
STATUTORY INSTRUMENTS

2020 No. 926

**The Postponed Elections and Referendums (Coronavirus) and
Policy Development Grants (Amendment) Regulations 2020**

PART 2

Provision relating to polls postponed due to coronavirus

CHAPTER 2

Candidates

Interpretation of Chapter 2

7. In this Chapter—

“the 1983 Act” and “relevant by-election” have the same meanings as in Chapter 1;

“the 2020 Act” means the Coronavirus Act 2020;

“candidate” has the meaning given by section 118A of the 1983 Act⁽¹⁾.

Candidates: Mayor of London and London Assembly election and local councillor by-elections

8.—(1) This regulation applies to the following (“a relevant election”)—

(a) the ordinary election under section 3(2) of the Greater London Authority Act 1999 (election of Mayor of London and London Assembly)⁽²⁾, the poll for which was due to be held on 7th May 2020 but was not so held as a result of section 60 of the 2020 Act;

(b) a relevant by-election to fill a vacancy in the office of councillor for any principal area in England.

(2) A person (“P”) who became a candidate at a relevant election on or before 6th April 2020 is no longer a candidate, and is treated as not having been a candidate before the coming into force of this regulation.

(3) A person (including P) is not liable in respect of any act or omission (whenever occurring), in relation to P’s candidacy at a relevant election before the coming into force of this regulation (disregarding paragraph (2)), under—

(a) section 71A of, and Schedule 2A to, the 1983 Act (control of donations to candidates)⁽³⁾;

(b) sections 73 to 90D of the 1983 Act (provisions about candidate election expenses)⁽⁴⁾.

(1) Section 118A was inserted by the Political Parties, Elections and Referendums Act 2000 (c. 41), section 135.

(2) 1999 c. 29.

(3) Section 71A was inserted by the Political Parties, Elections and Referendums Act 2000 (“the 2000 Act”), section 130. Schedule 2A was inserted by the 2000 Act, Schedule 16.

(4) Sections 73 and 74 were amended by the Representation of the People Act 1985 (“RPA 1985”), section 14; by the Greater London Authority Act 1999 (c. 29) (“GLAA 1999”), Schedule 3, paragraphs 1, 17 and 18; by the 2000 Act, Schedule 18, paragraphs 1, 3 and 4; and section 73 was also amended by the Electoral Administration Act 2006 (c. 22) (“EAA 2006”), Schedule 1, paragraphs 104, 111 and 133. Section 74A was inserted by the 2000 Act, Schedule 18 paragraphs 1 and 5, and

(4) Paragraphs (5) to (7) apply in relation to a donation which would have fallen to be included in a return as to election expenses in respect of P in accordance with Part 3 of Schedule 2A to the 1983 Act if the relevant election had taken place before the coming into force of this regulation (disregarding paragraph (2)).

(5) For the purposes of paragraph 4(3)(a) of Schedule 7 to the 2000 Act (donations: disregard for candidate donations) a donation to which this paragraph applies is not to be treated as falling to be included in a return as to election expenses in respect of P.

(6) Where a regulated donee is required to take action in respect of a donation to which this paragraph applies under section 56(2) of the 2000 Act (acceptance or return of donations)(5), as applied by paragraph 8 of Schedule 7 to that Act(6), that provision is to be read as if it required that action to be taken by 30th November 2020 (instead of within the period specified in the provision).

(7) Where, in relation to a donation to which this paragraph applies, a regulated donee is required to prepare a report under paragraph 10(1) or 11(1)(a) of Schedule 7 to the 2000 Act (donation reports: permissible and impermissible donors)(7), paragraph 10(2) or 11(1)(b) (as the case may be) of that Schedule(8) is to be read as if it required the report to be delivered to the Electoral Commission by 30th November 2020 (instead of within the period specified in the provision).

(8) A person is not liable for any failure to comply with a requirement referred to in paragraph (6) or (7) between the time for compliance set out in relation to the requirement (prior to the modifications made by paragraphs (6) and (7) taking effect) and the coming into force of this regulation.

(9) Nothing in this regulation affects whether P is a candidate in respect of the postponed poll for the relevant election or any requirements which would apply in relation to P as a candidate in respect of that poll.

(10) For the purposes of paragraph (9), the reference to the postponed poll for a relevant election is a reference to the poll—

