

# **Elections Bill**

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## **EXPLANATORY NOTES**

Explanatory notes to the Bill, prepared by the Cabinet Office, are published separately as Bill 138-EN.

## **EUROPEAN CONVENTION ON HUMAN RIGHTS**

Chloe Smith has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the Elections Bill are compatible with the Convention rights.



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[AS INTRODUCED]

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[AS INTRODUCED]

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Make provision about the administration and conduct of elections, including provision designed to strengthen the integrity of the electoral process; about overseas electors; about voting and candidacy rights of EU citizens; about the designation of a strategy and policy statement for the Electoral Commission; about the membership of the Speaker's Committee; about the Electoral Commission's functions in relation to criminal proceedings; about financial information to be provided by a political party on applying for registration; for preventing a person being registered as a political party and being a recognised non-party campaigner at the same time; about regulation of expenditure for political purposes; about disqualification of offenders for holding elective offices; about information to be included in electronic campaigning material; and for connected purposes.

**B**E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

## PART 1

### ADMINISTRATION AND CONDUCT OF ELECTIONS

#### *Voter identification*

##### **1 Voter identification**

Schedule 1 makes provision, including provision amending RPA 1983, in connection with the production of identification at polling stations by voters.

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#### *Postal and proxy voting*

##### **2 Restriction of period for which person can apply for postal vote**

Schedule 2 contains provision limiting the period for which a person can apply to vote by post—

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- (a) at parliamentary elections in England and Wales and Scotland, and
- (b) at local government elections in England.

### **3 Handling of postal voting documents by political campaigners**

- (1) RPA 1983 is amended as follows.
- (2) After section 112 insert—

#### **“112A Handling of postal voting documents by political campaigners**

- (1) A person who is a political campaigner in respect of a relevant election commits an offence if the person handles a postal voting document that has been issued to another person for use in that election. 5
- (2) But a person who handles a postal voting document for use in a relevant election does not commit the offence if—
  - (a) the person is responsible for, or assists with, the conduct of that election (for example as a returning officer or a person working under the direction of a returning officer),
  - (b) the person is engaged in the business of a postal operator, or
  - (c) the person is employed or engaged in a role the duties of which include the handling of postal packets on behalf of members of an organisation or the occupants of a communal building, and the handling is consistent with the person’s duties in that capacity.
- (3) Nor does a person commit the offence if the person—
  - (a) is the other person’s spouse, civil partner, parent, grandparent, brother, sister, child or grandchild, or
  - (b) provides regular care for, or is employed or engaged by an organisation which provides care for, the other person.
- (4) It is a defence for a person charged with the offence to show that the person did not dishonestly handle the postal voting document for the purpose of promoting a particular outcome at a relevant election. 25
- (5) Where sufficient evidence is adduced to raise an issue with respect to the defence under subsection (4), the court must assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not. 30
- (6) A person is guilty of a corrupt practice if the person—
  - (a) commits the offence under subsection (1), or
  - (b) aids, abets, counsels or procures the commission of that offence.
- (7) For the purposes of this section a person is a political campaigner in respect of a relevant election if any of the following paragraphs applies—
  - (a) the person is a candidate at the election;
  - (b) the person is an election agent of a candidate at the election;
  - (c) the person is a sub-agent of a person within paragraph (b);
  - (d) the person is employed or engaged by a person who is a candidate at the election for the purposes of that person’s activities as a candidate; 35

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- (e) the person is a member of a registered political party and carries on an activity designed to promote a particular outcome at the election;
- (f) the person is employed or engaged by a registered political party in connection with the party's political activities;
- (g) the person is employed or engaged by a person within any of paragraphs (a) to (f) to carry on an activity designed to promote a particular outcome at the election;
- (h) the person is employed or engaged by a person within paragraph (g) to carry on an activity designed to promote a particular outcome at the election.
- (8) In this section—
- “postal operator” has the same meaning as in Part 3 of the Postal Services Act 2011 (see section 27(3) to (5) of that Act);
- “postal voting document” means a postal ballot paper, postal voting statement, declaration of identity or envelope that has been issued to a person for the purpose of enabling the person to vote by post at a relevant election;
- “relevant election” means—
- (a) a parliamentary election, or
- (b) a local government election in England.
- (9) For the purposes of this section, an envelope—
- (a) that is not a postal voting document, but
- (b) that contains a postal ballot paper, postal voting statement or declaration of identity that has been issued to a person for the purpose of enabling the person to vote by post at a relevant election,
- is to be treated as if it were a postal voting document that has been issued to the person for use in the election.
- (10) In this section, any reference to a person who is “engaged” by another person, or to a person who provides care for another person, includes a reference to a person who is engaged or provides care otherwise than for payment or promise of payment.
- (11) For the purposes of subsection (3)(a), two people living together as if they were a married couple or civil partners are treated as if they were spouses or civil partners of each other.”
- (3) In section 160 (persons reported personally guilty of corrupt or illegal practices), in subsection (4A) for “or 62B” substitute “, 62B or 112A”.
- (4) In section 168 (prosecutions for corrupt practices), in subsection (1)(a)(i), before “above” insert “or 112A”.
- (5) In section 173 (incapacities on conviction of corrupt or illegal practice), in subsection (2) for “or 62B” substitute “, 62B or 112A”.

#### **4 Handing in postal voting documents**

- (1) RPA 1983 is amended as follows.
- (2) Schedule 1 (Parliamentary elections rules) is amended in accordance with subsections (3) and (4).
- (3) In rule 32 (admission to polling station), in paragraph (1), after sub-paragraph (b) insert –
  - “(ba) where regulations under rule 45(1B)(a) or (b) provide that a postal ballot paper or postal voting statement may be returned by hand to a polling station, persons aged 18 or over returning such a document by hand;”.
- (4) In rule 45 (the count) –
  - (a) in paragraph (1B) –
    - (i) omit “and” at the end of sub-paragraph (c);
    - (ii) insert “and” at the end of sub-paragraph (d);
    - (iii) after sub-paragraph (d) insert –
      - “(e) where regulations contain provision made by virtue of paragraph 12ZA of Schedule 2 (handing in postal voting documents), the postal ballot paper is not one that falls to be rejected in accordance with that provision.”;
  - (b) in paragraph (2) –
    - (i) for sub-paragraph (a) substitute –
      - “(a) it is returned in the prescribed manner, accompanied by the declaration of identity duly signed and authenticated, and reaches the returning officer before the close of the poll;”;
      - (ii) insert “and” at the end of sub-paragraph (b);
      - (iii) after sub-paragraph (b) insert –
        - “(c) where regulations contain provision made by virtue of paragraph 12ZB of Schedule 2 (handing in postal voting documents: Northern Ireland), the postal ballot paper is not one that falls to be rejected in accordance with that provision.”
  - (5) In Schedule 2 (provisions which may be contained in regulations as to registration etc), after paragraph 12 insert –
    - “12ZA (1) Where regulations under rule 45(1B)(a) or (b) in Schedule 1 provide that a postal voting document may be returned by hand to a polling station or to the returning officer, provision within this paragraph.
    - (2) Provision –

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- (a) requiring a person who seeks to hand in a postal voting document to complete a form containing prescribed information;
- (b) requiring a relevant officer to reject a postal voting document handed in by a person who fails to provide all the prescribed information on such a form, and
- (c) about the arrangements to be made in respect of such forms.
- (3) Provision requiring a relevant officer—
- (a) to reject all postal voting documents handed in together by a person where the relevant officer has reasonable cause to suspect that the documents are handed in on behalf of more than the prescribed number of electors;
- (b) to reject a postal voting document handed in by a person, or all postal voting documents handed in together by a person, on a particular occasion, where the relevant officer has reasonable cause to suspect that, taking that document or those documents together with any postal voting documents handed in by the person on any previous occasion (disregarding any that were rejected), the person has handed in postal voting documents on behalf of more than the prescribed number of electors.
- (4) In sub-paragraph (3)—
- (a) references to postal voting documents handed in by a person are to postal voting documents—
- (i) all relating to the same election, or
- (ii) where more than one poll is to be taken on a day, each of which relates to an election the poll at which is to be taken on that day,
- but do not include references to a postal voting document issued to that person;
- (b) “electors” means persons who are electors in relation to an election to which any of the postal voting documents handed in by the person relates.
- (5) Provision authorising a relevant officer to reject a postal voting document handed in by a person where the relevant officer knows or has reasonable cause to suspect that, in handing in the document, the person commits an offence under section 112A (offences relating to handling of postal voting documents).
- (6) Provision as to the arrangements to be made in respect of the documents mentioned in sub-paragraph (7), including provision about—
- (a) the procedure to be followed in respect of those documents;
- (b) storage of those documents;
- (c) disposal of those documents;
- (d) transfer of those documents to—

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- (i) the returning officer;
  - (ii) the registration officer.
- (7) The documents are –
- (a) a postal voting document that is rejected;
  - (b) a postal voting document that –
    - (i) is brought into a polling station or into the offices of the returning officer so that it may be handed in to a person, but
    - (ii) is left behind there (without being handed in).
- (8) Provision requiring prescribed information about postal voting documents that are handed in, or about the documents mentioned in sub-paragraph (7), to be supplied to –
- (a) the returning officer;
  - (b) the registration officer.
- (9) Provision about the notification of the persons mentioned in sub-paragraph (10) where a postal ballot paper is –
- (a) rejected, or
  - (b) left behind as mentioned in sub-paragraph (7)(b).
- (10) The persons are –
- (a) the person whose ballot paper it is;
  - (b) where that person is a proxy –
    - (i) that person, and
    - (ii) the elector for whom the person voted as proxy on that paper.
- (11) Provision as to the meaning of any reference in the regulations to –
- (a) a person seeking to hand in a postal voting document;
  - (b) a postal voting document being handed in.
- (12) In this paragraph –
- “postal voting document” means a postal ballot paper, postal voting statement or other document that has been issued to a person for the purpose of enabling the person to vote by post at a relevant election;
  - “rejected” means rejected in accordance with regulations made by virtue of this paragraph;
  - “relevant election” means –
- (a) a parliamentary election in England and Wales or Scotland, or
  - (b) a local government election in England;
- “relevant officer” means –
- (a) where a postal voting document is handed in at a polling station –
    - (i) the person presiding at the polling station, or
    - (ii) a clerk at the polling station;

- (b) where a postal voting document is handed in to the returning officer –
- (i) that officer, or
  - (ii) a person acting under the authority of that officer.
- 12ZB (1) Where regulations under rule 45(2)(a) in Schedule 1 provide that a postal voting document may be returned by hand to the returning officer, provision within this paragraph.
- (2) Provision –
- (a) requiring a person who seeks to hand in a postal voting document to complete a form containing prescribed information,
  - (b) requiring the returning officer to reject a postal voting document handed in by a person who fails to provide all the prescribed information on such a form, and
  - (c) about the arrangements to be made in respect of such forms.
- (3) Provision requiring the returning officer –
- (a) to reject all postal voting documents handed in together by a person where the returning officer has reasonable cause to suspect that the documents are handed in on behalf of more than the prescribed number of electors;
  - (b) to reject a postal voting document handed in by a person, or all postal voting documents handed in together by a person, on a particular occasion, where the returning officer has reasonable cause to suspect that, taking that document or those documents together with any postal voting documents handed in by the person on any previous occasion (disregarding any that were rejected), the person has handed in postal voting documents on behalf of more than the prescribed number of electors.
- (4) In sub-paragraph (3) –
- (a) references to postal voting documents handed in by a person are to postal voting documents all relating to the same election, but do not include references to a postal voting document issued to that person;
  - (b) “electors” means persons who are electors in relation to the election to which the postal voting documents handed in by the person relate.
- (5) Provision authorising the returning officer to reject a postal voting document handed in by a person where the returning officer knows or has reasonable cause to suspect that, in handing in the document, the person commits an offence under section 112A (offences relating to handling of postal voting documents).

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(6) Provision as to the arrangements to be made in respect of the documents mentioned in sub-paragraph (7), including provision about—

- (a) the procedure to be followed in respect of those documents;
- (b) storage of those documents;
- (c) disposal of those documents.

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(7) The documents are—

- (a) a postal voting document that is rejected;
- (b) a postal voting document that—
  - (i) is brought into the offices of the returning officer so that it may be handed in to a person, but
  - (ii) is left behind there (without being handed in).

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(8) Provision about the notification of the persons mentioned in sub-paragraph (9) where a postal ballot paper is—

- (a) rejected, or
- (b) left behind as mentioned in sub-paragraph (7)(b).

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(9) The persons are—

- (a) the person whose ballot paper it is;
- (b) where that person is a proxy—
  - (i) that person, and
  - (ii) the elector for whom the person voted as proxy on that paper.

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(10) Provision as to the meaning of any reference in the regulations to—

- (a) a person seeking to hand in a postal voting document;
- (b) a postal voting document being handed in.

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(11) In this paragraph—

“postal voting document” means a postal ballot paper, declaration of identity, or other document that has been issued to a person for the purpose of enabling the person to vote by post at a parliamentary election in Northern Ireland;

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“rejected” means rejected in accordance with regulations made by virtue of this paragraph.”

## 5 Limit on number of electors for whom a proxy can vote

Schedule 3—

(a) contains amendments limiting a person’s entitlement to vote as proxy—

- (i) at parliamentary elections, and
- (ii) at local government elections in England,

(see paragraphs 6(4) and 7(2)), and

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(b) makes related provision about proxy voting and proxy appointments.

## 6 Requirement of secrecy

(1) Section 66 of RPA 1983 (requirement of secrecy) is amended as follows.

(2) After subsection (3) insert –

“(3A) No person may –

- (a) except for some purpose authorised by law, obtain or attempt to obtain information, or communicate at any time to any other person any information, as to the number or other unique identifying mark on the back of a ballot paper sent to a person for voting by post at a relevant election; 5
- (b) except for some purpose authorised by law, obtain or attempt to obtain information, or communicate at any time to any other person any information, as to the official mark on a ballot paper sent to a person for voting by post at a relevant election; 10
- (c) except for some purpose authorised by law, obtain or attempt to obtain information, or communicate at any time to any other person any information, as to whether a person voting by post at a relevant election has or has not voted; 15
- (d) obtain or attempt to obtain information, or communicate at any time to any other person any information, as to the candidate for whom a person voting by post at a relevant election is about to vote or has voted. 20

(3B) But –

- (a) a person (“E”) who is voting by proxy does not contravene subsection (3A) by obtaining or attempting to obtain from the person appointed as E’s proxy information as to a matter mentioned in any of paragraphs (a), (c) and (d) of that subsection that relates to E’s vote, and 25
- (b) a person who is appointed as proxy for an elector does not contravene subsection (3A) by communicating to that elector information as to a matter mentioned in any of paragraphs (a), (c) and (d) of that subsection that relates to that elector’s vote. 30

(3C) A person voting as proxy for an elector at a relevant election –

- (a) must not communicate at any time to any person other than that elector any information as to the candidate for whom the person is about to vote, or has voted, as proxy for that elector; 35
- (b) except for some purpose authorised by law, must not communicate at any time to any person other than that elector the number or other unique identifying mark on the back of a ballot paper sent or delivered to the person for voting as proxy for that elector.” 40

(3) After subsection (4) insert –

“(4A) No person having undertaken to assist a relevant voter to vote at a relevant election may communicate at any time to any person except that voter any information as to –

- (a) the candidate for whom the voter intends to vote or has voted, or
  - (b) the number or other unique identifying mark on the back of the ballot paper given for the use of the voter.
- (4B) In subsection (4A) “relevant voter” means a voter who is blind, has another disability, or is unable to read.” 5
- (4) In subsection (5), after “to vote”, in the first place it occurs, insert “at a local government election in Scotland or Wales”.
- (5) After subsection (6) insert –
- “(6A) In this section, “relevant election” means – 10
- (a) a parliamentary election, or
  - (b) a local government election in England.”
- (6) In rule 31 of Schedule 1 to RPA 1983 (Parliamentary elections rules: notification of requirement of secrecy) –
- (a) in paragraph (1)(a), for “blind voter” substitute “relevant voter”; 15
  - (b) after paragraph (1) insert –
- “(1A) In paragraph (1)(a) “relevant voter” means a voter who is blind, has another disability, or is unable to read.”

### *Undue influence*

- 7 Undue influence** 20
- (1) In section 115 of RPA 1983 (undue influence), for subsection (2) substitute –
- “(2) A person is guilty of undue influence if the person carries out an activity falling within subsection (4) for the purpose of –
- (a) inducing or compelling an elector or proxy for an elector to vote in a particular way or to refrain from voting, or 25
  - (b) otherwise impeding or preventing the free exercise of the franchise of an elector or of a proxy for an elector.
- (3) A person (“P”) is also guilty of undue influence if P carries out an activity falling within any of paragraphs (a) to (f) of subsection (4) on account of –
- (a) an elector or proxy for an elector having voted in a particular way or refrained from voting, or
  - (b) P assuming an elector or proxy for an elector to have voted in a particular way or to have refrained from voting. 30
- (4) The following activities fall within this subsection –
- (a) using or threatening to use violence against a person;
  - (b) damaging or destroying, or threatening to damage or destroy, a person’s property;
  - (c) damaging or threatening to damage a person’s reputation; 35

- (d) causing or threatening to cause financial loss to a person;
  - (e) causing spiritual injury to, or placing undue spiritual pressure on, a person;
  - (f) doing any other act designed to intimidate a person;
  - (g) doing any act designed to deceive a person in relation to the administration of an election.
- (5) For the purposes of subsections (2) and (3) an activity is carried out by a person (“P”) if it is carried out—
- (a) by P,
  - (b) by P jointly with one or more other persons, or
  - (c) by one or more other persons on behalf of P and with P’s authority or consent.
- (6) In subsection (4)(f) and (g) “act” includes an omission (and references to the doing of an act are to be read accordingly). ”
- (2) Schedule 4 contains further provision relating to this section. 15

*Assistance with voting for persons with disabilities*

**8 Assistance with voting for persons with disabilities**

- (1) Schedule 1 to RPA 1983 (Parliamentary elections rules) is amended as follows.
- (2) In rule 29 (equipment of polling stations)—
- (a) in paragraph (3A), for sub-paragraph (b) substitute—
    - “(b) such equipment as it is reasonable to provide for the purposes of enabling, or making it easier for, relevant persons to vote in the manner directed by rule 37.”;
  - (b) after paragraph (3A) insert—
    - “(3B) In paragraph (3A)(b), “relevant persons” means persons who find it difficult or impossible to vote in the manner directed by rule 37 because of—
      - (a) blindness or partial sight, or
      - (b) another disability.”
- (3) In rule 39 (voting by persons with disabilities)—
- (a) in paragraph (2)(b)(i), for “is a qualified person within the meaning of this rule” substitute “is aged 18 or over”;
  - (b) in paragraph (3), omit the words from “and a person” to the end. 35
- (4) In the Appendix of Forms, in the form of declaration to be made by the companion of a voter with disabilities—
- (a) for the words from “[I am entitled” to “18 years],” substitute “I am aged 18 or over”;

- (b) omit “\* State the relationship of the companion to the voter.”

*Northern Ireland elections*

## **9 Local elections and Assembly elections in Northern Ireland**

Schedule 5 contains provision relating to local elections in Northern Ireland and elections to the Northern Ireland Assembly (including provision corresponding to provision made by this Part in relation to parliamentary elections in Northern Ireland). 5

## **PART 2**

### **OVERSEAS ELECTORS AND EU CITIZENS**

*Overseas electors*

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## **10 Extension of franchise for parliamentary elections: British citizens overseas**

- (1) For sections 1 and 2 of the Representation of the People Act 1985 substitute—

### **“1 Extension of parliamentary franchise**

- (1) A person is entitled to vote as an elector at a parliamentary election in a constituency if— 15

(a) on the declaration date, the person—

(i) qualifies as an overseas elector in respect of that constituency (see section 1A),

(ii) is not subject to any legal incapacity to vote (age apart), and 20

(iii) is a British citizen, and

(b) on the date of the poll, the person—

(i) is not subject to any legal incapacity to vote,

(ii) is a British citizen, and

(iii) is registered in a register of parliamentary electors for that constituency. 25

- (2) In this section, “the declaration date” means—

(a) the date on which the person makes a declaration under and in accordance with section 1C (overseas elector’s declaration), or 30

(b) where the person makes a declaration under and in accordance with section 1E (renewal declaration), the date on which the person makes the declaration.

## 1A Qualification as an overseas elector in respect of a constituency

- (1) For the purposes of this Act and the principal Act, a person qualifies as an overseas elector in respect of a constituency on the declaration date if—
- (a) on that date the person is not resident in the United Kingdom, and 5
  - (b) the person satisfies the previous registration condition or the previous residence condition.
- (2) A person satisfies the previous registration condition if—
- (a) the person has at some time in the past been entered in an electoral register in respect of an address at a place that is situated within the constituency, and 10
  - (b) subsequent to that entry ceasing to have effect, the person has not been included in any electoral register (whether in respect of the address mentioned in paragraph (a) or any other address). 15
- (3) A person satisfies the previous residence condition if—
- (a) the person has at some time in the past been resident in the United Kingdom,
  - (b) on the last day on which the person was resident in the United Kingdom, the person—
    - (i) was resident at an address at a place that is situated within the constituency, or
    - (ii) was not so resident but could have made a declaration under section 7B of the principal Act (a “declaration of local connection”) in respect of such an address, and 25
  - (c) subject to section 1B(4), the person has not at any time been included in any electoral register (whether in respect of the address mentioned in paragraph (b) or any other address).
- (4) For the purposes of subsection (3)(b)(ii), it is to be assumed that section 7B of the principal Act was in force on the last day on which the person was resident in the United Kingdom. 30
- (5) In this section—
- “declaration date” has the same meaning as in section 1;
  - “electoral register” means—
- (a) a register of parliamentary electors, or
  - (b) a register of local government electors (including a register of electors prepared for the purposes of local elections (within the meaning of the Electoral Law Act (Northern Ireland) 1962)). 35
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### **1B British citizens overseas: entitlement to be registered**

(1) A person is entitled to be registered in a register of parliamentary electors in pursuance of a declaration made by the person under and in accordance with section 1C (an “overseas elector’s declaration”) if the following two conditions are satisfied.

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(2) The first condition is that the register is for the constituency or part of the constituency within which is situated the place of the address specified in the declaration by virtue of –

- (a) section 1C(2)(a) (where the person is seeking to be registered in reliance on the previous registration condition), or
- (b) section 1C(3)(a) or (4) (where the person is seeking to be registered in reliance on the previous residence condition).

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(3) The second condition is that the registration officer concerned is satisfied that, on the date on which the person makes the declaration, the person qualifies as an overseas elector in respect of the constituency.

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(4) Where –

- (a) a person applies to be registered in a register of parliamentary electors in reliance on the previous residence condition, and
- (b) the registration officer concerned considers that insufficient evidence is available for the purpose of determining whether the person has at any time been included in any electoral register (within the meaning of section 1A),

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the officer may disregard section 1A(3)(c) in determining whether the person satisfies the previous residence condition.

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(5) An overseas elector’s declaration made by a person is of no effect unless received by the registration officer concerned within the period of 3 months beginning with the date on which the person makes the declaration.

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(6) For the purposes of section 1A, where a person is registered in a register of parliamentary electors for a constituency or part of a constituency in pursuance of an overseas elector’s declaration, it is to be conclusively presumed that the person was not resident in the United Kingdom on the date on which the person made the declaration.

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(7) See also sections 10ZC and 10A of the principal Act, which (among other things) contain provision about the making of applications for registration.

### **1C Overseas elector’s declaration**

(1) An overseas elector’s declaration must –

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- (a) give the full name of the person making the declaration (“the declarant”),

- (b) state the date of the declaration,
  - (c) state that the declarant is a British citizen,
  - (d) state that the declarant is not resident in the United Kingdom on the date of the declaration,
  - (e) state whether the declarant is seeking to be registered in reliance on the previous registration condition or the previous residence condition,
  - (f) contain any other prescribed information and satisfy any other prescribed requirements (which may include requirements for the declaration to be attested), and
  - (g) state that the declarant believes the matters stated in the declaration to be true.
- (2) Where the declarant is seeking to be registered in reliance on the previous registration condition, the declaration must also—
- (a) specify—
    - (i) the address in the United Kingdom in respect of which the declarant was included in an electoral register, and
    - (ii) when the declarant was last included in such a register in respect of that address, and
  - (b) state that since the declarant's entry in that register in respect of that address ceased to have effect, the declarant has not been included in any electoral register (whether in respect of that or any other address).
- (3) Where the declarant is seeking to be registered in reliance on the previous residence condition by virtue of section 1A(3)(b)(i), the declaration must also—
- (a) specify—
    - (i) the address in the United Kingdom at which the declarant was resident, and
    - (ii) when the declarant was last resident at that address, and
  - (b) state that since being resident at that address, the declarant has not been resident at any other address in the United Kingdom.
- (4) Where the declarant is seeking to be registered in reliance on the previous residence condition by virtue of section 1A(3)(b)(ii), the declaration must also specify an address in respect of which the declarant could have made a declaration of local connection on the last day on which the declarant was resident in the United Kingdom.
- (5) An overseas elector's declaration that specifies an address in Northern Ireland under subsection (2)(a), (3)(a) or (4) may, instead of or in addition to including a statement under subsection (1)(c), state that the declarant is an Irish citizen who—
- (a) was born in Northern Ireland, and

- (b) qualifies as a British citizen (whether or not the declarant identifies as such).
- (6) If the declarant –
- (a) makes an overseas elector's declaration that specifies more than one address under subsection (2)(a), (3)(a) or (4), or
  - (b) makes two or more overseas elector's declarations that bear the same date and specify different addresses in the United Kingdom under subsection (2)(a), (3)(a) or (4),  
the declaration or declarations are void.
- (7) The declarant may at any time cancel an overseas elector's declaration made by the declarant. 10
- (8) In this section –
- “electoral register” has the same meaning as in section 1A;
  - “registered” means registered in a register of parliamentary electors.
- (9) A person found abandoned in Northern Ireland as a new-born infant is, unless the contrary is shown, deemed for the purposes of subsection (5) to have been born in Northern Ireland. 15

#### **1D Duration of entitlement to be registered**

- (1) Where a person is registered in a register of parliamentary electors in pursuance of an overseas elector's declaration, the person is entitled to remain so registered until – 20
- (a) the third 1 November following the date when the person's entry on the register first takes effect (subject to any extension under subsections (2) and (3)), or
  - (b) if sooner, the occurrence of an event mentioned in subsection (4). 25
- (2) Subsection (3) applies if –
- (a) at any time during the 6 months ending with the last day of the initial registration period or of any further registration period, the registration officer concerned receives a declaration made by the person under and in accordance with section 1E (a “renewal declaration”), and 30
  - (b) the registration officer is satisfied that, on the date on which the person makes the renewal declaration, the person is entitled to remain registered in the register in pursuance of the overseas elector's declaration. 35
- (3) The person is entitled to remain registered in the register in pursuance of the overseas elector's declaration until –
- (a) the third 1 November following the day after the last day of the initial registration period or of the further registration period in question (subject to any further extension), or 40

- (b) if sooner, the occurrence of an event specified in subsection (4).
- (4) The events referred to in subsections (1)(b) and (3)(b) are—
- (a) the registration officer determines in accordance with regulations that the person was not entitled to be registered or to remain registered (as the case may be);
  - (b) the registration officer determines in accordance with regulations—
    - (i) that the person was registered as the result of an application under section 10ZC or 10A(1) of the principal Act made by some other person, or
    - (ii) that the person’s entry has been altered as the result of an application under section 10ZD or 10A(4) of that Act made by some other person;
  - (c) the overseas elector’s declaration is cancelled (see section 1C(7));
  - (d) another entry made in respect of the person in any electoral register takes effect (in the case of a register of parliamentary electors, whether or not in pursuance of an overseas elector’s declaration).
- (5) A renewal declaration made by a person is of no effect unless received by the registration officer concerned within the period of 3 months beginning with the date on which the person makes the declaration.
- (6) In this section—
- “electoral register” has the same meaning as in section 1A;
  - “initial registration period” means the period for which the person is entitled by virtue of subsection (1)(a) to remain registered;
  - “further registration period” means a period for which the person is entitled by virtue of subsection (3)(a) to remain registered.
- (7) Where a person is entitled to remain registered in a register of parliamentary electors for a constituency or part of a constituency by virtue of subsections (2) and (3), it is to be conclusively presumed for the purposes of section 1A that the person was not resident in the United Kingdom on the date on which the person made the renewal declaration in question.
- (8) Where a person’s entitlement to remain registered in a register of parliamentary electors terminates by virtue of subsection (1) or (3), the registration officer concerned must remove the person’s entry from the register.

## 1E Renewal declaration

- (1) A renewal declaration must—
- (a) give the full name and date of birth of the person making the declaration (“the declarant”),
  - (b) state the date of the declaration,

- (c) state that the declarant is a British citizen,
  - (d) state that the declarant is not resident in the United Kingdom on the date of the declaration,
  - (e) contain any other prescribed information and satisfy any other prescribed requirements, and
  - (f) state that the declarant believes the matters stated in the declaration to be true.
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- (2) A renewal declaration must also—
- (a) specify the address in respect of which the declarant is registered, and
  - (b) state that since the declarant was registered in respect of that address, no other entry has been made in respect of the declarant in any electoral register (whether in respect of the address mentioned in paragraph (a) or any other address).
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- (3) A renewal declaration that specifies an address in Northern Ireland under subsection (2)(a) may, instead of or in addition to the statement under subsection (1)(c), state that the declarant is an Irish citizen who—
- (a) was born in Northern Ireland, and
  - (b) qualifies as a British citizen (whether or not the declarant identifies as such),
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- (and section 1C(9) applies as it applies for the purposes of section 1C(5)).
- (4) If the declarant—
- (a) makes a renewal declaration that specifies more than one address under subsection (2)(a), or
  - (b) makes two or more renewal declarations that bear the same date and specify different addresses under subsection (2)(a), the declaration or declarations are void.
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- (5) In this section—
- “electoral register” has the same meaning as in section 1A;
  - “registered” means registered in a register of parliamentary electors in pursuance of an overseas elector’s declaration.”
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- (2) Schedule 6 contains amendments and transitional provision relating to this section.

*Voting and candidacy rights of EU citizens*

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## 11 Voting and candidacy rights of EU citizens

Schedule 7 makes provision about voting and candidacy rights of EU citizens in relation to local elections in England and certain other elections.

## PART 3

### THE ELECTORAL COMMISSION

#### *Strategy and policy statement*

#### **12 Strategy and policy statement**

After section 4 of PPERA insert—

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*“Strategy and policy statement”*

#### **4A Strategy and policy statement**

- (1) The Secretary of State may designate a statement for the purposes of this section if the requirements set out in section 4C (consultation and procedural requirements) are satisfied.
- (2) The statement is a statement prepared by the Secretary of State that sets out—
  - (a) strategic and policy priorities of Her Majesty’s government relating to elections, referendums and other matters in respect of which the Commission have functions, and
  - (b) the role and responsibilities of the Commission in enabling Her Majesty’s government to meet those priorities.
- (3) The statement may also set out—
  - (a) guidance relating to particular matters in respect of which the Commission have functions;
  - (b) any other information (for example, about the roles and responsibilities of other persons) the Secretary of State considers appropriate.
- (4) A statement designated under this section must be published in whatever manner the Secretary of State considers appropriate.

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#### **4B Duties in relation to statement**

- (1) This section applies where a statement has been designated under section 4A.
- (2) The Commission must have regard to the statement when carrying out their functions.
- (3) Subsection (2) does not apply to information contained in the statement by virtue of section 4A(3)(b).
- (4) The Commission must publish a report, as soon as practicable after the end of—
  - (a) the period of 12 months beginning with the day on which the statement was first designated under section 4A, and

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- (b) every subsequent 12-month period,  
on what they have done during the period in question in consequence of the statement.
- (5) Where, before the end of a reporting period, the statement is designated by virtue of section 4D (5-yearly review) or section 4E (power to revise statement) –
- (a) the Commission are not required to publish a report under subsection (4) in relation to the reporting period, and
  - (b) subsection (4) has effect as if the reference in paragraph (a) to the day on which the statement was first designated under section 4A were to the day on which the statement was last designated under that section by virtue of section 4D or 4E.
- (6) “Reporting period” means a period in relation to which a report is required to be published under subsection (4).
- (7) The duty under subsection (4) does not apply in relation to a 12-month period if before the end of that period the statement’s designation is withdrawn under section 4D(4)(c) or treated as withdrawn under section 4D(5)(b).
- (8) The Commission must provide a copy of each report published under subsection (4) to the Speaker’s Committee.

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#### **4C Consultation and procedural requirements**

- (1) This section sets out the requirements that must be satisfied before the Secretary of State may designate a statement under section 4A.
- (2) The Secretary of State must consult the following on a draft of the statement –
  - (a) the Commission,
  - (b) the Speaker’s Committee,
  - (c) the Public Administration and Constitutional Affairs Committee,
  - (d) the Scottish Ministers, so far as the draft relates to the Commission’s devolved Scottish functions, and
  - (e) the Welsh Ministers, so far as the draft relates to the Commission’s devolved Welsh functions.
- (3) After the Secretary of State has carried out the consultation required by subsection (2), the Secretary of State –
  - (a) must make whatever changes to the draft the Secretary of State considers necessary in light of responses to the consultation, and
  - (b) must then lay the draft before Parliament.
- (4) The draft as laid under subsection (3)(b) must, before the end of the 40-day period, have been approved by a resolution of each House of Parliament before the Secretary of State may designate the statement under section 4A.

