



**Isle of Man**

*Ellan Vannin*

**AT 13 of 1995**

**REPRESENTATION OF THE PEOPLE ACT  
1995**





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*Ellan Vannin*

## REPRESENTATION OF THE PEOPLE ACT 1995

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**Isle of Man***Ellan Vannin*

## REPRESENTATION OF THE PEOPLE ACT 1995

|                               |                        |
|-------------------------------|------------------------|
| <i>Received Royal Assent:</i> | <i>18 October 1995</i> |
| <i>Passed:</i>                | <i>19 October 1995</i> |
| <i>Commenced:</i>             | <i>1 January 1996</i>  |

**AN ACT** to re-enact with amendments the Representation of the *People Acts* 1951 to 1990; and for connected purposes.

**EDITORIAL NOTE:** This version of this Act, which comes into operation on 23 September 2015, applies only to the 2016 General Election and any subsequent election to the House of Keys.

The amendments made to this Act by the Representation of the *People (Amendment) Act 2015* will not apply to any by-election to the existing House of Keys. Accordingly, the previous version of this Act will continue to apply to any by-election to the existing House (see SD 2015/0303).

### PART 1 – THE HOUSE OF KEYS

#### *Qualifications for membership of the Keys*

#### **1 Qualifications for membership of the Keys**

- (1) A person may stand as a candidate for, and be elected a member of, the Keys for a constituency if at the time of nomination as a candidate the person —
  - (a) has reached the age of majority,
  - (b) is either a British citizen or has the right to remain in the Island,
  - (c) is ordinarily resident in the Island and has been so resident for a period of, or for periods amounting in the aggregate to, 5 years or more, and
  - (d) is registered on the register of electors for any electoral area in the Island,

provided that the person is not disqualified under subsection (2).

- (2) A person is disqualified for being a candidate for election for the Keys if at the time the person is nominated as a candidate the person —
- (a) is the holder of an office of profit under the government of any country or territory outside the Island;
  - (b) has been convicted of a relevant offence, unless the conviction is spent for the purposes of the *Rehabilitation of Offenders Act 2001*;
  - (c) is incapable of being elected to and sitting in the Keys by virtue of section 66 (incapacities on report or conviction of corrupt or illegal practice);
  - (d) is serving a custodial sentence following conviction for any offence;
  - (e) is an undischarged bankrupt; or
  - (f) is subject to any incapacity by virtue of this or any other Act.
- (3) For the purpose of subsection (1)(b) a person has the right to remain in the Island if the person —
- (a) has indefinite leave to remain in the Island, within the meaning of the *Immigration Act 1971* (of Parliament), as it has effect in the Island (the “1971 Act”); or
  - (b) does not under the 1971 Act require leave to enter or remain in the Island, by virtue of section 7(1) of the *Immigration Act 1988* (of Parliament), as it has effect in the Island;
- and, in either case, the person is not liable to deportation under section 3(5) or (6) of the 1971 Act.
- (4) For the purposes of subsection (2)(b) a relevant offence is an offence (wherever committed) involving corruption, bribery or dishonesty or an offence (of any kind) under this Act or under the legislation of another country or territory equivalent to this Act.<sup>1</sup>

### *Term of the Keys*

## **2 Term of the Keys and date of election**

- (1) A general election must be held on the fourth Thursday in September of every fifth year starting with 2016.
- (2) The Keys is dissolved (unless sooner dissolved under section 3) 6 weeks before the general election.<sup>2</sup>

## **3 Summoning, prorogation and dissolution of the Keys**

- (1) Whenever the Governor thinks it expedient The Governor may —
  - (a) by precept under the Governor’s hand —

- (i) summon the Keys when not in session, or when the Keys stand adjourned or prorogued though adjourned or prorogued to a more distant date or for a longer period; or
  - (ii) prorogue the Keys; or<sup>3</sup>
- (b) by proclamation dissolve the Keys and issue fresh writs for a general election of members to serve therein.<sup>4</sup>
- (2) No proclamation under subsection (1)(b) shall be necessary on the dissolution of the Keys by virtue of section 2.
- (3) Unless it is impracticable to do so, the Governor shall seek the advice of the Chief Minister before exercising any of the powers conferred by this section.

