

SCHEDULE 5

Article 8

Free delivery of election addresses

1. In this Schedule—

“candidate” means a person who stands nominated as a candidate at the election;

“election” means an election for the return of a combined authority mayor;

“election address” shall be construed in accordance with paragraph 2;

“elector” in relation to an election, means a person entitled, in accordance with paragraph 6 of Schedule 5B to the 2009 Act, to vote at that election;

“election booklet” shall be construed in accordance with paragraph 5;

“print” means print by whatever means (and “printer” shall be construed accordingly); and

“registered political party” means a party which was registered under Part 2 (registration of political parties) of the Political Parties, Elections and Referendums Act 2000 at the time by which the notice of election is required to be published.

2. For the purposes of article 8 and this Schedule, an election address, in relation to a candidate, is a statement prepared by the candidate’s election agent which complies with the provisions of paragraphs 3 and 4.

3.—(1) An election address must contain matter relating to the 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 election),
- (b) any other material appearing to be included with a view to commercial gain, or
- (c) any material referring to any other candidate.

(3) An election address may include representations 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.

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

(5) In sub-paragraph (3) “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—

- (a) issued by or on behalf of the registered nominating officer of the party, and
- (b) received by the combined authority returning officer before the last time for the delivery of nomination papers for the election.

(6) An election address must—

- (a) contain a statement to the effect that it has been prepared by the candidate’s election agent,
- (b) give the name and address of the election agent, and
- (c) subject to paragraph (7), give the name and address of the candidate on whose behalf it has been prepared.

(7) Where a candidate’s home address has been withheld in accordance with rule 6(7) of Schedule 1 or Schedule 3, as the case may be, to this Order, the reference to the candidate’s address shall be read as a reference to the information mentioned in rule 6(7)(b).

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

4.—(1) Subject to any requirements imposed by or under this paragraph, the format of a candidate's election address may be determined by the candidate (and, in particular, may consist of a combination of words, pictures and artwork).

(2) An election address must be printed on not more than two sides of A5 paper, but if such an address is printed on two sides of such paper—

- (a) it must, when submitted to the combined authority returning officer for inclusion in the election booklet, be accompanied by a second version printed on a single side of such paper, and
- (b) if the total number of candidates from whom election addresses have been accepted by the combined authority returning officer by the last time for delivery of nomination papers for the election exceeds 15, the version to be included in the election booklet shall be the second version.

(3) An election address must—

- (a) comply with such requirements as to typographical layout, margins and use of colour as the combined authority returning officer may determine, and
- (b) comply with such other requirements as he may determine with a view to facilitating its reproduction as a page or pages of the election booklet.

(4) An election address must, when submitted to the combined authority returning officer for inclusion in the election booklet, be accompanied—

- (a) where the address is to contain a photograph of the candidate, by two identical copies of the photograph, of which one is signed on the back by the candidate, and
- (b) in any case, by such copies of anything contained in the address as the combined authority returning officer may reasonably require in connection with the reproduction of the address.

5. For the purposes of this Schedule, the election booklet is a document prepared by the combined authority returning officer which contains the election addresses of all candidates who—

- (a) desire their election addresses to be included in the booklet, and
- (b) have submitted—
 - (i) those addresses, and
 - (ii) any additional material required under paragraph 4(4),

to the combined authority returning officer before the last time for the delivery of nomination papers for the election.

(2) If—

- (a) it appears to the combined authority returning officer that any of the requirements of paragraphs 3 and 4 has not been complied with in relation to an election address, or
- (b) a candidate fails to make the payment required by paragraph 8 in respect of an election address,

the combined authority returning officer shall decline to include the address in the election booklet.

6.—(1) The order in which the candidates' election addresses appear in the election booklet shall be determined by lot drawn by the combined authority returning officer as soon as reasonably practicable after the last time for the delivery of nomination papers for the election.

(2) The election booklet may include, in addition to candidates' election addresses, a statement by the combined authority returning officer—

- (a) explaining the nature and purpose of the election booklet,

- (b) listing in alphabetical order, the names of all the candidates at the election (whether or not their election addresses are included in the booklet), and
 - (c) giving the date of the election and such other information about it as the combined authority returning officer may determine.
- (3) The election booklet must—
- (a) contain a statement that it has been published by the combined authority returning officer, and
 - (b) give the name and address of the combined authority returning officer and those of the printer of the booklet.
- (4) Subject to sub-paragraphs (1) to (3), the form of the election booklet shall be determined by the combined authority returning officer.
- (5) The election agent of each candidate whose election address has been accepted by the combined authority returning officer for inclusion in the booklet shall be given an opportunity to attend at a time and place notified to him by the combined authority returning officer in order to check, and submit to the combined authority returning officer typographical corrections to, the proof of the candidate's address.
- (6) If the election agent of any such candidate fails to avail themselves of that opportunity, the combined authority returning officer may—
- (a) make such typographical corrections to the proof as appear to him or her to be appropriate, and
 - (b) proceed with the printing and distribution of the election booklet without further reference to the candidate or his or her election agent (and without incurring any liability for any errors in the candidate's address).
- (7) No person other than—
- (a) the candidate on whose behalf an election address included in the election booklet was prepared, or
 - (b) the candidate's election agent,
- shall incur any civil or criminal liability in respect of the publication of that address in the election booklet or its dissemination in accordance with paragraph 7.

7.—(1) Copies of the election booklet shall be delivered by the combined authority returning officer, in envelopes addressed to individual electors, at such time and by such means as the combined authority returning officer may determine.

(2) The combined authority returning officer may disseminate the contents of the election booklet by such other means as he or she may determine.

8.—(1) Each candidate by whom an election address is submitted to the combined authority returning officer for inclusion in the election booklet shall pay to the combined authority returning officer such reasonable sum (which shall be the same for each such candidate) as the combined authority returning officer may determine by way of contribution towards the expenses incurred by him in respect of the printing of the election booklet.

(2) The payment required by sub-paragraph (1) shall be made at such time, and in such manner, as the combined authority returning officer may determine.

(3) A candidate shall be entitled to a full refund of any such payment if, but only if, the candidate has given notice of withdrawal of their candidature before the last time for the withdrawal of candidates.

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(4) If the total amount of the payments made by candidates under this paragraph exceeds the total amount of the expenses incurred by the combined authority returning officer in respect of the printing of the election booklet, the combined authority returning officer shall—

- (a) divide the amount of the excess between those candidates in equal shares, and
- (b) send to each of those candidates a payment in respect of his share.

9.—(1) The amount of any payment made by a candidate under paragraph 8 (or, if sub-paragraph (4) of that paragraph applies, the net amount of any such payment after deducting the payment under that sub-paragraph) shall be taken, for the purposes of Part 2 (the Election campaign) of the 1983 Act (as modified for the purposes of combined authority mayoral elections by regulation 3(2) and (4) of, and Schedule 2 to, these Regulations), to be an amount of election expenses incurred by the candidate in relation to the election.

(2) Nothing in section 75(1) (restriction on third party election expenditure) of the 1983 Act (as modified as mentioned in sub-paragraph (1)) shall be taken to apply, in relation to any candidate, to any expenses incurred by the combined authority returning officer in consequence of the relevant provisions referred to in article 3 of this Order.