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- (5) In this section—
- (a) “the 40-day period” means the period of 40 days beginning on the day on which the draft is laid before Parliament (or, if it is not laid before each House of Parliament on the same day, the later of the days on which it is laid); 5
- (b) the Commission’s “devolved Scottish functions” are the Commission’s functions in relation to—
- (i) Scottish Parliamentary general elections, elections held under section 9 of the Scotland Act 1998 (constituency vacancies), and local government elections in Scotland, so far as those functions do not relate to reserved matters within the meaning of the Scotland Act 1998, and 10
- (ii) referendums held throughout Scotland in pursuance of provision made by or under an Act of the Scottish Parliament; 15
- (c) the Commission’s “devolved Welsh functions” are the Commission’s functions in relation to—
- (i) general elections of members of Senedd Cymru, 20
- (ii) elections held under section 10 of the Government of Wales Act 2006 (elections for Senedd constituency vacancies),
- (iii) local government elections in Wales, and
- (iv) referendums held under Part 2 of the Local Government Act 2000 or Part 4 of the Local Government (Wales) Measure 2011 (referendums relating to local authority executive arrangements), 25
- so far as those functions do not relate to reserved matters within the meaning of the Government of Wales Act 2006.
- (6) When calculating the 40-day period for the purposes of subsection (5)(a), ignore any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than 4 days. 30
- (7) If the name of the Public Administration and Constitutional Affairs Committee is changed, the reference in subsection (2)(c) to that Committee is to be read (subject to subsection (8)) as a reference to the Committee by its new name. 35
- (8) If the functions of the Public Administration and Constitutional Affairs Committee at the passing of this Act with respect to electoral matters (or functions corresponding substantially to such matters) become functions of a different committee of the House of Commons, the reference in subsection (2)(c) to that Committee is to be read as a reference to the committee which for the time being has those functions. 40

#### **4D 5-yearly review and designation of statement**

- (1) The Secretary of State must review a statement designated under section 4A if a period of 5 years has elapsed since—

- (a) the time when the statement was first designated under section 4A, or
- (b) if later, the time when the statement was last designated under that section by virtue of this section or section 4E.

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- (2) But where—

- (a) the statement was last designated by virtue of section 4E, and
- (b) the case was one in which the Secretary of State made a determination under section 4E(4) (disapplication of consultation requirements on revision of statement),

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the designation of the statement in that case is to be ignored in determining for the purposes of subsection (1)(b) when the statement was last designated.

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- (3) A review under subsection (1) must take place as soon as reasonably practicable after the end of the 5-year period referred to in that subsection.

- (4) After reviewing the statement, the Secretary of State may—

- (a) revise the statement,
- (b) leave the statement as it is, or
- (c) withdraw the statement's designation under section 4A.

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- (5) Where the Secretary of State proceeds under subsection (4)(a) or (b)—

- (a) the Secretary of State must designate the statement (whether or not revised) under section 4A(1);
- (b) if the statement is not designated before the end of the review period, the designation of the statement (in the form reviewed under subsection (1)) is treated as withdrawn at the end of that period.

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- (6) “The review period” means the 9 months beginning with the end of the 5-year period referred to in subsection (1).

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- (7) Sections 4A(2) to (4) and 4C apply in relation to the statement and its designation in accordance with subsection (5)(a) as they apply in relation to the original statement.

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#### **4E Power to revise statement**

- (1) The Secretary of State may revise a statement designated under section 4A otherwise than in consequence of a review under section 4D.

- (2) The power under subsection (1) may be exercised—

- (a) on the Secretary of State's own initiative, or
- (b) at the request of the Commission, where the request—

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- (i) is made by notice given to the Secretary of State and the Speaker's Committee, and
- (ii) gives details of the changes to the statement that the Commission propose should be made.
- (3) Where the Secretary of State revises the statement under subsection (1) –
- (a) the Secretary of State must designate the revised statement under section 4A(1), and
- (b) subject to subsection (4), sections 4A(2) to (4) and 4C apply to the revised statement and its designation in accordance with paragraph (a) as they apply to the original statement.
- (4) The Secretary of State may determine in a particular case that section 4C(2) and (3) (consultation requirements) do not apply in relation to the revised statement.
- (5) Before making a determination under subsection (4), the Secretary of State –
- (a) must give notice to the Speaker's Committee of the proposed determination (giving details of the revisions to the statement), and
- (b) must consider any representations made by the Speaker's Committee in response to the notice.
- (6) Where the Secretary of State makes a determination under subsection (4), the Secretary of State must notify the following of the revisions to the statement –
- (a) the Commission,
- (b) the Speaker's Committee,
- (c) the Public Administration and Constitutional Affairs Committee,
- (d) the Scottish Ministers, if the draft relates to any extent to the Commission's devolved Scottish functions (within the meaning of section 4C), and
- (e) the Welsh Ministers, if the draft relates to any extent to the Commission's devolved Welsh functions (within the meaning of section 4C),
- and section 4C(7) and (8) apply for the purposes of paragraph (c) as they apply for the purposes of section 4C(2)(c).
- (7) Subsection (8) applies where the Secretary of State makes a determination under subsection (4) despite the Speaker's Committee objecting to the proposed determination.
- (8) When laying the revised statement before Parliament in accordance with section 4C(3)(b), the Secretary of State must also lay before Parliament a statement of the Secretary of State's reasons for the determination.

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- (9) For the purposes of this section, corrections of clerical or typographical errors do not count as a revision of the statement.”

### **13 Examination of duty to have regard to strategy and policy statement**

- (1) After section 13 of PPERA insert—

*“Examination of Commission’s duty to have regard to strategy and policy statement”*

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### **13ZA Examination of duty to have regard to strategy and policy statement**

- (1) The Speaker’s Committee may examine the performance by the Commission of the Commission’s duty under section 4B(2) (duty to have regard to strategy and policy statement).

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- (2) The Speaker’s Committee may require the Commission to provide the Committee with information that—
- (a) the Committee require for the purposes of enabling them to exercise their power under subsection (1), and
  - (b) is held by the Commission.

- (3) The Commission—
- (a) must as soon as is reasonably practicable provide the Speaker’s Committee with information required under subsection (2), and
  - (b) must provide the information in such form as the Committee may reasonably require.

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- (4) A requirement imposed on the Commission under subsection (2) does not require the Commission to provide information that, in their opinion, might adversely affect any current investigation or proceedings.

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- (5) Except as provided by subsection (6), the disclosure of information pursuant to a requirement imposed under subsection (2) does not breach—
- (a) any obligation of confidence owed by the Commission, or
  - (b) any other restriction on the disclosure of information (however imposed).

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- (6) A requirement imposed on the Commission under subsection (2) does not require them to disclose information if to do so would contravene the data protection legislation (but, in determining whether a disclosure would do so, the requirement imposed on the Commission is to be taken into account).

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- (7) In subsection (6), “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3(9) of that Act). ”

- (2) In Schedule 2 to PPERA (Speaker’s Committee), after paragraph 3 insert—  
“*Protection for witnesses etc*

4 (1) Evidence given by a person who is a witness before the Speaker’s Committee may not be used against the person in any civil or disciplinary proceedings, or in any criminal proceedings, unless the evidence was given in bad faith.

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- (2) For the purposes of the law of defamation the publication by the Speaker’s Committee of any evidence given by a person who is a witness before the Speaker’s Committee is absolutely privileged.”

*Membership of the Speaker’s Committee*

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#### **14 Membership of the Speaker’s Committee**

- (1) In section 2 of PPERA (Speaker’s Committee), after subsection (2) insert—

“(2A) The functions of the Minister for the Cabinet Office under subsection (2)(b) are exercisable concurrently with any Member of the House of Commons who—

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- (a) is a Minister of the Crown with responsibilities in relation to the constitution, and  
(b) is appointed to membership of the Committee by the Prime Minister in order to carry out those functions concurrently with the Minister for the Cabinet Office.”

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- (2) In paragraph 2 of Schedule 2 to PPERA (the Speaker’s Committee: term of office), after sub-paragraph (1) insert—

“(1A) The reference in sub-paragraph (1)(c) to the member who is the Minister for the Cabinet Office does not include any member appointed under section 2(2A).”

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- (3) The Transfer of Functions (Speaker’s Committee) Order 2021 (S.I. 2021/310) is revoked.

*Criminal proceedings*

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#### **15 Criminal proceedings**

- (1) Paragraph 2 of Schedule 1 to PPERA (the Electoral Commission: incidental powers) is amended as follows.

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- (2) The existing text becomes sub-paragraph (1).

- (3) In sub-paragraph (1)—

- (a) after “may” insert “(subject to sub-paragraph (2));”;  
(b) omit “(except borrow money)”.

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(4) After sub-paragraph (1) insert –

“(2) The Commission may not –

- (a) borrow money;
- (b) institute criminal proceedings in England and Wales or Northern Ireland.”

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## PART 4

### REGULATION OF EXPENDITURE

#### *Notional expenditure of candidates and others*

**16 Notional expenditure: use of property etc on behalf of candidates and others**

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|---|----------------|
| <p>(1) In section 90C of RPA 1983 (property, goods, services etc provided free of charge or at a discount), after subsection (1) insert –</p> <p>“(1A) For the purposes of subsection (1)(b), property, goods, services or facilities are made use of on behalf of a candidate only if their use on behalf of the candidate is directed, authorised or encouraged by the candidate or the candidate’s election agent.”</p>  | 10             |
| <p>(2) In section 73 of PPERA (notional campaign expenditure) –</p> <p>(a) after subsection (1) insert –</p> <p>“(1A) For the purposes of subsection (1)(b), property, services or facilities are made use of on behalf of a registered party only if their use on behalf of the party is directed, authorised or encouraged by –</p> <ul style="list-style-type: none"> <li>(a) the party, or</li> <li>(b) the treasurer or a deputy treasurer appointed under section 74.”;</li> </ul> <p>(b) in subsection (10), after “(1),” insert “(1A).”</p> | 15<br>20<br>25 |
| <p>(3) In section 86 of PPERA (notional controlled expenditure), after subsection (1) insert –</p> <p>“(1A) For the purposes of subsection (1)(b), property, services or facilities are made use of on behalf of a third party only if their use on behalf of the third party is directed, authorised or encouraged by the third party or (where the third party is a recognised third party and is not an individual) by the third party or the responsible person.”</p>   | 30             |
| <p>(4) In section 94 of PPERA (limits on controlled expenditure by third parties), after subsection (8) insert –</p> <p>“(8A) For the purposes of subsection (8)(b), property, services or facilities are made use of on behalf of a third party only if their use on behalf of the third party is directed, authorised or encouraged by the third party or (where the third party is a recognised third party and is not an individual) by the third party or the responsible person.”</p>   | 35             |

(5) In section 112 of PPERA (notional referendum expenses), after subsection (1) insert –

“(1A) For the purposes of subsection (1)(b), property, services or facilities are made use of on behalf of an individual or body only if their use on behalf of the individual or body is directed, authorised or encouraged by the individual or body or (where the individual or body is a permitted participant) by the individual or body or the responsible person.”

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(6) In paragraph 6 of Schedule 3 to the Recall of MPs Act 2015 (regulation of expenditure: notional petition expenses), after sub-paragraph (3) insert –

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“(3A) For the purposes of sub-paragraph (3), property, services or facilities are made use of on behalf of P only if their use on behalf of P is directed, authorised or encouraged by P or (where P is an accredited campaigner) by P or the responsible person.”

(7) In section 52B of the Electoral Law Act (Northern Ireland) 1962 (c. 14 (N.I.)) (property, goods, services etc provided free of charge or at a discount), after subsection (1) insert –

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“(1A) For the purposes of subsection (1)(b), property, goods, services or facilities are made use of on behalf of a candidate only if their use on behalf of the candidate is directed, authorised or encouraged by the candidate or the candidate’s election agent.”

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## 17 Codes of practice on expenses

(1) In paragraph 14 of Schedule 4A to RPA 1983 (election expenses: Electoral Commission guidance) –

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(a) in sub-paragraph (1), after paragraph (b) insert –

“(c) guidance relating to the application of Part 2 of this Act in relation to expenses incurred for the purposes of a candidate’s election (whether or not election expenses).”;

(b) in sub-paragraph (7)(b), after “order” insert “made by statutory instrument”.

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(2) In paragraph 14A of that Schedule (guidance for local government elections in Wales) –

(a) in sub-paragraph (1), after paragraph (b) insert –

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“(c) guidance relating to the application of Part 2 of this Act in relation to expenses incurred for the purposes of a candidate’s election (whether or not election expenses).”;

(b) in sub-paragraph (7)(b), after “order” insert “made by statutory instrument”.

(3) In section 156 of PPERA (orders and regulations), in subsection (3) –

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(a) omit the “or” after paragraph (a);

(b) after paragraph (a) insert –

“(aa) any order under paragraph 3(7) of Schedule 8 or paragraph 3(7) of Schedule 8A;”.

## **18 Authorised persons not required to pay expenses through election agent**

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|--|----------|
| <p>(1) In section 73 of RPA 1983 (payment of expenses through election agent), as it applies otherwise than in relation to local government elections in Scotland, in subsection (5) –</p> <p style="margin-left: 20px;">(a) omit the “or” after paragraph (c);</p> <p style="margin-left: 20px;">(b) after paragraph (c) insert –</p> <p style="margin-left: 40px;">“(ca) any expenses incurred on account of any matter falling within section 75(1) by a person authorised as mentioned in that provision; or”.</p>   | 5<br>10  |
| <p>(2) In section 73 of RPA 1983 (payment of expenses through election agent), as it applies in relation to local government elections in Scotland –</p> <p style="margin-left: 20px;">(a) in subsection (1), for “Except” substitute “Subject to subsection (3A) and except”;</p> <p style="margin-left: 20px;">(b) after subsection (3) insert –</p> <p style="margin-left: 40px;">“(3A) This section does not apply to any expenses incurred on account of any matter falling within section 75A(2) by a person authorised as mentioned in that provision.”</p> | 15<br>20 |
| <p>(3) In section 39 of the Electoral Law Act (Northern Ireland) 1962 (c. 14 (N.I.)) (payment of expenses through an election agent), in subsection (3), after paragraph (c) insert –</p> <p style="margin-left: 20px;">“(ca) any expenses incurred on account of any matter falling within section 41(1) by a person authorised as mentioned in that provision;”.</p>   | 25       |

### *Registration of parties etc*

## **19 Declaration of assets and liabilities to be provided on application for registration**

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|--|----|
| <p>(1) Section 28 of PPERA (registration of parties) is amended in accordance with subsections (2) to (4).</p>   | 30 |
| <p>(2) In subsection (1) –</p> <p style="margin-left: 20px;">(a) omit the “and” after paragraph (a);</p> <p style="margin-left: 20px;">(b) after paragraph (b) insert “, and</p> <p style="margin-left: 40px;">(c) (subject to subsection (3E)) is accompanied by a declaration falling within subsection (3B).”</p> | 35 |
| <p>(3) Before subsection (4) insert –</p> <p style="margin-left: 20px;">“(3B) The declarations falling within this subsection are –</p>  |    |

- (a) a declaration that, to the best of the proposed registered treasurer’s knowledge and belief, the party’s assets/liabilities figure does not exceed £500;
- (b) a declaration that, to the best of the proposed registered treasurer’s knowledge and belief, the party’s assets/liabilities figure exceeds £500.
- (3C) For the purposes of subsection (3B) a party’s assets/liabilities figure exceeds £500 if—
- (a) the total value of the party’s assets exceeds £500,
- (b) the total value of the party’s liabilities (stated as a positive amount) exceeds £500, or
- (c) the total values referred to in paragraphs (a) and (b), when added together, exceed £500.
- (3D) A declaration within subsection (3B)(b) must be accompanied by a record of the party’s assets and liabilities; and that record must comply with such requirements as to its form and contents as may be prescribed by regulations made by the Commission.
- (3E) Subsection (1)(c) does not apply to an application under this section made in pursuance of a declaration falling within subsection (2)(d) (and subsections (3D) and (8A) to (8C) are accordingly to be disregarded in relation to such an application)."
- (4) After subsection (8) insert—
- “(8A) Subsections (8B) and (8C) apply where—
- (a) the Commission grant an application by a party under this section, and
- (b) the application was accompanied by a declaration within subsection (3B)(b).
- (8B) The Commission must ensure that the party’s entry in the register is marked so as to indicate that its application was accompanied by a declaration within subsection (3B)(b).
- (8C) The Commission must—
- (a) as soon as reasonably practicable after granting the application, make a copy of the record of assets and liabilities provided by the party under subsection (3D) available for public inspection, and
- (b) keep the copy available for public inspection for such period as the Commission think fit.”
- (5) In section 34 of PPERA (registration of minor parties), in subsection (8)(c)(i), for “sections 28(4) to (8)” substitute “sections 28(1)(c) and (3B) to (8C)”.

**20 Prohibition on entities being registered political parties and recognised third parties at same time**

- (1) PPERA is amended as follows.
- (2) In section 28 (registration of parties), after subsection (7) insert –
  - “(7A) A party may not make an application under this section at any time when the party is also a recognised third party for the purposes of Part 6 (see section 85(5)).”
- (3) In section 85 (controlled expenditure by third parties), in subsection (7), omit paragraph (b).
- (4) In section 88 (third parties recognised for purposes of Part 6) –
  - (a) in subsection (2), omit paragraph (b);
  - (b) in subsection (3), omit paragraph (b);
  - (c) in subsection (3A), for “(3)(b)(iii), (c)(ii) or (d)(ii)” substitute “(3)(c)(ii) or (d)(ii)”.
- (5) In section 90 (restriction on incurring controlled expenditure), omit subsection (3).
- (6) In section 95 (control of donations to recognised third parties), omit the words from “which” to the end.
- (7) In section 95A (quarterly donation reports), omit subsection (11).
- (8) In section 95B (weekly donation reports during general election periods), omit subsection (11).
- (9) In section 96 (returns as to controlled expenditure), in subsection (2)(d), omit the words from “in a case” to “minor party.”.
- (10) In section 99 (declaration by responsible person as to return under section 96), in subsection (3), omit the words from “, in a case” to “minor party.”.
- (11) In Schedule 11 (control of donations to recognised third parties), in paragraph 1 –
  - (a) in sub-paragraph (1), omit the words from “which” to the end;
  - (b) omit sub-paragraph (3).

**21 Section 20: transitional provision**

- (1) If controlled expenditure is incurred by or on behalf of a relevant person during any post-commencement period in relation to which any limit is imposed by Schedule 10 to PPERA (limits on controlled expenditure), no campaign expenditure may be incurred during that period by or on behalf of the person.
- (2) “Relevant person” means a person who, immediately before the commencement date, is both a registered party and a recognised third party.

(3) Where campaign expenditure is incurred by or on behalf of a relevant person in contravention of subsection (1), section 79(2) of PPERA (offence for exceeding limit on campaign expenditure) applies as if campaign expenditure had been incurred in excess of any limit imposed by Schedule 9 to PPERA (and for this purpose references in section 79(2) of PPERA to a registered party are to be read as references to the relevant person in its capacity as a registered party).  
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(4) See also section 89A of PPERA (inserted by section 22 below), which among other things restricts the incurring of controlled expenditure by or on behalf of a registered party which is also a third party.  
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(5) A third party may not give a notification under section 88(4)(b) of PPERA (recognised third parties: renewal of original notification) on or after the commencement date if it is also a registered party.

(6) In this section –

“campaign expenditure” has the same meaning as it has for the purposes of Part 5 of PPERA (see section 72(2) of that Act);  
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“the commencement date” means the date on which this section comes into force (and post-commencement, in relation to a period, means beginning on or after that date);

“controlled expenditure”, “recognised third party” and “third party” have the same meaning as they have for the purposes of Part 6 of PPERA (see section 85 of that Act);  
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“registered party” has the same meaning as in PPERA (see section 160(1) of that Act).

*Controlled expenditure etc*

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**22 Restriction on which third parties may incur controlled expenditure**

(1) In Part 6 of PPERA, at the beginning of Chapter 2 insert –

“*Which third parties may incur expenditure*

**89A Restriction on which third parties may incur controlled expenditure**

(1) No amount of controlled expenditure may be incurred by or on behalf of a third party during a regulated period unless the third party –  
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(a) falls within any paragraph of section 88(2) (third parties eligible to give notification), or

(b) is an unincorporated association with the requisite UK connection.  
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(2) Subsection (1) does not apply to any expenses incurred by or on behalf of a third party during a regulated period which do not in total exceed £700.

(3) Subsections (4) and (5) apply where expenses are incurred by or on behalf of a third party in contravention of subsection (1).  
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- (4) If the third party is not an individual –
- (a) any person who authorised the expenses to be incurred by or on behalf of the third party is guilty of an offence if the person knew or ought reasonably to have known that the expenses would be incurred in contravention of subsection (1), and
  - (b) the third party is also guilty of an offence.
- (5) If the third party is an individual, the individual is guilty of an offence if they knew or ought reasonably to have known that the expenses would be incurred in contravention of subsection (1).
- (6) It is a defence for a person or third party charged with an offence under subsection (4) or (5) to show –
- (a) that any code of practice for the time being issued under paragraph 3 of Schedule 8A was complied with in determining whether any expenditure is controlled expenditure under this Part, and
  - (b) that the offence would not have been committed on the basis of the controlled expenditure as determined in accordance with the code.
- (7) An unincorporated association has “the requisite UK connection” if it consists of two or more persons both or all of whom are registered in a register of parliamentary electors in pursuance of a declaration made under and in accordance with section 1C of the Representation of the People Act 1985 (overseas elector’s declaration).
- (8) In this section –
- “register of parliamentary electors” means a register of parliamentary electors maintained under section 9 of the Representation of the People Act 1983;
  - “regulated period” means a period which is a regulated period as defined by section 94(10)(a). ”
- (2) In Schedule 20 to PPERA (penalties), at the appropriate place in the table insert –
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|---|--|
| <p>“Section 89A(4) or (5) (incurring controlled expenditure in contravention of section 89A(1))</p> | <p>On summary conviction in England and Wales: fine</p> <p>On summary conviction in Scotland or Northern Ireland: statutory maximum</p> <p>On indictment: fine”.</p> |
|---|--|
- (3) The amendments made by subsections (1) and (2) have effect only in relation to regulated periods beginning on or after the day on which this section comes fully into force.
- (4) In subsection (3), “regulated period” means a period in relation to which any limit is imposed by Schedule 10 to PPERA.

**23 Third parties capable of giving notification for purposes of Part 6 of PPERA**

- (1) In section 88 of PPERA (third parties recognised for the purposes of Part 6), after subsection (8) insert—

“(9) The Secretary of State may by order amend subsection (2) by—  
    (a) adding a description of third party to the list in that subsection,  
    (b) removing a description of third party from that list, or  
    (c) varying the description of a third party in that list.”

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“(10) An order under subsection (9) may make such amendments of this Part as the Secretary of State considers appropriate in consequence of the amendments to subsection (2) made by the order.”

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- (2) In section 156 of PPERA (orders and regulations), in subsection (4), after paragraph (dd) insert—

“(de) section 88(9),”.

**24 Recognised third parties: changes to existing limits etc**

- (1) In section 85 of PPERA (controlled expenditure by third parties), before subsection (6) insert—

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“(5B) “The lower-tier expenditure limits”, in relation to controlled expenditure incurred by or on behalf of a recognised third party, means the limits specified in section 94(5) (limits on controlled expenditure incurred in a part of the UK); and a recognised third party is subject to those limits if the notification given by the third party under section 88(1), as it has effect for the time being, contains a statement within section 88(3D).”

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- (2) Section 88 of PPERA (third parties recognised for the purposes of Part 6) is amended in accordance with subsections (3) to (6).

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- (3) After subsection (3C) insert—

“(3D) A notification given under subsection (1) by a third party so as to be subject to the lower-tier expenditure limits must contain a statement to that effect.”

- (4) In subsection (6)—

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(a) in paragraph (a), after “statements” insert “within subsection (3)”;  
    (b) in paragraph (b)—  
        (i) after “any statement” insert “within subsection (3)”;  
        (ii) for “subsection (3)” substitute “that subsection”.

- (5) After subsection (6) insert—

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“(6A) In a case where the original notification, as it has effect for the time being, contains a statement within subsection (3D), the renewal notification must either—

(a) confirm that the statement is to continue to have effect, or

- (b) indicate that the statement is withdrawn.”
- (6) In subsection (8), for the words from “any statement” to the end substitute –
- “(a) any statement within subsection (3) that is contained in the original notification, as it has effect for the time being, is replaced by some other statement conforming with that subsection that is contained in the notification of alteration, or
  - (b) any statement within subsection (3D) that is contained in the original notification, as it has effect for the time being, is withdrawn.”
- (7) Section 94 of PPERA (limits on controlled expenditure by third parties) is amended in accordance with subsections (8) to (10). 10
- (8) In subsection (3) –
- (a) in paragraph (a), for “either” substitute “any of the following sub-paragraphs applies –
    - (ai) during a regulated period, any controlled expenditure is incurred by or on behalf of a third party in excess of £10,000;”;
    - (b) at the end of paragraph (a)(i), for “, or” substitute “;”;
    - (c) for paragraph (b) substitute –
      - (b) the third party –
        - (i) in a case within paragraph (a)(ai) or (ii), is not a recognised third party;
        - (ii) in a case within paragraph (a)(i), is not a recognised third party or is a recognised third party but is subject to the lower-tier expenditure limits.”
- (9) After subsection (4) insert –
- “(4ZA) In its application to a case within subsection (3)(a)(i) where the third party is a recognised third party that is subject to the lower-tier expenditure limits, the reference in subsection (4)(a)(i) to any person who authorised the expenditure to be incurred is to be read as a reference to the responsible person.”
- (10) After subsection (10) insert –
- “(10A) Where an offence under subsection (4) is committed in the case of a recognised third party that is subject to the lower-tier expenditure limits –
    - (a) the third party ceases to be subject to those limits at the time the offence is committed, and
    - (b) this Part then applies to the third party as if the notification under section 88(1) which is for the time being in force in relation to the third party did not contain a statement under section 88(3D).”

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(11) In section 94A of PPERA (arrangements between third parties notified to the Commission), after subsection (5) insert—

“(5A) A recognised third party that is subject to the lower-tier expenditure limits may not send a notice under subsection (1).”

(12) The following subsection: “( ) This section does not apply in relation to a recognised third party that is subject to the lower-tier expenditure limits.”—

(a) is inserted after the provision of PPERA mentioned in the left-hand column of the following table, and

(b) is inserted after that provision with the applicable number mentioned in the right-column of the table.

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<i>Provision of PPERA</i>	<i>Number of inserted subsection</i>	
Section 91(4) (restriction on payments in respect of controlled expenditure)	(4A)	
Section 92(7) (restriction on making claims in respect of controlled expenditure)	(7A)	15
Section 95A(10) (quarterly donation reports)	(10A)	
Section 95B(10) (weekly donation reports during general election periods)	(10A)	
Section 95D(7) (forfeiture)	(8)	20
Section 96(8) (returns as to controlled expenditure)	(9)	

## 25 Joint campaigning by registered parties and third parties

(1) In section 79 of PPERA (limits on campaign expenditure), after subsection (3) insert—

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“(3ZA) See section 94BA (arrangements between third parties and registered parties) for provision under which expenditure incurred by or on behalf of a third party is to be treated as counting towards the limit mentioned in subsection (2).”

(2) In section 80 of PPERA (returns as to campaign expenditure)—

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(a) in subsection (3)—

(i) omit the “and” after paragraph (b), and

(ii) at the end of paragraph (c) insert “; and

(d) in a case where, by virtue of section 94BA(6), campaign expenditure is treated as having been incurred by or on behalf of the party in pursuance of a plan or other arrangement of a kind mentioned in section 94BA(1) (arrangements

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between registered parties and third parties), a statement identifying—

- (i) the expenditure that is treated as having been so incurred, and
- (ii) any campaign expenditure that was in fact incurred by or on behalf of the party in pursuance of the plan or arrangement.”;

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(b) after subsection (5) insert—

“(5A) Where, by virtue of subsection (3)(d), a return under this section sets out expenditure incurred in pursuance of a plan or other arrangement of a kind mentioned in section 94BA(1), the return must also identify—

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- (a) the third party which is a party to the plan or arrangement, or
- (b) where more than one third party is a party to the plan or arrangement, all the third parties in question.

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In this subsection, “third party” has the same meaning as in Part 6.”

(3) In section 87 of PPERA (expenditure by third parties which is not controlled expenditure), in subsection (3), after “section” insert “94BA(6) or”.

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(4) After section 94B of PPERA insert—

#### **“94BA Arrangements with registered parties**

(1) For the purposes of this section, expenditure is incurred in pursuance of a joint plan if it is incurred in pursuance of a plan or other arrangement whereby—

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- (a) controlled expenditure is to be incurred by or on behalf of a third party or (as the case may be) by or on behalf of one or more third parties,
- (b) campaign expenditure is to be incurred by or on behalf of a registered party, and

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- (c) the expenditure can reasonably be regarded as intended to achieve a common purpose falling within section 85(2)(b), and references in this section to a joint plan are to be construed accordingly.

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(2) Subsection (3) applies where—

- (a) during a regulated period campaign expenditure is incurred in a particular part of the United Kingdom or in a particular parliamentary constituency by or on behalf of a registered party, and

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- (b) the expenditure is incurred in pursuance of a joint plan.

(3) The campaign expenditure is to be treated for the purposes of section 94 and Schedule 10 as if—

- (a) it were controlled expenditure, and  
(b) it had been incurred by or on behalf of (as the case may be) –  
    (i) the third party which is a party to the joint plan, or  
    (ii) each of the third parties which are parties to the joint plan,

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at the same time as the relevant campaign expenditure was in fact incurred by or on behalf of the registered party.

- (4) Subsection (3) –  
    (a) is without prejudice to the application of Part 5 in relation to the campaign expenditure;  
    (b) applies whether or not the third party (or, as the case may be, any of the third parties) is a recognised third party.
- (5) Subsection (6) applies where –  
    (a) during a regulated period controlled expenditure is incurred in a particular part of the United Kingdom or in a particular parliamentary constituency by or on behalf of a third party, and  
    (b) the expenditure is incurred in pursuance of a joint plan.
- (6) The controlled expenditure is to be treated for the purposes of section 79(2) (limits on campaign expenditure) as if –  
    (a) it were campaign expenditure, and  
    (b) it had been incurred by or on behalf of the registered party which is a party to the joint plan at the same time as the controlled expenditure was in fact incurred by or on behalf of the third party mentioned in subsection (5)(a).
- (7) Subsection (6) is without prejudice to the application of this Part in relation to the controlled expenditure.
- (8) Expressions used in this section and in Part 5 have the same meaning as in that Part.”
- (5) In section 96 of PPERA (returns as to controlled expenditure) –  
    (a) in subsection (2) –  
        (i) omit the “and” after paragraph (c);  
        (ii) after paragraph (c) insert –  
            “(ca) in a case where, by virtue of section 94(6) or 94BA(3), controlled expenditure is treated as having been incurred by or on behalf of the third party in pursuance of a joint campaigning arrangement, a statement identifying –  
                (i) the expenditure that is treated as having been so incurred, and  
                (ii) any controlled expenditure that was in fact incurred by or on behalf of the third

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- party in pursuance of the arrangement;  
and”;
- (b) after subsection (5) insert—
- “(5A) Where, by virtue of subsection (2)(ca), a return under this section sets out expenditure incurred in pursuance of a joint campaigning arrangement, the return must also identify—
- (a) in the case of an arrangement within subsection (7A)(a),  
the other third party (or parties) in question;
- (b) in the case of an arrangement within subsection (7A)(b),  
the registered party in question.”;
- (c) after subsection (7) insert—
- “(7A) In this section “joint campaigning arrangement” means—
- (a) a plan or other arrangement of a kind mentioned in section 94(6) (arrangements between two or more third parties), or
- (b) a plan or other arrangement of a kind mentioned in section 94BA(1) (arrangements between registered parties and third parties).”
- (6) The amendments made by this section do not have effect in relation to expenditure incurred before the day on which this section comes fully into force.

## PART 5

### DISQUALIFICATION OF OFFENDERS FOR HOLDING ELECTIVE OFFICE ETC

#### 26 Disqualification orders

- (1) This section applies where—
- (a) a person (“the offender”) is convicted of a Schedule 8 offence,
- (b) the offender was aged 18 or over when the offence was committed,  
and
- (c) the court is satisfied beyond reasonable doubt that the offence is aggravated by hostility related to persons falling within any of sections 28 to 30.
- (2) The court must, when dealing with the offender for the offence, also make an order (a “disqualification order”) that the offender is disqualified, for the period of 5 years beginning with the date on which the order is made—
- (a) for being nominated for election to a relevant elective office, and
- (b) for being elected to or holding a relevant elective office.
- (3) Subsection (2) does not apply where the court considers that there are particular circumstances relating to the offence or to the offender which would make it unjust in all the circumstances to make the order; and in such a case the court must state in open court the reasons for not making the order.