#### **4 Extension of term of Keys in emergency**

- (1) During any period of national emergency the Governor may by order —
  - (a) extend the term of the Keys or the term of office of any member of the Council elected by the Keys, by a period of one year from the date when otherwise the term of the Keys would expire, or the member cease to hold office; and
  - (b) declare that the register of electors in force at the time of the making of such order shall remain in force for a period of one year.<sup>5</sup>
- (2) On any such order being made, the provisions of this and any other enactment relating to members of the Keys, or to elected members of the Council, shall be construed as if they were modified in such a manner as to give effect to this section, and the order, or a subsequent order under subsection (1), may make such provision as is necessary to effect such modification.
- (3) Where an order under subsection (1) has been made, a further such order may not be made with respect to a subsequent year unless —
  - (a) a general election of the Keys intervenes, or
  - (b) the making of the order is previously approved by Tynwald.
- (4) If any question arises as to any matter under this section, or the operation of this section, the question shall stand referred to the Deemsters, who shall determine it summarily after hearing any parties they consider ought to be heard.
- (5) In this section “national emergency” means any period which, in the opinion of the Governor, constitutes a state of national emergency due to a state of war, or apprehended or threatened war, or international disturbance.

*Vacancies in the Keys***5 Report of casual vacancies**

The Speaker shall, within 7 days of any casual vacancy in the Keys coming to the Speaker's notice other than by reason of the Speaker's own resignation under section 6(10), report the vacancy in writing to the Governor, stating the name of the constituency by which the new member is to be returned.<sup>6</sup>

**6 Vacancy in seat**

[1974/34/11; 1971/12/1; 1986/10/2/3; 1989/4/1/1]

- (1) If any sitting member of the Keys is punished with custody (whether or not suspended) for any offence triable on information, the member's seat shall be vacant —
  - (a) if he or she appeals, or applies for leave to appeal, against his or her conviction or sentence, on the determination or withdrawal of the appeal or, if leave to appeal is refused, on the refusal of such leave;<sup>7</sup>
  - (b) if he or she does not so appeal or apply, on the expiration of the period within which the appeal or application must be made.<sup>8 9</sup>
- (2) The Keys may by resolution declare the seat of a member of the Keys to be vacant where he or she —
  - (a) has been certified by the Clerk of the Rolls to the Speaker to be incapable by reason of mental disorder of taking care of himself or herself or of managing his or her own affairs; or<sup>10</sup>
  - (b) fails to attend at least three-quarters of the total number of sittings of the Keys and Tynwald within any period of 12 months.<sup>11</sup>
- (3) For the purpose of subsection (2)(b) a member of the Keys shall not be treated as failing to attend any sitting of the Keys or of Tynwald in respect of which the member is granted leave of absence by the Speaker or the Keys, or by the President of Tynwald, as the case may be.<sup>12</sup>
- (4) If the holder of any office of profit under the Government of the Island is elected as a member of the Keys, his or her seat shall become vacant unless within 7 days from the date of his election to the Keys, he or she gives such notice or takes such other step as is necessary to vacate that office on the earliest practicable day thereafter; and if he or she subsequently withdraws that notice or revokes that step, he or she shall be treated for the purpose of subsection (6) as having accepted that office.<sup>13</sup>
- (5) If any sitting member of the Keys is adjudicated bankrupt, the High Court shall certify the fact to the Speaker; and if within 6 months of the date of the order of adjudication —
  - (a) the adjudication is not annulled, and

- (b) the member does not obtain his or her discharge, with a certificate under section 16(2)(b) of the *Bankruptcy Code 1892* (bankruptcy caused by misfortune without misconduct),<sup>14</sup>
- the High Court shall on the expiry of that period certify the fact to the Speaker, and the seat of the member shall thereupon be vacant.
- (6) If any sitting member of the Keys –
- (a) accepts an office of profit under the Government of the Island or the government of any country or territory outside the Island, or
- (b) becomes a member of the Council or of a local authority,
- the member's seat shall thereupon be vacant.<sup>15</sup>
- (7) For the purpose of subsection (6) –
- (a) a person shall not be treated as accepting an office of profit by reason only –
- (i) of accepting any payment under the *Payment of Members' Expenses Act 1989*, or
- (ii) during a national emergency, of enlisting in or being appointed to a commission in any of Her Majesty's forces;
- (b) a person becomes a member of a local authority on making a declaration of acceptance of office as such pursuant to section 10 of the *Local Elections Act 1986*.<sup>16</sup>
- (8) A member of the Keys who accepts an office of profit shall be eligible for re-election to any constituency on vacating such office.<sup>17</sup>
- (9) A sitting member of the Keys other than the Speaker may resign his or her seat on giving to the Speaker one month's previous notice in writing of his or her intention so to do, and at the expiry of such notice his or her seat shall thereupon become vacant.<sup>18</sup>
- (10) The Speaker may resign his or her seat on giving to the Governor one month's previous notice in writing of his or her intention so to do, and at the expiry of such notice his or her seat shall thereupon become vacant.<sup>19</sup>