was amended by EAA 2006, Schedule 1, paragraphs 104, 112 and 133. Section 75 was amended by RPA 1985, Schedule 4, paragraph 24; by GLAA 1999, Schedule 3 paragraphs 1 and 19; by the 2000 Act, section 131; by EAA 2006, section 25 and Schedule 1, paragraphs 104 and 113; and by the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (c. 4) (“the 2014 Act”), section 36(1). Sections 75ZA and 75ZB were inserted by the 2014 Act, section 36(2). Section 76 was amended by RPA 1985, Schedule 4, paragraph 25; by the Local Government Act 1985 (c. 51), Schedule 17; by the Education Reform Act 1988 (c. 40), Schedule 13, Part 1; by the Representation of the People Act 1989 (c. 28), section 6(1); by GLAA 1999, Schedule 3, paragraphs 1 and 20; by the Representation of the People Act 2000 (c. 2), Schedule 1, paragraphs 1 and 18; by the 2000 Act, section 132; by EAA 2006, Schedule 1, paragraphs 69 and 71; by the 2014 Act, section 37(1), and by S.I. 2014/1870. Section 76ZA was inserted by the Political Parties and Elections Act 2009 (c. 12) (“PPE 2009”), section 21(1), and was amended by the Fixed-term Parliaments Act 2011 (c. 14), Schedule, paragraphs 6 and 7, and by S.I. 2014/1870. Section 76A was inserted by RPA 1985, section 14, and was amended by the 2000 Act, section 133(1), and by PPE 2009, Schedule 6, paragraph 6. Section 77 was amended by GLAA 1999, Schedule 3, paragraphs 1 and 22. Sections 78 and 79 were amended by RPA 1985, Schedule 4, paragraph 26; by the 2000 Act, Schedule 18, paragraphs 1, 6 and 18, and section 78 was also amended by the Crime and Courts Act 2013 (c. 22), Schedule 9, paragraph 52(1)(b) and (2). Sections 81, 82 and 85 were amended by RPA 1985, Schedule 4, paragraphs 27 to 29; by GLAA 1999, Schedule 3, paragraphs 1 and 23 to 25; and by the 2000 Act, Schedule 18, paragraphs 1, 7, 8 and 19, and section 81 was also amended by EAA 2006, section 26 and Schedule 1, paragraphs 104, 114 and 133. Section 85A was inserted by GLAA 1999, Schedule 3, paragraphs 1 and 26. Section 86 was amended by RPA 1985, Schedule 4, paragraph 30; by the 2000 Act, Schedule 18, paragraphs 1 and 18; by the Legal Services Act 2007 (c. 29), Schedule 21, paragraphs 48 and 49, and by the Crime and Courts Act 2013, Schedule 9, paragraph 52. Section 87 was amended by RPA 1985, Schedule 4, paragraph 31, and by S.I. 2015/664. Section 87A was inserted by the 2000 Act, Schedule 18, paragraphs 1 and 9. Section 88 was amended by RPA 1985, Schedule 4, paragraph 32, and by GLAA 1999, Schedule 3, paragraphs 1 and 27. Section 89 was amended by RPA 1985, Schedule 4, paragraph 33; by the 2000 Act, Schedule 18, paragraphs 1 and 10; and by EAA 2006, Schedule 1, paragraphs 104 and 115. Section 90 was amended by the 2000 Act, Schedule 18, paragraphs 1 and 11, and by EAA 2006, Schedule 1, paragraphs 104 and 116. Section 90ZA was inserted by EAA 2006, section 27(1) and (2), and was amended by PPE 2009, Schedule 6, paragraph 7. Sections 90A to 90D were inserted by the 2000 Act, section 134. Sections 90A and 90B were repealed by EAA 2006, section 27(1), (3) and (4). Sections 90C and 90D were amended by EAA 2006, Schedule 1, paragraphs 104, 117, 118 and 133.

(5) Section 56 was amended by PPE 2009, sections 9, 10 and 12, and Schedule 6, paragraph 14, and by S.I. 2007/2501.

(6) Paragraph 8 was amended by PPE 2009, Schedule 4, paragraph 2 and Schedule 6, paragraph 28.

(7) Paragraph 10(1) was amended by EAA 2006, Schedule 1, paragraphs 138 and 154, and by PPE 2009, Schedule 3, paragraph 2. Paragraph 11(1) was amended by PPE 2009, Schedule 3, paragraph 3.

(8) Paragraph 10(2) was amended by PPE 2009, section 20.

- (a) the date for which is fixed by section 60 of the 2020 Act, or
 - (b) to be held on the date, or within the period, specified by regulations under section 61 of that Act.
- (11) In this regulation—
- “the 2000 Act” means the Political Parties, Elections and Referendums Act 2000;
 - “principal area” has the same meaning as in Chapter 1.

Candidates: parish council by-elections

9.—(1) A person (“P”) who became a candidate at a relevant by-election to fill a casual vacancy in the office of parish councillor on or before 6th April 2020 is no longer a candidate, and is treated as not having been a candidate before the coming into force of this regulation.

(2) Nothing in paragraph (1) affects whether or not P is a candidate at the postponed poll for such an election.

(3) For the purposes of paragraph (2), the reference to the postponed poll is a reference to the poll to be held on the date, or within the period, specified by regulations under section 61 of the 2020 Act.

(4) A person (including P) is not liable in respect of any act or omission (whenever occurring), in relation to P’s candidacy before the coming into force of this regulation (disregarding paragraph (1)), under sections 76 to 77 and 90C of, and Schedule 4 to, the 1983 Act (election expenses at certain local elections)(9), as applied by section 90 of that Act.

(9) Schedule 4 was amended by the Representation of the People Act 1985, section 14(6) and Schedule 4, paragraph 89; by the Political Parties, Elections and Referendums Act 2000, Schedule 18, paragraphs 1 and 17, and by the Crime and Courts Act 2012, Schedule 9, paragraph 51(1)(b) and (2).