- (4) For the purposes of this section an offence is aggravated by hostility related to persons falling within any of sections 28 to 30 if—
- (a) at the time of committing the offence, or immediately before or after doing so, the offender demonstrated towards the victim of the offence hostility based on the victim being (or being presumed to be) a person falling within any of sections 28 to 30, or
  - (b) the offence was motivated (wholly or partly) by hostility towards persons falling within any of those sections in their capacity as such.
- (5) For the purposes of subsection (4) it is immaterial whether or not the offender's hostility is also based, to any extent, on any other factor not mentioned in that subsection.
- (6) For the purpose of deciding whether to make a disqualification order the court may consider evidence led by the prosecution and the defence.
- (7) It is immaterial whether evidence led in pursuance of subsection (6) would have been admissible in the proceedings in which the offender was convicted.
- (8) Where a Schedule 8 offence is found to have been committed—
- (a) over a period of 2 or more days, or
  - (b) at some time during a period of 2 or more days,
- it is to be taken for the purposes of subsection (1)(b) to have been committed on the last of those days.
- (9) In this section—
- “presumed” means presumed by the offender;
  - “Schedule 8 offence” means an offence listed in Schedule 8 (and any reference in that Schedule to an offence includes a reference to that offence committed by aiding, abetting, counselling or procuring the commission of that offence).

## 27 Vacation of office etc

- (1) This section applies where a court makes a disqualification order in respect of a person who holds a relevant elective office.
- (2) The relevant elective office is, subject to subsection (3), vacated at the appropriate time, namely—
- (a) the end of the period of 3 months beginning with the order date, or
  - (b) if earlier, the end of the period allowed for making an appeal against the conviction or the making of the order.
- (3) Where, before the appropriate time mentioned in subsection (2), the person appeals against the conviction or the making of the order, the relevant elective office is vacated at the end of the period of 3 months beginning with the order date unless—
- (a) the appeal is dismissed or abandoned at any earlier time (in which case the relevant elective office is vacated at that time), or

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- (b) at any time within that period of 3 months the appeal against the conviction or the making of the order is upheld (in which case the relevant elective office is not required to be vacated).
- (4) The person is suspended from performing any of the functions of the relevant elective office during the period beginning with the order date and ending with—
- (a) the date on which the office is vacated in accordance with this section, or
  - (b) where subsection (3)(b) applies, the date on which the appeal against the conviction or the making of the order is upheld.
- (5) Where—
- (a) a person ceases to hold a relevant elective office in accordance with this section, but
  - (b) at any later time the person successfully appeals against the conviction or the making of the order,
- the determination of the appeal does not entitle the person to resume that office.
- (6) In this section “order date” means the date on which the disqualification order is made by the court.

## 28 Candidates etc

- (1) A person falls within this section if the person is—
  - (a) a candidate or future candidate at an election for a relevant elective office, or
  - (b) a substitute or nominee in relation to the seat of a member of the Northern Ireland Assembly or of a district council in Northern Ireland.
- (2) The reference in subsection (1)(a) to a person who is a candidate at an election for a relevant elective office includes a person who is included in a list of candidates submitted in connection with the election.
- (3) For the purposes of subsection (1)(a) a person is a future candidate at an election for a relevant elective office if—
  - (a) the person has been declared, whether by the person or by others, to be a candidate at the election (and the declaration has not been withdrawn),
  - (b) the election is the next scheduled election for the relevant elective office, and
  - (c) the notice of the election has not been published or, in the case of an election for the office of member of the House of Commons, the writ for the election has not been issued.
- (4) For the purposes of subsection (1)(b) a person is a substitute—
  - (a) in relation to the seat of a member of the Northern Ireland Assembly, if the person—

- (i) is included in a notice given by the member under article 6A of the 2001 Order (vacancies arising during an Assembly term: independent members) or, where the member has given more than one notice under that article, in the last such notice, or
    - (ii) is being considered by the member for inclusion in such a notice;
  - (b) in relation to the seat of a member of a district council in Northern Ireland, if the person—
    - (i) is included in a list of substitutes given by the member under section 11C of the 1962 Act (substitute lists: independent members) or, where the member has given more than one list of substitutes under that section, in the latest such list, or
      - (ii) is being considered by the member for inclusion in such a list.
- (5) For the purposes of subsection (1)(b) a person is a nominee—
- (a) in relation to the seat of a member of the Northern Ireland Assembly, if the person—
    - (i) has under article 6B of the 2001 Order (vacancies arising during an Assembly term: members of registered parties) been nominated by the nominating officer of a registered party to fill a vacancy in the seat, or
      - (ii) is being considered by the nominating officer of a registered party for nomination under that article;
  - (b) in relation to the seat of a member of a district council in Northern Ireland, if the person—
    - (i) has under section 11E or 11F of the 1962 Act (members for registered parties: filling casual vacancies) been nominated by the nominated officer of a registered party to fill a vacancy in the seat, or
      - (ii) is being considered by the nominating officer of a registered party for nomination under either of those sections.
- (6) For the purposes of subsection (5)(b) as it applies in relation to section 11F of the 1962 Act, references to the nominated officer of a registered party are to be read as references to the nominating officers of each of the registered parties concerned.
- (7) In this section—
- “the 1962 Act” means the Electoral Law Act (Northern Ireland) 1962;
  - “the 2001 Order” means the Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599);
  - “nominating officer”, in relation to a registered party, means the person registered as the party’s nominating officer under PPERA in the Northern Ireland register (within the meaning of PPERA);
  - “registered party” means a party registered under PPERA in that register.

## **29 Holders of relevant elective offices**

- (1) A person falls within this section if the person holds a relevant elective office.
- (2) For the purposes of subsection (1) a person is to be treated as holding a relevant elective office during any period when—
  - (a) the person has been elected as, or declared to be returned as, the holder of the office, but
  - (b) their term of office has not yet begun.

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## **30 Campaigners**

- (1) A person falls within this section if the person is an individual—
  - (a) who is a permitted participant in relation to a referendum to which Part 7 of PPERA applies,
  - (b) who is a recognised third party,
  - (c) who is involved in the conduct or management of a local referendum campaign,
  - (d) who is an accredited campaigner in relation to a recall petition, or
  - (e) who—
    - (i) undertakes activities for election purposes, for referendum purposes or for recall petition purposes, and
    - (ii) is employed or engaged by a person falling within subsection (5) wholly or partly for the purpose of undertaking such activities.
- (2) Activities are undertaken “for election purposes” if they are undertaken—
  - (a) for the purposes of or in connection with—
    - (i) promoting or procuring electoral success for a registered party at a relevant election, or
    - (ii) promoting or procuring the election of a candidate at a relevant election,
  - (b) for the purposes of or in connection with enhancing the standing with the electorate, in connection with future relevant elections (whether imminent or otherwise), of a registered party or a candidate at a relevant election, or
  - (c) with a view to prejudicing—
    - (i) the electoral prospects of a registered party or a candidate at a relevant election, or
    - (ii) the standing with the electorate, in connection with future relevant elections (whether imminent or otherwise), of a registered party or a candidate at a relevant election.
- (3) Activities are undertaken “for referendum purposes” if they are undertaken—
  - (a) for the purposes of or in connection with promoting or procuring a particular outcome in relation to the question asked in a relevant referendum, or

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- (b) with a view to prejudicing the prospects of another particular outcome in relation to the question asked in a relevant referendum.
- (4) Activities are undertaken “for recall petition purposes” if they are undertaken for the purposes of or in connection with promoting or procuring the success or failure of a recall petition. 5
- (5) The following persons fall within this subsection—
- (a) a registered party;
  - (b) a person who falls within section 28(1)(a) (candidates etc);
  - (c) a permitted participant in relation to a referendum to which Part 7 of PPERA applies;
  - (d) a recognised third party;
  - (e) a person involved in the conduct or management of a local referendum campaign;
  - (f) an accredited campaigner in relation to a recall petition. 10
- (6) In this section—
- “accredited campaigner” has the same meaning as in the Recall of MPs Act 2015 (see Part 5 of Schedule 3 to that Act);
- “local referendum” means a referendum under or by virtue of—
- (a) Chapter 4 of Part 1A of the Local Government Act 2000 (local authority governance: England);
  - (b) Part 2 of the Local Government Act 2000 (local authority governance: Wales);
  - (c) section 52ZG or 52ZN of the Local Government Finance Act 1992 (referendums in relation to council tax);
  - (d) Schedule 4B or 4C to the Town and Country Planning Act 1990 (referendums on neighbourhood development plans); 20
- “local referendum campaign” means a campaign conducted with a view to promoting or procuring a particular outcome in relation to the question to be asked in a local referendum;
- “permitted participant” has the same meaning as in PPERA (see section 105 of that Act); 30
- “recall petition” has the same meaning as in the Recall of MPs Act 2015 (see section 1 of that Act);
- “recognised third party” has the meaning given in section 85(5) of PPERA;
- “registered party” has the same meaning as in PPERA (see section 160 of that Act); 35
- “relevant election” means an election for a relevant elective office;
- “relevant referendum” means—
- (a) a referendum to which Part 7 of PPERA applies, or
  - (b) a local referendum. 40
- (7) In this section a reference to a individual who is “engaged” by a person falling within subsection (5) includes a reference to an individual who is engaged otherwise than for payment or promise of payment.

**31 Election etc of a person to the House of Commons who is subject to a disqualification order**

- (1) If a person who is subject to a disqualification order is elected as a member of the House of Commons, the person's election is void.
  - (2) In section 7 of the House of Commons Disqualification Act 1975 (jurisdiction of Privy Council as to disqualification), after subsection (5) insert –
    - “(6) In this section, a reference to disqualification by this Act includes a reference to disqualification by virtue of an order under section 26 of the Elections Act 2021 (disqualification of offenders for holding elective office etc).”
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**32 Power to amend Schedule 8**

- (1) The Minister may by regulations amend Schedule 8 by –
    - (a) adding offences, or
    - (b) varying or omitting offences listed in the Schedule.
  - (2) Regulations under this section are to be made by statutory instrument.
  - (3) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
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**33 Interpretation of Part**

- (1) In this Part –
    - “disqualification order” means an order made under section 26;
    - “relevant elective office” means the office of –
      - (a) member of the House of Commons;
      - (b) member of the Scottish Parliament;
      - (c) member of Senedd Cymru;
      - (d) member of the Northern Ireland Assembly;
      - (e) member of a local authority;
      - (f) elected mayor (within the meaning of Part 1A or 2 of the Local Government Act 2000);
      - (g) mayor for the area of a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;
      - (h) Mayor of London;
      - (i) member of the London Assembly;
      - (j) police and crime commissioner.
  - (2) In the definition of “relevant elective office” in subsection (1), “local authority” means –
    - (a) in relation to England, a county council, a district council, a parish council, a London borough council or the Council of the Isles of Scilly;
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- (b) in relation to Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;
- (c) in relation to Wales, a county council, a county borough council or a community council;
- (d) in relation to Northern Ireland, a district council.

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**34 Minor and consequential amendments**

Schedule 9 contains minor and consequential amendments.

**PART 6**

INFORMATION TO BE INCLUDED WITH ELECTRONIC MATERIAL

*Definitions*

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**35 Definitions relating to electronic material and publication**

- (1) The following definitions have effect for the purposes of this Part.
- (2) “Electronic material” means material in electronic form which consists of or includes—
  - (a) text or moving or still images, or
  - (b) speech or music.
- (3) In this Part “electronic material” does not include material to the extent that it is received by a person in the form of—
  - (a) a telephone call made to the person at a telephone number allocated to them in accordance with a national or international numbering plan, or
  - (b) a Short Message Service text message sent to such a telephone number.
- (4) “The promoter”, in relation to electronic material, means the person causing the material to be published.
- (5) “Publish” means make available to the public at large or any section of the public.
- (6) The Minister may by regulations amend this section so as to modify the definition of “electronic material”, “the promoter” or “publish” that for the time being has effect for the purposes of this Part.

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**36 Definitions relating to parties etc**

- (1) The following definitions have effect for the purposes of this Part.
- (2) “Registered party” has the same meaning as in PPERA (see section 160 of that Act).
- (3) “Recognised third party” has the meaning given in section 85(5) of PPERA.

- (4) “Candidate” means a candidate at an election for a relevant elective office within the meaning of Part 5, including a person who is included in a list of candidates submitted in connection with such an election.
- (5) “Future candidate” means a person who is a future candidate at an election for a relevant elective office as defined by section 28(3). 5
- (6) “Elected office-holder” means a person within section 29.
- (7) “Referendum campaigner” means a person who is a permitted participant within the meaning of Part 7 of PPERA (see section 105 of that Act) in relation to a referendum to which that Part applies.
- (8) “Recall petition campaigner” means a person who is an accredited campaigner within the meaning of the Recall of MPs Act 2015 (see Part 5 of Schedule 3 to that Act) in relation to a recall petition. 10
- (9) “Recall petition” has the same meaning as in the Recall of MPs Act 2015 (see section 1 of that Act).

*Requirements*

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### **37 Requirement to include information with electronic material**

- (1) This section applies to electronic material which—
  - (a) meets the conditions in section 38 (paid-for electronic material), or
  - (b) meets the conditions in section 39 (other electronic material).
- (2) Electronic material to which this section applies must not be published unless, in accordance with this section—
  - (a) the information mentioned in subsection (3) is included as part of the electronic material, or
  - (b) if it is not reasonably practicable to comply with paragraph (a), the information mentioned in that subsection is displayed in text form in a location that is directly accessible from the electronic material. 25
- (3) That information is—
  - (a) the name and address of the promoter of the material, and
  - (b) the name and address of any person on behalf of whom the material is being published (and who is not the promoter). 30
- (4) The Minister may by regulations amend subsection (3) so as to—
  - (a) add a description of information, or
  - (b) modify or remove a description of information that is for the time being specified in that subsection.
- (5) Information is included as part of electronic material for the purposes of subsection (2)(a) only if—
  - (a) where the material consists of or includes text or moving or still images, it is displayed in text form as part of that material; 35

- (b) where the material consists only of speech or music, it forms an audible part of that material.
- (6) Information that is included as part of electronic material –
- (a) must be legible or audible (as the case may be) regardless of the device used to access the material, and
- (b) must be such that, if the electronic material were to be republished by a person who did not alter the material, the information would be retained as part of the material when republished.
- (7) Information that is directly accessible from electronic material –
- (a) must be legible regardless of the device used to access the information, and
- (b) must be such that, if the electronic material were to be republished by a person who did not alter the material, access to the information would be retained as part of the material when republished.
- (8) This section is subject to –
- (a) section 41 (electronic material relating to more than one candidate), and
- (b) section 42 (exceptions).

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### 38 Electronic material to which section 37 applies: paid-for material

- (1) Section 37 applies to electronic material which meets the following conditions.
- (2) The first condition is that the electronic material can reasonably be regarded as intended to achieve any purpose within subsection (3) (whether or not it can reasonably be regarded as intended to achieve any other purpose as well).
- (3) Those purposes are influencing the public, or any section of the public, to give support to or withhold support from –
- (a) a registered party,
- (b) a candidate or future candidate,
- (c) an elected office-holder,
- (d) the holding of a referendum in the United Kingdom or any area in the United Kingdom, or
- (e) a particular outcome of such a referendum.
- (4) The second condition is that the promoter of the material, or the person on behalf of whom the material is published, has paid for the material to be published.
- (5) The reference in subsection (4) to a person paying for material to be published includes the person providing any other form of consideration in return for the publication of the material.
- (6) In this section “referendum” does not include a poll held under section 64 of the Government of Wales Act 2006.

**39 Electronic material to which section 37 applies: other electronic material**

- (1) Section 37 applies to electronic material which meets the following conditions.
- (2) The first condition is that the electronic material—
- (a) can reasonably be regarded as intended to achieve any purpose within section 40 (whether or not it can reasonably be regarded as intended to achieve any other purpose as well), or
  - (b) wholly or mainly relates to a referendum to which Part 7 of PPERA applies.
- (3) The second condition is that the promoter of the material or the person on behalf of whom it is published is—
- (a) a registered party,
  - (b) a recognised third party,
  - (c) a candidate or future candidate,
  - (d) an elected office-holder,
  - (e) a referendum campaigner, or
  - (f) a recall petition campaigner.

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**40 Purposes referred to in section 39**

- (1) This section sets out the purposes referred to in section 39.
- (2) The first purpose is promoting or procuring electoral success at one or more particular relevant elections for—
- (a) one or more particular registered parties,
  - (b) one or more registered parties who advocate (or do not advocate) particular policies or who otherwise fall within a particular category of such parties, or
  - (c) candidates or future candidates who hold (or do not hold) particular opinions or who advocate (or do not advocate) particular policies or who otherwise fall within a particular category of candidates or future candidates.
- (3) For the purposes of subsection (2)—
- (a) the reference to electoral success at a particular relevant election is a reference—
    - (i) in relation to a registered party, to the return at the election of any candidate or future candidate who is standing, or is to stand, in the name of the party or is included, or is to be included, in a list of candidates submitted by the party in connection with the election, and
    - (ii) in relation to any candidate or future candidate, to their return at the election,
  - (b) the reference to doing any of the things mentioned in that subsection includes doing so by prejudicing the electoral prospects at the election of other parties, candidates or future candidates, and

- (c) a course of conduct may constitute the doing of one of those things even though it does not involve any express mention being made of the name of any party, candidate or future candidate.
- (4) The second purpose is promoting or procuring the election of a particular candidate or particular future candidate at a particular relevant election. 5
- (5) For the purposes of determining whether electronic material can reasonably be regarded as intended to achieve the purpose mentioned in subsection (4), it is immaterial that it does not mention the name of any candidate or future candidate.
- (6) The third purpose is promoting or procuring the success or failure of a recall petition. 10
- (7) For the purposes of determining whether any electronic material can reasonably be regarded as intended to achieve the purpose mentioned in subsection (6), it is immaterial that it does not expressly mention the name of the member of the House of Commons to whom the petition relates. 15
- (8) In this section “relevant election” means –
- (a) a Parliamentary election,
  - (b) an election to the Scottish Parliament,
  - (c) an election to Senedd Cymru,
  - (d) an election to the Northern Ireland Assembly, 20
  - (e) a local government election within the meaning of section 191, 203 or 204 of the Representation of the People Act 1983,
  - (f) an election under Part 2 of the Local Government Act 2000 for the return of an elected mayor,
  - (g) an election for the return of a mayor for the area of a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009, 25
  - (h) a local election within the meaning of the Electoral Law Act (Northern Ireland) 1962 (see section 130(1) of that Act), or
  - (i) an election of a police and crime commissioner. 30

#### **41 Electronic material relating to more than one candidate or future candidate**

- (1) For the purposes of section 37 as it has effect by virtue of section 38, electronic material to which subsection (2) applies –
- (a) is not to be regarded as being published on behalf of a candidate or future candidate merely because it can be regarded as influencing the public, or any section of the public, to give support to or withhold support from the candidate or future candidate, but 35
  - (b) may be regarded as being published on behalf of the party mentioned in subsection (2).
- (2) This subsection applies to electronic material which can reasonably be regarded as influencing the public, or any section of the public, to give support to or withhold support from – 40

- (a) two or more candidates or future candidates who are standing, or are to stand, in the name of a party, or
  - (b) two or more candidates or future candidates who are included, or are to be included, in a list of candidates submitted by the party in connection with an election.
- (3) For the purposes of section 37 as it has effect by virtue of sections 39 and 40, electronic material to which subsection (4) applies –
- (a) is not to be regarded as being published on behalf of a candidate or future candidate merely because it can be regarded as promoting or procuring the election of a candidate or future candidate at an election, but
  - (b) may be regarded as being published on behalf of the party mentioned in subsection (4).
- (4) This subsection applies to electronic material which can reasonably be regarded as promoting or procuring the election of –
- (a) two or more candidates or future candidates who are standing, or are to stand, in the name of a party, or
  - (b) two or more candidates or future candidates who are included, or are to be included, in a list of candidates submitted by the party in connection with an election.

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## 42 Exceptions to section 37

- (1) Section 37 does not apply to the republication of electronic material by a person (“A”) if –
  - (a) it was previously published by another person (“B”),
  - (b) when it was published by B –
    - (i) section 37 applied to it, and
    - (ii) it was published in compliance with that section, and
  - (c) it is not materially altered when it is republished by A.
- (2) In subsection (1)(c) the reference to electronic material not being materially altered includes a reference to the electronic material retaining –
  - (a) the information within section 37(3), or
  - (b) the access to such information,
 as a result of which its publication by B complied with section 37.
- (3) Section 37 does not apply to the publication of electronic material on a website or mobile application whose primary purpose, or one of whose primary purposes, is the publication of journalism created for publication on the website or mobile application, unless the electronic material consists of an advertisement.
- (4) In subsection (3) “mobile application” means application software designed and developed for use by the general public on mobile devices such as smartphones and tablets.

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- (5) Section 37 does not apply to any party political broadcast or referendum campaign broadcast included by a broadcaster in its broadcasting services.
- (6) In subsection (5)—  
“broadcaster” has the meaning given in section 37(2) of PPERA;  
“referendum campaign broadcast” has the meaning given in section 127(2) of PPERA. 5
- (7) The Minister may by regulations amend this section so as to add, modify or remove cases to which section 37 does not apply.

*Enforcement*

**43 Offence of breaching section 37**

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- (1) Where any electronic material to which section 37 applies is published in contravention of that section, the following persons are guilty of an offence—  
(a) the promoter of the material, and  
(b) any person on behalf of whom the material is being published (and who is not the promoter). 15
- (2) A person guilty of an offence under subsection (1) is liable—  
(a) on summary conviction in England and Wales, to a fine;  
(b) on summary conviction in Scotland or Northern Ireland, to a fine not exceeding level 5 on the standard scale.
- (3) It is a defence for a person charged with an offence under subsection (1) to prove—  
(a) that the contravention arose from circumstances beyond the person’s control, and  
(b) that the person took all reasonable steps, and exercised all due diligence, to ensure that the contravention would not arise. 20 25
- (4) It is a defence for a person charged with an offence under subsection (1) to prove that the person acted in accordance with guidance under section 49.
- (5) The court by or before which a person is convicted of an offence under subsection (1) must notify the Commission of the person’s conviction and the sentence imposed on the conviction as soon as is practicable. 30
- (6) This section is subject to Schedule 10, which provides for certain persons who would otherwise be guilty of an offence under this section to be guilty of an illegal practice.
- (7) See also section 44, which makes provision about the removal etc of electronic material in the event of a conviction under this section. 35

**44 Order to take down electronic material in breach of section 37**

- (1) This section applies if, in respect of any electronic material, a person is convicted of—

- (a) an offence under section 43(1), or
  - (b) an illegal practice by virtue of Schedule 10.
- (2) The court by or before which the person is convicted of the offence or illegal practice may order a person by whom the electronic material is published to take the action specified in the order to remove the material, or to disable access to it, before the end of the period specified in the order. 5
- (3) Where an order is made under subsection (2), the person to whom it applies has the same right of appeal against it as if—
- (a) the person had committed the offence under section 43(1) or (as the case may be) the illegal practice, and
  - (b) the order were a sentence passed on the person for the offence or illegal practice. 10
- (4) A person to whom an order under subsection (2) applies commits an offence if, without reasonable excuse, the person fails to comply with the order.
- (5) A person guilty of an offence under subsection (4) is liable— 15
- (a) on summary conviction in England and Wales, to a fine;
  - (b) on summary conviction in Scotland or Northern Ireland, to a fine not exceeding level 5 on the standard scale.
- (6) The court by or before which a person is convicted of an offence under subsection (4) must notify the Commission of the person's conviction and the sentence imposed on the conviction as soon as is practicable. 20

#### **45 Enforcement by the Commission**

- (1) Parts 1 to 4 and 6 of Schedule 19C to PPERA (civil sanctions) and the Political Parties, Elections and Referendums (Civil Sanctions) Order 2010 (S.I. 2010/2860) apply (subject to the following provisions of this section) in relation to an offence to which this section applies as they apply in relation to a prescribed offence under that Act. 25
- (2) This section applies to—
- (a) an offence under section 43(1) which relates to the publication of electronic material which can reasonably be regarded as intended to achieve a purpose within—
- (i) section 38(3)(a) (registered parties), or
  - (ii) section 38(3)(d) or (e) (referendums), or
- (b) an offence under section 43(1) which relates to the publication of electronic material—
- (i) which falls within section 39(2)(b) (referendums), or
  - (ii) which can reasonably be regarded as intended to achieve a purpose within section 40(2) (registered parties). 30
- (3) In the application of paragraph 23 of Schedule 19C to PPERA (use of statements made compulsorily) by virtue of this section, the reference in 35

sub-paragraph (1) of that paragraph to Schedule 19B to that Act is to be read as including a reference to Schedule 11 to this Act.

- (4) In the application of paragraph 13(1)(a) of Schedule 1 to the Political Parties, Elections and Referendums (Civil Sanctions) Order 2010 (S.I. 2010/2860) by virtue of this section, the reference to PPERA and that Order is to be read as a reference to that Act and that Order as they are applied by this section. 5

#### **46 Notice to take down electronic material in breach of section 37**

- (1) This section applies if—  
    (a) the Commission imposes a fixed monetary penalty under paragraph 1 of Schedule 19C to PPERA on a person in relation to an offence under section 43(1) in respect of any electronic material; 10  
    (b) the Commission imposes a discretionary requirement under paragraph 5 of that Schedule on a person in relation to such an offence;  
    (c) the Commission serves a stop notice under paragraph 10 of that Schedule on a person in relation to such an offence, or  
    (d) the Commission accepts an undertaking under paragraph 15 of that Schedule from a person in relation to such an offence. 15
- (2) The Commission may give a notice in writing to a person by whom the electronic material is published requiring the person to take the action specified in the notice to remove the material, or to disable access to it, before the end of the period specified in the notice. 20
- (3) A person to whom a notice under subsection (2) has been given commits an offence if, without reasonable excuse, the person fails to comply with the notice.
- (4) A person guilty of an offence under subsection (3) is liable—  
    (a) on summary conviction in England and Wales, to a fine;  
    (b) on summary conviction in Scotland or Northern Ireland, to a fine not exceeding level 5 on the standard scale. 25
- (5) The court by or before which a person is convicted of an offence under subsection (3) must notify the Commission of the person's conviction and the sentence imposed on the conviction as soon as is practicable. 30
- (6) This section is subject to section 47 (further provision about notices under this section).

#### **47 Further provision about notice under section 46**

- (1) Before giving a notice under section 46(2) to a person the Commission must give the person a notice in writing of its intention to do so. 35
- (2) The person may, within the period specified in the notice under subsection (1), make written representations to the Commission in relation to the proposal to give the person a notice under section 46(2).
- (3) The Commission may give the person a notice under section 46(2) only if— 40

- (a) the period for making representations has ended, and
- (b) having taken any representations made by the person into account, the Commission is still of the view that it should give the person the notice under section 46(2).
- (4) A notice under subsection (1) must include information as to—
- (a) the grounds for the proposal to give a notice to the person under section 46(2),
- (b) the proposed effect of such a notice,
- (c) the right to make representations, and
- (d) the period within which representations may be made.
- (5) The period specified under subsection (4)(d) must not be less than 14 days beginning with the day on which the notice is sent.
- (6) A notice under section 46(2) must include information as to—
- (a) the grounds for serving the notice,
- (b) rights of appeal, and
- (c) the consequences of not complying with the notice.
- (7) The Commission may by notice in writing withdraw or vary a notice under section 46(2) at any time.
- (8) A person to whom a notice under section 46(2) has been given may appeal against the notice on the ground that—
- (a) the decision to give the notice was based on an error of fact,
- (b) the decision was wrong in law,
- (c) the decision was unreasonable, or
- (d) any action specified in the notice is unreasonable.
- (9) An appeal under subsection (8) is to—
- (a) in England and Wales, the county court,
- (b) in Scotland, a sheriff, or
- (c) in Northern Ireland, a county court.
- (10) On an appeal under subsection (8) the county court or the sheriff may—
- (a) withdraw, confirm or vary the notice, or
- (b) remit the decision whether to withdraw, confirm or vary the notice to the Commission.

## 48 Supply of information

- (1) Schedule 11 makes provision about the supply of information for the purposes of this Part.
- (2) Paragraphs 3 to 13 and 15 of Schedule 19B to PPERA (investigatory power) apply in relation to an offence within section 45(2)(a) or (b) as they apply in relation to an offence under that Act.

*Supplementary*

**49 Guidance**

- (1) The Commission must prepare guidance about—  
(a) the operation of this Part, and  
(b) the exercise of functions by the Commission or a constable in relation to a breach or suspected breach of this Part. 5
- (2) The Commission or a constable must have regard to guidance issued under this section in exercising those functions.
- (3) Once the Commission has prepared draft guidance under this section, it must submit it to the Minister for approval by the Minister. 10
- (4) The Minister may approve draft guidance either without modifications or with such modifications as the Minister may determine.
- (5) Once the Minister has approved draft guidance, the Minister must lay before each House of Parliament a copy of the draft, whether—  
(a) in its original form, or  
(b) in a form which incorporates any modifications determined under subsection (4). 15
- (6) If the draft guidance incorporates any such modifications, the Minister must at the same time lay before each House a statement of the Minister's reasons for making them. 20
- (7) If, within the 40-day period, either House resolves not to approve the draft guidance, the Minister must take no further steps in relation to the draft guidance.
- (8) Subsection (7) does not prevent new draft guidance from being laid before Parliament. 25
- (9) If no resolution of the kind mentioned in subsection (7) is made within the 40-day period—  
(a) the Minister must issue the guidance in the form of the draft laid before Parliament,  
(b) the Commission must arrange for the guidance to be published in such manner as it considers appropriate, and  
(c) the guidance comes into force on such day as the Minister may by regulations made by statutory instrument appoint. 30
- (10) The Commission—  
(a) may from time to time revise guidance under this section, and  
(b) must revise guidance under this section if directed to do so by the Minister. 35
- (11) References in this section (other than in subsection (1)) to guidance or draft guidance include revised guidance or draft revised guidance.

- (12) In this section “the 40-day period”, in relation to draft guidance, means—
- (a) if the draft is laid before one House on a day later than the day on which it is laid before the other House, the period of 40 days beginning with the later of the two days, and
  - (b) in any other case, the period of 40 days beginning with the day on which the draft is laid before each House,
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- no account being taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

## 50 Information in Commission’s annual report

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- (1) Each report by the Commission under paragraph 20 of Schedule 1 to PPERA must contain information about—
    - (a) the convictions reported to the Commission under section 43(5), 44(6) or 46(5) during the year in question,
    - (b) the orders made under section 44 (orders to take down electronic material) during that year,
    - (c) the use made by the Commission of its powers under section 46 (notice to take down electronic material) during that year, and
    - (d) the use made by the Commission of its powers under Schedule 11 (supply of information) during that year.
  - (2) The report must, in particular, specify—
    - (a) the cases in which a notice was given under section 46(2),
    - (b) the cases in which a notice was given under paragraph 1 of Schedule 11, and
    - (c) the cases in which an order under paragraph 2 or 3 of that Schedule was applied for or made.
  - (3) This section does not require the Commission to include in a report any information that, in its opinion, it would be inappropriate to include on the ground that to do so—
    - (a) would or might be unlawful, or
    - (b) might adversely affect any current investigation or proceedings.
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## 51 Notices

A notice which may be given to a person under this Part by the Commission or a constable may be given—

- (a) by sending it to the person by post, or
  - (b) by sending it to the person by electronic means.
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## 52 Proceedings for an offence under this Part

- (1) Summary proceedings for an offence under this Part may, without prejudice to any jurisdiction exercisable apart from this subsection, be taken against any body, including an unincorporated association, at any place at which it
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- has a place of business, and against an individual at any place at which the individual is for the time being.
- (2) Subsections (3) to (7) apply to—  
(a) an offence within section 45(2)(a) or (b) (offences in relation to which the Commission may exercise enforcement functions), and  
(b) an offence under section 44(4) or 46(3) (order or notice to take down electronic material).
- (3) Despite anything in section 127(1) of the Magistrates' Courts Act 1980, if the offence is triable by a magistrates' court in England and Wales, any information relating to the offence may be so tried if it is laid at any time within three years after the commission of the offence and within six months after the relevant date. 5
- (4) Despite anything in section 136 of the Criminal Procedure (Scotland) Act 1995, summary proceedings for the offence may be commenced in Scotland at any time within three years after the commission of the offence and within six months after the relevant date; and subsection (3) of that section applies for the purposes of this subsection as it applies for the purposes of that section. 10
- (5) Despite anything in Article 19(1) of the Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26)), if the offence is triable by a court of summary jurisdiction in Northern Ireland, a complaint relating to the offence may be so tried if it is made at any time within three years after the commission of the offence and within six months after the relevant date. 15
- (6) In subsections (3) to (5) “the relevant date” means the date on which evidence sufficient in the opinion of the prosecutor to justify proceedings comes to the prosecutor's knowledge. 20
- (7) For the purposes of subsection (6) a certificate of any prosecutor as to the date on which such evidence came to the prosecutor's knowledge is conclusive evidence of that fact.
- (8) Subsections (9) to (15) apply to an offence under this Part other than—  
(a) an offence within section 45(2)(a) or (b), or  
(b) an offence under section 44(4) or 46(3). 25
- (9) Despite anything in section 127(1) of the Magistrates' Courts Act 1980, if the offence is triable by a magistrates' court in England and Wales, any information relating to the offence may be so tried if it is laid at any time within one year after the commission of the offence. 30
- (10) Despite anything in section 136 of the Criminal Procedure (Scotland) Act 1995, summary proceedings for the offence may be commenced in Scotland at any time within one year after the commission of the offence; and subsection (3) of that section applies for the purposes of this subsection as it applies for the purposes of that section. 35
- (11) Despite anything in Article 19(1) of the Magistrates' Courts (Northern Ireland) Order 1981, if the offence is triable by a court of summary jurisdiction in 40

Northern Ireland, a complaint relating to the offence may be so tried if it is made at any time within one year after the commission of the offence.