## 7 Penalty for sitting or voting when seat vacant

If the seat of a member of the Keys has become vacant and the member sits or votes as a member of the Keys during the vacancy of the seat, the member is guilty of an offence and liable on summary conviction to a fine not exceeding £5,000 in respect of each occasion upon which the member so sits or votes.<sup>20</sup>

*Further provisions as to the Keys***8 Members to take oaths**

No member of the Keys shall be permitted to sit and to vote in the Keys until the member has taken and subscribed the oaths required by law.<sup>21</sup>

**9 Election of Speaker**

- (1) The members of the Keys shall —
- (a) on their first assembling after every general election, and
  - (b) on the vacation of the office of Speaker under subsection (2)(a), (b) or (c),

forthwith proceed to elect one of their number to be Speaker.

- (1A) The members of the Keys shall appoint an acting Speaker to preside over an election under subsection (1).<sup>22</sup>

- (1B) The office of acting Speaker terminates automatically upon the election of the Speaker under subsection (1).<sup>23</sup>

- (2) The office of Speaker shall be vacated —
- (a) on the death of the Speaker;
  - (b) on his or her resignation by notice in writing to the members of the Keys of his or her office, or by his or her seat becoming vacant under section 6;<sup>24</sup>
  - (c) on his or her removal by a vote of the Keys;<sup>25</sup>
  - (d) by the dissolution of the Keys.

**9A Election of Deputy Speaker**

- (1) The members of the Keys shall —
- (a) on their first assembling following the election of the Speaker under section 9(1); and
  - (b) on the vacation of the office of Deputy Speaker under subsection (2)(a), (b) or (c),

forthwith proceed to elect one of their number to be Deputy Speaker.

- (2) The office of Deputy Speaker shall be vacated —
- (a) on the death of the Deputy Speaker;
  - (b) on his or her resignation by notice in writing to the members of the Keys of his or her office, or by his or her seat becoming vacant under section 6;
  - (c) on his or her removal by a vote of the Keys;
  - (d) by the dissolution of the Keys.

- (3) The Deputy Speaker shall deputise in the absence of the Speaker and assume the powers of the Speaker when the Speaker is absent from the Island or is not present at any sitting of the Keys.<sup>26</sup>

## **9B Disqualifications**

- (1) Neither the Speaker nor an acting Speaker nor the Deputy Speaker is eligible for nomination or appointment as Chief Minister or as a Minister.
- (2) The Speaker is not eligible for nomination or appointment as a member of a Department or Statutory Board.
- (3) An acting Speaker and the Deputy Speaker are each eligible for nomination and appointment as a member of a Department or Statutory Board.
- (4) If the Chief Minister or a Minister is elected or appointed to be Speaker, acting Speaker or Deputy Speaker, he or she shall go out of office as Chief Minister or Minister, as the case may be.
- (5) If a member of a Department or Statutory Board is elected to be Speaker, he or she shall go out of office as member of that Department or Statutory Board, as the case may be.
- (6) No nomination, appointment or election (before the date on which the *Presiding Officers Act 2008* comes into operation) of a person to an office specified in this section shall be invalid by reason only that the person was nominated, appointed or elected when disqualified from such nomination, appointment or election under the provisions of any enactment as they had effect at the time of the nomination, appointment or election.
- (7) The definition "Speaker" in Part 1 of the Schedule to the *Legislation Act 2015* does not apply to this section.<sup>27 28</sup>

## **10 Saving for privileges of the Keys**

- (1) Nothing in this Act affects the inherent powers heretofore exercised by the Keys as a legislative body.
- (2) The Keys, and the members of the Keys, shall have, exercise and perform the same power, authority and duties, and be subject to the like obligations (except where expressly otherwise provided by this Act), and be entitled to and enjoy the same rights and privileges, in as full and ample manner as the Keys and the members of the Keys heretofore had, exercised and performed, and was or were entitled to and enjoyed.

