

UK Parliamentary general
election

Guidance for candidates and agents

Part 6 of 6 – After the
declaration of result

August 2022

This document applies to a UK Parliamentary general election in Great Britain.

Our guidance and resources for other elections in the UK, including for a UK Parliamentary by-election in Great Britain, can be accessed from our website at: www.electoralcommission.org.uk/guidance/resources-for-those-we-regulate/candidates-and-agents.

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Essential information

This section of the document contains our guidance on what happens after the results at a UK Parliamentary general election in Great Britain have been announced.

Supplementary information, which may only be relevant to some candidates, is provided at the back of this document. You can also view this supplementary guidance by clicking on the links within this document or by clicking on the chapter heading on the contents page.

In this document, we use 'you' to refer to the candidate. We use 'must' when we refer to a specific requirement. We use 'should' for items we consider to be minimum good practice, but which are not legal or regulatory requirements.

Deadlines mentioned in this document are generic and we have published a [generic election timetable](#) on our website.

We are here to help, so please contact your local Commission team if you have any questions. See our [Overview document](#) for contact details.

Data protection legislation applies to the processing of all personal data.

Please contact the [Information Commissioner's Office](#) for further information about how the legislation affects you.

Parliamentary oath or affirmation

1.1 The successful candidate will be given information on how they will be able to attend Parliament.

1.2 Before a person can sit and vote in the House of Commons they must take the Parliamentary oath or make an affirmation to the monarch. This is known as the swearing in and will take place at the start of the new Parliament. You can find more information on taking the oath or affirmation on the [UK Parliament's website](#).

Return of deposit¹

1.3 Those candidates who received more than 5% of the total valid votes cast in the constituency will have their deposit returned by the next working day following the declaration of result.

1.4 Those candidates who have polled equal to or less than 5% of the total number of valid votes cast in the constituency will lose their deposit.

Election petitions

1.5 The outcome of a UK Parliamentary election can be challenged through an election petition. For further details on challenging an election, see paragraph **1.10**.

What happens to the election paperwork after the result is announced?

1.6 In England and Wales, all election documents are held by the Electoral Registration Officer². In Scotland, they are retained by the Returning Officer³.

1.7 Most documents are available for public inspection. Please note that ballot papers are not open to public inspection. If you wish to inspect election documents, see paragraph **1.18** for further information.

Submitting your election spending returns

1.8 Within 35 calendar days of the election result being declared your election agent will need to prepare and submit to the (Acting) Returning Officer an election spending return⁴. In addition, both you and your election agent will need to sign a declaration stating that the return is complete and correct to the best of your knowledge and belief⁵.

Political parties contesting a UK Parliamentary general election must also report the details of their fundraising and campaign spending to us. Detailed information can be found in our [guidance document for political parties](#)

1.9 More information on what must be included in the return is contained in [Part 3 - Spending and donations](#). We have also produced forms which you can use to complete your return and your declaration. These forms can be found in the resources under Part 3 [on our website](#).

Supplementary information

Lodging an election petition

1.10 Only certain people can lodge an election petition, and only under specific circumstances.

1.11 A UK Parliamentary election petition can be issued by⁶:

- a person claiming to have been a candidate at the election, or
- a person claiming to have had a right to be elected or returned at the election, or
- a person who voted as an elector at the election or who had a right to vote at the election, except for an elector who is registered anonymously

1.12 The allowable grounds for a petition are that there has been an⁷:

- undue election, or
- undue return

1.13 There is a separate judicial process for challenging the election of an MP on the grounds that they were or are disqualified under the House of Commons Disqualification Act 1975 (as amended). In that case, an application may be made to the Privy Council for a declaration to that effect (provided that a petition is not pending or an Order of the House of Commons to disregard the disqualification has not been made).

1.14 The Member whose election or return is complained about must be a respondent to the petition⁸. If the petition complains about the conduct of the (Acting) Returning Officer

or their staff during the election, the (Acting) Returning Officer must also be a respondent⁹.

1.15 Normally a petition must be presented within 21 calendar days after the date of the return of the writ¹⁰. (which in most cases will be the day after the election) and can be lodged at any time up to, but no later than, 12 midnight on the last day. However, if the petition complains of corrupt or illegal practices involving the payment of money or other reward, or an illegal practice relating to election spending, further time may be allowed.

1.16 For any questions relating to election petitions, including to confirm the deadlines for lodging an election petition, you should contact:

In England and Wales:

The Election Petitions Office
Room E113
Royal Courts of Justice
Strand
London WC2A 2LL
Email: Election_Petitions@hmcts.gsi.gov.uk

Phone: 020 7947 6877
Fax: 0870 324 0024

In Scotland:

The Petitions Department
Court of Session
Parliament Square
Edinburgh EH1 1RQ
Email: supreme.courts@scotcourts.gov.uk

Tel: 0131 240 6747
Fax: 0131 240 6711

1.17 There are costs attached to an election petition. If you are considering lodging an election petition, we strongly recommend that you take independent legal advice.