- (12) A magistrates' court in England and Wales may act under subsection (13) if satisfied on an application by a constable or a Crown prosecutor –
  - (a) that there are exceptional circumstances which justify the granting of the application, and
  - (b) that there has been no undue delay in the investigation of the offence to which the application relates.
- (13) The magistrates' court may extend the time within which proceedings must be commenced in pursuance of subsection (9) to not more than two years after the commission of the offence.
- (14) An application under subsection (12) must be made not more than one year after the commission of the offence.
- (15) Any party to an application under subsection (12) who is aggrieved by the refusal of the magistrates' court to act under subsection (13) may appeal to the Crown Court.

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### **53 Offences committed by bodies corporate**

- (1) Where an offence under this Part committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of –
  - (a) a person who is a director, manager, secretary or other similar officer of the body corporate, or
  - (b) a person who was purporting to act in any such capacity,
 that person, as well as the body corporate, is guilty of that offence and liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with the member's functions of management as if the member were a director of the body corporate.

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### **54 Offences committed by unincorporated associations etc**

- (1) Proceedings for an offence alleged to have been committed under this Part by an unincorporated association are to be brought against the association in its own name (and not in that of any of its members) and, for the purposes of any such proceedings, any rules of court relating to the service of documents have effect as if the association were a corporation.
- (2) A fine imposed on an unincorporated association on its conviction of an offence under this Part must be paid out of the funds of the association.
- (3) Schedule 3 to the Magistrates' Courts Act 1980 (procedure on charge of offence against a corporation) has effect in a case in which an unincorporated

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association is charged in England or Wales with an offence under this Part in the same way as it has effect in the case of a corporation so charged.

- (4) Schedule 4 to the Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26)) (procedure on charge of offence against a corporation) has effect in a case in which an unincorporated association is charged in Northern Ireland with an offence under this Part in the same way as it has effect in the case of a corporation so charged. 5

- (5) Where a partnership is guilty of an offence under this Part and the offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any partner, the partner as well as the partnership is guilty of that offence and liable to be proceeded against and punished accordingly. 10

- (6) Where any other unincorporated association is guilty of an offence under this Part and the offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—  
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(a) any officer of the association, or  
(b) any member of the committee or other similar governing body of the association,

the officer or member, as well as the association, is guilty of that offence and liable to be proceeded against and punished accordingly. 20

## 55 Regulations under this Part

- (1) The Minister may make regulations under this Part only—  
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(a) where the regulations give effect to a recommendation of the Commission, or  
(b) after consultation with the Commission.
- (2) Regulations under this Part—  
(a) are to be made by statutory instrument;  
(b) may make consequential, incidental, supplementary, transitional, transitory or saving provision.
- (3) A statutory instrument containing regulations under this Part may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament. 30
- (4) This section does not apply to regulations under section 49(9)(c).

## 56 Meaning of “the Commission”

In this Part “the Commission” means the Electoral Commission. 35

## PART 7

### GENERAL

#### **57 Power to amend references to subordinate legislation etc**

- (1) The Minister may by regulations made by statutory instrument amend—
  - (a) any provision of this Act, or
  - (b) any provision inserted by this Act into another Act,
 in consequence of the amendment or revocation of any subordinate legislation which is for the time being referred to in the provision. 5
- (2) In subsection (1), “subordinate legislation” means—
  - (a) subordinate legislation within the meaning of the Interpretation Act 1978, or
  - (b) an instrument made under—
    - (i) an Act of the Scottish Parliament,
    - (ii) a Measure or Act of Senedd Cymru, or
    - (iii) Northern Ireland legislation. 10
- (3) A statutory instrument containing regulations under subsection (1) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament. 15

#### **58 Financial provisions**

- (1) *There is to be paid out of money provided by Parliament—*
  - (a) *any expenditure incurred by a Minister of the Crown under or by virtue of this Act, and*
  - (b) *any increase attributable to this Act in the sums payable under any other Act out of money so provided.* 20
- (2) *There is to be paid out of the Consolidated Fund any increase attributable to this Act in the sums payable under any other Act out of that Fund.* 25
- (3) *There is to be paid into the Consolidated Fund any increase attributable to this Act in the sums payable into that Fund under any other Act.*

#### **59 Interpretation etc**

- (1) In this Act—
  - “the Minister” means the Secretary of State or the Minister for the Cabinet Office;
  - “PPERA” means the Political Parties, Elections and Referendums Act 2000;
  - “RPA 1983” means the Representation of the People Act 1983. 30
- (2) Article 3(1) of the Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016 (S.I. 2016/997) (which provides for certain 35

functions of the Secretary of State to be exercisable concurrently with the Minister for the Cabinet Office) has effect—

- (a) as if it applied to a function of the Secretary of State under an Act or provision amended by this Act, and
- (b) as if a reference in article 3(1) to an Act or provision amended by this Act were accordingly to that Act or provision as amended.

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**60 Extent**

(1) This Act extends to England and Wales, Scotland and Northern Ireland, subject to the following provisions of this section.

(2) In Part 1—

- (a) the following provisions extend to England and Wales and Scotland only—

- (i) paragraphs 2, 5, 15, 19, 21 to 28, 30, 32 and 34 of Schedule 1, and section 1 so far as relating to those paragraphs;
- (ii) section 2 and Schedule 2;
- (iii) paragraphs 8 and 10 of Schedule 3, and section 5 so far as relating to those paragraphs;

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- (b) the following provisions extend to Northern Ireland only—

- (i) paragraphs 3, 14, 31, 33 and 35 of Schedule 1, and section 1 so far as relating to those provisions;
- (ii) paragraphs 9 and 11 of Schedule 3, and section 5 so far as relating to those paragraphs;
- (iii) paragraphs 24, 25, 34 and 35 of Schedule 5, and section 9 so far as relating to those paragraphs;

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- (c) any amendment, repeal or revocation has the same extent as the enactment amended, repealed or revoked, except where contained in a provision for which a different extent is provided by this subsection.

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(3) Any amendment, repeal or revocation made by any of the following provisions has the same extent in the United Kingdom as the enactment amended, repealed or revoked—

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- (a) Parts 3 and 4;
- (b) Schedule 6;
- (c) Parts 2 and 3 of Schedule 7;
- (d) Schedule 9.

(4) In Part 1 of Schedule 7—

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- (a) the amendments made by paragraph 1(1), (2)(a), (3)(a) and (c), (4)(a), (5) and (7)(a) extend to England and Wales only;
- (b) the amendments made by paragraph 1(2)(b), (3)(b) and (d), (4)(b) and (7)(b) and (8) to (12) extend to England and Wales and to Northern Ireland only;
- (c) the amendment made by paragraph 1(6) extends to Northern Ireland only.

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- (5) Subsections (1) and (2) of section 384 of the Armed Forces Act 2006 (extent outside the United Kingdom) apply to the amendments of that Act made by paragraph 10 of Schedule 9 as those subsections apply to the provisions of that Act.

**61 Commencement**

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- (1) Subject to subsection (3), the provisions of this Act come into force on such day as the Minister may by regulations made by statutory instrument appoint.
- (2) Regulations under subsection (1) may appoint different days for different purposes or areas.
- (3) This Part comes into force on the day on which this Act is passed. 10
- (4) The Minister may by regulations made by statutory instrument make transitional, transitory or saving provision in connection with the coming into force of any provision of this Act.
- (5) Regulations under subsection (4) may make different provision for different purposes or areas. 15

**62 Short title**

This Act may be cited as the Elections Act 2021.

## SCHEDULES

### SCHEDULE 1

Section 1

#### VOTER IDENTIFICATION

*Amendments of RPA 1983*

- |   |                                 |   |
|---|---------------------------------|---|
| 1   | RPA 1983 is amended as follows. | 5 |
| 2   | After section 13BC insert—      |   |
| <b>“13BD Electoral identity document: Great Britain</b>   |                                 |   |
| (1) An application for an electoral identity document may be made by a person who—  |                                 |   |
| (a) is registered in a register of parliamentary electors in Great Britain or a register of local government electors in England, or  |                                 |   |
| (b) is registered in a register of local government electors in Wales and—  |                                 |   |
| (i) is entitled to vote at an election of a police and crime commissioner for a police area in Wales (see section 52(1A) of the Police Reform and Social Responsibility Act 2011), or                         |                                 |   |
| (ii) will be entitled to vote at such an election on attaining the age of 18.   |                                 |   |
| (2) An application must be made to the registration officer who maintains the register in which the applicant is registered.  |                                 |   |
| (3) Regulations may make provision about an application, and may in particular provide for—   |                                 |   |
| (a) the form in which it is to be made;   |                                 |   |
| (b) information to be provided by, or the form of a declaration to be made by, the applicant;   |                                 |   |
| (c) evidence required to accompany the application.   |                                 |   |
| (4) A registration officer must, in accordance with regulations, determine an application made to the registration officer.   |                                 |   |
| (5) Regulations may make provision—   |                                 |   |
| (a) about the timing of an application for an electoral identity document;  |                                 |   |
| (b) authorising a registration officer to require a person who appears to the officer to have information that is relevant to the determination of an application to provide that information to the officer; |                                 |   |

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- (c) about the issuing or collection of an electoral identity document;
  - (d) requiring a registration officer to keep a record of applications, including provision about information to be shown in the record.
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- (6) Regulations under subsection (5)(a) may in particular provide for an application to be disregarded for the purposes of a particular election where the application is received after a deadline specified by reference to the date of that election.
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- (7) The provision that may be made by virtue of subsection (5)(c) includes provision amending the parliamentary elections rules in connection with the collection of an electoral identity document from a polling station.
- (8) No charge may be made for the issue of an electoral identity document.
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- (9) Regulations must require an electoral identity document issued to a person—
    - (a) to state the person's full name, and
    - (b) to contain a photograph of the person.
- (10) Regulations may require an electoral identity document to include other information.
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- (11) Regulations may make provision about—
    - (a) the form of an electoral identity document (including provision for the document to be issued in different forms in different circumstances), and
    - (b) the period for which an electoral identity document issued in a particular form is to be valid.
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### **13BE Anonymous elector's document: Great Britain**

- (1) An application for an anonymous elector's document may be made by a person who—
    - (a) has an anonymous entry in a register of parliamentary electors in Great Britain or a register of local government electors in England, or
    - (b) has an anonymous entry in a register of local government electors in Wales and—
      - (i) is entitled to vote at an election of a police and crime commissioner for a police area in Wales (see section 52(1A) of the Police Reform and Social Responsibility Act 2011), or
      - (ii) will be entitled to vote at such an election on attaining the age of 18.
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- (2) An application must be made to the registration officer who maintains the register in which the applicant has an anonymous entry.
- (3) Regulations may make provision about an application, and may in particular provide for—  
(a) the form in which it is to be made;  
(b) information to be provided by, or the form of a declaration to be made by, the applicant;  
(c) evidence required to accompany the application.
- (4) A registration officer must, in accordance with regulations, determine an application made to the registration officer. 10
- (5) Regulations may make provision—  
(a) about the timing of an application for an anonymous elector's document;  
(b) authorising a registration officer to require a person who appears to the officer to have information that is relevant to the determination of an application to provide that information to the officer;  
(c) about the issuing or collection of an anonymous elector's document;  
(d) requiring a registration officer to keep a record of applications, including provision about information to be shown in the record. 15 20
- (6) Regulations under subsection (5)(a) may in particular provide for an application to be disregarded for the purposes of a particular election where the application is received after a deadline specified by reference to the date of that election. 25
- (7) The provision that may be made by virtue of subsection (5)(c) includes provision amending the parliamentary elections rules in connection with the collection of an anonymous elector's document from a polling station. 30
- (8) No charge may be made for the issue of an anonymous elector's document.
- (9) Regulations must require an anonymous elector's document issued to a person—  
(a) to state the person's electoral number, and  
(b) to contain a photograph of the person. 35
- (10) Regulations may require an anonymous elector's document to include other information.
- (11) Regulations may make provision about— 40

- (a) the form of an anonymous elector's document (including provision for the document to be issued in different forms in different circumstances), and
- (b) the period for which an anonymous elector's document issued in a particular form is to be valid.”

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3 (1) Section 13C (electoral identity card: Northern Ireland) is amended as follows.

(2) After subsection (3) insert –

“(3A) Regulations may make provision –

- (a) authorising the Chief Electoral Officer to require a person who appears to the Officer to have information that is relevant to the determination of an application to provide that information to the Chief Electoral Officer;
- (b) about the issuing or collection of an electoral identity card.

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(3B) The provision that may be made by virtue of subsection (3A)(b) includes provision amending the parliamentary elections rules in connection with the collection of an electoral identity card from a polling station.”

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(3) In subsection (4), in paragraph (d), before “include” insert “subject to provision made by virtue of subsection (4A).”

(4) After subsection (4) insert –

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“(4A) Regulations may make provision –

- (a) about the information to be included in an electoral identity card;
- (b) about the form of an electoral identity card (including provision for the card to be issued in different forms in different circumstances).”

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4 (1) Section 13CZA (provision of false information: application for electoral identity card), as extended by paragraph 34 of this Schedule, is amended as follows.

(2) For subsection (1) substitute –

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“(1) A person commits an offence if the person provides false information in connection with –

- (a) an application under section 13BD for an electoral identity document,
- (b) an application under section 13BE for an anonymous elector's document, or
- (c) an application under section 13C for an electoral identity card.”

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(3) For subsection (5) substitute –

“(5) A person who commits an offence under this section is liable –

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- (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 51 weeks or a fine (or both);  
(b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both);  
(c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale (or both).  
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- (6) In relation to an offence committed before section 281(5) of the Criminal Justice Act 2003 comes into force, the reference in subsection (5)(a) to 51 weeks is to be read as a reference to six months.”  
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- (4) In the heading, after “application for” insert “electoral identity document, anonymous elector’s document or”.  
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- 5 After section 59 (supplemental provisions as to members of forces and service voters) insert—
- “59A Reports on voter identification requirements in Great Britain**
- (1) The Secretary of State must prepare and publish reports on the effect of the voter identification requirements on applications made under rule 37(1), 38(1), 39(1) or 40(1) of the parliamentary elections rules.  
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- (2) The duty under subsection (1) applies in respect of each of the first two parliamentary general elections that are held after the day on which paragraph 5 of Schedule 1 to the Elections Act 2021 comes into force.  
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- (3) Subsection (4) applies where requirements corresponding to the voter identification requirements (“the corresponding requirements”) have effect in relation to local government elections in England by virtue of rules made under section 36.  
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- (4) The Secretary of State must prepare and publish reports on the effect of the corresponding requirements on applications made under the provisions of rules made under section 36 corresponding to rules 37(1), 38(1), 39(1) and 40(1) of the parliamentary elections rules.  
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- (5) The duty under subsection (4) applies in respect of the first ordinary elections of councillors for local government areas in England that—  
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- (a) are held on an ordinary day of election (as determined under section 37) after the day on which the corresponding requirements come into force, and  
(b) are not combined with a parliamentary general election.

- (6) In preparing a report under this section, the Secretary of State must in particular take into account—
    - (a) in the case of a report under subsection (1), information provided to the Secretary of State under rule 40B of the parliamentary elections rules (collection and disclosure of information relating to applications under rules 37 to 40);
    - (b) in the case of a report under subsection (4), information provided to the Secretary of State under any provision of rules made under section 36 corresponding to rule 40B of the parliamentary elections rules.
  - (7) In this section, “the voter identification requirements” means paragraphs (1A) to (1N) of rule 37 of the parliamentary elections rules (voting procedure) as it extends to England and Wales and to Scotland (including those paragraphs as applied by rule 38, 39 or 40 of those rules).  
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- 6 (1) Section 61 (other voting offences) is amended as follows.
- (2) In subsection (6), after “deemed to have voted” insert “(but see subsection (6ZA)).”
- (3) After subsection (6) insert—  
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- “(6ZA) For the purpose of determining whether an application for a ballot paper constitutes an offence under any of the multiple voting provisions, a previous application is to be disregarded if the applicant’s failure to vote on that occasion resulted only from a failure to produce satisfactory proof of identity.”
- (6ZB) In subsection (6ZA), “the multiple voting provisions” means subsections (2)(a)(i), (2A)(a) to (c), (3)(a)(i) and (3A)(a) to (c).  
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- 7 In section 66B (failure to comply with conditions relating to supply etc of certain documents), in subsection (1)(a), after “rule” insert “56A or”.  
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- 8 Schedule 1 (Parliamentary elections rules) is amended in accordance with paragraphs 9 to 29.  
30
- 9 In rule 25 (provision of polling stations), after paragraph (5) insert—  
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- “(6) The returning officer must ensure that each polling station contains an area in which voters can produce proof of identity in private.”
- 10 (1) Rule 26 (appointment of presiding officers and clerks) is amended as follows.  
35
- (2) In paragraph (3), for the words from “except” to the end substitute “except—  
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- (a) order the arrest of any person or the exclusion or removal of any person from the polling station,

- (b) refuse to deliver a ballot paper under rule 35(3) or the relevant paragraph of rule 37, or
- (c) resolve doubts over identity as mentioned in the relevant paragraph of rule 37.”
- (3) After paragraph (3) insert—
- “(4) In paragraph (3), “the relevant paragraph of rule 37” means—
- (a) in sub-paragraph (b)—
- (i) paragraph (1E) of rule 37 as it extends to England and Wales and to Scotland (including that paragraph as applied by rule 38, 39 or 40);
- (ii) paragraph (1C) of rule 37 as it extends to Northern Ireland (including that paragraph as applied by rule 38, 39 or 40);
- (b) in sub-paragraph (c)—
- (i) paragraph (1F) of rule 37 as it extends to England and Wales and to Scotland (including that paragraph as applied by rule 38, 39 or 40);
- (ii) paragraph (1DA) of rule 37 as it extends to Northern Ireland (including that paragraph as applied by rule 38, 39 or 40).”
- 11 In rule 28 (issue of official poll cards), after paragraph (3) insert—
- “(3ZA) In the case of a form prescribed under paragraph (3) that relates to—
- (a) elections in England and Wales or Scotland, and
- (b) an official poll card to be sent to an elector or proxy voting in person at a polling station,
- the form must include the entry “[list here the documents specified in rule 37(1H) of the Parliamentary elections rules].”
- 12 (1) Rule 29 (equipment of polling stations) is amended as follows.
- (2) After paragraph (3) insert—
- “(3ZA) In the case of an election held in England and Wales or Scotland, the returning officer must also provide each polling station with a prescribed form (referred to in these rules as “the ballot paper refusal list”) on which entries are to be made as mentioned in rule 40ZB (refusal to deliver ballot paper: Great Britain).”
- (3) After paragraph (4) insert—
- “(4A) In the case of an election held in England and Wales or Scotland, a large notice must be displayed inside each polling station containing—
- (a) details of the forms of identification for the time being specified in rule 37(1H), and

- (b) a statement that further proof of identity may be required to resolve any discrepancy between the name of the holder of a specified form of identification and the name of the elector or proxy that the voter claims to be.”
- 13 (1) Rule 35 (questions to be put to voters) is amended as follows. 5
- (2) In the table following paragraph (1), in the column headed “Questions”, in entry 1 (electors), entry 2 (proxies), entry 3 (proxies for an elector with an anonymous entry), entry 5 (postal voters) and entry 6 (proxy postal voters), before question (a) insert—
- “(za) At an election held in England and Wales or Scotland, “What is your name?”
  - (zb) At an election held in England and Wales or Scotland, “What is your address?””
- (3) Before paragraph (3) insert—
- “(2B) In the case of an election held in England and Wales or Scotland, where a clerk—
- (a) gives a person the required information (see paragraph (5)),
  - (b) puts a question specified in paragraph (1) to the person, and
  - (c) decides that the person has failed to answer the question satisfactorily,
- the clerk must refer the matter to the presiding officer, who must put the question to the person again.”
- (4) For paragraph (3) substitute—
- “(3) Where the presiding officer—
- (a) gives a person the required information,
  - (b) puts a question specified in paragraph (1) to the person (whether or not, in the case of an election held in England and Wales or Scotland, following a referral under paragraph (2B)), and
  - (c) decides that the person has failed to answer the question satisfactorily,
- the officer must refuse to deliver a ballot paper to the person.
- In the case of an election held in England and Wales or Scotland, see rule 40ZB (procedure where ballot paper is refused under this paragraph).
- (3A) For the purposes of this rule, a person answers the question “What is your name?” or “What is your address?” satisfactorily if—
- (a) where one of those questions is put, the answer matches a name or address (as the case may be) in the register of parliamentary electors;

- (b) where both those questions are put, the answers match a name and address in that register that relate to the same person.
- (3B) In the case of an elector in respect of whom a notice has been issued under section 13B(3B) or (3D), the references to the register in paragraph (3A) above are to be read as references to the notice issued under section 13B(3B) or (3D).<sup>5</sup>
- (5) In paragraph (4), after “vote” insert “(and for the purposes of this paragraph, an inquiry relating to the production of identification by a voter is not to be regarded as an inquiry as to the right of the person to vote).<sup>10</sup>
- (6) After paragraph (4) insert—
- “(5) For the purposes of this rule, a person to whom any question is to be put is given “the required information” if the person is first informed that—
- (a) a ballot paper will be refused if the person fails to answer each question satisfactorily, and<sup>15</sup>
- (b) giving false information may be an offence.”
- 14 (1) Rule 37 (voting procedure), as it extends to Northern Ireland, is amended as follows.
- (2) For the heading substitute “Voting procedure and voter identification requirements: Northern Ireland”.<sup>20</sup>
- (3) After paragraph (1A) insert—
- “(1AA) The presiding officer or clerk must arrange for the voter to produce any document in a private area of the polling station if the voter so requests, and, in such a case, must ensure that no other persons witness the production except as permitted by the voter.”<sup>25</sup>
- (4) In paragraph (1B), for the words from “the officer” to the end substitute “—
- (a) the officer or clerk decides that—<sup>30</sup>
- (i) the document, or
- (ii) the apparent age of the voter as compared with the voter’s age according to the date supplied as the date of the voter’s birth pursuant to section 10(4A)(b), 10A(1A)(b) or 13A(2A)(b) of this Act,  
raises a reasonable doubt as to whether the voter is the elector or proxy that the voter claims to be, or<sup>35</sup>
- (b) the officer or clerk reasonably suspects that the document is a forged document (see paragraph (1EA)).”
- (5) In paragraph (1C)—<sup>40</sup>
- (a) after “decides” insert “or reasonably suspects (as the case may be);”

- (b) after “voter” insert “(subject to paragraph (1DA))”.
  - (6) In paragraph (1D), after “decides” insert “or reasonably suspects (as the case may be)”.
  - (7) After paragraph (1D) insert –
    - “(1DA) There is an exception from paragraph (1C) for cases within sub-paragraph (a) of paragraph (1B) where –
      - (a) a discrepancy between the name of the holder of a specified document and the name of the elector or proxy that the voter claims to be is resolved to the presiding officer’s satisfaction at the time of the application by the voter producing further proof of identity, and
      - (b) the presiding officer has no other reason (arising from any document produced by the voter) to doubt that the voter is the elector or proxy that the voter claims to be.
    - (1DB) The refusal to deliver a ballot paper under paragraph (1C) does not prevent the voter making a further application under paragraph (1), and paragraphs (1A) to (1DA) apply on any further application.”
  - (8) In paragraph (1E) –
    - (a) for “one which” substitute “a document (in whatever form issued to the holder and regardless of any expiry date) which”;
    - (b) in sub-paragraph (j), after “a” insert “Registered Blind SmartPass or”;
    - (c) in sub-paragraph (k), after “a” insert “War Disablement SmartPass or”;
    - (d) after sub-paragraph (l) insert –
      - “(m) a Half Fare SmartPass issued under the Northern Ireland Concessionary Fares Scheme for use from 1 April 2004;
      - (n) a biometric immigration document issued in accordance with regulations under section 5 of the UK Borders Act 2007.”
  - (9) After paragraph (1E) insert –
    - “(1EA) In this rule a “forged document” means a false document made to resemble a specified document.”
  - (10) After paragraph (1F) insert –
    - “(1FA) No person other than the presiding officer or a clerk may inspect a document produced as proof of a voter’s identity, except as permitted by the voter.”
- 15 (1) Rule 37 (voting procedure), as it extends to England and Wales and to Scotland, is amended as follows.

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- (2) For the heading substitute “Voting procedure and voter identification requirements: Great Britain”.
- (3) In paragraph (1) –
- (a) for “A” substitute “Subject to rule 35(3) and to paragraphs (1A) to (1J), a”, and 5
- (b) omit sub-paragraph (a).
- (4) After paragraph (1) insert –
- “(1A) A ballot paper must not be delivered to a voter unless the voter produces a specified document to the presiding officer or a clerk.
- (1B) The presiding officer or clerk must arrange for the voter to produce any document in a private area of the polling station if the voter so requests, and, in such a case, must ensure that no other persons witness the production except as permitted by the voter.
- (1C) Paragraph (1D) applies in relation to a voter where – 15
- (a) the voter produces a specified document to a clerk and the clerk decides that the document raises a reasonable doubt as to whether the voter is the elector or proxy that the voter claims to be, or
- (b) the voter produces a document to a clerk that the clerk reasonably suspects to be a forged document (see paragraph (1J)). 20
- (1D) Where this paragraph applies, the clerk must refer the matter and produce the document to the presiding officer, who must proceed as if the voter had produced the document to the presiding officer in the first place. 25
- (1E) The presiding officer must refuse to deliver a ballot paper to a voter where –
- (a) the voter produces a specified document to the officer and the officer decides that the document raises a reasonable doubt as to whether the voter is the elector or proxy that the voter claims to be, or 30
- (b) the voter produces a document to the officer that the officer reasonably suspects to be a forged document.
- See rule 40ZB (procedure where ballot paper is refused under this paragraph). 35
- (1F) But there is an exception from paragraph (1E) for cases within sub-paragraph (a) of that paragraph where –
- (a) a discrepancy between the name of the holder of a specified document and the name of the elector or proxy that the voter claims to be is resolved to the presiding officer’s satisfaction at the time of the application by the voter producing further proof of identity, and 40

- (b) the presiding officer has no other reason (arising from any document produced by the voter) to doubt that the voter is the elector or proxy that the voter claims to be.
- (1G) The refusal to deliver a ballot paper to a voter under paragraph (1E) does not prevent the voter making a further application under paragraph (1), and paragraphs (1A) to (1F) apply on any further application. 5
- (1H) In this rule a “specified document” means any of the following documents (in whatever form issued to the holder and regardless of any expiry date) that contain a photograph of the holder— 10
  - (a) a United Kingdom passport (see paragraph (1I));
  - (b) a passport issued by an EEA state or a Commonwealth country;
  - (c) a licence to drive a motor vehicle granted under—
    - (i) Part 3 of the Road Traffic Act 1988, or 15
    - (ii) the Road Traffic (Northern Ireland) Order 1981 (SI 1981/154 (N.I. 1));
  - (d) a driving licence issued by any of the Channel Islands, the Isle of Man or an EEA state;
  - (e) a biometric immigration document issued in accordance with regulations under section 5 of the UK Borders Act 2007; 20
  - (f) an identity card bearing the Proof of Age Standards Scheme hologram (a PASS card);
  - (g) a Ministry of Defence Form 90 (Defence Identity Card); 25
  - (h) any of the following concessionary travel passes—
    - (i) one funded by the Government of the United Kingdom, the Scottish Government or the Welsh Government;
    - (ii) an Oyster 60+ card; 30
    - (iii) a Freedom Pass;
  - (i) any of the following concessionary travel passes issued under the Northern Ireland Concessionary Fares Scheme—
    - (i) a Senior SmartPass;
    - (ii) a Registered Blind SmartPass or Blind Person’s SmartPass; 35
    - (iii) a War Disablement SmartPass or War Disabled SmartPass;
    - (iv) a 60+ SmartPass;
    - (v) a Half Fare SmartPass;
  - (j) a badge of a form prescribed under section 21 of the Chronically Sick and Disabled Persons Act 1970 or section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978 (blue badge scheme); 40

- (k) an electoral identity document issued under section 13BD (electoral identity document: Great Britain);
  - (l) an anonymous elector's document issued under section 13BE (anonymous elector's document: Great Britain) the holder of which has an anonymous entry at the time of the application for a ballot paper; 5
  - (m) an electoral identity card issued under section 13C (electoral identity card: Northern Ireland);
  - (n) a national identity card issued by an EEA state.
- (1I) In paragraph (1H)(a) “United Kingdom passport” means a 10 passport issued by—
  - (a) the Government of the United Kingdom,
  - (b) the Lieutenant-Governor of any of the Channel Islands or the Isle of Man, or
  - (c) the Government of any British overseas territory. 15

(1J) In this rule a “forged document” means a false document made to resemble a specified document.

(1K) Regulations may make provision varying the list in paragraph (1H) by—
  - (a) adding documents to the list,
  - (b) removing documents from the list (other than the documents referred to in paragraph (1H)(k) or (l)), or
  - (c) varying any description of document in the list. 20

(1L) The power to make provision by virtue of paragraph (1K)(b) is exercisable only on, and in accordance with, a recommendation of the Electoral Commission. 25

(1M) No person other than the presiding officer or a clerk may inspect a document produced as proof of a voter's identity, except as permitted by the voter.

(1N) References in this rule to producing a document are to producing it for inspection.” 30

(5) Omit paragraph (2).

(6) In paragraph (3), omit sub-paragraph (a).