## **PART 1A – REGISTRATION AND CONDUCT OF POLITICAL PARTIES<sup>29</sup>**

### **10A Requirements for political parties to be registered**

A political party must not support or endorse any candidate for election to the Keys unless it is registered under this Part.<sup>30</sup>

### **10B Conditions of registration**

- (1) The party must have a name that does not exceed 6 words.
- (2) The name of the party, and any abbreviation of the name and any emblem of the party, must not be –
  - (a) offensive, obscene or otherwise inappropriate; or
  - (b) either identical to, or of sufficient similarity that it may be confused with, the name, abbreviation or emblem of any other organisation.
- (3) The party must have 3 officeholders, being the leader (however described), treasurer and secretary.
- (4) A person may hold 2 of those offices, but not all 3.
- (5) [Not in operation]<sup>31</sup>
- (6) The party must have an address in the Island to which communications intended for the party may be sent.
- (7) The party must have a written constitution, one of the expressed objectives of which must be the support or endorsement of candidates for election to the Keys.
- (8) The party must keep accounts.
- (9) The party must have an accounting period that does not exceed 12 months.
- (10) Regulations may amend, or make provision in addition to, subsections (1) and (2) regarding the restrictions on the name of a political party.<sup>32</sup>

### **10C Restriction on name and emblem used by registered political party**

- (1) A registered political party must not use or otherwise hold itself out as known by any name, or abbreviation of its name, other than the name or abbreviation (if any) that is registered for it.
- (2) A registered political party must not use or otherwise hold itself out as associated with any emblem other than the emblem (if any) that is registered for it.<sup>33</sup>



**10D Application for registration of political party**

- (1) An application for registration of a political party must be made to the Electoral Registration Officer, in accordance with this section.
- (2) An application must contain —
  - (a) the name of the party and the abbreviation (if any) of that name;
  - (b) the emblem (if any) of the party;
  - (c) the address in the Island for the purposes of section 10B(6); and
  - (d) the full names of the leader, treasurer and secretary of the party.
- (3) An application must be accompanied by —
  - (a) a copy of the party's constitution;
  - (b) a copy of the party's most recent accounts; and
  - (c) such fee, if any, as may be published by the Treasury as payable for the application.

The Electoral Registration Officer must file in the Central Registry a copy of any document received under this subsection.<sup>34</sup>

- (4) The application must be signed by no fewer than 20 persons.
- (5) A person may sign an application only if he or she is registered in a register of electors in accordance with the *Registration of Electors Act 2020*.<sup>35</sup>
- (6) Regulations may amend subsection (4) so as to vary the number of persons who must sign the application.<sup>36</sup>

**10E Consideration of application for registration of political party**

- (1) The Electoral Registration Officer must deliver to the Attorney General a copy of an application for registration of a political party.
- (2) The Attorney General must inform the Electoral Registration Officer whether, in the Attorney General's opinion —
  - (a) the party complies with section 10B (insofar as that section is in operation); and<sup>37</sup>
  - (b) the application complies with section 10D.
- (3) If, in the opinion of the Attorney General —
  - (a) both those sections are complied with, the Electoral Registration Officer must register the political party;
  - (b) at least one of those sections is not complied with, the Electoral Registration Officer must refuse the registration.<sup>38</sup>

**10F Registration of political party**

- (1) The Electoral Registration Officer must maintain a register of political parties.

- (2) Where a political party is to be registered the Electoral Registration Officer must enter the following particulars in the register —
  - (a) the name of the party and the abbreviation (if any) of that name;
  - (b) the emblem (if any) of the party;
  - (c) the address in the Island for the party for the purposes of section 10B(6);
  - (d) the full names of the leader, treasurer and secretary of the party.
- (3) The Electoral Registration Officer must keep, for each registered political party, a copy of its constitution submitted under section 10D(3)(a) or 10H(2)(c), and a copy of its accounts submitted under section 10D(3)(b) or 10I.<sup>39</sup>

