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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order makes provision as to the conduct of elections for a police and crime commissioner (“PCC elections”) for police areas in England and Wales. Chapter 1 of Part 1 of the Police Reform and Social Responsibility Act 2011 (c.13) provides that each police area in England and Wales, apart from the Metropolitan police district, is to have a police and crime commissioner who is to discharge the functions conferred on the commissioner by that Part of the Act. The commissioner is to be elected in accordance with Chapter 6 of that Part of the Act. The Electoral Commission has been consulted on the draft of this Order, as required by section 7(2)(hc) of the Political Parties, Elections and Referendums Act 2000 (c.41).

Part 1 of the Order (articles 1 to 3) is general and contains definitions.

Part 2 of the Order (articles 4 to 23) makes provision about the franchise for PCC elections and the exercise of that franchise. This includes provision for polling districts and polling places at PCC elections to be aligned with those used for Parliamentary elections.

Part 3 of the Order (articles 24 to 73) deals with election campaigns. Existing provisions are amended to extend to PCC elections the requirements for registration of political parties and the controls on campaign expenditure for election purposes by such parties. Also included in Part 3 are controls on donations to individual candidates and pre-candidacy expenses and provisions about election addresses by candidates.

Part 4 of the Order (articles 74 to 78), together with Schedule 9, makes provision for legal proceedings.

Part 5 of the Order (articles 79 to 89) makes miscellaneous and supplementary provision and includes provision as to what steps are to be taken in the event that a PCC election fails or is declared void.

Schedule 1 makes provision about the free supply of the register to police area returning officers and local returning officers for electoral purposes. It also provides for free supply of the register to elected police and crime commissioners and to candidates for election as a police and crime commissioner. Restrictions are imposed on the use of the information that is supplied.

Schedule 2 contains provision about absent voting, including related forms. Part 2 of the Schedule makes provision about the issue and receipt of ballot papers and Part 3 provides for access to and supply of absent voting records and lists.

Schedule 3 contains the PCC elections rules, including related forms. Elections for police and crime commissioners must be conducted in accordance with these rules.

Schedule 4 (together with article 13) makes provision for the combination of polls. Parts 1 and 2 of Schedule 4 deal with the combination of the poll at a PCC election with the poll at another election or referendum. Combination may extend to a parliamentary election, a European Parliamentary election, a local government election in England and Wales, an election for the return of an elected mayor in England or an elected mayor in Wales, a referendum in England or Wales about local authority governance or a referendum in England about council tax increases.

Part 3 of Schedule 4 contains modifications of the PCC elections rules as they are to apply to combined polls, including certain forms for use in that event.

Schedule 5 sets out the controls that are to apply to donations made to individual candidates.

Schedule 6 contains the forms for making the returns and declarations as to candidate expenses which are required by articles 34 and 41.

Schedule 7 defines what is meant by references to “election expenses” when used in the provisions in Part 3 of the Order which impose restrictions on the election expenses that can be incurred by or on behalf of individual candidates.

**Changes to legislation:** *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Police and Crime Commissioner Elections Order 2012. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)*

Schedule 8 (together with article 52) provides for election addresses submitted by a candidate's election agent to be included on a website maintained by or on behalf of the Secretary of State. Schedule 8 specifies requirements that apply to an election address and the procedure for submitting it.

Schedule 9 applies with modifications certain provisions in Part 3 of the Representation of the People Act 1983 concerning legal proceedings, for the purposes of PCC elections. This includes provision for bringing an election petition to challenge the result at a PCC election. It also applies provisions of the Election Petition Rules 1960 for those purposes.

Schedule 10 makes new provision about access to marked copies of the register and other documents which are retained by registration officers after a PCC election.

### Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Police and Crime Commissioner Elections Order 2012. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