16 In rule 38 (votes marked by presiding officer), for paragraph (1A) substitute— 35

“(1A) The relevant paragraphs of rule 37 apply in the case of a voter who applies under paragraph (1) above as they apply in the case of a voter who applies under rule 37(1), but as if—
  - (a) references to delivering a ballot paper to a voter were to causing a voter's vote to be marked on a ballot paper, and 40

- (b) in rule 37(1G) as it extends to England and Wales and to Scotland, and in rule 37(1DB) as it extends to Northern Ireland, the reference to paragraph (1) of rule 37 were to paragraph (1) of this rule.
- (1B) In paragraph (1A), “the relevant paragraphs of rule 37” means –
- (a) paragraphs (1A) to (1N) of rule 37 as it extends to England and Wales and to Scotland;
  - (b) paragraphs (1A) to (1G) of rule 37 as it extends to Northern Ireland.”
- 17      In rule 39 (voting by persons with disabilities), for paragraph (2A) substitute –
- “(2A) The relevant paragraphs of rule 37 apply in the case of a voter who applies under paragraph (1) above as they apply in the case of a voter who applies under rule 37(1), but as if –
- (a) references to delivering a ballot paper to a voter were to granting a voter’s application, and
  - (b) in rule 37(1G) as it extends to England and Wales and to Scotland, and in rule 37(1DB) as it extends to Northern Ireland, the reference to paragraph (1) of rule 37 were to paragraph (1) of this rule.
- (2B) In paragraph (2A), “the relevant paragraphs of rule 37” means –
- (a) paragraphs (1A) to (1N) of rule 37 as it extends to England and Wales and to Scotland;
  - (b) paragraphs (1A) to (1G) of rule 37 as it extends to Northern Ireland.”
- 18 (1) Rule 40 (tendered ballot papers) is amended as follows.
- (2) For paragraph (1A) substitute –
- “(1A) The relevant paragraphs of rule 37 apply in the case of a person who seeks to mark a tendered ballot paper under this rule as they apply in the case of a voter who applies for a ballot paper under rule 37(1), subject to the modification set out in paragraph (1AA).
- (1AA) The modification is that –
- (a) in rule 37(1G) as it extends to England and Wales and to Scotland, and
  - (b) in rule 37(1DB) as it extends to Northern Ireland,
- the reference to making a further application under paragraph (1) of rule 37 were to seeking a further time to mark a tendered ballot paper under the paragraph of this rule under which a previous such attempt was made.
- (1AB) In paragraph (1A), “the relevant paragraphs of rule 37” means –

- (a) paragraphs (1A) to (1N) of rule 37 as it extends to England and Wales and to Scotland;
- (b) paragraphs (1A) to (1G) of rule 37 as it extends to Northern Ireland.”
- (3) In paragraph (1B), after “where” insert “, at an election held in Northern Ireland”. 5
- 19 After rule 40ZA insert—
- “*Refusal to deliver ballot paper: Great Britain*
- 40ZB (1) This rule applies in relation to an election held in England and Wales or Scotland. 10
- (2) Where a presiding officer refuses to deliver a ballot paper to a voter who applied for one as an elector, the officer or a clerk must enter on the ballot paper refusal list—
- (a) the voter’s electoral number, and
- (b) against that number, the reason for the refusal. 15
- (3) Where a presiding officer refuses to deliver a ballot paper to a voter who applied for one as a proxy, the officer or a clerk must enter on the ballot paper refusal list—
- (a) the name and address of the voter, and
- (b) against those details, the reason for the refusal. 20
- (4) Paragraphs (5) and (6) apply where—
- (a) a presiding officer refuses to deliver a ballot paper to a voter under rule 37(1E), and
- (b) the voter makes a further application under rule 37(1). 25
- (5) If a ballot paper is delivered to the voter following a further application, the presiding officer or a clerk must note that fact on the ballot paper refusal list.
- (6) If the presiding officer again refuses to deliver a ballot paper to the voter, the presiding officer or a clerk must note that fact on the ballot paper refusal list. 30
- (7) Entries required by this rule to be made on the ballot paper refusal list must be made as soon as practicable after delivery of a ballot paper to a voter is refused (or, in the case mentioned in paragraph (5), as soon as practicable after the delivery of a ballot paper to a voter). 35
- (8) For the purposes of paragraph (2)(a), a person’s “electoral number” is the number—
- (a) allocated to the person as stated in the copy of the register of electors, or

- (b) where an entry relating to the person is added to the register in pursuance of a notice issued under section 13B(3B) or (3D), as stated in the copy of that notice.
  - (9) Subject to rule 37(1G) and paragraph (10), a refusal to deliver a ballot paper to a voter is final and may not be questioned in any proceeding whatsoever. 5
  - (10) A refusal to deliver a ballot paper to a voter is subject to review on an election petition.
  - (11) In this rule—
    - (a) except in paragraph (4)(a), any reference to the refusal to deliver a ballot paper (however expressed) is to the refusal to do so under rule 35(3) or 37(1E), and 10
    - (b) any reference to paragraph (1E) or (1G) of rule 37 includes a reference to that paragraph as applied by rule 38, 39 or 40.” 15
- 20      In rule 40A—
- (a) for the heading substitute “Refusal to deliver ballot paper: Northern Ireland”;
  - (b) in paragraph (2), after “that” insert “and to rule 37(1DB)”.
- 21      After rule 40A insert— 20
- “Collection and disclosure of information relating to applications made under rules 37 to 40”*
- 40B (1) This rule applies in relation to an election held in England and Wales or Scotland if— 25
  - (a) regulations provide that this rule applies in relation to the election, or
  - (b) the election is within a description of elections in relation to which regulations provide that this rule applies.
- (2) A presiding officer must— 30
  - (a) collect prescribed information relating to applications made under rules 37(1), 38(1), 39(1) and 40(1), and
  - (b) provide the prescribed information to the returning officer as soon as practicable after the close of the poll.
- (3) Where the prescribed information relates to an election held in England and Wales— 35
  - (a) the returning officer must forward the information to the relevant registration officer, and
  - (b) the relevant registration officer must, as soon as reasonably practicable after receiving the information, deal with it as required by paragraph (5). 40

- (4) Where the prescribed information relates to an election held in Scotland, the returning officer must deal with it as required by paragraph (5).
- (5) The relevant registration officer or (as the case may be) the returning officer must—
- (a) anonymise the prescribed information by removing from it all names and electoral numbers of the people to whom the information relates, and
  - (b) collate the information in the prescribed manner.
- The information as anonymised and collated in accordance with this paragraph is referred to in the rest of this rule as “the paragraph (5) information”.
- (6) The relevant registration officer or (as the case may be) the returning officer must provide the paragraph (5) information—
- (a) to the Secretary of State, as soon as reasonably practicable after taking the steps required by paragraph (5), and
  - (b) where they request the information, to the Electoral Commission.
- (7) The relevant registration officer or (as the case may be) the returning officer must not disclose the paragraph (5) information otherwise than in accordance with paragraph (6).
- (8) The relevant registration officer or (as the case may be) the returning officer must retain the information anonymised in accordance with paragraph (5)(a) for at least 10 years.
- (9) For the purposes of paragraph (5)(a), a person’s “electoral number” is the number—
- (a) allocated to the person as stated in the copy of the register of electors, or
  - (b) where an entry relating to the person is added to the register in pursuance of a notice issued under section 13B(3B) or (3D), as stated in the copy of that notice.
- (10) Except as provided by paragraph (11), a disclosure of information under this rule does not breach—
- (a) any obligation of confidence owed by the presiding officer, the returning officer or a registration officer, or
  - (b) any other restriction on the disclosure of information (however imposed).
- (11) Nothing in this rule authorises the making of a disclosure that contravenes the data protection legislation (but in determining whether a disclosure would do so, the duties imposed by paragraphs (2) and (3) are to be taken into account).
- (12) In this rule—
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- (a) “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3(9) of that Act);
  - (b) references to the relevant registration officer are to—
    - (i) the registration officer of the local authority in whose area the constituency is situated, or
    - (ii) if the constituency comprises any part of the area of more than one local authority, the registration officer of the local authority in whose area the greater or greatest (as the case may be) number of electors is registered.”
- 22 In rule 43 (procedure on close of poll), after paragraph (1)(da) insert—
- “(db) in the case of an election held in England and Wales or Scotland, the ballot paper refusal list completed in accordance with rule 40ZB.”.
- 23 In rule 54 (sealing up of ballot papers), after paragraph (2)(b) insert—
- “(ba) in the case of an election held in England and Wales or Scotland, the completed ballot paper refusal list.”.
- 24 In rule 55 (delivery of documents to registration officer), after paragraph (1)(ca) insert—
- “(cb) in the case of an election held in England and Wales or Scotland, the packet containing the completed ballot paper refusal list.”.
- 25 In rule 56 (orders for production of documents), after paragraph (1) insert—
- “(1A) An order—
    - (a) for the opening of the sealed packet containing a completed ballot paper refusal list, or
    - (b) for the inspection or production of that list,
 may be made by the High Court or the county court if satisfied by evidence on oath that the order is required for the purpose of an election petition relating to an election in England and Wales or Scotland.”
- 26 After rule 56 insert—
- “Inspection of ballot paper refusal list: Great Britain*
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- (2) Regulations may impose conditions in relation to the opening of a sealed packet or the inspection of a list by virtue of paragraph (1).
- (3) Regulations may make provision about the disclosure by a registration officer of information contained in the ballot paper refusal list.”
- 27 In rule 57 (retention and public inspection of documents), after paragraph (2)(b) insert—  
“(ba) in the case of an election held in England and Wales or Scotland, the completed ballot paper refusal list.”
- 28 In rule 58 (disposal of documents in Scotland), after paragraph (2)(b) insert—  
“(ba) the references in rule 56A to a registration officer are to be read as references to the returning officer;”.
- 29 (1) In the Appendix of Forms, the form of directions for the guidance of the voters in voting is amended as follows.  
(2) Before the existing paragraph 1 insert—  
“1 You must satisfy the presiding officer about your identity by showing an approved form of ID.”  
(3) The existing paragraphs numbered 1, 2, 3 and 4 are re-numbered 2, 3, 4 and 5 respectively.

*Extension of Northern Ireland voter identification provisions to Great Britain*

- 30 Section 2(3)(b) and (c) of the Elections (Northern Ireland) Act 1985, and section 2(1) of that Act so far as relating to those provisions, extend to England and Wales and to Scotland (as well as to Northern Ireland).
- 31 After section 7(4) of the Elections (Northern Ireland) Act 1985 insert—  
“(5) See also paragraph 30 of Schedule 1 to the Elections Act 2021 (which relates to section 2 of this Act).”
- 32 Section 5(2) of the Electoral Fraud (Northern Ireland) Act 2002, and section 5(1) of that Act so far as relating to that provision, extend to England and Wales and to Scotland (as well as to Northern Ireland).
- 33 After section 8(5) of the Electoral Fraud (Northern Ireland) Act 2002 insert—  
“(6) See also paragraph 32 of Schedule 1 to the Elections Act 2021 (which relates to section 5 of this Act: disabled voters).”
- 34 Section 13CZA of RPA 1983 (provision of false information: application for electoral identity card) extends to England and Wales and to Scotland (as well as to Northern Ireland).

35 After section 27(3) of the Northern Ireland (Miscellaneous Provisions) Act 2014 insert –

- “(4) See also paragraph 34 of Schedule 1 to the Elections Act 2021 (which relates to section 17 of this Act: electoral identity cards).”

*Consequential repeals*

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36 Section 2(2) of the Elections (Northern Ireland) Act 1985 is repealed.

## SCHEDULE 2

Section 2

### RESTRICTION OF PERIOD FOR WHICH PERSON CAN APPLY FOR POSTAL VOTE

*Representation of the People Act 2000*

1 Schedule 4 to the Representation of the People Act 2000 (absent voting in Great Britain) is amended as follows. 10

2 (1) Paragraph 3 (absent vote at elections for definite or indefinite period) is amended as follows.

(2) In sub-paragraph (1) –

(a) in the opening words, omit “(whether for an indefinite period or for a particular period specified in his application);” 15

(b) in paragraph (b), after “requirements” insert “and, in the case of an application to vote by post at local government elections in Scotland or Wales for a particular period, specifies the period.”

(3) After sub-paragraph (1) insert –

“(1A) Any grant of an application under sub-paragraph (1) to vote by post at parliamentary elections, or at local government elections in England, is to be for –

(a) the period ending with the third 31 January following the date on which the application is granted, or 25

(b) any shorter period specified in the application.

(1B) But where the person is or will be registered in the register of parliamentary electors in pursuance of an overseas elector’s declaration, sub-paragraph (1A) does not apply and instead any grant of an application to vote by post at parliamentary elections is to be for –

(a) the period ending with the 1 November until which, by virtue of section 1D(1)(a) or (3)(a) of the Representation of the People Act 1985, the person is entitled to remain registered in that register, or 30

(b) any shorter period specified in the application.”

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- (4) In sub-paragraph (4) –
- (a) in paragraph (a) –
- (i) omit the “and” at the end of sub-paragraph (i), and
- (ii) omit sub-paragraph (ii);
- (b) after paragraph (a) insert –
- “(aa) in the case of those who may vote by post at parliamentary elections or at local government elections in England (or both), the period for which they may do so,
- (ab) in the case of –
- (i) those who may vote by post at local government elections in Scotland or Wales, or
- (ii) those who may vote by proxy,  
whether their applications were to vote by post or proxy for an indefinite or a particular period (specifying that period).”.
- (5) In sub-paragraph (5) –
- (a) omit the “or” at the end of paragraph (c);
- (b) after paragraph (c) insert –
- “(ca) in the case of a person shown in the record as voting by post at parliamentary elections or at local government elections in England (or both), once the period for which the person is entitled to vote by post at elections of the kind in question has expired, or”;
- (c) in paragraph (d) –
- (i) for “or proxy” substitute “at local government elections in Scotland or Wales”, and
- (ii) after “particular period,” insert “or who applied to vote by proxy for a particular period.”.
- (6) In sub-paragraph (7) –
- (a) omit “(whether for an indefinite period or for a particular period specified in his application)”;
- (b) after “requirements” insert “and, in the case of an application to vote by post at local government elections in Scotland or Wales for a particular period, specifies the period.”.
- (7) After sub-paragraph (7) insert –
- “(7A) Sub-paragraph (1A) applies to an application under sub-paragraph (7) to vote by post at parliamentary elections, or at local government elections in England, as it applies to an application

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- under sub-paragraph (1) (but this is subject to sub-paragraph (7B)).
- (7B) Where an application under sub-paragraph (7) to vote by post at parliamentary elections is made by a person who is or will be entitled to be registered in the register of parliamentary electors in pursuance of an overseas elector's declaration, sub-paragraph (1B) applies to the application as it applies to an application under sub-paragraph (1)."5
- (8) In the heading before paragraph 3, for “definite or indefinite” substitute “a”.10
- 3 (1) Paragraph 7 (voting as proxy) is amended as follows.
- (2) In sub-paragraph (4), in paragraph (a) omit “(whether for an indefinite period or for a particular period specified in his application)”.15
- (3) In sub-paragraph (5), in paragraph (c) after “requirements” insert “and, in the case of an application to vote by post as proxy at local government elections in Scotland or Wales for a particular period, specifies the period.”
- (4) After sub-paragraph (5) insert—20
- “(5A) Any grant of an application under sub-paragraph (4)(a) to vote by post as proxy at parliamentary elections, or at local government elections in England, is to be for—
- (a) the period ending with the third 31 January following the date on which the application is granted, or
- (b) any shorter period specified in the application.”
- (5) In sub-paragraph (6)—25
- (a) in paragraph (a)—
- (i) omit the “and” at the end of sub-paragraph (i), and
- (ii) omit sub-paragraph (ii) (including the “and” at the end);
- (b) after paragraph (a) insert—30
- “(aa) in the case of those who may vote by post as proxy at parliamentary elections or at local government elections in England (or both), the period for which they may do so,
- (ab) in the case of those who may vote by post as proxy at local government elections in Scotland or Wales, whether their applications were to vote by post as proxy for an indefinite or a particular period (specifying that period), and”.35
- (6) In sub-paragraph (9)—
- (a) omit the “or” at the end of paragraph (c);

- (b) after paragraph (c) insert—  
    “(ca) in the case of a person shown in the record as voting by post as proxy at parliamentary elections or at local government elections in England (or both), once the period for which the person is entitled to vote by post as proxy at elections of the kind in question has expired, or”;
- (c) in paragraph (d), after “as proxy” insert “at local government elections in Scotland or Wales”. 5
- Transitional provision* 10
- 4 (1) This paragraph applies where, immediately before the day specified for the purposes of this paragraph (“the specified day”), a person has a relevant postal vote entitlement lasting for—  
    (a) an indefinite period, or  
    (b) a period that would expire after the end of 3 years beginning with the specified day. 15
- (2) A “relevant postal vote entitlement” means an entitlement, resulting from the grant of a pre-commencement application, to vote by post (whether as elector or proxy) at parliamentary elections in England and Wales or Scotland or at local government elections in England (or both). 20
- (3) The person’s relevant postal vote entitlement ends on the applicable 31 January (unless it ends sooner).
- (4) “The applicable 31 January” means—  
    (a) the third 31 January following the specified day, or  
    (b) if sooner, the signature refresh date. 25
- (5) “The signature refresh date” means the 31 January by which the registration officer would be required to send the person a regulation 60A notice (assuming no change in the person’s entitlement or entitlements to vote by post or by proxy after the specified day, and disregarding sub-paragraph (9)). 30
- (6) As soon as practicable after the specified day, the registration officer must alter the record kept under paragraph 3(4) or 7(6) of Schedule 4 to RPA 2000 (as the case may be) so as to reflect any change resulting from sub-paragraph (3) in the period for which the person’s relevant postal vote entitlement lasts. 35
- (7) The registration officer must, before the applicable 31 January, send the person—  
    (a) a notice informing the person of the date on which the person’s relevant postal vote entitlement is to end, and  
    (b) information about how to make a fresh application to vote by post (as elector or, as the case may be, as proxy). 40

- (8) Sub-paragraph (9) applies where, as a result of sub-paragraph (3), a person's relevant postal vote entitlement is to end on the signature refresh date.
- (9) Any requirement to send the person a regulation 60A notice by the signature refresh date does not apply, unless—
  - (a) the person has an entitlement (or entitlements) due to continue beyond that date—
    - (i) to vote by post (whether as elector or proxy) at local government elections in Scotland or Wales,
    - (ii) to vote by proxy at parliamentary elections in England and Wales or Scotland or at local government elections in England (or both), or
    - (iii) to vote by proxy at local government elections in Scotland or Wales, and
  - (b) regulation 60A applies in relation to that entitlement (or those entitlements).
- (10) Expressions used in this paragraph and in Schedule 4 to RPA 2000 have the same meaning as in that Schedule.
- (11) This paragraph does not apply in relation to a person who is registered in a register of parliamentary electors in pursuance of an overseas elector's declaration made at any time before the day on which section 10 comes fully into force (see instead Part 2 of Schedule 6).
- (12) In this paragraph—
  - “pre-commencement application” means an application made under paragraph 3(1) or 7(4)(a) of Schedule 4 to RPA 2000 before the specified day;
  - “register of parliamentary electors” means a register of parliamentary electors maintained under section 9 of RPA 1983;
  - “regulation 60A” means regulation 60A (requirement to provide fresh signatures) of the Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341) or the Representation of the People (Scotland) Regulations 2001 (S.I. 2001/497) (S. 2);
  - “regulation 60A notice” means a notice under regulation 60A;
  - “RPA 2000” means the Representation of the People Act 2000;
  - “specified” means specified by the Minister in regulations made by statutory instrument.

## SCHEDULE 3

Section 5

### PROXY VOTING: LIMITS AND TRANSITIONAL PROVISION

*Representation of the People Act 1983*

1 RPA 1983 is amended as follows.

- 2 (1) Section 61 (other voting offences) is amended as follows.
- (2) After subsection (1) insert—
- “(1A) A person (“P”) is guilty of an offence if P applies for the appointment of a proxy to vote for P—
- (a) at a parliamentary election, where P knows that the person to be appointed is already appointed as proxy to vote at that election, or at parliamentary elections, for four or more other electors; 5
  - (b) at a parliamentary election where—
    - (i) P is or will be registered in a register of parliamentary electors otherwise than in pursuance of an overseas elector’s declaration or a service declaration, and 10
    - (ii) P knows that the person to be appointed is already appointed as proxy to vote at that election, or at parliamentary elections, for two or more other electors none of whom is registered in a register of parliamentary electors in pursuance of an overseas elector’s declaration or a service declaration; 15
  - (c) at a local government election in England, where P knows that the person to be appointed is already appointed as proxy to vote at that election, or at local government elections in England, for four or more other electors; 20
  - (d) at a local government election in England where—
    - (i) P is or will be registered in a register of local government electors in England otherwise than in pursuance of a service declaration, and 25
    - (ii) P knows that the person to be appointed is already appointed as proxy to vote at that election, or at local government elections in England, for two or more other electors none of whom is registered in a register of local government electors in England in pursuance of a service declaration; 30
  - (e) at parliamentary elections, where P knows that the person to be appointed is already appointed as proxy to vote at a parliamentary election, or at parliamentary elections, for four or more other electors; 35
  - (f) at parliamentary elections where—
    - (i) P is or will be registered in a register of parliamentary electors otherwise than in pursuance of an overseas elector’s declaration or a service declaration, and 40
    - (ii) P knows that the person to be appointed is already appointed as proxy to vote at a parliamentary election, or at parliamentary elections, for two or more other electors none of whom is registered in a

- register of parliamentary electors in pursuance of an overseas elector's declaration or a service declaration;
- (g) at local government elections in England, where P knows that the person to be appointed is already appointed as proxy to vote at a local government election in England, or at local government elections in England, for four or more other electors; 5
- (h) at local government elections in England, where— 10
- (i) P is or will be registered in a register of local government electors in England otherwise than in pursuance of a service declaration, and
- (ii) P knows that the person to be appointed is already appointed as proxy to vote, at a local government election in England, or at local government elections in England, for two or more other electors none of whom is registered in a register of local government electors in England in pursuance of a service declaration.” 15
- (3) After subsection (3A) insert— 20
- “(3B) A person (“P”) is also guilty of an offence if P votes as proxy—
- (a) for more than four electors— 25
- (i) at a parliamentary election;
- (ii) where the polls for two or more parliamentary elections are held on the same day, at those elections taken together;
- (iii) at a local government election in England;
- (iv) where the polls for two or more local government elections in England are held on the same day, at those elections taken together;
- (b) for more than two electors— 30
- (i) at a parliamentary election, or
- (ii) where the polls for two or more parliamentary elections are held on the same day, at those elections taken together,
- where P knows that more than two of those electors are registered in a register of parliamentary electors otherwise than in pursuance of an overseas elector's declaration or a service declaration; 35
- (c) for more than two electors— 40
- (i) at a local government election in England, or
- (ii) where the polls for two or more local government elections in England are held on the same day, at those elections taken together,

where P knows that more than two of those electors are registered in a register of local government electors otherwise than in pursuance of a service declaration.”

- (4) In subsection (4) –
- (a) omit “at a parliamentary election in any constituency or”;
  - (b) after “any electoral area” insert “in Wales or Scotland”. 5
- (5) In subsection (6), after “subsection” insert “(3B) or”. 10
- 3 In section 202 (general provisions as to interpretation), in subsection (1), after the definition of “registered political party” insert –
- ““service declaration” means a declaration made by a person under and in accordance with section 15;”.
- 4 (1) Rule 35 of Schedule 1 (questions to be put to voters) is amended as follows. 15
- (2) In paragraph (1) –
- (a) omit “and” at the end of sub-paragraph (a);
  - (b) insert “and” at the end of sub-paragraph (b);
  - (c) after sub-paragraph (b) insert –
    - “(c) must be put if –
      - (i) the person has answered the previous question in the manner indicated, and
      - (ii) the letter “R” appears after the question and the candidate or his election or polling agent requires the question to be put:”.
- (3) The table following paragraph (1) is amended in accordance with sub-paragaphs (4) to (6). 20
- (4) In entry 2, in the column headed “Questions”, for question (c) substitute –
- “(c) “Have you already voted as proxy at this election, whether here or elsewhere in this constituency or in any other constituency, on behalf of four or more electors?” [R] 25
- (d) If the person answers question (c) in the negative: “Have you already voted as proxy at this election, whether here or elsewhere in this constituency or in any other constituency, on behalf of two or more electors?” [R] 30
  - (e) If the person answers question (d) in the affirmative: “Were two or more of the electors on whose behalf you have voted in this election registered in a register of parliamentary electors otherwise than in 35
- parliamentary electors otherwise than in 40

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- pursuance of an overseas elector's declaration or a service declaration?" [R]
- (f) If the person answers question (e) in the affirmative: "Is the elector (or are the electors) for whom you are voting today registered in a register of parliamentary electors otherwise than in pursuance of an overseas elector's declaration or a service declaration?" [R]".
- (5) In entry 3, in the column headed "Questions", for question (c) substitute—
- “(c) “Have you already voted as proxy at this election, whether here or elsewhere in this constituency or in any other constituency, on behalf of four or more electors?” [R]
- (d) If the person answers question (c) in the negative: "Have you already voted as proxy at this election, whether here or elsewhere in this constituency or in any other constituency, on behalf of two or more electors?" [R]
- (e) If the person answers question (d) in the affirmative: "Were two or more of the electors on whose behalf you have voted in this election registered in a register of parliamentary electors otherwise than in pursuance of an overseas elector's declaration or a service declaration?" [R]
- (f) If the person answers question (e) in the affirmative: "Is the elector (or are the electors) for whom you are voting today registered in a register of parliamentary electors otherwise than in pursuance of an overseas elector's declaration or a service declaration?" [R]".
- (6) Omit entry 4.
- (7) In paragraph (2), for "3(a), (b) and (c)" substitute "3(a) and (b)".
- 5 In Schedule 2 (provisions which may be contained in regulations as to registration etc), after paragraph 5B insert—
- "5C (1) Provision as to the steps that the Chief Electoral Officer for Northern Ireland must take, before appointing a person as proxy to vote for another, to ensure that the appointment complies with section 8(2A) of the Representation of the People Act 1985.

- (2) Provision under sub-paragraph (1) may require a registration officer in Great Britain to provide information about whether the person has or will have an entry in a register of parliamentary electors maintained by the officer.”

*Representation of the People Act 1985*

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- 6 (1) Section 8 of the Representation of the People Act 1985 (proxies at parliamentary elections in Northern Ireland) is amended as follows.

- (2) After subsection (2) insert –

“(2A) A person is not capable of being appointed to vote, or voting, as proxy at a parliamentary election unless the person is or will be registered in a register of parliamentary electors in Great Britain or Northern Ireland.”

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- (3) In subsection (3) –

- (a) omit the “or” at the end of paragraph (a);  
(b) omit paragraph (b).

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- (4) For subsection (5) substitute –

“(5) A person –

- (a) is not entitled to vote as proxy at a parliamentary election on behalf of more than two electors who do not fall within subsection (5A), but  
(b) subject to paragraph (a), is entitled to vote as proxy at a parliamentary election on behalf of up to four electors.

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(5A) An elector falls within this subsection if the elector is registered in a register of parliamentary electors in pursuance of an overseas elector’s declaration or a service declaration.

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(5B) Where the polls for two or more parliamentary elections are held on the same day, references in subsection (5A) to a parliamentary election are to all of those elections taken together.”

*Representation of the People Act 2000*

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- 7 (1) Paragraph 6 of Schedule 4 to the Representation of the People Act 2000 (proxies at parliamentary elections and local government elections in Great Britain) is amended as follows.

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- (2) After sub-paragraph (5B) insert –

“(5C) A person –

- (a) is not entitled to vote as proxy at a parliamentary election, or at a local government election in England, on behalf of more than two electors who do not fall within sub-paragraph (5D), but

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- (b) subject to paragraph (a), is entitled to vote as proxy at any such election on behalf of up to four electors.
- (5D) An elector falls within this sub-paragraph—
- (a) in relation to a parliamentary election, if the elector is registered in a register of parliamentary electors in pursuance of an overseas elector's declaration or a service declaration;
  - (b) in relation to a local government election in England, if the elector is registered in a register of local government electors in England in pursuance of a service declaration.
- (5E) Where the polls for two or more parliamentary elections are held on the same day, references in sub-paragraph (5C) to a parliamentary election are to all of those elections taken together.
- (5F) Where the polls for two or more local government elections in England are held on the same day, references in sub-paragraph (5C) to a local government election in England are to all of those elections taken together.”
- (3) In sub-paragraph (6)—
- (a) omit paragraph (a);
  - (b) in paragraph (b), after “electoral area” insert “in Wales or Scotland”.
- Termination of certain proxy appointments on the specified day*
- 8 (1) This paragraph applies where—
- (a) a proxy appointment is in force immediately before the day specified for the purposes of this paragraph (“the specified day”) as a result of an application made before the day on which paragraph 2(2) comes into force, and
  - (b) the appointment has effect immediately before the specified day in relation to—
    - (i) parliamentary elections in England and Wales or Scotland or local government elections in England (or both), or
    - (ii) a particular parliamentary election in England and Wales or Scotland or local government election in England.
- (2) On the specified day, the proxy appointment ceases to have effect as mentioned in sub-paragraph (1)(b).
- (3) The registration officer must, before the specified day, send the person who is entitled to vote by proxy by means of the proxy appointment—
- (a) a notice informing the person that the appointment ceases to have effect as mentioned in sub-paragraph (1)(b) on the specified day (naming that day), and
  - (b) information about how to make a fresh application to vote by proxy.

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- (4) As soon as practicable after the specified day, the registration officer must alter the relevant absent voters' records as necessary to reflect the change to the proxy appointment resulting from sub-paragraph (2).
- (5) Where the specified day is 31 January in a particular year, sub-paragraph (6) applies in relation to a person who—
- is entitled (before that day) to vote by proxy by means of the proxy appointment, and
  - falls within the category of persons in relation to whom the requirement to send a regulation 60A notice by that day applies.
- (6) The requirement to send the person a regulation 60A notice by the specified day does not apply, unless—
- the person has an entitlement (or entitlements) due to continue beyond that day—
    - to vote by proxy at local government elections in Scotland or Wales,
    - to vote by post (whether as elector or proxy) at parliamentary elections in England and Wales or Scotland or at local government elections in England (or both), or
    - to vote by post (whether as elector or proxy) at local government elections in Scotland or Wales, and
  - regulation 60A applies in relation to that entitlement (or those entitlements).
- (7) Nothing in sub-paragraph (2) affects the proxy appointment so far as it also relates to any election or elections other than those mentioned in sub-paragraph (1)(b).
- (8) In this paragraph—
- “proxy appointment” means an appointment of a person to vote as proxy for another person;
- “registration officer” has the meaning given by section 8(1) of RPA 1983;
- “regulation 60A” means regulation 60A (requirement to provide fresh signatures) of the Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341) or the Representation of the People (Scotland) Regulations 2001 (S.I. 2001/497) (S. 2);
- “regulation 60A notice” means a notice under regulation 60A;
- “relevant absent voters' records” means the records kept under paragraphs 3(4), 4(6) and 7(6) and (8) of Schedule 4 to RPA 2000;
- “RPA 2000” means the Representation of the People Act 2000;
- “specified” means specified by the Minister in regulations made by statutory instrument.
- 9 (1) This paragraph applies where—
- a proxy appointment is in force immediately before the day specified for the purposes of this paragraph (“the specified day”) as a result

- of an application made before the day on which the relevant provisions of this Schedule come into force, and
- (b) the appointment has effect immediately before the specified day in relation to—
- (i) parliamentary elections in Northern Ireland, or
- (ii) a particular parliamentary election in Northern Ireland.
- (2) On the specified day, the proxy appointment ceases to have effect as mentioned in sub-paragraph (1)(b).
- (3) The Chief Electoral Officer for Northern Ireland must, before the specified day, send the person who is entitled to vote by proxy by means of the proxy appointment—
- (a) a notice informing the person that the appointment ceases to have effect as mentioned in sub-paragraph (1)(b) on the specified day (naming that day), and
- (b) information about how to make a fresh application to vote by proxy.
- (4) As soon as practicable after the specified day, the Chief Electoral Officer must alter the relevant absent voters' records as necessary to reflect the change to the proxy appointment resulting from sub-paragraph (2).
- (5) More than one day may be specified for the purposes of this paragraph if the relevant provisions come into force on different days (and in such a case references in this paragraph to the specified day and to the relevant provisions of this Schedule are to be construed accordingly).
- (6) In this paragraph—
- “proxy appointment” means an appointment of a person to vote as proxy for another person;
- “relevant absent voters’ records” means the records kept under sections 6(3) and 9(6) and any lists under sections 7(4) and 9(9) of RPA 1985 which have not been published under regulation 66(3) of the Representation of the People (Northern Ireland) Regulations 2008 (S.I. 2008/1741);
- “relevant provisions of this Schedule” means paragraphs 2(2) and 6(2);
- “RPA 1985” means the Representation of the People Act 1985;
- “specified” means specified by the Minister in regulations made by statutory instrument.

*Termination of applications for certain proxy appointments on the specified day*

- 10 (1) An application for a proxy appointment that is made before, but not determined by, the day specified for the purposes of this paragraph (“the specified day”) is to be treated as not having been made so far as the application relates to—
- (a) parliamentary elections in England and Wales or Scotland or local government elections in England (or both), or

- (b) a particular parliamentary election in England and Wales or Scotland or local government election in England.
- (2) The registration officer must, as soon as practicable, send each person whose application is affected by sub-paragraph (1) information about how to make a fresh application to vote by proxy. 5
- (3) Sub-paragraph (1) does not apply where the application was made on or after the day on which paragraph 2(2) comes into force.
- (4) Expressions used in this paragraph and in paragraph 8 have the same meaning as in that paragraph.
- 11 (1) An application for a proxy appointment that is made before, but not determined by, the day specified for the purposes of this paragraph (“the specified day”) is to be treated as not having been made so far as the application relates to— 10
- (a) parliamentary elections in Northern Ireland, or
- (b) a particular parliamentary election in Northern Ireland. 15
- (2) The Chief Electoral Officer for Northern Ireland must, as soon as practicable, send each person whose application is affected by sub-paragraph (1) information about how to make a fresh application to vote by proxy.
- (3) Sub-paragraph (1) does not apply where the application was made on or after the day on which the relevant provisions come into force. 20
- (4) More than one day may be specified for the purposes of this paragraph if the relevant provisions of this Schedule come into force on different days (and in such a case references in this paragraph to the specified day and to the relevant provisions of this Schedule are to be construed accordingly).
- (5) Expressions used in this paragraph and in paragraph 9 have the same meaning as in that paragraph. 25

SCHEDULE 4

Section 7

UNDUE INFLUENCE: FURTHER PROVISION

*Local Government Act 1972*

- 1 The Local Government Act 1972 is amended as follows. 30
- 2 In section 80 (disqualifications for election and holding office as member of local authority), in subsection (1), after paragraph (e) insert “; or
- (f) is incapable of being elected to or holding—
- (i) the office of member of the Scottish Parliament having been reported personally guilty or convicted of a corrupt practice under article 77 of the Scottish 35

- Parliament (Elections etc.) Order 2015 (S.S.I. 2015/425) (undue influence);
  - (ii) the office of member of Senedd Cymru having been reported personally guilty or convicted of a corrupt practice under article 81 of the National Assembly for Wales (Representation of the People) Order 2007 (S.I. 2007/236) (undue influence); 5
  - (iii) the office of member of the Northern Ireland Assembly having been reported personally guilty or convicted of a corrupt practice under section 115 of the Representation of the People Act 1983 (as applied by Schedule 1 to the Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599)) (undue influence); 10
  - (iv) the office of member of a district council in Northern Ireland having been reported personally guilty or convicted of a corrupt practice under paragraph 3 of Schedule 9 to the Electoral Law Act (Northern Ireland) 1962 (undue influence);”.
- 3 In section 80A (disqualification for election or being a member of a local authority in Wales), in subsection (1), after paragraph (b) insert— 20
- “(ba) the person is incapable of being elected to or holding—
  - (i) the office of member of the Scottish Parliament having been reported personally guilty or convicted of a corrupt practice under article 77 of the Scottish Parliament (Elections etc.) Order 2015 (S.S.I. 2015/425) (undue influence); 25
  - (ii) the office of member of Senedd Cymru having been reported personally guilty or convicted of a corrupt practice under article 81 of the National Assembly for Wales (Representation of the People) Order 2007 (S.I. 2007/236) (undue influence); 30
  - (iii) the office of member of the Northern Ireland Assembly having been reported personally guilty or convicted of a corrupt practice under section 115 of the Representation of the People Act 1983 (as applied by Schedule 1 to the Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599)) (undue influence); 35
  - (iv) the office of member of a district council in Northern Ireland having been reported personally guilty or convicted of a corrupt practice under paragraph 3 of Schedule 9 to the Electoral Law Act (Northern Ireland) 1962 (undue influence);”.