### **10G Application for change of name or emblem of registered political party**

- (1) A registered political party may, on payment of such fee as may be published by the Treasury, apply to the Electoral Registration Officer for the name and any abbreviation of the name registered for it to be altered or substituted.
- (2) A registered political party may, on payment of such fee as the Treasury may determine, apply to register an emblem or to substitute the emblem registered for it.
- (3) An application under this section must be —
  - (a) signed by 2 persons who are registered officeholders of the party; and
  - (b) accompanied by evidence that the decision to make the alteration, substitution or addition was made in accordance with the party's constitution.
- (4) The Electoral Registration Officer must refuse to order the alteration of or addition to the register if, in the opinion of the Attorney General —
  - (a) the name, abbreviation or emblem does not comply with section 10B(1) and (2); or
  - (b) the application does not comply with subsection (3) of this section.
- (5) If the Electoral Registration Officer orders the alteration of or any addition to the register under this section, the Electoral Registration Officer must enter the particulars of the change in the register.<sup>40</sup>

### **10H Changes in particulars of registered party**

- (1) The Electoral Registration Officer must be notified, in writing, of a change in any of the following, —
  - (a) the constitution of a registered political party;

- (b) the identity of the person holding the office of leader, treasurer or secretary of a registered political party;
  - (c) the address, in the Island, of a registered political party.
- (2) A notice required by subsection (1) must be –
  - (a) delivered to the Electoral Registration Officer within the period of 10 working days following the change;
  - (b) signed by 2 persons who (after the change) are registered officeholders of the party; and
  - (c) accompanied by evidence that the decision to make the change was made in accordance with the party’s constitution and, in the case of notice of a change in the constitution of a registered political party, by a copy of the constitution as changed.
- (3) If, by reason of death or incapacity of one or more registered officeholders or other cause, it is not possible to comply with subsection (2)(b) when notice is given of a change described in subsection (1)(b), the Electoral Registration Officer may –
  - (a) accept an alternative means of verification of the notice; or
  - (b) refer the matter to the Attorney General, in order for the Attorney General to advise on the matter.
- (4) The Electoral Registration Officer must enter in the register the particulars of any change notified in accordance with this section, unless it appears to him or her that the change has the effect that the party no longer complies with section 10B (insofar as that section is in operation).<sup>41</sup>
- (5) If it appears to the Electoral Registration Officer that the change notified has the effect that the party no longer complies with section 10B (insofar as that section is in operation), the Electoral Registration Officer must refer the matter to the Attorney General.<sup>42</sup>
- (6) Regulations may amend the period mentioned in subsection (2)(a).<sup>43</sup>

### **10I Accounts to be audited and filed**

Section 27 of the *Charities Registration and Regulation Act 2019* (along with any regulation-making powers necessary for that section applies for the purposes of this Part as if for “charity” there were substituted “political party” and, in section 27(6) of that Act, for “Attorney General” there were substituted “Registrar General”).<sup>44</sup>

### **10J Anonymous donations**

- (1) A political party must not keep an anonymous donation.
- (2) The treasurer of a political party which has received an anonymous donation must, within 10 working days of its receipt, send it to the Chief

Financial Officer who must make arrangements for its distribution to the nominated charitable trust for distribution as the trustees think fit.<sup>45</sup>

### **10K Removal from the register**

- (1) The Electoral Registration Officer must remove a registered political party from the register —
  - (a) upon an application —
    - (i) signed by 2 persons who are registered officeholders of the party; and
    - (ii) accompanied by evidence that the decision to apply for the removal of the party from the register was made in accordance with its constitution;
  - (b) if the Attorney General is satisfied —
    - (i) that the party no longer complies with section 10B (insofar as that section is in operation);<sup>46</sup>
    - (ii) that the party has not complied with sections 10C, 10H or 10I; or
  - (c) if the Electoral Registration Officer is satisfied that the party has not, whilst a registered party, at any of the three preceding general elections of the Keys under section 2(1), supported or endorsed, in accordance with this Act, a person as a candidate for election to the Keys.
- (2) Not less than 2 months before removing a political party from the register, the Electoral Registration Officer must notify the party of his or her intention to do so, stating the grounds for so doing.

But the Electoral Registration Officer need not notify the party if satisfied that it has ceased to exist.

