10 Sentencing Act 2020

Schedule 11 — Illegal practices
1 Candidates etc at parliamentary, Northern Ireland Assembly and local elections
2 Candidates etc at elections to the Scottish Parliament
3 Candidates etc at elections to Senedd Cymru
4 Candidates etc at local elections in Scotland
5 Candidates etc at local elections in Northern Ireland
6 Candidates at police and crime commissioner elections
7 MPs and recall petitions

Schedule 12 — Supply of information etc
1 Supply of information etc
2 Court order for disclosure of information etc
3 (1) This paragraph applies if a relevant enforcer has given...
4 Power to make copies and records
5 Authorisation to be in writing
6 Legal professional privilege
7 Admissibility of information
8 Application of restrictions on disclosure
9 Meaning of “relevant enforcer”