### Changes and effects yet to be applied to :

- Sch. 2 para. 3(4)(a) amendment to earlier affecting provision S.I. 2023/1147, reg. 17(5)(a)(i) by [S.I. 2023/1406 reg. 19\(2\)\(a\)\(i\)](#)
- Sch. 2 para. 6(5) excluded (temp.) by [S.I. 2023/1147 Sch. 2 para. 19\(1\)\(3\)](#)
- Sch. 2 para. 29(3) omitted by [S.I. 2023/1225 reg. 8\(6\)\(b\)\(iii\)](#)
- Sch. 2 para. 60 Form 1 substituted by [S.I. 2023/1147 Sch. 8 Pt. 1](#)
- Sch. 2 Pt. 4 Form 1 substituted by [S.I. 2023/1150 Sch. 2](#)
- Sch. 2 para. 43(5) substituted by [S.I. 2023/1225 reg. 8\(6\)\(d\)\(iv\)](#)
- Sch. 2 para. 60 Form 2 substituted by [S.I. 2023/1225 Sch. 6 Pt. 1](#)
- Sch. 2 para. 60 Form 4 substituted by [S.I. 2023/1225 Sch. 6 Pt. 1](#)
- Sch. 2 para. 60 Form 5 substituted by [S.I. 2023/1225 Sch. 6 Pt. 1](#)
- Sch. 2 para. 57(1)(e) word omitted by [S.I. 2023/1225 reg. 8\(6\)\(i\)\(i\)](#)
- Sch. 2 para. 59(1)(c) word substituted by [S.I. 2023/1225 reg. 8\(6\)\(j\)\(ii\)\(aa\)](#)
- Sch. 2 para. 3(4)(a) words inserted by [S.I. 2023/1147 reg. 17\(5\)\(a\)\(i\)](#)
- Sch. 2 para. 3(5) words inserted by [S.I. 2023/1147 reg. 17\(5\)\(a\)\(ii\)](#)
- Sch. 2 para. 4(2)(a) words inserted by [S.I. 2023/1147 reg. 17\(5\)\(b\)\(i\)\(aa\)](#)
- Sch. 2 para. 4(3)(a) words inserted by [S.I. 2023/1147 reg. 17\(5\)\(b\)\(ii\)](#)
- Sch. 2 para. 17(1) words inserted by [S.I. 2023/1147 reg. 17\(5\)\(j\)\(i\)](#)
- Sch. 2 para. 20(6) words inserted by [S.I. 2023/1147 reg. 17\(5\)\(k\)](#)
- Sch. 2 para. 29(1) words inserted by [S.I. 2023/1225 reg. 8\(6\)\(b\)\(i\)](#)
- Sch. 2 para. 43(3) words inserted by [S.I. 2023/1225 reg. 8\(6\)\(d\)\(i\)\(bb\)](#)
- Sch. 2 para. 43(4) words inserted by [S.I. 2023/1225 reg. 8\(6\)\(d\)\(iii\)](#)
- Sch. 2 para. 55(1) words inserted by [S.I. 2023/1225 reg. 8\(6\)\(h\)\(i\)](#)
- Sch. 2 para. 59(1)(a) words inserted by [S.I. 2023/1225 reg. 8\(6\)\(j\)\(i\)](#)
- Sch. 2 para. 59(1)(c) words inserted by [S.I. 2023/1225 reg. 8\(6\)\(j\)\(ii\)\(bb\)](#)
- Sch. 2 para. 59(4) words inserted by [S.I. 2023/1225 reg. 8\(6\)\(j\)\(iii\)](#)
- Sch. 2 para. 59A(1) words inserted by [S.I. 2023/1225 reg. 8\(6\)\(k\)\(ii\)](#)
- Sch. 2 para. 59A(2)(b) words inserted by [S.I. 2023/1225 reg. 8\(6\)\(k\)\(v\)](#)
- Sch. 2 para. 7(6)(a) words inserted by [S.I. 2023/1147, reg. 17\(5\)\(ca\)\(i\)](#) (as inserted) by [S.I. 2023/1406 reg. 19\(2\)\(b\)](#)
- Sch. 2 para. 7(7)(a)(ii) words inserted by [S.I. 2023/1147, reg. 17\(5\)\(ca\)\(ii\)](#) (as inserted) by [S.I. 2023/1406 reg. 19\(2\)\(b\)](#)
- Sch. 2 para. 4(2)(a) words omitted by [S.I. 2023/1147 reg. 17\(5\)\(b\)\(i\)\(bb\)](#)
- Sch. 2 para. 14(2) words omitted by [S.I. 2023/1147 reg. 17\(5\)\(f\)\(i\)](#)
- Sch. 2 para. 34 words substituted by [S.I. 2023/1225 reg. 8\(6\)\(c\)](#)
- Sch. 2 para. 43(3) words substituted by [S.I. 2023/1225 reg. 8\(6\)\(d\)\(i\)\(aa\)](#)
- Sch. 2 para. 46(1) words substituted by [S.I. 2023/1225 reg. 8\(6\)\(f\)](#)
- Sch. 2 para. 14A heading word substituted by [S.I. 2023/1147 reg. 17\(5\)\(g\)](#)
- Sch. 2 para. 59A heading word substituted by [S.I. 2023/1225 reg. 8\(6\)\(k\)\(i\)](#)
- Sch. 2 para. 55 heading words inserted by [S.I. 2023/1225 reg. 8\(6\)\(h\)\(i\)](#)
- Sch. 3 Pt. 8 Form 6 omitted by [S.I. 2023/1141 reg. 4\(4\)\(d\)\(ii\)](#)
- Sch. 3 Pt. 8 Form 6 substituted by [S.I. 2023/1141 Sch. 3](#)
- Sch. 3 Pt. 8 Form 7 substituted by [S.I. 2023/1141 Sch. 3](#)
- Sch. 3 Pt. 8 Table of Contents words omitted by [S.I. 2023/1141 reg. 4\(4\)\(d\)\(i\)](#)
- Sch. 9 Pt. 1 table words inserted by [S.I. 2023/1225 reg. 8\(9\)\(a\)](#)
- Sch. 9 Pt. 1 table words substituted by [S.I. 2023/1225 reg. 8\(9\)\(b\)](#)
- Sch. 10 para. 3(1)(b)(iv) words inserted by [S.I. 2023/1225 reg. 8\(10\)\(a\)](#)
- art. 2 words substituted by [S.I. 2023/1150 reg. 36\(2\)](#)
- art. 2(1) applied (with modifications) by [S.I. 2023/1150 reg. 29\(2\)](#)
- art. 2(1) words inserted by [S.I. 2023/1147 reg. 17\(2\)](#)
- art. 2(1) words inserted by [S.I. 2023/1225 reg. 8\(2\)](#)