- (3) Regulations may amend subsection (1)(c) so as to vary the length of time during which a party has not supported or endorsed a candidate.<sup>47</sup>

### **10L Inspection of register of political parties**

- (1) A person may inspect the register, upon payment of such fee (if any) as the Treasury may determine, at the Central Registry during its normal working hours.<sup>48</sup>
- (2) A person may, on payment of such fee as the Treasury may determine, obtain from the Central Registry a copy of any document kept by the Electoral Registration Officer under section 10D(3).<sup>49 50</sup>

## 10M Appeals

- (1) A signatory to an application to the Electoral Registration Officer under section 10D or 10G may appeal to the High Court against the refusal of the application.
- (2) A registered political party may appeal to the High Court against its removal from the register under section 10K.
- (3) Where an appeal under subsection (2) is made within the period of 2 months beginning with the date on which notice of the intended removal from the register is given under section 10K(2), the Electoral Registration Officer must not remove the registration until the appeal is determined or abandoned.
- (4) On an appeal under this section the High Court, if it is satisfied that the registration should have been made or amended, or should not be removed, as the case may be, must declare accordingly and give any necessary directions to the Electoral Registration Officer.<sup>51</sup>

## 10N Interpretation of Part 1A

In this Part –

“**Electoral Registration Officer**” means the officer appointed under section 18(1) of the *Registration of Electors Act 2020*;<sup>52</sup>

“**officeholder**” means, in relation to a party, one of the officeholders mentioned in section 10B(3);

“**register**” means the register maintained under section 10F;

“**registered**” means for the time being entered in the register.<sup>53</sup>

# PART 2 – ORGANISATION OF ELECTIONS

*Constituencies etc.*

## DIVISION 1 – THE ELECTORAL COMMISSION<sup>54</sup>

### 11 The Electoral Commission

- (1) The Governor in Council must appoint a body, to be known as the Electoral Commission, within 12 months of the general election of 2021 and every second general election thereafter.
- (2) However, the Governor in Council may appoint an Electoral Commission at any other time if a resolution of Tynwald so directs.
- (3) The Electoral Commission must consist of a person appointed to chair the Commission and at least 3 other members.

- (4) The Electoral Commission must consider such matter relating to elections as a resolution of Tynwald directs.
- (5) An Electoral Commission appointed under subsection (1) must review the number and boundaries of constituencies and issue a report to Tynwald no later than 18 months after its appointment.
- (6) The Electoral Commission must issue such other reports to Tynwald as a resolution of Tynwald directs.
- (7) The Electoral Commission is taken to have been dissolved following the issue of its final report to Tynwald.<sup>55</sup>

## DIVISION 2 – ELECTORAL AREAS<sup>56</sup>

### 11A Constituencies

- (1) For an election the Island is divided into 12 constituencies each returning 2 members as follows –
  - Arbory, Castletown and Malew
  - Ayre and Michael
  - Douglas Central
  - Douglas East
  - Douglas North
  - Douglas South<sup>57</sup>
  - Garff
  - Glenfaba and Peel
  - Middle
  - Onchan
  - Ramsey
  - Rushen
- (2) The Department of Infrastructure must prepare a series of maps marking the boundaries of each of those constituencies as recommended by the Third Report to Tynwald of the Boundary Review Committee dated May 2013 and approved by Tynwald in June 2013, and the maps must be deposited at the Central Registry.<sup>58</sup>
- (3) The Registrar General must make each of the maps prepared under subsection (2), or copies of them, available for inspection by any person at the Central Registry at all reasonable times, and must supply a copy of any map to any person on payment of such reasonable charge as the Department of Infrastructure may determine.<sup>59 60</sup>

## 12 Polling districts

- (1) The Council of Ministers may by order divide any constituency into 2 or more polling districts specified in the order.
- (2) Before making an order under subsection (1) the Council of Ministers must consult such persons (including local authorities) as it considers appropriate.
- (3) Unless an order is made under subsection (1) in respect of a constituency, the whole constituency constitutes a single polling district.
- (4) An order under subsection (1) must be approved by Tynwald before it comes into operation.<sup>61</sup>