*Local Government Act (Northern Ireland) 1972*

4 In section 4 of the Local Government Act (Northern Ireland) 1972 (disqualifications), in subsection (1), after paragraph (e) insert –

- “(ea) the person is incapable of being elected to or holding –
- (i) the office of member of the House of Commons of the Parliament of the United Kingdom, having been reported personally guilty or convicted of a corrupt practice under section 115 of the Representation of the People Act 1983, article 69 of the Police and Crime Commissioner Elections Order 2012 or regulation 136 of the Recall of MPs Act 2015 (Recall Petition) Regulations 2016 (undue influence); 5 10
  - (ii) the office of member of the Scottish Parliament having been reported personally guilty or convicted of a corrupt practice under article 77 of the Scottish Parliament (Elections etc.) Order 2015 (undue influence); 15
  - (iii) the office of member of Senedd Cymru having been reported personally guilty or convicted of a corrupt practice under article 81 of the National Assembly for Wales (Representation of the People) Order 2007 (undue influence); or 20
  - (iv) the office of member of the Northern Ireland Assembly having been reported personally guilty or convicted of a corrupt practice under section 115 of the Representation of the People Act 1983 (as applied by Schedule 1 to the Northern Ireland Assembly (Elections) Order 2001) (undue influence); or”.
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*Local Government (Scotland) Act 1973*

5 In section 31 of the Local Government (Scotland) Act 1973 (disqualifications for nomination, election and holding office as member of local authority), in subsection (1), after paragraph (d) insert “; or 30

- (e) the person is incapable of being elected to or holding the office of –
  - (i) member of Senedd Cymru having been reported personally guilty or convicted of a corrupt practice under article 81 of the National Assembly for Wales (Representation of the People) Order 2007 (S.I. 2007/236) (undue influence); 35
  - (ii) member of the Northern Ireland Assembly having been reported personally guilty or convicted of a corrupt practice under section 115 of the Representation of the People Act 1983 (as applied by 40

Schedule 1 to the Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599)) (undue influence);

- (iii) member of a district council in Northern Ireland having been reported personally guilty or convicted of a corrupt practice under paragraph 3 of Schedule 9 to the Electoral Law Act (Northern Ireland) 1962 (undue influence).”

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*Representation of the People Act 1983*

- 6 (1) RPA 1983 is amended as follows.

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- (2) In section 160 (persons reported personally guilty of corrupt or illegal practices)—

- (a) after subsection (4A) insert—

“(4B) Subject to section 113(2) to (6) of the Electoral Law Act (Northern Ireland) 1962, a person reported by an election court personally guilty of a corrupt practice under paragraph 3 of Schedule 9 to that Act (undue influence)—

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- (a) is, during the relevant period specified in subsection (5), incapable of being elected to the House of Commons, and

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- (b) if already elected to a seat in the House of Commons, must vacate the seat as from the date of the report.

(4C) In subsection (4B) “election court” has the same meaning as in the Electoral Law Act (Northern Ireland) 1962 (see section 130 of that Act); and section 94(2) of that Act (persons treated as reported personally guilty) applies also for the purposes of subsection (4B).”;

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- (b) in subsection (5), for “subsection (4)” substitute “subsections (4) and (4B)”.

- (3) In section 173 (incapacities on conviction for corrupt or illegal practice)—

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- (a) after subsection (2) insert—

“(2A) A person convicted of a corrupt practice under paragraph 3 of Schedule 9 to the Electoral Law Act (Northern Ireland) 1962 (undue influence)—

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- (a) is, during the relevant period specified in subsection (3), incapable of being elected to the House of Commons, and

- (b) if already elected to a seat in the House of Commons, must vacate the seat subject to and in accordance with subsections (4) and (5).”;

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- (b) in subsection (3), for “subsection (1)(a)” substitute “subsections (1)(a) and (2A)(a)”;

(c)	in subsection (4), after “subsection (1)(b)” insert “or (2A)(b)”;	
(d)	after subsection (7) insert –	
“(7A)	If a person convicted of a corrupt practice under paragraph 3 of Schedule 9 to the Electoral Law Act (Northern Ireland) 1962 (undue influence) has already been elected to a seat in the House of Commons, the person is (in addition to being subject to the incapacities mentioned in subsection (2A)(a) above and section 112(1)(a)(ii) of that Act) suspended from performing any of the functions of a Member of Parliament during the period of suspension specified in subsection (8).”;	5
(e)	in subsection (8), for “subsection (7)” substitute “subsections (7) and (7A)”;	10
(f)	after subsection (9) insert –	
“(9A)	Any incapacity or other requirement applying to a person by virtue of subsection (2A) or (7A) applies in addition to any punishment imposed under section 108 of the Electoral Law Act (Northern Ireland) 1962; but each of those subsections has effect subject to section 113(2) to (6) of that Act.”	15
<i>Greater London Authority Act 1999</i>		20
7	In section 21 of the Greater London Authority Act 1999 (disqualification from being the Mayor or an Assembly member) –	
(a)	omit the “or” after paragraph (d);	
(b)	after paragraph (e) insert “; or	
(f)	the person is incapable of being elected to or holding –	25
(i)	the office of member of the Scottish Parliament having been reported personally guilty or convicted of a corrupt practice under article 77 of the Scottish Parliament (Elections etc.) Order 2015 (S.S.I. 2015/425) (undue influence);	30
(ii)	the office of member of Senedd Cymru having been reported personally guilty or convicted of a corrupt practice under article 81 of the National Assembly for Wales (Representation of the People) Order 2007 (S.I. 2007/236) (undue influence);	35
(iii)	the office of member of the Northern Ireland Assembly having been reported personally guilty or convicted of a corrupt practice under section 115 of the Representation of the People Act 1983 (as applied by Schedule 1 to the	40

Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599)) (undue influence);

- (iv) the office of member of a district council in Northern Ireland having been reported personally guilty or convicted of a corrupt practice under paragraph 3 of Schedule 9 to the Electoral Law Act (Northern Ireland) 1962 (undue influence).<sup>5</sup>

*Government of Wales Act 2006*

- 8 In Schedule 1A to the Government of Wales Act 2006 (disqualification from being a member of the Senedd or a candidate in an election to be a member of the Senedd), after paragraph 5 insert—<sup>10</sup>

“5A A person who is incapable of being elected to the House of Commons having been reported personally guilty or convicted of a corrupt practice under paragraph 3 of Schedule 9 to the Electoral Law Act (Northern Ireland) 1962 (undue influence).”<sup>15</sup>

*Local Democracy, Economic Development and Construction Act 2009*

- 9 In Schedule 5B to the Local Democracy, Economic Development and Construction Act 2009 (mayors for combined authority areas: further provision about elections), in paragraph 9(1), after paragraph (d) insert—<sup>20</sup>

- “(e) is incapable of being elected to or holding—<sup>25</sup>
- (i) the office of member of the Scottish Parliament having been reported personally guilty or convicted of a corrupt practice under article 77 of the Scottish Parliament (Elections etc.) Order 2015 (S.S.I. 2015/425) (undue influence);
  - (ii) the office of member of Senedd Cymru having been reported personally guilty or convicted of a corrupt practice under article 81 of the National Assembly for Wales (Representation of the People) Order 2007 (S.I. 2007/236) (undue influence);<sup>30</sup>
  - (iii) the office of member of the Northern Ireland Assembly having been reported personally guilty or convicted of a corrupt practice under section 115 of the Representation of the People Act 1983 (as applied by Schedule 1 to the Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599)) (undue influence);<sup>35</sup>
  - (iv) the office of member of a district council in Northern Ireland having been reported personally guilty or convicted of a corrupt practice under paragraph 3 of

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Schedule 9 to the Electoral Law Act (Northern Ireland) 1962 (undue influence).”

*Police Reform and Social Responsibility Act 2011*

- 10        In section 66 of the Police Reform and Social Responsibility Act 2011 (disqualification from election or holding office as police and crime commissioner), in subsection (3)—5
- (a) omit the “or” at the end of paragraph (c);
  - (b) after paragraph (d) insert “; or
  - (e) the person is incapable of being elected to or holding the office of—
    - (i) member of Senedd Cymru having been reported personally guilty or convicted of a corrupt practice under article 81 of the National Assembly for Wales (Representation of the People) Order 2007 (S.I. 2007/236) (undue influence);10
    - (ii) member of the Northern Ireland Assembly having been reported personally guilty or convicted of a corrupt practice under section 115 of the Representation of the People Act 1983 (as applied by Schedule 1 to the Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599)) (undue influence);15
    - (iii) member of a district council in Northern Ireland having been reported personally guilty or convicted of a corrupt practice under paragraph 3 of Schedule 9 to the Electoral Law Act (Northern Ireland) 1962 (undue influence)."20
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*Consequential repeals*

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- 11        The following provisions are repealed—30
- (a) section 39 of the Electoral Administration Act 2006;
  - (b) section 14 of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14).

## SCHEDULE 5

Section 9

## LOCAL ELECTIONS IN NORTHERN IRELAND AND ELECTIONS TO THE NORTHERN IRELAND ASSEMBLY

## PART 1

## LOCAL ELECTIONS IN NORTHERN IRELAND

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*Electoral Law Act (Northern Ireland) 1962*

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|---|--|----|
| 1 | The Electoral Law Act (Northern Ireland) 1962 (c. 14 (N.I.)) is amended as follows.  |    |
| 2 | In section 96 (provisions applying to all persons reported personally guilty of a corrupt or illegal practice) –                             | 10 |
|   | (a) omit “or” at the end of subsection (3A)(b);  |    |
|   | (b) after subsection (3A)(b) insert –  |    |
|   | “(ba) a corrupt practice under paragraph 5ZA of that Schedule (handling of postal voting documents by political campaigners); or”.           | 15 |
| 3 | In section 108 (penalties for corrupt practices), in subsection (4)(a)(i), for “or 4A”, in both places, substitute “, 4A or 5ZA”.            |    |
| 4 | In section 112 (incapacities resulting from convictions for corrupt or illegal practices) –  |    |
|   | (a) omit “or” at the end of subsection (1A)(b);  | 20 |
|   | (b) after subsection (1A)(b) insert –  |    |
|   | “(ba) a corrupt practice under paragraph 5ZA of Schedule 9 (handling of postal voting documents by political campaigners); or”.              | 15 |
| 5 | In section 114 (corrupt and illegal practices committed by agents), in subsection (1)(a), after “paragraph” insert “5ZA or”.                 | 25 |
| 6 | Schedule 5 (local elections rules) is amended in accordance with paragraphs 7 to 16.   |    |
| 7 | In rule 22 (provision of polling stations), after paragraph (4) insert –   |    |
|   | “(5) The returning officer must ensure that each polling station contains an area in which voters can produce proof of identity in private.” | 30 |
| 8 | In rule 23 (appointment of presiding officers and clerks), in paragraph (3), for the words from “except” to the end substitute “except –     |    |
|   | (a) order the arrest of any person or the exclusion or removal of any person from the polling station,                                       | 35 |

- (b) refuse to deliver a ballot paper under rule 32(3) or paragraph 4 of rule 34 (including that paragraph as applied by rule 35, 36 or 37), or  
(c) resolve doubts over identity as mentioned in paragraph (5A) of rule 34 (including that paragraph as applied by rule 35, 36 or 37)."  
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9 (1) Rule 26 (equipment of polling stations) is amended as follows.

(2) For paragraph (3A)(b) substitute—

“(b) such equipment as it is reasonable to provide for the purposes of enabling, or making it easier for, relevant persons to vote in the manner directed by rule 34.”  
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(3) After paragraph (3A) insert—

“(3B) In paragraph (3A)(b), “relevant persons” means persons who find it difficult or impossible to vote in the manner directed by rule 34 because of—  
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- (a) blindness or partial sight, or  
(b) another disability.”

(4) Omit paragraphs (5) to (10).

10 (1) Rule 32 (questions to be put to voters) is amended as follows.

(2) For paragraph (2) substitute—  
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“(2) In the case of a person applying as proxy, the presiding officer may, and if required as mentioned in paragraph (1) above must, put the following additional question:—  
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(a) “Have you already voted as proxy at this election, either here or elsewhere in this or any other district electoral area, on behalf of four or more electors?”  
and if the person answers that question in the negative, the following question:—

(b) “Have you already voted as proxy at this election, either here or elsewhere in this or any other district electoral area, on behalf of two or more electors both or all of whom are registered in a register of local electors in Northern Ireland otherwise than by virtue of a service qualification?”  
and if the person answers that question in the affirmative, the following question:—  
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(c) “Is the elector (or are the electors) for whom you are voting today at this election registered in a register of local electors in Northern Ireland otherwise than by virtue of a service qualification?”  
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(3) After paragraph (2) insert—  
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“(2A) Where a clerk—

- (a) gives a person the required information (see paragraph (6)),
- (b) puts any of the questions set out in paragraphs (1) to (2) above to the person, and
- (c) decides that the person has failed to answer the question satisfactorily,

the clerk must refer the matter to the presiding officer, who must put the question to the person again.”

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(4) For paragraph (3) substitute—

“(3) Where the presiding officer—

- (a) gives a person the required information,
- (b) puts any of the questions set out in paragraphs (1) to (2) above to the person (whether or not following a referral under paragraph (2A)), and
- (c) decides that the person has failed to answer the question satisfactorily,

the officer must refuse to deliver a ballot paper to the person.”

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(5) After paragraph (5) insert—

“(6) For the purposes of this rule, a person to whom any question is to be put is given “the required information” if the person is first informed that—

- (a) a ballot paper will be refused if the person fails to answer each question satisfactorily, and
- (b) giving false information may be an offence.”

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11 (1) Rule 34 (voting procedure) is amended as follows.

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(2) For the heading substitute “Voting procedure and voter identification requirements”.

(3) After paragraph (2) insert—

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“(2A) The presiding officer or clerk must arrange for the voter to produce a specified document in a private area of the polling station if the voter so requests, and, in such a case, must ensure that no other persons witness the production except as permitted by the voter.”

(4) In paragraph (3), for the words from “the officer” to the end substitute “—

- (a) the officer or clerk decides that—
  - (i) the document, or
  - (ii) the apparent age of the voter as compared with the voter’s age according to the date supplied as the date of the voter’s birth pursuant to section 10(4A)(b), 10A(1A)(b) or 13A(2A)(b) of the Representation of the People Act 1983 (as applied by Schedule 1 to the Elected Authorities (Northern Ireland) Act 1989),

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- raises a reasonable doubt as to whether the voter is the elector or proxy that the voter claims to be, or
- (b) the officer or clerk reasonably suspects that the document is a forged document (see paragraph (6B)).”
- (5) In paragraph (4)—
- (a) after “decides” insert “or reasonably suspects (as the case may be)”;
- (b) after “voter” insert “(subject to paragraph (5A))”.
- (6) In paragraph (5), after “decides” insert “or reasonably suspects (as the case may be)”.
- (7) After paragraph (5) insert—
- “(5A) There is an exception from paragraph (4) for cases within paragraph (3)(a) where—
- (a) a discrepancy between the name of the holder of a specified document and the name of the elector or proxy that the voter claims to be is resolved to the presiding officer’s satisfaction at the time of the application by the voter producing further proof of identity, and
- (b) the presiding officer has no other reason (arising from any document produced by the voter) to doubt that the voter is the elector or proxy that the voter claims to be.
- (5B) The refusal to deliver a ballot paper to a voter under paragraph (4) does not prevent the voter making a further application under paragraph (1), and paragraphs (1A) to (5A) apply on any further application.”
- (8) In paragraph (6)—
- (a) for “one which” substitute “a document (in whatever form issued to the holder and regardless of any expiry date) which”;
- (b) in sub-paragraph (j), after “a” insert “Registered Blind SmartPass or”;
- (c) in sub-paragraph (k), after “a” insert “War Disablement SmartPass or”;
- (d) after sub-paragraph (k) insert—
- “(ka) a Half Fare SmartPass issued under the Northern Ireland Concessionary Fares Scheme for use from 1 April 2004;”;
- (e) after sub-paragraph (l) insert—
- “(m) a biometric immigration document issued in accordance with regulations under section 5 of the UK Borders Act 2007.”

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- (9) After paragraph (6A) insert –
- “(6B) In this rule, a “forged document” means a false document made to resemble a specified document.
  - “(6C) No person other than the presiding officer or a clerk may inspect a document produced as proof of a voter’s identity, except as permitted by the voter.”
- 12 In rule 35 (votes marked by presiding officer), in paragraph (2), for the words from “reading” to the end substitute “but as if –
- (a) references to delivering a ballot paper to a voter were to causing a voter’s vote to be marked on a ballot paper, and
  - (b) in rule 34(5B), the reference to paragraph (1) of rule 34 were to paragraph (1) of this rule.”
- 13 (1) Rule 36 (voting by persons with disabilities) is amended as follows.
- (2) In paragraph (2)(b)(i), for “is a qualified person within the meaning of this rule” substitute “is aged 18 or over”.
- (3) In paragraph (2A), for the words from “reading” to the end substitute “but as if –
- (a) references to delivering a ballot paper to a voter were to granting a voter’s application, and
  - (b) in rule 34(5B), the reference to paragraph (1) of rule 34 were to paragraph (1) of this rule.”
- (4) In paragraph (3), omit the words from “and a person” to the end.
- 14 In rule 37 (tendered ballot papers), in paragraph (2) –
- (a) for “paragraph (1)” substitute “this rule”;
  - (b) after “34(1)” insert “, but as if the reference in rule 34(5B) to making a further application under rule 34(1) were to seeking a further time to mark a tendered ballot paper under the paragraph of this rule under which a previous such attempt was made”.
- 15 In rule 38 (refusal to deliver ballot paper), in paragraph (2), after “that” insert “and to rule 34(5B)”.
- 16 In the Appendix of Forms, in form 10 (declaration for the companion of a voter with disabilities) –
- (a) in the section of the form beginning “I have been requested”, for the words from “I am entitled” to “does not apply” substitute “I am aged 18 or over”;
  - (b) in the section of the form beginning “NOTE”, after “any person” insert “, except the elector to whom assistance is being provided.”
- 17 Schedule 9 (electoral misdemeanours) is amended in accordance with paragraphs 18 to 21.

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18 For paragraph 3 substitute—

**“3 Undue influence**

- (1) A person is guilty of undue influence if the person carries out an activity falling within sub-paragraph (3) for the purpose of—
- (a) inducing or compelling an elector or proxy for an elector to vote in a particular way or to refrain from voting, or
- (b) otherwise impeding or preventing the free exercise of the franchise of an elector or of a proxy for an elector.
- 5
- (2) A person (“P”) is also guilty of undue influence if P carries out an activity falling within any of paragraphs (a) to (f) of sub-paragraph (3) on account of—
- (a) an elector or proxy for an elector having voted in a particular way or refrained from voting, or
- (b) P assuming an elector or proxy for an elector to have voted in a particular way or to have refrained from voting.
- 10
- (3) The following activities fall within this sub-paragraph—
- (a) using or threatening to use violence against a person;
- (b) damaging or destroying, or threatening to damage or destroy, a person’s property;
- (c) damaging or threatening to damage a person’s reputation;
- (d) causing or threatening to cause financial loss to a person;
- (e) causing spiritual injury to, or placing undue spiritual pressure on, a person;
- (f) doing any other act designed to intimidate a person;
- (g) doing any act designed to deceive a person in relation to the administration of an election.
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- (4) For the purposes of sub-paragraphs (1) and (2) an activity is carried out by a person (“P”) if it is carried out—
- (a) by P,
- (b) by P jointly with one or more other persons, or
- (c) by one or more other persons on behalf of P and with P’s authority or consent.”
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19 After paragraph 5 insert—

*“Handling of postal voting documents by political campaigners*

- 5ZA (1) A person who is a political campaigner in respect of a local election is guilty of a corrupt practice if the person handles a postal voting document that has been issued to another person for use in that election.
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- (2) But a person who handles a postal voting document for use in a local election is not guilty of a corrupt practice if—
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- (a) the person is responsible for, or assists with, the conduct of that election (for example as a returning officer or a person working under the direction of a returning officer),
  - (b) the person is engaged in the business of a postal operator, or
  - (c) the person is employed or engaged in a role the duties of which include the handling of postal packets on behalf of members of an organisation or the occupants of a communal building,
- and the handling is consistent with the person's duties in that capacity.
- (3) Nor is a person guilty of a corrupt practice if the person—
- (a) is the other person's spouse, civil partner, parent, grandparent, brother, sister, child or grandchild, or
  - (b) provides regular care for, or is employed or engaged by an organisation which provides care for, the other person.
- (4) It is a defence for a person charged with the corrupt practice to show that the person did not dishonestly handle the postal voting document for the purpose of promoting a particular outcome at a local election.
- (5) Where sufficient evidence is adduced to raise an issue with respect to the defence under sub-paragraph (4), the court must assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.
- (6) For the purposes of this paragraph a person is a political campaigner in respect of a local election if any of the following paragraphs applies—
- (a) the person is a candidate at the election;
  - (b) the person is an election agent of a candidate at the election;
  - (c) the person is employed or engaged by a person who is a candidate at the election for the purposes of that person's activities as a candidate;
  - (d) the person is a member of a registered political party and carries on an activity designed to promote a particular outcome at the election;
  - (e) the person is employed or engaged by a registered political party in connection with the party's political activities;
  - (f) the person is employed or engaged by a person within any of paragraphs (a) to (e) to carry on an activity designed to promote a particular outcome at the election;
  - (g) the person is employed or engaged by a person within paragraph (f) to carry on an activity designed to promote a particular outcome at the election.

- (7) In this paragraph—
- “postal operator” has the same meaning as in Part 3 of the Postal Services Act 2011 (see section 27(3) to (5) of that Act);
- “postal voting document” means a postal ballot paper, declaration of identity or envelope that has been issued to a person by the returning officer for the purpose of enabling the person to vote by post at a local election;
- “registered political party” means a party registered under Part 2 of the Political Parties, Elections and Referendums Act 2000.
- (8) For the purposes of this paragraph, an envelope—
- (a) that is not a postal voting document, but
- (b) that contains a postal ballot paper or declaration of identity that has been issued to a person for the purpose of enabling the person to vote by post at a local election,
- is to be treated as if it were a postal voting document that has been issued to the person for use in the election.
- (9) In this paragraph, any reference to a person who is “engaged” by another person, or to a person who provides care for another person, includes a reference to a person who is engaged or provides care otherwise than for payment or promise of payment.
- (10) For the purposes of sub-paragraph (3)(a), two people living together as if spouses of each other are treated as if they were spouses or civil partners of each other.”
- 20 (1) Paragraph 12A (illegal practices: voting offences) is amended as follows.
- (2) After sub-paragraph (1) insert—
- “(1A) A person (“P”) is guilty of an illegal practice if P applies for the appointment of a proxy to vote for P—
- (a) at a local election, where P knows that the person to be appointed is already appointed as proxy to vote at that election, or at local elections, for four or more other electors;
- (b) at a local election where—
- (i) P is or will be registered in the register of local electors otherwise than by virtue of a service qualification, and
- (ii) P knows that the person to be appointed is already appointed as proxy to vote at that election, or at local elections, for two or more other electors none of whom is registered in a register of local electors by virtue of a service qualification;

- (c) at local elections, where P knows that the person to be appointed is already appointed as proxy to vote at a local election, or at local elections, for four or more other electors;
  - (d) at local elections, where—
    - (i) P is or will be registered in the register of local electors otherwise than by virtue of a service qualification, and
    - (ii) P knows that the person to be appointed is already appointed as proxy to vote at a local election, or at local elections, for two or more other electors none of whom is registered in a register of local electors by virtue of a service qualification.”;
- (3) For sub-paragraph (4) substitute—
- “(4) A person is also guilty of an illegal practice if the person votes as proxy—
- (a) for more than four electors—
    - (i) at a local election, or
    - (ii) where the polls for two or more local elections are held on the same day, at those elections taken together;
  - (b) for more than two electors—
    - (i) at a local election, or
    - (ii) where the polls for two or more local elections are held on the same day, at those elections taken together,
- where the person knows that more than two of those electors are registered in a register of local electors otherwise than by virtue of a service qualification.”
- (4) In sub-paragraph (6), after “deemed to have voted” insert “(but see sub-paragraph (6A)).”
- (5) After sub-paragraph (6) insert—
- “(6A) For the purpose of determining whether an application for a ballot paper constitutes an offence under sub-paragraph (2)(a)(i) or (3)(a)(i), a previous application is to be disregarded if the applicant’s failure to vote on that occasion resulted only from a failure to produce satisfactory proof of identity.”
- 21 (1) Paragraph 27 (requirement of secrecy) is amended as follows.
- (2) In sub-paragraph (3)—
- (a) omit “or” at the end of paragraph (d), and
  - (b) omit paragraph (e).

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(3) After sub-paragraph (3) insert—

“(3A) A person is guilty of an electoral offence if the person—

- (a) except for some purpose authorised by law, obtains or attempts to obtain information, or communicates at any time to any other person any information, as to the number or other unique identifying mark on the back of a ballot paper sent to a person for voting by post at a local election;
- (b) except for some purpose authorised by law, obtains or attempts to obtain information, or communicates at any time to any other person any information, as to the official mark on a ballot paper sent to a person for voting by post at a local election;
- (c) except for some purpose authorised by law, obtains or attempts to obtain information, or communicates at any time to any other person any information, as to whether a person voting by post at a local election has or has not voted; or
- (d) obtains or attempts to obtain information, or communicates at any time to any other person any information, as to the candidate for whom a person voting by post at a local election is about to vote or has voted.

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(3B) But—

- (a) a person (“E”) who is voting by proxy is not guilty of the offence under sub-paragraph (3A) if E obtains or attempts to obtain from the person appointed as E’s proxy information as to a matter mentioned in any of paragraphs (a), (c) or (d) of that sub-paragraph that relates to E’s vote, and
- (b) a person who is appointed as proxy for an elector is not guilty of the offence under sub-paragraph (3A) if the person communicates to that elector information as to a matter mentioned in any of paragraphs (a), (c) or (d) of that sub-paragraph that relates to that elector’s vote.

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(3C) A person voting as proxy for an elector at a local election is guilty of an electoral offence if the person—

- (a) communicates at any time to any person other than that elector any information as to the candidate for whom the person is about to vote, or has voted, as proxy for that elector; or
- (b) except for some purpose authorised by law, communicates at any time to any person other than that elector any information as to the number or other unique identifying mark on the back of a ballot paper sent or delivered to the person for voting as proxy for that elector.”

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(4) After sub-paragraph (4) insert –

“(5) A person who has undertaken to assist a relevant voter to vote at a local election is guilty of an electoral offence if the person communicates at any time to any person except that voter any information as to –

- (a) the candidate for whom the voter intends to vote or has voted, or
- (b) the number or other unique identifying mark on the back of the ballot paper given for the use of the voter.

(6) In sub-paragraph (5) “relevant voter” means a voter who is blind, has another disability, or is unable to read.”

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*Local Elections (Northern Ireland) Order 1985*

22 (1) In Part 1 of Schedule 2 to the Local Elections (Northern Ireland) Order 1985 (S.I. 1985/454), paragraph 3 (proxies at local elections) is amended as follows.

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(2) After paragraph (1) insert –

“(1A) A person is not capable of being appointed to vote, or voting, as proxy at a local election unless the person is or will be registered in –

- (a) a register of local electors in Northern Ireland, or
- (b) a register of local government electors in Great Britain maintained under section 9 of the 1983 Act.”

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(3) In paragraph (2) –

- (a) omit the “or” at the end of sub-paragraph (a);
- (b) omit sub-paragraph (b).

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(4) For paragraph (4) substitute –

“(4) A person –

(a) is not entitled to vote as proxy at a local election on behalf of more than two electors who do not fall within paragraph (4A), but

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(b) subject to sub-paragraph (a), is entitled to vote as proxy at a local election on behalf of up to four electors.

(4A) An elector falls within this sub-paragraph if the elector is registered in a register of local electors in pursuance of a service declaration.

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(4B) Where the polls for two or more local elections are held on the same day, references in paragraph (4) to a local election are to all of those elections taken together.”

*Elections Act 2001*

23 (1) The Schedule to the Elections Act 2001 (modification of the local election rules for occasions where polls are combined) is amended as follows.

(2) For paragraph 6 (parliamentary elections rules: questions to be put to voters) substitute –

“6 In rule 35, in the table after paragraph (1), after “this” insert “parliamentary” –

- (a) in entry 1, in each of paragraphs (a) and (b);
- (b) in entry 2, in each of paragraphs (a) to (e);
- (c) in entry 3, in each of paragraphs (a) to (e). ”

(3) In paragraph 20 (local elections rules: questions to be put to voters), for “the second question in paragraph (2)” substitute “in each of questions (a), (b) and (c) in paragraph (2)”.

*Transitional provisions relating to proxy voting*

24 (1) This paragraph applies where –

(a) a proxy appointment is in force immediately before the day specified for the purposes of this paragraph (“the specified day”) as a result of an application made before the day on which the relevant provisions of this Schedule come into force, and

(b) the appointment has effect immediately before the specified day in relation to local elections in Northern Ireland or a particular local election in Northern Ireland.

(2) On the specified day, the proxy appointment ceases to have effect as mentioned in sub-paragraph (1)(b).

(3) The Chief Electoral Officer for Northern Ireland must, before the specified day, send the person who is entitled to vote by proxy by means of the proxy appointment –

(a) a notice informing the person that the appointment ceases to have effect as mentioned in sub-paragraph (1)(b) on the specified day (naming that day), and

(b) information about how to make a fresh application to vote by proxy.

(4) As soon as practicable after the specified day, the Chief Electoral Officer must alter the relevant absent voters’ records as necessary to reflect the change to the proxy appointment resulting from sub-paragraph (2).

(5) More than one day may be specified for the purposes of this paragraph if the relevant provisions of this Schedule come into force on different days (and in such a case references in this paragraph to the specified day and to the relevant provisions of this Schedule are to be construed accordingly).

(6) In this paragraph and paragraph 25 –

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- “the 1985 Order” means the Local Elections (Northern Ireland) Order 1985 (S.I. 1985/454); 5
- “local election” has the meaning given by section 130(1) of the Electoral Law Act (Northern Ireland) 1962 (c. 14 (N.I.));
- “proxy appointment” means an appointment of a person to vote as proxy for another person; 10
- “relevant absent voters’ records” means –
- (a) the record kept under paragraph 1(3) of Part 1 of Schedule 2 to the 1985 Order,
  - (b) the record kept under paragraph 4(5) of that Part, and
  - (c) any lists kept under paragraphs 2(4) and 4(8) of that Part which have not been published under paragraph 15(6) of that Part;
- “relevant provisions of this Schedule” means paragraphs 20 and 22(2); 15
- “specified” means specified by the Minister in regulations made by statutory instrument.
- 25 (1) This paragraph applies to an application for a proxy appointment under paragraph 1 of Part 1 of Schedule 2 to the 1985 Order where the application is made before, but not determined by, the day specified for the purposes of this paragraph (“the specified day”). 20
- (2) The application is to be treated as not having been made.
- (3) The Chief Electoral Officer for Northern Ireland must, as soon as practicable, send each person whose application is affected by sub-paragraph (2) information about how to make a fresh application to vote by proxy.
- (4) Sub-paragraph (2) does not apply where the application was made on or after the day on which the relevant provisions of this Schedule come into force. 25
- (5) More than one day may be specified for the purposes of this paragraph if the relevant provisions of this Schedule come into force on different days (and in such a case references in this paragraph to the specified day and to the relevant provisions of this Schedule are to be construed accordingly). 30

*Consequential repeals*

- 26 The following provisions are revoked –
- (a) paragraph 10 of Schedule 2 to the Local Government Elections (Changes to the Franchise and Qualification of Members) Regulations 1995 (S.I. 1995/1948); 35
  - (b) article 15(3) of the Local Elections (Northern Ireland) (Amendment) Order 2001 (S.I. 2001/417);
  - (c) article 4(1)(b) of the Local Elections (Northern Ireland) (Amendment) Order 2005 (S.I. 2005/1969); 40
  - (d) paragraph 38 of Schedule 1 to the Local Elections (Northern Ireland) Order 2010 (S.I. 2010/2977).