- art. 4(4)(b)(iii) substituted by S.I. 2023/1150 reg. 36(4)
- art. 18(4) excluded (temp.) by S.I. 2023/1147 Sch. 2 para. 19(1)(3)
- art. 18(4) substituted by S.I. 2023/1147 reg. 17(3)(b)
- art. 35(2) Table 2 sum substituted by S.I. 2023/1227 art. 2(a)
- art. 35(2) Table 2 sum substituted by S.I. 2023/1227 art. 2(aa)
- art. 35(2) Table 2 sum substituted by S.I. 2023/1227 art. 2(b)
- art. 35(2) Table 2 sum substituted by S.I. 2023/1227 art. 2(bb)
- art. 35(2) Table 2 sum substituted by S.I. 2023/1227 art. 2(c)
- art. 35(2) Table 2 sum substituted by S.I. 2023/1227 art. 2(cc)
- art. 35(2) Table 2 sum substituted by S.I. 2023/1227 art. 2(d)
- art. 35(2) Table 2 sum substituted by S.I. 2023/1227 art. 2(dd)
- art. 35(2) Table 2 sum substituted by S.I. 2023/1227 art. 2(e)
- art. 35(2) Table 2 sum substituted by S.I. 2023/1227 art. 2(ee)
- art. 35(2) Table 2 sum substituted by S.I. 2023/1227 art. 2(f)
- art. 35(2) Table 2 sum substituted by S.I. 2023/1227 art. 2(ff)
- art. 35(2) Table 2 sum substituted by S.I. 2023/1227 art. 2(g)
- art. 35(2) Table 2 sum substituted by S.I. 2023/1227 art. 2(gg)
- art. 35(2) Table 2 sum substituted by S.I. 2023/1227 art. 2(h)
- art. 35(2) Table 2 sum substituted by S.I. 2023/1227 art. 2(hh)
- art. 35(2) Table 2 sum substituted by S.I. 2023/1227 art. 2(i)
- art. 35(2) Table 2 sum substituted by S.I. 2023/1227 art. 2(ii)
- art. 35(2) Table 2 sum substituted by S.I. 2023/1227 art. 2(j)
- art. 35(2) Table 2 sum substituted by S.I. 2023/1227 art. 2(jj)
- art. 35(2) Table 2 sum substituted by S.I. 2023/1227 art. 2(k)
- art. 35(2) Table 2 sum substituted by S.I. 2023/1227 art. 2(kk)
- art. 35(2) Table 2 sum substituted by S.I. 2023/1227 art. 2(l)
- art. 35(2) Table 2 sum substituted by S.I. 2023/1227 art. 2(ll)
- art. 35(2) Table 2 sum substituted by S.I. 2023/1227 art. 2(m)
- art. 35(2) Table 2 sum substituted by S.I. 2023/1227 art. 2(mm)
- art. 35(2) Table 2 sum substituted by S.I. 2023/1227 art. 2(n)
- art. 35(2) Table 2 sum substituted by S.I. 2023/1227 art. 2(o)
- art. 35(2) Table 2 sum substituted by S.I. 2023/1227 art. 2(p)
- art. 35(2) Table 2 sum substituted by S.I. 2023/1227 art. 2(q)
- art. 35(2) Table 2 sum substituted by S.I. 2023/1227 art. 2(r)
- art. 35(2) Table 2 sum substituted by S.I. 2023/1227 art. 2(s)
- art. 35(2) Table 2 sum substituted by S.I. 2023/1227 art. 2(t)
- art. 35(2) Table 2 sum substituted by S.I. 2023/1227 art. 2(u)
- art. 35(2) Table 2 sum substituted by S.I. 2023/1227 art. 2(v)
- art. 35(2) Table 2 sum substituted by S.I. 2023/1227 art. 2(w)
- art. 35(2) Table 2 sum substituted by S.I. 2023/1227 art. 2(x)
- art. 35(2) Table 2 sum substituted by S.I. 2023/1227 art. 2(y)
- art. 35(2) Table 2 sum substituted by S.I. 2023/1227 art. 2(z)
- art. 69 substituted by S.I. 2023/1141 reg. 4(3)
- art. 75(2)(b)(i) words substituted by S.I. 2023/1225 reg. 8(4)(a)
- art. 75(2)(b)(i) words substituted by S.I. 2023/1225 reg. 8(4)(b)
- art. 77(2)(a)(i) words substituted by S.I. 2023/1225 reg. 8(5)(a)
- art. 77(2)(a)(i) words substituted by S.I. 2023/1225 reg. 8(5)(b)

**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. 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. 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)