### DIVISION 3 – RETURNING OFFICERS<sup>62</sup>

#### *Returning officers*

## 13 Appointment of returning officers

- (1) The Governor shall by writing under the Governor's hand appoint a returning officer in respect of each constituency.<sup>63</sup>
- (2) A returning officer may be appointed for more than one constituency.
- (3) It is the duty of a returning officer to do everything at an election which is necessary for effectually conducting the election in accordance with election regulations.<sup>64</sup>
- (4) Subject to subsection (5), the appointment of a returning officer shall be for such term (not exceeding 5 years) as is specified in the instrument by which it is made.
- (5) The Governor may declare a returning officer's office to be vacant (and consequently the returning officer treated as having retired) if —
  - (a) the returning officer has given the Governor notice of his or her intention to retire; or
  - (b) the Governor thinks it is expedient that the returning officer should retire.<sup>65</sup>

## 14 Disqualification as returning officer etc

- (1) The following persons are disqualified for being appointed a returning officer or to any other office concerned with the conduct of an election —
  - (a) any minister of religion who follows no secular occupation other than that of a teacher;
  - (b) any coroner;

- (c) any constable or other person having the powers and privileges of a constable;
  - (d) any officer of an institution (within the meaning of the *Custody Act 1995*);
  - (e) the Registrar General, and any member of the staff of the Central Registry;<sup>66</sup>
  - (f) any member of the Council or the Keys;
  - (g) any person who has served as a member of the Keys in the session immediately preceding the election, or in the current session in the case of a by-election.
- (2) If any such person is appointed to act and acts as returning officer, or in any other office concerned with the conduct of an election, he or she is guilty of an offence and liable on summary conviction to a fine not exceeding £500.<sup>67</sup>

### **15 Returning officer may be elected and may vote**

Nothing in this Act prevents any returning officer —

- (a) from being elected a member of the Keys for any constituency, other than that for which he or she acts as returning officer; or<sup>68</sup>
- (b) from exercising his or her vote at any election.<sup>69</sup>

### **16 Returning officer to take oath of office**

- (1) A returning officer, before taking any step in the discharge of the returning officer's official duties, shall take and subscribe before a justice of the peace or commissioner for oaths an oath in the prescribed form.<sup>70</sup>
- (2) The returning officer shall annex to the return of the writ of election a certificate of his or her oath so sworn, signed by the person administering it; and if the returning officer fails to do so he or she is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.<sup>71</sup>

### **17 Powers of returning officer for maintenance of peace**

- (1) A returning officer shall maintain order at an election, and for that purpose shall, from the time of the issue of the writ for the election until the day next after the final closing of the election, be invested with all the powers of a justice of the peace for the arrest, detention or admission to bail, trial and conviction of any person who offends against any of the provisions of this Act.
- (2) A returning officer may —



- (a) require the assistance of any constable or other person to aid him or her in the maintenance of the peace, and may swear in as many special constables as he or she thinks necessary for that purpose;<sup>72</sup>
- (b) arrest, or cause to be arrested by verbal order, any person disturbing the peace at an election;
- (c) cause a person so arrested to be detained by any constable, or to be detained in custody under an order signed by him or her, until any time not later than the final closing of the election, but without prejudice to any further penalties to which that person may be liable;<sup>73</sup>
- (d) demand and receive from any person at an election any offensive weapon with which that person is armed, or has in his or her hands or personal possession.<sup>74</sup>

## 18 Deputy returning officers

- (1) A returning officer must, by writing under that officer's hand, and in the form specified by the Chief Secretary —
  - (a) appoint a fit and proper person as deputy returning officer for all of the purposes of the election; or
  - (b) appoint two or more fit and proper persons as deputy returning officers.<sup>75</sup>
- (1A) If the returning officer appoints more than one deputy returning officer, he or she —
  - (a) may authorise any of the deputies to perform any or all of the returning officer's functions, and
  - (b) must secure that every function of the returning officer is capable of being exercised, in the returning officer's absence or unavailability, by at least one of the deputies.<sup>76</sup>
- (2) No person may be appointed deputy returning officer who would not be eligible for appointment as a returning officer.
- (3) On the appointment of a deputy returning officer, the returning officer shall forthwith administer to him or her an oath in the prescribed form, and shall annex the certificate of the oath, signed by the returning officer, to the appointment of the deputy returning officer.<sup>77</sup>