## PART 2

### ELECTIONS TO THE NORTHERN IRELAND ASSEMBLY

#### *Northern Ireland Assembly (Elections) Order 2001*

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|----|--|----|
| 27 | Schedule 1 to the Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599) (application with modifications of provisions of the Representation of the People Act 1983 etc) is amended as follows.   | 5  |
| 28 | In the table, in the right-hand column of the entry for section 61 of RPA 1983 (other voting offences), after the modifications relating to subsection (1) of that section insert—<br><br>  “In subsection (1A)(a) and (b)(ii) omit the words “, or at parliamentary elections.”.<br>  Omit subsection (1A)(e) and (f).”   | 10 |
| 29 | In the table, after the entry for section 112 of RPA 1983 insert—<br><br>  “Section 112A (handling of postal voting documents by political campaigners)  | 15 |
|    | In subsection (8), in the definition of “postal voting document”, omit “postal voting statement.”.”  |    |
| 30 | The entries in the right-hand column of the table in relation to Schedule 1 to RPA 1983 (Parliamentary elections rules) are amended in accordance with paragraphs 31 and 32.   |    |
| 31 | In the entry for rule 31 (notification of requirement of secrecy), omit the words in the right-hand column.  | 20 |
| 32 | Against the entry for rule 38 (votes marked by presiding officer), after the paragraph beginning “In paragraph (1)” insert—<br><br>“In paragraph (1A), for “vote to be marked on a ballot paper” substitute “ballot paper to be marked.”.”   | 25 |
| 33 | In the Annex, in the form of declaration to be made by the companion of a voter with disabilities—<br><br>(a) in the section of the form beginning “I have been requested”, for the words from “I am entitled” to “does not apply” substitute “I am aged 18 or over”;<br>(b) in the section of the form beginning “NOTE”, after “any person” insert “except the elector to whom assistance is being provided”. | 30 |

#### *Transitional provisions relating to proxy voting*

- 34 (1) This paragraph applies where—

- (a) a proxy appointment is in force immediately before the day specified for the purposes of this paragraph (“the specified day”) as a result of an application made before the day on which the relevant provisions of Schedule 3 come into force, and 5
    - (b) the appointment has effect immediately before the specified day in relation to Assembly elections or a particular Assembly election.
  - (2) On the specified day, the proxy appointment ceases to have effect as mentioned in sub-paragraph (1)(b). 10
  - (3) The Chief Electoral Officer for Northern Ireland must, before the specified day, send the person who is entitled to vote by proxy by means of the proxy appointment—
    - (a) a notice informing the person that the appointment ceases to have effect as mentioned in sub-paragraph (1)(b) on the specified day (naming that day), and 15
      - (b) information about how to make a fresh application to vote by proxy.
  - (4) As soon as practicable after the specified day, the Chief Electoral Officer must alter the relevant absent voters’ records as necessary to reflect the change to the proxy appointment resulting from sub-paragraph (2). 20
  - (5) More than one day may be specified for the purposes of this paragraph if the relevant provisions of Schedule 3 come into force on different days (and in such a case references in this paragraph to the specified day and to the relevant provisions of Schedule 3 are to be construed accordingly). 25
  - (6) In this paragraph and paragraph 35—
    - “Assembly election” means an election to the Northern Ireland Assembly;
    - “proxy appointment” means an appointment of a person to vote as proxy for another person;
    - “relevant absent voters’ records” means any lists prepared under sections 7(4) and 9(9) of the Representation of the People Act 1985 (as applied by Schedule 1 to the Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599)) which have not been published under regulation 66(3) of the Representation of the People (Northern Ireland) Regulations 2008 (S.I. 2008/1741) (as so applied); 30
    - “relevant provisions of Schedule 3” means paragraphs 2(2) and 6(2) of Schedule 3;
    - “specified” means specified by the Minister in regulations made by statutory instrument. 35
- 35 (1) This paragraph applies to an application for a proxy appointment under section 7(1) or (2)(b) of the Representation of the People Act 1985 (as applied by Schedule 1 to the Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599)) that is made before, but not determined by, the day specified for the purposes of this paragraph (“the specified day”). 40
- (2) The application is to be treated as not having been made.

- (3) The Chief Electoral Officer for Northern Ireland must, as soon as practicable, send each person whose application is affected by sub-paragraph (2) information about how to make a fresh application to vote by proxy.
- (4) Sub-paragraph (2) does not apply where the application was made on or after the day on which the relevant provisions of Schedule 3 come into force. 5
- (5) More than one day may be specified for the purposes of this paragraph if the relevant provisions come into force on different days (and in such a case references in this paragraph to the specified day and to the relevant provisions of Schedule 3 are to be construed accordingly). 10

## SCHEDULE 6

Section 10

### OVERSEAS ELECTORS

#### PART 1

##### MINOR AND CONSEQUENTIAL AMENDMENTS

*Representation of the People Act 1983*

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- 1 RPA 1983 is amended as follows.
- 2 In section 4 (entitlement to be registered as parliamentary or local government elector), in subsection (4)(b), for “section 2(1)” substitute “section 1B(1)”. 20
- 3 In section 202(1) (general provisions as to interpretation), for the definition of “overseas elector’s declaration” substitute –  
““overseas elector’s declaration” means a declaration made under and in accordance with section 1C of the Representation of the People Act 1985;”.
- 4 (1) Schedule 2 (provisions which may be contained in regulations as to registration etc) is amended as follows. 25
- (2) After paragraph 3ZA insert –  
“3ZB(1) Provision about renewal declarations (within the meaning given by section 1D(2) of the Representation of the People Act 1985), including in particular provision about their form and contents.  
(2) Provision made under sub-paragraph (1) may include provision conferring functions on the Electoral Commission.” 30

- (3) In paragraph 4, after sub-paragraph (2) insert –
- “(3) Provision as to the manner in which renewal declarations (within the meaning given by section 1D(2) of the Representation of the People Act 1985) are to be transmitted to the registration officer.”

- (4) In paragraph 5, after sub-paragraph (1A) insert – 5

“(1AA) The provision that may be made under sub-paragraph (1A) includes provision authorising a registration officer, despite provision contained in regulations made by virtue of that sub-paragraph –

- (a) to require such other kind of evidence as the officer considers appropriate, or 10
- (b) to deem such other kind of evidence as the officer considers appropriate to be sufficient or conclusive evidence.”

*Representation of the People Act 1985* 15

- 5 In section 12 of the Representation of the People Act 1985 (offences as to declarations) –

- (a) in subsection (1), for “an overseas elector’s declaration”, in both places, substitute “a relevant declaration”;
- (b) after subsection (1) insert – 20

“(1A) In subsection (1) “relevant declaration” means –

- (a) an overseas elector’s declaration;
- (b) a renewal declaration (within the meaning given by section 1D(2)).”

*Finance Act 1996* 25

- 6 In section 200 of the Finance Act 1996 (domicile for tax purposes of overseas electors), in subsection (3)(a), for “section 1(1)(a)” substitute “section 1(2)(a)”.

*Income Tax Act 2007*

- 7 In section 835B of the Income Tax Act 2007 (domicile for income tax purposes of overseas electors), in subsection (3)(a), for “section 1(1)(a)” substitute “section 1(2)(a)”.

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*Constitutional Reform and Governance Act 2010*

- 8 In section 42 of the Constitutional Reform and Governance Act 2010 (tax status of members of the House of Lords: transitional provision), omit subsection (7).

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*Police Reform and Social Responsibility Act 2011*

9 In section 102(1) of the Police Reform and Social Responsibility Act 2011 (interpretation of Part 1), for the definition of “overseas elector’s declaration” substitute –

“overseas elector’s declaration” means a declaration made under and in accordance with section 1C of the Representation of the People Act 1985.”

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*House of Lords Reform Act 2014*

10 10 In section 4 of the House of Lords Reform Act 2014 (effect of ceasing to be a member of the House of Lords), omit subsection (6).

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*Consequential repeals*

11 11 In consequence of section 10(1), the following are repealed –

- (a) paragraphs 1 to 4 of Schedule 2 to the Representation of the People Act 2000;
- (b) section 141 of PPERA;
- (c) section 12(9) of the Electoral Administration Act 2006;
- (d) paragraph 21 of Schedule 4 to the Electoral Registration and Administration Act 2013, and the italic heading before that paragraph;
- (e) section 15(1) of the Northern Ireland (Miscellaneous Provisions) Act 2014.

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**PART 2**

TRANSITIONAL PROVISION

*Interpretation of Part*

12 12 In this Part –

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“the commencement date” means the date appointed for section 10 to come fully into force;

“overseas elector’s declaration” has the meaning given by section 2(1) of RPA 1985 (as that provision had effect immediately before the commencement date);

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“RPA 1985” means the Representation of the People Act 1985;

“RPA 2000” means the Representation of the People Act 2000.

*Pre-commencement applications for registration in a register of parliamentary electors*

13 (1) The amendments made by section 10 and Part 1 of this Schedule do not apply in relation to an application for registration in a register of

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parliamentary electors in pursuance of a pre-commencement declaration (even if the application is determined on or after the commencement date).

- (2) In this paragraph, “pre-commencement declaration” means an overseas elector’s declaration made at any time before the commencement date.

*Overseas electors registered pursuant to pre-commencement applications*

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- 14 (1) This paragraph applies to a person who is for the time being registered in a register of parliamentary electors in pursuance of a pre-commencement declaration (regardless of when the person’s application for registration in the register is determined).

- (2) In such a case—
- (a) the person is to be treated on and after the commencement date as being registered in that register in pursuance of a post-commencement declaration on the basis that the person satisfied the previous registration condition (within the meaning of section 1A(2) of RPA 1985, as substituted by section 10 of this Act);
  - (b) the address in respect of which the person is registered is the address specified in the pre-commencement declaration;
  - (c) sections 1D and 1E of RPA 1985 (as substituted by section 10 of this Act) have effect accordingly, subject to sub-paragraph (3).

- (3) Section 1D(1)(a) has effect as if it provided for the person to remain registered—

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- (a) until the end of the period of 12 months beginning with the date when the person’s entry in the register first takes effect, or
- (b) where that period would otherwise end before the specified day, until the end of that day.

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- (4) In sub-paragraph (3)(b), “the specified day” means the day specified by the Minister by regulations made by statutory instrument.

- (5) In this paragraph—
- “pre-commencement declaration” has the same meaning as in paragraph 13;

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“post-commencement declaration” means an overseas elector’s declaration (as defined by section 1B(1) of RPA 1985 (substituted by section 10 of this Act)) made at any time on or after the commencement date.

*Postal voting*

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- 15 (1) This paragraph applies where, immediately before the commencement date, a person to whom paragraph 14 applies has an entitlement to vote by post (whether as elector or proxy) at parliamentary elections in England and Wales or Scotland.

- (2) Subject to sub-paragraph (3), the person's entitlement to vote by post ends on the last day of the period of 12 months beginning with the date when the person's entry in the register of parliamentary electors first takes effect (unless it ends sooner). 5
- (3) Where—  
(a) as a result of paragraph 14(3)(b) the person remains registered in a register of parliamentary electors until the time referred to in that provision, and  
(b) the person's entitlement to vote by post would (as a result of sub-paragraph (2)) otherwise end before that time,  
the entitlement ends at that time. 10
- (4) As soon as practicable after the commencement date, the registration officer must alter the record kept under paragraph 3(4) or 7(6) of Schedule 4 to RPA 2000 (as the case may be) so as to reflect any change resulting from sub-paragraph (2) or (3) in the period for which the person's entitlement to vote by post lasts. 15
- 16 (1) This paragraph applies where—  
(a) before the commencement date, a person to whom paragraph 14 applies makes an application under paragraph 3(1) or 7(4)(a) of Schedule 4 to RPA 2000,  
(b) the application is to vote by post (whether as elector or proxy) at parliamentary elections, and  
(c) immediately before the commencement date the application has not been determined. 20
- (2) The amendments made to Schedule 4 to RPA 2000 by Schedule 2 to this Act do not apply in relation to the determination of the application. 25
- (3) Any grant of the application is to be for—  
(a) the period ending on—  
(i) the last day of the period of 12 months beginning with the date when the person's entry in a register of parliamentary electors first takes effect, or  
(ii) in a case where paragraph 14(3)(b) applies in relation to the person's registration, the time referred to in that provision, or  
(b) any shorter period specified in the application. 30
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*Power to make supplementary provision*

- 17 (1) The Minister may by regulations make provision for supplementing, or provision incidental to, the provision made by paragraphs 13 to 16.  
(2) Regulations under sub-paragraph (1) may make different provision for different purposes or areas. 40  
(3) Regulations under sub-paragraph (1) are to be made by statutory instrument.

- (4) A statutory instrument containing regulations under sub-paragraph (1) is subject to annulment in pursuance of a resolution of either House of Parliament.

*Promoting awareness of changes to overseas elector franchise*

- 18 (1) The Minister may take whatever steps the Minister considers appropriate to promote awareness among qualifying people of the changes made by section 10 to the overseas elector franchise. 5
- (2) In this paragraph –  
 “the overseas elector franchise” means the basis on which a person is entitled to vote as an elector at parliamentary elections in accordance with section 1 of RPA 1985; 10  
 “qualifying people” means people who may, on or after the commencement date, be entitled to vote as electors at parliamentary elections in accordance with section 1 of RPA 1985.
- (3) A person with functions of a public nature may disclose information to the Minister for the purpose of enabling the Minister to identify those who are, or are likely to be, qualifying people. 15
- (4) The Minister may use information held by, or provided to, the Minister for the purpose of identifying people who are, or are likely to be, qualifying people. 20
- (5) Personal data may not be disclosed or used under this paragraph if the disclosure or use would contravene the data protection legislation (but in determining whether the disclosure would do so, the powers conferred by sub-paragraphs (3) and (4) are to be taken into account).
- (6) In sub-paragraph (5), “personal data” and “the data protection legislation” have the same meaning as in the Data Protection Act 2018 (see section 3 of that Act). 25

SCHEDULE 7

Section 11

VOTING AND CANDIDACY RIGHTS OF EU CITIZENS

PART 1

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AMENDMENTS TO THE REPRESENTATION OF THE PEOPLE ACT 1983

- 1 (1) In section 2 of RPA 1983 (local government electors), in subsection (1)(c), for “a relevant citizen of the Union” substitute “(in England) a qualifying EU citizen or an EU citizen with retained rights”.  
 (2) In section 4 of that Act (entitlement to be registered as local government elector), in subsection (3) – 35

- (a) in the opening words, after “area” insert “in England”;
- (b) in paragraph (c), for “or a relevant citizen of the Union” substitute “, a qualifying EU citizen or an EU citizen with retained rights”.
- (3) In section 7B of that Act (notional residence: declarations of local connection) –
- (a) in subsection (3)(e), after “for the purposes only of local government elections” insert “in England”;
- (b) in subsection (3)(e), for “relevant citizen of the Union” substitute “qualifying EU citizen or an EU citizen with retained rights”;
- (c) in subsection (7)(a), after “local government elections” insert “(in England)”;
- (d) in subsection (7)(a), for “relevant citizen of the Union” substitute “qualifying EU citizen or an EU citizen with retained rights”.
- (4) In section 15 of that Act (service declaration), in subsection (5)(a) –
- (a) after “local government elections” insert “in England”;
- (b) for “relevant citizen of the Union” substitute “qualifying EU citizen or an EU citizen with retained rights”.
- (5) In section 16 of that Act (contents of service declaration), in subsection (1)(e), for “a relevant citizen of the Union” substitute “(if the declaration is made for the purposes only of the registration of local government electors in England) a qualifying citizen or an EU citizen with retained rights”.
- (6) In section 16 of that Act (contents of service declaration), in paragraph (e), for “or a relevant citizen of the Union” substitute “or a qualifying EU citizen or an EU citizen with retained rights”.
- (7) In section 17 of that Act (effect of service declaration), in subsection (1)(c) –
- (a) after “Ireland or” insert “(if the declaration is made for the purposes only of the registration of local government electors in England)”;
- (b) for “relevant citizen of the Union” substitute “qualifying EU citizen or an EU citizen with retained rights”.
- (8) In section 49 of that Act (effect of registers), in subsection (5)(b) –
- (a) after sub-paragraph (iii) insert –
- “(iiia) in the case of a person registered as a local government elector or entered in the list of proxies by virtue of being a qualifying EU citizen or an EU citizen with retained rights, a qualifying EU citizen or an EU citizen with retained rights;”;
- (b) omit sub-paragraph (iv).
- (9) In section 201 of that Act (regulations) –
- (a) in subsection (2), after “203(4)” insert “or 203A(2)”;
- (b) in subsection (2A), after “above” insert “or section 203A(2)”.

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- (10) In section 203 of that Act (local government provisions as to England and Wales), at the appropriate place insert the following definitions –

“EU citizen with retained rights” has the meaning given by section 203B;”;

“qualifying EU citizen” has the meaning given by section 203A;”.

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- (11) After section 203 of that Act insert –

**“203A Meaning of “qualifying EU citizen”**

- (1) In this Act “qualifying EU citizen” means a person who –

(a) is a citizen of a country for the time being listed in Schedule 6A, and

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(b) either –

(i) does not require leave under the Immigration Act 1971 to enter or remain in the United Kingdom or any of the Islands, or

(ii) does require such leave but for the time being has (or is, by virtue of any enactment, to be treated as having) any description of such leave.

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- (2) The Secretary of State must by regulations add a country to the list in Schedule 6A where –

(a) the country is a qualifying country,

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(b) the United Kingdom and the country intend to become parties to a relevant treaty, and

(c) section 20 of the Constitutional Reform and Governance Act 2010 (treaties to be laid before Parliament before ratification) applies in relation to the relevant treaty and the requirements of that section have been met such that the relevant treaty may be ratified.

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- (3) The Secretary of State may by regulations remove a country from the list in Schedule 6A where the country ceases to be a party to a relevant treaty to which the United Kingdom is also a party.

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- (4) The Secretary of State must, as soon as reasonably practicable after regulations are made under subsection (2) or (3), give notice of that fact to –

(a) registration officers in England,

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(b) registration officers for elections of police and crime commissioners for police areas in Wales,

(c) the Chief Electoral Officer for Northern Ireland, and

(d) the Electoral Commission.

- (5) In this section –

“the Islands” means the Channel Islands and the Isle of Man;

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“qualifying country” means a country –

- (a) that was a member State immediately before IP completion day, other than the Republic of Ireland,
- (b) that was part of a member State immediately before IP completion day, other than the Republic of Ireland, or
- (c) that is formed entirely of two or more former countries, both or all of which were member States immediately before IP completion day, other than the Republic of Ireland;

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“ratification”, in relation to a treaty, is to be construed in accordance with section 25(3) of the Constitutional Reform and Governance Act 2010;

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“relevant treaty” means a treaty containing provision relating to eligibility to vote and to stand as a candidate at elections;

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“treaty” has the same meaning as in Part 2 of the Constitutional Reform and Governance Act 2010 (see section 25 of that Act).

### **203B Meaning of “EU citizen with retained rights”**

- (1) In this Act “EU citizen with retained rights” means a person who—
  - (a) is a citizen of a country falling within subsection (7),
  - (b) was a citizen of the Union immediately before IP completion day,
  - (c) was resident in the United Kingdom or any of the Islands immediately before that day,
  - (d) falls within any of subsections (2) to (5), and
  - (e) is not a qualifying EU citizen.
- (2) A person falls within this subsection if the person—
  - (a) has leave under the 1971 Act to enter or remain in the United Kingdom or any of the Islands granted by virtue of residence scheme immigration rules, and
  - (b) has such leave otherwise than in accordance with—
    - (i) paragraph EU11A or EU14A of Appendix EU to the immigration rules (joining family members), or
    - (ii) provision replacing either of those paragraphs.
- (3) A person falls within this subsection if—
  - (a) the person has leave under the 1971 Act to enter or remain in the United Kingdom or any of the Islands granted—
    - (i) on or before the relevant date, or
    - (ii) in pursuance of an application made on or before that date, and
  - (b) such leave was granted otherwise than by virtue of residence scheme immigration rules.

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- (4) A person falls within this subsection if—
- (a) the person—
    - (i) had leave under the 1971 Act to enter or remain in the United Kingdom or any of the Islands at the end of the relevant date, or
    - (ii) was granted such leave in pursuance of an application made before the end of that date, and
  - (b) at all times since the end of the relevant date or, in a case within paragraph (a)(ii), since the date the leave was granted, the person has had leave under the 1971 Act to enter or remain in the United Kingdom or any of the Islands.
- (5) A person falls within this subsection if—
- (a) the person has been resident in the United Kingdom or any of the Islands since the end of the relevant date,
  - (b) the person—
    - (i) does not require leave under the 1971 Act to enter or remain in the United Kingdom or any of the Islands, or
    - (ii) has leave under the 1971 Act to enter or remain in the United Kingdom or any of the Islands that was granted otherwise than by virtue of residence scheme immigration rules, and
  - (c) the person meets the condition in subsection (6).
- (6) The condition referred to in subsection (5) is that at all times since the end of the relevant date the person has either—
- (a) had leave under the 1971 Act to enter or remain in the United Kingdom or any of the Islands, or
  - (b) not required leave under the 1971 Act to enter or remain in the United Kingdom or any of the Islands.
- (7) A country falls within this subsection where the country—
- (a) was a member State immediately before IP completion day, other than the Republic of Ireland,
  - (b) was part of a member State immediately before IP completion day, other than the Republic of Ireland, or
  - (c) is formed of two or more former countries, at least one of which was a member State immediately before IP completion day, other than the Republic of Ireland.
- (8) In this section a reference to a person having leave under the 1971 Act to enter or remain in the United Kingdom or any of the Islands includes a reference to a person who is, by virtue of any enactment, to be treated as having such leave.
- (9) In this section—
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- “the 1971 Act” means the Immigration Act 1971;
- “the Islands” means the Channel Islands and the Isle of Man;
- “the relevant date” means 30 June 2021;
- “immigration rules” has the same meaning as in the 1971 Act;
- “residence scheme immigration rules” means –
- (a) residence scheme immigration rules within the meaning of Part 3 of the European Union (Withdrawal Agreement) Act 2020 (see section 17(1) of that Act),
  - (b) Appendix EU to the Guernsey immigration rules,
  - (c) Appendix EU to the Isle of Man immigration rules, or
  - (d) Appendix EU(J) to the Jersey immigration rules.
- (10) In the definition of “residence scheme immigration rules” in subsection (9) –
- “Guernsey immigration rules” means the rules made in respect of the Bailiwick of Guernsey under sections 1(4) and 3(2) of the 1971 Act as extended to that Bailiwick;
- “Isle of Man immigration rules” means the rules made in respect of the Isle of Man under section 3(2) of the 1971 Act as extended to the Isle of Man;
- “Jersey immigration rules” means the rules contained in the directions made in respect of the Bailiwick of Jersey under sections 1(4A) and 3(2) of the 1971 Act as extended to that Bailiwick.”
- (12) After Schedule 6 to that Act insert –
- “SCHEDULE 6A
- Section 203A
- LIST OF COUNTRIES FOR PURPOSES OF SECTION 203A
- |   |             |
|---|-------------|
| 1 | Luxembourg. |
| 2 | Poland.     |
| 3 | Portugal.   |
| 4 | Spain.”     |
- PART 2**

## AMENDMENTS IN RELATION TO CERTAIN LOCAL ELECTIONS IN ENGLAND AND WALES

- 2 In section 79 of the Local Government Act 1972 (qualifications for election and holding office as member of local authority), as it extends to England and Wales and applies in relation to England –

- (a) in subsection (1), for “a relevant citizen of the Union” substitute “, in the case of a local authority in England, a qualifying EU citizen or an EU citizen with retained rights”;
- (b) for subsection (2A) substitute –
  - “(2A) In this section “qualifying EU citizen” and “EU citizen with retained rights” have the same meaning as in the Representation of the People Act 1983 (see sections 203A and 203B of that Act).”

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*Greater London Authority Act 1999*

- 3 In section 20 of the Greater London Authority Act 1999 (qualification to be the Mayor or an Assembly member) –
- (a) in subsection (2)(c), for “relevant citizen of the Union” substitute “qualifying EU citizen or an EU citizen with retained rights”;
  - (b) in subsection (8) –
    - (i) omit the definitions of “citizen of the Union” and “relevant citizen of the Union”;
    - (ii) in subsection (8), at the appropriate place insert –
      - ““qualifying EU citizen” and “EU citizen with retained rights” have the same meaning as in the Representation of the People Act 1983 (see sections 203A and 203B of that Act);”.

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*Local Democracy, Economic Development and Construction Act 2009*

- 4 In Schedule 5B to the Local Democracy, Economic Development and Construction Act 2009 (mayors for combined authority areas), in paragraph 8(3), for the definition of “qualifying citizen” substitute –
- ““qualifying citizen” means a person who is –
- (a) a qualifying Commonwealth citizen,
  - (b) a citizen of the Republic of Ireland,
  - (c) a qualifying EU citizen (within the meaning given by section 203A of the Representation of the People Act 1983), or
  - (d) an EU citizen with retained rights (within the meaning given by section 203B of that Act).”

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*Police Reform and Social Responsibility Act 2011*

- 5 (1) The Police Reform and Social Responsibility Act 2011 is amended as follows.
- (2) In section 51(6C)(a) (election to fill vacancy in officer of commissioner), for the words from “disqualified” to “Union” substitute “ –
- (i) disqualified as a peer from voting as an elector at parliamentary elections, or

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- (ii) a qualifying EU citizen, or an EU citizen with retained rights, who has attained the age of 18".
- (3) In section 52(1C)(a) (persons entitled to vote), for the words from "disqualified" to the end substitute "–
- (i) disqualified as a peer from voting as an elector at parliamentary elections, or
- (ii) a qualifying EU citizen, or an EU citizen with retained rights, who has attained the age of 18".
- (4) In section 64(1C)(a) (disqualification from election as police and crime commissioner), for "relevant citizen of the Union" substitute "qualifying EU citizen or an EU citizen with retained rights".
- (5) In section 68 (citizenship condition)–
- (a) in subsection (2)(c), for "citizen of the Union" substitute "qualifying EU citizen or an EU citizen with retained rights";
- (b) omit subsection (5).
- (6) In section 102(1) (interpretation)–
- (a) omit the definition of "relevant citizen of the Union";
- (b) at the appropriate place insert–
- "“qualifying EU citizen” and “EU citizen with retained rights” have the same meaning as in the Representation of the People Act 1983 (see sections 203A and 203B of that Act);".

### PART 3

#### AMENDMENTS IN RELATION TO CERTAIN ELECTIONS IN NORTHERN IRELAND

##### *Electoral Law Act (Northern Ireland) 1962*

- 6 In Schedule 5 to the Electoral Law Act (Northern Ireland) 1962 (local elections rules), in the Appendix of Forms, in form 2 (consent to nomination), for "or a citizen of another Member State of the European Union" substitute "qualifying EU citizen (within the meaning of section 203A of the Representation of the People Act 1983) or EU citizen with retained rights (within the meaning of section 203B of that Act)".

##### *Local Government Act (Northern Ireland) 1972*

- 7 In section 3 of the Local Government Act (Northern Ireland) 1972 (qualifications)–
- (a) in subsection (1), for "or a relevant citizen of the Union" substitute "or a qualifying EU citizen or an EU citizen with retained rights";
- (b) in subsection (2)–
- (i) omit from "“citizen of the Union” shall" to "Ireland; and";

- (ii) after “election” insert “; and “qualifying EU citizen” and “EU citizen with retained rights” have the same meaning as in the Representation of the People Act 1983 (see sections 203A and 203B of that Act).”

*Elected Authorities (Northern Ireland) Act 1989*

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- 8 (1) The Elected Authorities (Northern Ireland) Act 1989 is amended as follows.
- (2) In section 1(1)(c) (local electors in Northern Ireland), for “or a relevant citizen of the Union” substitute “, a qualifying EU citizen or an EU citizen with retained rights”.

- (3) In section 10(1) (interpretation) –
- (a) omit the definitions of “citizen of the Union” and “relevant citizen of the Union”;
- (b) at the appropriate place insert –  
““qualifying EU citizen” and “EU citizen with retained rights” have the same meaning as in the Representation of the People Act 1983 (see sections 203A and 203B of that Act);”.

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- (4) In Part 1 of Schedule 1 (provisions of RPA 1983 applied to local elections), at the end insert –  
“Sections 203A and 203B (meaning of “qualifying EU citizen” and “EU citizen with retained rights”).  
Schedule 6A (list of countries for purposes of section 203A).”

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- (5) In Part 2 of Schedule 1 (modifications of provisions of RPA 1983 applied to local elections), in paragraph 12, for sub-paragraph (b) substitute –  
“(b) in subsection (5) –  
(i) omit “, or entered in the list of proxies”, and  
(ii) in paragraph (b)(iiia), omit “or entered in the list of proxies”. ”

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*Northern Ireland Act 1998*

- 9 (1) Section 36 of the Northern Ireland Act 1998 (disqualification) is amended as follows.

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- (2) After subsection (4) insert –  
“(4A) A person who is a qualifying EU citizen or an EU citizen with retained rights is disqualified for membership of the Assembly unless the person is resident for the purposes of section 4(3) of the Representation of the People Act 1983 in –  
(a) an electoral area in Great Britain, or  
(b) a district electoral area in Northern Ireland.”

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- (3) In subsection (7), for “citizen of the European Union” substitute “qualifying EU citizen or an EU citizen with retained rights”.
- (4) After subsection (7) insert –
- “(8) In this section, “qualifying EU citizen” and “EU citizen with retained rights” have the same meaning as in the Representation of the People Act 1983 (see sections 203A and 203B of that Act).”

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## PART 4

### TRANSITIONAL PROVISION ETC

#### *Holders of elected offices*

- 10 (1) This paragraph applies where –
- (a) immediately before the coming into force of a particular provision of this Schedule (the “relevant provision”), a person holds an office falling within sub-paragraph (4),
- (b) the person’s term in that office is due to continue after that time, and
- (c) apart from this paragraph, the person would become disqualified for continuing to hold that office as a result of the coming into force of the relevant provision.
- (2) The coming into force of the relevant provision does not affect the person’s qualification to continue holding that office until the end of their current term in that office.
- (3) For the purposes of this paragraph, a person is to be treated as holding an office from the time when the person is elected as, or declared to be returned as, the holder of the office (and accordingly the person’s term of office is to be treated as beginning at that time).
- (4) The following offices fall within this sub-paragraph –
- (a) member of the Northern Ireland Assembly;
- (b) member of a local authority in England or Northern Ireland;
- (c) elected mayor (within the meaning of Part 1A of the Local Government Act 2000);
- (d) mayor for the area of a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;
- (e) Mayor of London;
- (f) member of the London Assembly;
- (g) police and crime commissioner.
- (5) In sub-paragraph (4)(b), “local authority” means –
- (a) in relation to England, a county council, a district council, a parish council, a London borough council or the Council of the Isles of Scilly;

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(b) in relation to Northern Ireland, a district council.

*Power to make transitional and saving provision*

- 11 (1) The Minister may by regulations make transitional or saving provision in connection with provision made by this Schedule. 5
- (2) Regulations under this paragraph may—
- (a) make provision modifying the effect of any statutory provision (including this Act);
  - (b) make different provision for different purposes.
- (3) Regulations under this paragraph are to be made by statutory instrument.
- (4) A statutory instrument containing regulations under this paragraph may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament. 10
- (5) Nothing in this paragraph affects the generality of section 61(4) (power to make transitional etc provision in connection with commencement).

SCHEDULE 8

Section 26

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OFFENCES FOR PURPOSES OF PART 5

**PART 1**

COMMON LAW OFFENCES

*Offences under the law of England and Wales, Scotland and Northern Ireland*

- 1 Kidnapping. 20
- 2 Murder.

*Offences under the law of England and Wales and Northern Ireland*

- 3 False imprisonment.
- 4 Manslaughter.

*Offences under the law of Scotland*

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- 5 Abduction
- 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 8. 30

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.	5
15	Drugging.	
16	Extortion.	
17	Malicious mischief.	
18	Mobbing and rioting.	
19	Uttering threats.	10
20	Wilful fire-raising.	

*Offences under the law of Northern Ireland*

21	Affray.
22	Riot.

**PART 2**

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**STATUTORY OFFENCES**

*Offences against the Person Act 1861*

23	An offence under any of the following provisions of the Offences against the Person Act 1861 –	
(a)	section 4 (soliciting murder);	20
(b)	section 16 (threats to kill);	
(c)	section 18 (wounding with intent);	
(d)	section 20 (inflicting bodily injury, with or without weapon);	
(e)	section 21 (attempting to choke etc in order to commit any indictable offence);	25
(f)	section 23 (maliciously administering poison etc so as to endanger life or inflict grievous bodily harm);	
(g)	section 28 (causing bodily injury by explosives);	
(h)	section 29 (using explosives etc with intent to do grievous bodily harm);	
(i)	section 30 (placing explosives with intent to do bodily injury);	30
(j)	section 35 (drivers of carriages injuring persons by furious driving);	
(k)	section 42 (common assault or battery);	
(l)	section 47 (assault occasioning bodily harm).	

*Explosive Substances Act 1883*

24 An offence under either of the following provisions of the Explosive Substances Act 1883—

- (a) section 2 (causing explosion likely to endanger life or property);
- (b) section 3 (attempt to cause explosion, or making or keeping explosive with intent to endanger life or property).

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*Theft Act 1968*

25 An offence under any of the following provisions of the Theft Act 1968—

- (a) section 9, where the offence is burglary with intent to—
  - (i) inflict grievous bodily harm on a person, or
  - (ii) do unlawful damage to a building or anything in it;
- (b) section 10 (aggravated burglary);
- (c) section 12A (aggravated vehicle-taking);
- (d) section 21 (blackmail).