Inspection and supply of election-related documents

1.18 In England and Wales, documents available for supply and inspection can be provided by the Electoral Registration Officer, except for the election spending returns, which are kept by the (Acting) Returning Officer. Contact details for Electoral Registration Officers and (Acting) Returning Officers can be found on our website

<https://www.electoralcommission.org.uk/i-am-a/voter>

1.19 In Scotland, all documents are retained by the Returning Officer. You can contact the Returning Officer through the local council.

Inspection and supply of the marked registers and the lists of absent voters¹¹

1.20 The marked electoral registers and lists of absent voters show who has been issued with a ballot paper, who has returned their postal ballot paper, and who has had a proxy vote cast on their behalf.

1.21 You can inspect or obtain copies of the marked register of electors and absent voters' lists after the election if you make a request in writing. In England and Wales, the request must be made to the Electoral Registration Officer. In Scotland, the request must be made to the Returning Officer.

1.22 Note that you can only use the information obtained from these documents for research or electoral purposes.

1.23 The request for inspection must specify¹²:

- which documents are requested
- the purposes for which the information in any document will be used

- where the request is to inspect the marked register or lists, any reason why inspecting the full register or unmarked lists would not be sufficient to achieve that purpose
- who will inspect the documents
- the date on which you wish to inspect the documents, and
- whether you would prefer to inspect the documents in a printed or data form

1.24 Inspection is under supervision and will be free of charge. You won't be able to take copies, but may make handwritten notes.

1.25 The request for supply must specify¹³:

- which of the marked register or lists (or the relevant part of the register or lists) are requested
- whether a printed copy of the records or lists is requested or a copy in data form
- the purposes for which the marked register or lists will be used and why the supply or purchase of a copy of the full register or unmarked lists would not be sufficient to achieve that purpose

1.26 The requested document will be supplied for a fee of £10 plus £2 for printed and £1 for data versions per 1,000 entries¹⁴.

1.27 Note that after 12 months these documents, held by the Electoral Registration Officer, will be destroyed, unless a court order directs otherwise¹⁵.

1.28 Under the General Data Protection Regulation (GDPR), personal data processed for any purpose shall not be kept for longer than is necessary for that purpose. If you request and are supplied with any of the information listed above, once the purpose for collecting this data has passed, you need to consider if there is a reason for you to retain that data. If there is not you should ensure secure destruction of any data held.

Nomination papers may only be inspected during the time for delivery of nomination papers, and only by candidates, their election agent, their proposer and seconder. Further details can be found in [Part 2a – Standing as an independent candidate](#) or [Part 2b – Standing as a party candidate](#).

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Inspection of other election documents¹⁶

1.29 You can inspect other election documents, but you will not be allowed to make any notes or take copies of these documents. The only documents that cannot be inspected are:

- the ballot papers
- the corresponding number lists
- the certificates allowing polling station staff to vote at the polling station they are working at

1.30 After 12 months all of the election documents that are held by the Electoral Registration Officer will be destroyed, unless a court order directs otherwise¹⁷.

Election spending returns¹⁸

1.31 Spending returns and declarations are held by the (Acting) Returning Officer. Spending returns and declarations can be inspected by any person after they have been submitted. Copies can also be made for a fee of 20p per side.

1.32 Spending returns and declarations for two years. You can request to have them returned to you or your agent at the end of this period. If you or your agent does not want them back, they may be destroyed.

What happens if a spending return or declaration isn't submitted?

1.33 Failure to submit a spending return or declaration by the deadline without an authorised excuse is a criminal offence¹⁹.

1.34 The Electoral Commission has a legal remit to secure compliance with the rules on candidates' spending and donations, but no sanctioning powers in respect of breaches. Suspected breaches of the rules should be referred to the police.

1.35 If a candidate has been elected but the spending return and/or declaration has not been submitted by the deadline they are barred from sitting or voting, and can be subject to a forfeit or fine of £100 per day if they do²⁰.

¹ Representation of the People Act 1983 (RPA 1983) Schedule 1 rule 53

² RPA 1983 Schedule 1 rule 55

³ RPA 1983 Schedule 1 rules 55 and 58(2)

⁴ RPA 1983 s.81

⁵ RPA 1983 s.82

⁶ RPA 1983 s.121

⁷ RPA 1983 s.120

⁸ RPA 1983 s.121(2)

⁹ RPA 1983 s.121(2)

¹⁰ RPA 1983 s.122

¹¹ Representation of the People (England and Wales) Regulations 2001 (RPR (E&W) 2001) regs 117 and reg.118; Representation of the People (Scotland) Regulations 2001 (RPR (S) 2001) regs 117 and 118

¹² RPR (E&W) 2001 reg.118(2); RPR (S) 2001 reg 118(2)

¹³ RPR (E&W) 2001 reg.117(3); RPR (S) 2001 reg 117(3)

¹⁴ RPR (E&W) 2001 reg.120(2); RPR (S) 2001 reg 120(2)

¹⁵ RPA 1983 Schedule 1 rule 57(1)

¹⁶ RPA 1983 Schedule 1 rule 57(2) and RPR (E&W) 2001 reg.118(2) / RPR (S) 2001 reg 118(2)

¹⁷ RPA 1983 Schedule 1 rule 57(1)

¹⁸ RPA 1983 s.89

¹⁹ RPA 1983 s.84

²⁰ RPA 1983 s.85