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*Theft Act (Northern Ireland) 1969*

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26 An offence under any of the following provisions of the Theft Act (Northern Ireland) 1969—

- (a) section 9, where the offence is burglary with intent to—
  - (i) inflict grievous bodily harm on a person, or
  - (ii) do unlawful damage to a building or anything in it;
- (b) section 10 (aggravated burglary);
- (c) section 20 (blackmail).

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*Criminal Damage Act 1971*

27 An offence under any of the following provisions of the Criminal Damage Act 1971—

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- (a) section 1(1) (destroying or damaging property);
- (b) section 1(2) (destroying or damaging property intending, or being reckless as to, endangerment of life);
- (c) section 1(3) (arson);
- (d) section 2 (threats to destroy or damage property).

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*Protection from Eviction Act 1977*

28 An offence under section 1 of the Protection from Eviction Act 1977 (unlawful eviction and harassment of occupier).

*Criminal Law Act 1977*

29 An offence under either of the following provisions of the Criminal Law Act 1977—

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- (a) section 6 (violence for securing entry);
- (b) section 51 (bomb hoaxes).

*Criminal Damage (Northern Ireland) Order 1977*

- 30 An offence under any of the following provisions of the Criminal Damage (Northern Ireland) Order 1977 – 5
- (a) article 3(1) (destroying or damaging property);
  - (b) article 3(2) (destroying or damaging property intending, or being reckless as to, endangerment of life);
  - (c) article 3(3) (arson);
  - (d) article 4 (threats to destroy or damage property). 10

*Rent (Northern Ireland) Order 1978*

- 31 An offence under article 54 of the Rent (Northern Ireland) Order 1978 (unlawful eviction and harassment of occupier).

*Road Traffic (Northern Ireland) Order 1981*

- 32 An offence under article 172A or 172B of the Road Traffic (Northern Ireland) Order 1981 (aggravated vehicle taking). 15

*Taking of Hostages Act 1982*

- 33 An offence under section 1 of the Taking of Hostages Act 1982 (hostage taking).

*Rent (Scotland) Act 1984* 20

- 34 An offence under section 22 of the Rent (Scotland) Act 1984 (unlawful eviction and harassment of occupier).

*Public Order Act 1986*

- 35 An offence under any of the following provisions of the Public Order Act 1986 – 25
- (a) section 1 (riot);
  - (b) section 2 (violent disorder);
  - (c) section 3 (affray);
  - (d) section 4 (using threatening or abusive words or behaviour etc with intent to cause fear of violence etc);
  - (e) section 4A (intentional harassment, alarm or distress);
  - (f) section 5 (using threatening or abusive words or behaviour within the hearing or sight of someone likely to be caused alarm or distress); 30

- (g) section 18 (racial hatred: use of words or behaviour or display of written material);
  - (h) section 19 (racial hatred: publishing or distributing written material);
  - (i) section 20 (racial hatred: public performance of play);
  - (j) section 21 (racial hatred: distributing, showing or playing a recording);
  - (k) section 22 (racial hatred: broadcasting or including programme in programme service);
  - (l) section 29B (religious hatred or hatred on the grounds of sexual orientation: use of words or behaviour or display of written material);
  - (m) section 29C (religious hatred or hatred on the grounds of sexual orientation: publishing or distributing written material);
  - (n) section 29D (religious hatred or hatred on the grounds of sexual orientation: public performance of play);
  - (o) section 29E (religious hatred or hatred on the grounds of sexual orientation: distributing, showing or playing a recording);
  - (p) section 29F (religious hatred or hatred on the grounds of sexual orientation: broadcasting or including programme in programme service).
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*Public Order (Northern Ireland) Order 1987*

- 36 An offence under any of the following provisions of the Public Order (Northern Ireland) Order 1987 –
- (a) article 9 (racial hatred: use of words or behaviour or display of written material);
  - (b) article 10 (racial hatred: publishing or distributing written material);
  - (c) article 11 (racial hatred: distributing, showing or playing a recording);
  - (d) article 12 (racial hatred: broadcasting or including programme in programme service);
  - (e) article 18(1)(a) (disorderly behaviour);
  - (f) article 18(1)(b) (breach of the peace);
  - (g) article 18(3) (riotous behaviour).
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*Criminal Justice Act 1988*

- 37 An offence under either of the following provisions of the Criminal Justice Act 1988 –
- (a) section 39(1) (common assault or battery);
  - (b) section 134 (torture).
- 35

*Malicious Communications Act 1988*

- 38 An offence under section 1 of the Malicious Communications Act 1988 (sending communications with intent to cause distress or anxiety).

*Malicious Communications (Northern Ireland) Order 1988*

- 39 An offence under article 3 of the Malicious Communications (Northern Ireland) Order 1988 (sending communications with intent to cause distress or anxiety). 5

*Trade Union and Labour Relations (Consolidation) Act 1992*

- 40 An offence under section 241 of the Trade Union and Labour Relations (Consolidation) Act 1992 (intimidation or annoyance by violence or otherwise). 10

*Criminal Justice and Public Order Act 1994*

- 41 An offence under section 68 of the Criminal Justice and Public Order Act 1994 (aggravated trespass).

*Criminal Law (Consolidation) (Scotland) Act 1995* 15

- 42 An offence under either of the following provisions of the Criminal Law (Consolidation) (Scotland) Act 1995—  
(a) section 50A (racially aggravated harassment);  
(b) section 52 (vandalism).

*Protection from Harassment Act 1997* 20

- 43 An offence under any of the following provisions of the Protection from Harassment Act 1997—  
(a) section 2 (harassment);  
(b) section 2A (stalking);  
(c) section 4 (harassment involving putting a person in fear of violence);  
(d) section 4A (stalking involving putting a person in fear of violence). 25

*Protection from Harassment (Northern Ireland) Order 1997*

- 44 An offence under either of the following provisions of the Protection from Harassment (Northern Ireland) Order 1997—  
(a) article 4 (harassment);  
(b) article 6 (course of conduct involving putting someone in fear of violence). 30

*Crime and Disorder Act 1998*

- 45 An offence under any of the following provisions of the Crime and Disorder Act 1998 –
- (a) section 29 (racially or religiously aggravated assault);
  - (b) section 30 (racially or religiously aggravated criminal damage);
  - (c) section 31 (racially or religiously aggravated offences under section 4, 4A or 5 of the Public Order Act 1986);
  - (d) section 32 (racially or religiously aggravated harassment or stalking).

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*Communications Act 2003*

- 46 An offence under section 127 of the Communications Act 2003 (improper use of public electronic communications network). 10

*Sexual Offences Act 2003*

- 47 An offence under any of the following provisions of the Sexual Offences Act 2003 –
- (a) section 1 (rape);
  - (b) section 2 (assault by penetration);
  - (c) section 3 (sexual assault);
  - (d) section 62 (committing an offence with intent to commit a relevant sexual offence) where the relevant sexual offence is an offence under section 1, 2, 3 or 66;
  - (e) section 63 (trespass with intent to commit a relevant sexual offence) where the relevant sexual offence is an offence under section 1, 2, 3 or 66;
  - (f) section 66 (exposure).

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*Sexual Offences (Northern Ireland) Order 2008*

- 48 An offence under any of the following provisions of the Sexual Offences (Northern Ireland) Order 2008 –
- (a) article 5 (rape);
  - (b) article 6 (assault by penetration);
  - (c) article 7 (sexual assault);
  - (d) article 66 (committing an offence with intent to commit a relevant sexual offence) where the relevant sexual offence is an offence under article 5, 6, 7 or 70;
  - (e) article 67 (trespass with intent to commit a relevant sexual offence) where the relevant sexual offence is an offence under article 5, 6, 7 or 70;
  - (f) article 70 (exposure).

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*Sexual Offences (Scotland) Act 2009 (asp 9)*

- 49 An offence under any of the following provisions of the Sexual Offences (Scotland) Act 2009—  
(a) section 1 (rape);  
(b) section 2 (sexual assault by penetration);  
(c) section 3 (sexual assault);  
(d) section 8 (sexual exposure). 5

*Criminal Justice and Licensing (Scotland) Act 2010 (asp 13)*

- 50 An offence under either of the following provisions of the Criminal Justice and Licensing (Scotland) Act 2010—10  
(a) section 38 (threatening or abusive behaviour);  
(b) section 39 (stalking).

*Serious Crime Act 2015*

- 51 An offence under section 76 of the Serious Crime Act 2015 (controlling or coercive behaviour in an intimate or family relationship). 15

*Hate Crime and Public Order (Scotland) Act 2021 (asp 14)*

- 52 An offence under section 3 of the Hate Crime and Public Order (Scotland) Act 2021 (racially aggravated harassment).

**PART 3**

**INCHOATE OFFENCES**

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- 53 (1) An inchoate offence in relation to an offence listed in Part 1 or 2 of this Schedule.  
(2) In sub-paragraph (1), inchoate offence, in relation to an offence, means—  
(a) an attempt to commit the offence,  
(b) conspiracy to commit the offence,  
(c) an offence under Part 2 of the Serious Crime Act 2007 related to the offence, or  
(d) incitement to commit the offence. 25  
(3) For the purposes of sub-paragraph (2)(c), an offence committed by a person under Part 2 of the Serious Crime Act 2007 (encouraging or assisting crime) is related to another offence if that other offence is the offence (or one of the offences) which the person intended or believed would be committed. 30

## SCHEDULE 9

Section 34

## DISQUALIFICATION ORDERS: MINOR AND CONSEQUENTIAL AMENDMENTS

*Electoral Law Act (Northern Ireland) 1962*

- 1 (1) Schedule 5 to the Electoral Law Act (Northern Ireland) 1962 (local elections rules) is amended as follows. 5
- (2) In rule 10(2) (validity of nomination papers), after sub-paragraph (b) insert –
- “(c) that an order under section 26 of the Elections Act 2021 (disqualification of offenders for holding elective office etc) has effect in relation to the candidate.”
- (3) In the Appendix of Forms, in form 2 (consent to nomination), after “printed overleaf” insert “, or by reason of an order under section 26 of the Elections Act 2021”. 10

*Local Government Act 1972*

- 2 (1) The Local Government Act 1972 is amended as follows.
- (2) In section 85(3A) (vacation of office by failure to attend meetings), after “2000” insert “, or suspended under section 27(4) of the Elections Act 2021.”. 15
- (3) In section 86 (declaration by local authority of vacancy), in subsection (1)(b), after “1983” insert “, or by virtue of an order under section 26 of the Elections Act 2021”.
- (4) In section 87 (date of casual vacancies) – 20
- (a) in subsection (1), before paragraph (e) insert –
- “(db) in the case of a disqualification by virtue of an order under section 26 of the Elections Act 2021 (disqualification of offenders for holding elective office etc), on the date the office is vacated in accordance with section 27 of that Act (vacation of office etc);”;
- (b) after subsection (1) insert –
- “(1A) In a case where subsection (1)(db) and one or both of subsections (1)(d) and (1)(da) apply in relation to a vacancy, the vacancy is to be deemed to have occurred on the date mentioned in subsection (1)(db).” 25 30

*Local Government Act (Northern Ireland) 1972*

- 3 (1) The Local Government Act (Northern Ireland) 1972 is amended as follows.
- (2) In section 9(4) (vacation of office on account of non-attendance), after “2014” insert “, or suspended under section 27(4) of the Elections Act 2021.”. 35

- (3) In section 10 (declaration of vacancy in office) –
- (a) the existing text becomes subsection (1);
  - (b) in paragraph (a) of that subsection, after “illegal practices” insert “, or of an order under section 26 of the Elections Act 2021”;
  - (c) after that subsection insert –
- “(2) Where a councillor becomes disqualified for being a councillor by reason of both –
- (a) an order under section 26 of the Elections Act 2021 (disqualification of offenders for holding elective office etc), and
  - (b) section 4(1)(cc) (disqualification by reason of imprisonment etc for an offence),
- section 27 of the Elections Act 2021 (vacation of office) applies in relation to the vacation of the office (and accordingly subsection (1) does not apply).”
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*Local Government (Scotland) Act 1973*

- 4 (1) The Local Government (Scotland) Act 1973 is amended as follows.
- (2) In section 35(4) (vacation of office by failure to attend meetings), after “(asp 7)” insert “or section 27 of the Elections Act 2021”.
- (3) In section 36 (casual vacancies) –
- (a) the existing text becomes subsection (1);
  - (b) after paragraph (c) of that subsection insert –
- “(ca) in the case of a disqualification by virtue of an order under section 26 of the Elections Act 2021 (disqualification of offenders for holding elective office etc), the date on which the office is vacated in accordance with section 27 of that Act (vacation of office etc);”;
- (c) after that subsection insert –
- “(2) In a case where both paragraph (c) and (ca) of subsection (1) apply in relation to a vacancy, the vacancy is to be deemed to have occurred on the date mentioned in paragraph (ca) of that subsection.”
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*Representation of the People Act 1983*

- 5 (1) Schedule 1 to RPA 1983 (parliamentary election rules) is amended as follows.
- (2) In rule 12(2)(c) (validity of nomination), after “1981” insert “or by virtue of an order under section 26 of the Elections Act 2021”.
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*Scotland Act 1998*

- 6 (1) The Scotland Act 1998 is amended as follows.
- (2) In section 17(4) (effect of disqualification) –
- (a) after “(sequestration etc)” insert “and section 27 of the Elections Act 2021 (disqualification of offenders for holding elective office etc)”;
  - (b) for “that section” substitute “either of those sections”. 5

*Northern Ireland Act 1998*

- 7 (1) The Northern Ireland Act 1998 is amended as follows.
- (2) In section 37(4) (effect of disqualification) –
- (a) after “etc” insert “and section 27 of the Elections Act 2021 (disqualification of offenders for holding elective office etc)”;
  - (b) for “that section” substitute “either of those sections”. 10

*Greater London Authority Act 1999*

- 8 (1) The Greater London Authority Act 1999 is amended as follows.
- (2) In section 6(5) (Assembly members: failure to attend meetings), after “2000” insert “, or suspended under section 27(4) of the Elections Act 2021.” 15
- (3) In section 7(b) (Assembly members: declaration of vacancy in certain cases), after sub-paragraph (ia) insert –
- “(ib) by virtue of an order under section 26 of the Elections Act 2021 (disqualification of offenders for holding elective office etc),”.
- (4) In section 9 (Assembly members: date of casual vacancies) –
- (a) in subsection (1), after paragraph (f) insert –
  - “(fa) in the case of disqualification by virtue of an order under section 26 of the Elections Act 2021 (disqualification of offenders for holding elective office etc), on the date the office is vacated in accordance with section 27 of that Act (vacation of office etc);” 20
  - (b) after subsection (1) insert –
  - “(1A) In a case where subsection (1)(fa) and (f) (in the case of a conviction) apply in relation to a vacancy, the vacancy is to be regarded as occurring on the date mentioned in subsection (1)(fa).” 25
- (5) In section 13(2) (Mayor: failure to attend meetings), after “2000” insert “, or suspended under section 27(4) of the Elections Act 2021.” 30  
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(6) In section 14(b) (Mayor: declaration of vacancy in certain cases), after sub-paragraph (ia) insert –

“(ib) by virtue of an order under section 26 of the Elections Act 2021 (disqualification of offenders for holding elective office etc).”.

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*Government of Wales Act 2006*

9 (1) The Government of Wales Act 2006 is amended as follows.

(2) In section 18 (effect of disqualification) –

(a) in subsection (5), before paragraph (b) insert –

“(aa) section 27 of the Elections Act 2021 (disqualification of offenders for holding elective office etc);”;

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(b) in subsection (6), for “the provision” substitute “either of the provisions”.

(3) In Part 1 of Schedule 1A (categories of persons disqualified), after paragraph 6 insert –

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*“Persons subject to a disqualification order*

6A A person subject to a disqualification order under section 26 of the Elections Act 2021 (disqualification of offenders for holding elective office etc).”

*Armed Forces Act 2006*

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10 (1) The Armed Forces Act 2006 is amended as follows.

(2) After section 236 insert –

*“Disqualification of offenders for holding elective office etc*

**236A Disqualification orders**

(1) This section applies where –

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- (a) a person (“the offender”) is convicted of a qualifying section 42 offence by a court,
- (b) the offender was aged 18 or over when the offence was committed, and
- (c) the court is satisfied beyond reasonable doubt that the offence is aggravated by hostility related to persons falling within any of sections 28 to 30 of the Elections Act 2021.

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(2) The court must, when dealing with the offender for the offence, also make an order (a “disqualification order”) that the offender is disqualified, for the period of 5 years beginning with the date on which the order is made –

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- (a) for being nominated for election to a relevant elective office, and
- (b) for being elected to or holding a relevant elective office.
- (3) Subsection (2) does not apply where the court considers that there are particular circumstances relating to the offence or to the offender which would make it unjust in all the circumstances to make the order; and in such a case the court must state in open court the reasons for not making the order. 5
- (4) For the purposes of this section an offence is aggravated by hostility related to persons falling within any of sections 28 to 30 of the Elections Act 2021 if – 10
- (a) at the time of committing the offence, or immediately before or after doing so, the offender demonstrated towards the victim of the offence hostility based on the victim being (or being presumed to be) a person falling within any of those sections, or
- (b) the offence was motivated (wholly or partly) by hostility towards persons falling within any of those sections in their capacity as such. 15
- (5) For the purposes of subsection (4) it is immaterial whether or not the offender's hostility is also based, to any extent, on any other factor not mentioned in that subsection. 20
- (6) For the purpose of deciding whether to make a disqualification order the court may consider evidence led by the parties to the proceedings. 25
- (7) It is immaterial whether evidence led in pursuance of subsection (6) would have been admissible in the proceedings in which the offender was convicted.
- (8) Where a qualifying section 42 offence is found to have been committed – 30
- (a) over a period of 2 or more days, or
- (b) at some time during a period of 2 or more days, it is to be taken for the purposes of subsection (1)(b) to have been committed on the last of those days.
- (9) For the purposes of any appeal against a disqualification order – 35
- (a) references in section 141 to a finding or punishment include the making of a disqualification order;
- (b) references in section 16A of the Court Martial Appeals Act 1968 to passing a sentence include making a disqualification order. 40
- (10) In this section –

“court” means the court or officer sentencing the offender;  
“presumed” means presumed by the offender;  
“qualifying section 42 offence” means an offence under section 42 (criminal conduct) as respects which the corresponding offence under the law of England and Wales is an offence listed in Schedule 8 to the Elections Act 2021;  
“relevant elective office” has the same meaning as in Part 5 of the Elections Act 2021 (see section 33 of that Act).  
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## **236B Effect of disqualification order**

References (however expressed) in any enactment to an order under section 26 of the Elections Act 2021 include references to an order under section 236A.”  
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### *Police Reform and Social Responsibility Act 2011*

11 (1) The Police Reform and Social Responsibility Act 2011 is amended as follows.  
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(2) In section 59 (date of vacancy in office of commissioner)—

(a) in subsection (1), after paragraph (d) insert—  
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“(e) in the case of disqualification by virtue of an order under section 26 of the Elections Act 2021 (disqualification of offenders for holding elective office etc), on the date the office is vacated in accordance with section 27 of that Act (vacation of office etc).”;

(b) after subsection (2) insert—  
25

“(2A) In a case where subsection (1)(e) and (d) (in the case of a disqualification by virtue of section 66(3)(c)) apply in relation to a vacancy, the vacancy is to be regarded as occurring on the date mentioned in subsection (1)(e).”

### *Sentencing Act 2020*

12 (1) The Sentencing Act 2020 is amended as follows.  
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(2) In section 379(1) (other behaviour orders etc), after the entry for the Psychoactive Substances Act 2016 insert—

### **“Elections Act 2021**

section 26	disqualification order	Schedule 8 offence within the meaning of section 26 of that Act.” 35
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## SCHEDULE 10

Section 43

### ILLEGAL PRACTICES

*Candidates etc at Parliamentary, Northern Ireland Assembly and local elections*

- |  |  |
|--|--|
| <p>1 (1) This paragraph applies if –</p> <ul style="list-style-type: none"> <li>(a) apart from this paragraph, a candidate at an election, or an election agent of such a candidate, would be guilty of an offence under section 43(1),</li> <li>(b) the election is –           <ul style="list-style-type: none"> <li>(i) a Parliamentary election,</li> <li>(ii) an election to the Northern Ireland Assembly,</li> <li>(iii) a local government election within the meaning of section 191 or 203 of RPA 1983,</li> <li>(iv) an election under Part 2 of the Local Government Act 2000 for the return of an elected mayor, or</li> <li>(v) an election for the return of a mayor for the area of a combined authority, and</li> </ul> </li> <li>(c) the offence under section 43(1) would relate to the publication of electronic material which can reasonably be regarded as intended to achieve a purpose within –           <ul style="list-style-type: none"> <li>(i) section 38(3)(b) as it applies to candidates at the election, or</li> <li>(ii) section 40(4) as it applies to candidates at the election.</li> </ul> </li> </ul>  | <p style="margin-bottom: 10px;">5</p> <p style="margin-bottom: 10px;">10</p> <p style="margin-bottom: 10px;">15</p> <p style="margin-bottom: 10px;">20</p> <p style="margin-bottom: 10px;">25</p> <p style="margin-bottom: 10px;">30</p> <p style="margin-bottom: 10px;">35</p> <p style="margin-bottom: 10px;">40</p> |
| <p>(2) The candidate or election agent is instead guilty of an illegal practice.</p> <p>(3) RPA 1983 applies in relation to the candidate or election agent and the illegal practice as it applies in relation to a candidate or election agent and an illegal practice by virtue of section 110(12) (details to appear on election publications) of that Act.</p> <p>(4) In sub-paragraph (3) references to RPA 1983 include references to that Act –</p> <ul style="list-style-type: none"> <li>(a) as it applies in relation to elections to the Northern Ireland Assembly by virtue of the Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599),</li> <li>(b) as it applies in relation to an election under Part 2 of the Local Government Act 2000 for the return of an elected mayor by virtue of the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007 (S.I. 2007/1024), and</li> <li>(c) as it applies in relation to an election for the return of a mayor for the area of a combined authority by virtue of the Combined Authorities (Mayoral Elections) Order 2017 (S.I. 2017/67).</li> </ul> <p>(5) In this paragraph “combined authority” means a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009.</p> |  |

*Candidates etc at elections to the Scottish Parliament*

- 2 (1) This paragraph applies if—
- (a) apart from this paragraph, a candidate at an election to the Scottish Parliament, or an election agent of such a candidate, would be guilty of an offence under section 43(1), and
  - (b) the offence under section 43(1) would relate to the publication of electronic material which can reasonably be regarded as intended to achieve a purpose within—
    - (i) section 38(3)(b) as it applies to candidates at the election, or
    - (ii) section 40(4) as it applies to candidates at the election.
- (2) The candidate or election agent is instead guilty of an illegal practice.
- (3) The Scottish Parliament (Elections etc.) Order 2015 (S.S.I. 2015/425) applies in relation to the candidate or election agent and the illegal practice as it applies in relation to a candidate or election agent and an illegal practice by virtue of article 72(12) of that Order (details to appear on election publications).

*Candidates etc at elections to Senedd Cymru*

- 3 (1) This paragraph applies if—
- (a) apart from this paragraph—
    - (i) a constituency or individual candidate at an election to Senedd Cymru or an election agent of such a candidate, or
    - (ii) a party list candidate at an election to Senedd Cymru or the election agent of a registered party in relation to that party's list at such an election,would be guilty of an offence under section 43(1), and
  - (b) the offence under section 43(1) would relate to the publication of electronic material which can reasonably be regarded as intended to achieve a purpose within—
    - (i) section 38(3)(b) as it applies to candidates at the election, or
    - (ii) section 40(4) as it applies to candidates at the election.
- (2) The candidate or election agent is instead guilty of an illegal practice.
- (3) The National Assembly for Wales (Representation of the People) Order 2007 (S.I. 2007/236) applies in relation to the candidate or election agent and the illegal practice as it applies in relation to a candidate or election agent and an illegal practice by virtue of article 76(12) of that Order (printer's name and address on election publications).
- (4) In this paragraph “constituency candidate”, “individual candidate” and “party list candidate” have the same meanings as in that Order (see article 2).

*Candidates etc at local elections in Scotland*

- 4 (1) This paragraph applies if—
- (a) apart from this paragraph, a candidate at an election, or an election agent of such a candidate, would be guilty of an offence under section 43(1),
  - (b) the election is a local government election within the meaning of section 204 of RPA 1983, and
  - (c) the offence under section 43(1) would relate to the publication of electronic material which can reasonably be regarded as intended to achieve a purpose within—
    - (i) section 38(3)(b) as it applies to candidates at the election, or
    - (ii) section 40(4) as it applies to candidates at the election.
- (2) The candidate or election agent is instead guilty of an illegal practice.
- (3) RPA 1983 applies in relation to the candidate or election agent and the illegal practice as it applies in relation to a candidate or election agent and an illegal practice by virtue of section 110A(14) of that Act (details to appear on election publications).

*Candidates etc at local elections in Northern Ireland*

- 5 (1) This paragraph applies if—
- (a) apart from this paragraph, a candidate at an election, or an election agent of such a candidate, would be guilty of an offence under section 43(1),
  - (b) the election is a local election within the meaning of the Electoral Law Act (Northern Ireland) 1962 (see section 130(1) of that Act), and
  - (c) the offence under section 43(1) would relate to the publication of electronic material which can reasonably be regarded as intended to achieve a purpose within—
    - (i) section 38(3)(b) as it applies to candidates at the election, or
    - (ii) section 40(4) as it applies to candidates at the election.
- (2) The candidate or election agent is instead guilty of an illegal practice.
- (3) The Electoral Law Act (Northern Ireland) 1962 applies in relation to the candidate or election agent and the illegal practice as it applies in relation to a candidate or election agent and an illegal practice by virtue of paragraph 14 of Schedule 9 to that Act (electoral misdemeanours).

*Candidates at police and crime commissioner elections*

- 6 (1) This paragraph applies if—
- (a) apart from this paragraph, a candidate at an election of a police and crime commissioner, or an election agent of such a candidate, would be guilty of an offence under section 43(1), and

- (b) the offence under section 43(1) would relate to the publication of electronic material which can reasonably be regarded as intended to achieve a purpose within—
  - (i) section 38(3)(b) as it applies to candidates at the election, or
  - (ii) section 40(4) as it applies to candidates at the election.
- (2) The candidate or election agent is instead guilty of an illegal practice.
- (3) The Police and Crime Commissioner Elections Order 2012 (S.I. 2012/1917) applies in relation to the candidate or election agent and the illegal practice as it applies in relation to a candidate or election agent and an illegal practice by virtue of article 64(12) of that Order (details to appear on election publications).

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*MPs and recall petitions*

- 7 (1) This paragraph applies if—
  - (a) apart from this paragraph, an MP within the meaning of the Recall of MPs Act 2015 would be guilty of an offence under section 43(1), and
  - (b) the offence under section 43(1) would relate to the publication of electronic material which can reasonably be regarded as intended to achieve a purpose within section 40(6).
- (2) The MP is instead guilty of an illegal practice.
- (3) The Recall of MPs Act 2015 (Recall Petition) Regulations 2016 (S.I. 2016/295) apply in relation to the MP and the illegal practice as they apply in relation to an MP and an illegal practice by virtue of regulation 131(9) of those regulations (details to appear on petition publications).

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SCHEDULE 11

Section 48

SUPPLY OF INFORMATION ETC

*Supply of information etc*

- 1 (1) A relevant enforcer may give notice in writing to any person requiring the person to provide a relevant enforcer, or a person authorised by a relevant enforcer, with any information which—
  - (a) is identified in the notice, and
  - (b) is reasonably required by a relevant enforcer for the purposes of—
    - (i) determining whether electronic material has been published in contravention of section 37, or
    - (ii) making contact with the promoter of the material or the person on behalf of whom the material has been published (and who is not the promoter).

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- (2) A relevant enforcer may give notice in writing to any person requiring the person to provide a relevant enforcer, or a person authorised by a relevant enforcer, with a copy of any electronic material which—
  - (a) is identified in the notice, and
  - (b) is reasonably required by a relevant enforcer for the purposes of determining whether electronic material has been published in contravention of section 37.
- (3) A person to whom a notice is given under this paragraph must comply with it within such reasonable time as is specified in the notice.
- (4) A relevant enforcer may by notice in writing withdraw or vary a notice under this paragraph at any time.

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*Court order for disclosure of information etc*

- 2 (1) This paragraph applies if a relevant enforcer has given a notice under paragraph 1(1) requiring any information to be provided.
- (2) The High Court or (in Scotland) the Court of Session may make an information disclosure order against a person (“the respondent”) if satisfied on an application by a relevant enforcer that there is information identified in the notice under paragraph 1(1) which—
  - (a) has not been provided as required by the notice (either within the time specified in the notice for compliance or subsequently),
  - (b) is reasonably required by a relevant enforcer for a purpose within paragraph 1(1)(b), and
  - (c) the respondent is able to provide.
- (3) An information disclosure order is an order requiring the respondent to provide to a relevant enforcer, within such time as is specified in the order, such information falling within sub-paragraph (2)(b) as is identified in the order.
- 3 (1) This paragraph applies if a relevant enforcer has given a notice under paragraph 1(2) requiring any electronic material to be provided.
- (2) The High Court or (in Scotland) the Court of Session may make an electronic material disclosure order against a person (“the respondent”) if satisfied on an application by a relevant enforcer that there is electronic material referred to in the notice under paragraph 1(2) a copy of which—
  - (a) has not been provided as required by the notice (either within the time specified in the notice for compliance or subsequently),
  - (b) is reasonably required by a relevant enforcer for the purposes of determining whether electronic material has been published in contravention of section 37, and
  - (c) the respondent is able to provide.
- (3) An electronic material disclosure order is an order requiring the respondent to provide to a relevant enforcer, within such time as is specified in the

order, a copy of such electronic material falling within sub-paragraph (2)(b) as is identified in the order.

*Power to make copies and records*

- 4 A relevant enforcer, or a person authorised by a relevant enforcer, may make copies or records of any information or material provided under this Schedule. 5

*Authorisation to be in writing*

- 5 An authorisation of a person by a relevant enforcer under this Schedule must be in writing.

*Legal professional privilege*

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- 6 Nothing in this Schedule requires a person to provide anything in respect of which a claim to legal professional privilege (or in Scotland to confidentiality of communications) could be maintained in legal proceedings.

*Admissibility of information*

- 7 (1) Information provided by a person (“P”) in compliance with a requirement imposed under this Schedule is admissible in evidence in any proceedings (as long as it also complies with any requirements governing the admissibility of evidence in the circumstances in question). 15

- (2) But in criminal proceedings in which P is charged with an offence other than one to which sub-paragraph (3) applies or in proceedings within sub-paragraph (4) to which both the Commission and P are parties—  
    (a) no evidence relating to the information is admissible against P, and  
    (b) no question relating to the information may be asked on behalf of the prosecution or (as the case may be) the Commission in cross-examination of P, 20

unless evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of P. 25

- (3) This sub-paragraph applies to—  
    (a) an offence under section 5 of the Perjury Act 1911 (false statements made otherwise than on oath);  
    (b) an offence under section 44(2) of the Criminal Law (Consolidation) (Scotland) Act 1995 (false statements made otherwise than on oath);  
    (c) an offence under Article 10 of the Perjury (Northern Ireland) Order 1979 (false statements made otherwise than on oath). 30

- (4) Proceedings are within this sub-paragraph if they arise out of the exercise by the Commission of any of their powers under Schedule 19C to PPERA. 35

*Application of restrictions on disclosure*

- 8 (1) A disclosure of information pursuant to a requirement under this Schedule does not breach—
- (a) any obligation of confidence owed by the person making the disclosure, or
  - (b) any other restriction on the disclosure of information (however imposed).
- (2) A duty imposed by virtue of this Schedule does not require a person to disclose information if to do so would contravene the data protection legislation (but in determining whether the disclosure would do so, the duty imposed by virtue of this Schedule is to be taken into account).
- (3) In sub-paragraph (2) “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3(9) of that Act).

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*Meaning of “relevant enforcer”*

- 9 In this Schedule “relevant enforcer” means the Electoral Commission or a constable.

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# **Elections Bill**

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[AS INTRODUCED]

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# **B I L L**

TO

Make provision about the administration and conduct of elections, including provision designed to strengthen the integrity of the electoral process; about overseas electors; about voting and candidacy rights of EU citizens; about the designation of a strategy and policy statement for the Electoral Commission; about the membership of the Speaker's Committee; about the Electoral Commission's functions in relation to criminal proceedings; about financial information to be provided by a political party on applying for registration; for preventing a person being registered as a political party and being a recognised non-party campaigner at the same time; about regulation of expenditure for political purposes; about disqualification of offenders for holding elective offices; about information to be included in electronic campaigning material; and for connected purposes.

*Presented by Chloe Smith  
supported by the Prime Minister,  
Secretary Dominic Raab, Secretary Priti Patel,  
Michael Gove, Secretary Robert Jenrick,  
Secretary Brandon Lewis, Secretary Alister Jack,  
Secretary Simon Hart, Secretary Oliver Dowden,  
Mr Jacob Rees-Mogg and Mark Spencer.*

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