## 19 Powers and duties of deputy returning officers

- (1) Anything required or authorised to be done by, to or before the returning officer in relation to the election may, so far as the deputy is authorised to act, be done by, to or before the deputy returning officer.
- (2) If necessary to prevent the interruption of the proceedings at any election arising from the death, illness or absence of the returning officer, the

deputy returning officer shall forthwith assume the functions of the returning officer and shall act in all respects as though he or she had been appointed returning officer under this Act, unless and until his or her authority is superseded by the returning officer.<sup>78</sup>

### *Financial provisions*

## **20 Payment of official expenses of returning officers<sup>79</sup>**

- (1) The Treasury shall pay out of money provided by Tynwald the fees and expenses of the returning officers for the performance of their duties under this Act at the rates fixed by order under subsection (2).
- (2) The Treasury shall by order fix the rates of fees and expenses payable under subsection (1), and in making such an order the Treasury shall have regard to the increase in the cost of living since the making of the last order under this subsection.
- (3) An order under subsection (2) shall not have effect unless it is approved by Tynwald.
- (4) The Treasury may, with the approval of Tynwald, pay out of money provided by Tynwald any expenses of returning officers and other officials appointed under this Act which are not provided for by an order under subsection (2).
- (5) The accounts for all fees and expenses under the Act shall be furnished to the Treasury, with all necessary particulars and vouchers, within 3 months of the final closing of the election.<sup>80</sup>

### **DIVISION 4 – ELECTION DONATIONS AND EXPENSES<sup>81</sup>**

## **20A Donations received**

- (1) A candidate must, no later than 5 working days before polling day, deliver to the Electoral Registration Officer a written declaration containing the information required by subsections (2) and (3).
- (2) The information required by this subsection is, —
  - (a) a statement by the candidate of the sum of relevant donations received by him or her (as a candidate or a prospective candidate) during the relevant period together with the donor's name, the amount or value of the relevant donation, and whether the relevant donation is of —
    - (i) money;
    - (ii) a loan of money;
    - (iii) goods or the use of goods; or
    - (iv) services; or

- (b) a statement by the candidate that no such donations were received by him or her (as a candidate or a prospective candidate) during that period.

*Note: This subsection deals only with donations from identifiable donors (whether individual or corporate). For anonymous donations see subsection (3) below.*

- (3) The information required by this subsection is —
  - (a) a statement by the candidate which identifies each anonymous donation received by him or her (as a candidate or a prospective candidate), during that period, together with its amount and that section 20B has been complied with in respect of every such donation; or
  - (b) a statement by the candidate that no such donations were received by him or her (as a candidate or a prospective candidate) during that period.
- (4) For the purpose of subsection (2) a donation is “relevant” if it is of or more than, or has a value of or more than, the minimum amount (and is not anonymous).
- (5) Except where the donor is anonymous, donations made by each person, including any connected person, must be aggregated for the purposes of determining whether they are of, or have a value of more, than the minimum amount (and hence whether they are relevant for the purposes of subsection (2)).
- (6) In this section “minimum amount” means £50.
- (7) Regulations may amend this section so as to vary the minimum amount.<sup>82</sup>

## **20B Disposal of anonymous donations**

- (1) A candidate or prospective candidate must not keep an anonymous donation.
- (2) A candidate or prospective candidate who receives an anonymous donation must, within 10 working days of receiving it, send it to the Chief Financial Officer who must make arrangements for its distribution to the nominated charitable trust for distribution as the trustees think fit.<sup>83</sup>

## **20C Election expenses**

- (1) A candidate’s total election expenses incurred during the relevant period (as a candidate and (if appropriate) as a prospective candidate) must not exceed the maximum amount.

*Note: What constitutes an election expense, and when it is to be treated as incurred is to be determined in accordance with Schedule 3A.*

- (2) If the Electoral Registration Officer receives, within 3 months of an election, a complaint made in such form and manner, and containing such

particulars, as may be prescribed, alleging that a candidate's election expenses have exceeded the maximum amount, the Electoral Registration Officer must give notice to the candidate as soon as reasonably practicable.

- (3) The notice must require the candidate to deliver to the Electoral Registration Officer within 15 working days a written declaration of his or her election expenses falling within subsection (1), itemising the amounts expended (whether direct or notional) and the goods and services to which those amounts relate.
- (4) For the purposes of this section the "maximum amount" is the total of £2,000 plus 50 pence for each person registered as an elector on the relevant register for the constituency in which the candidate is standing for election.
- (5) For the purposes of this section "relevant register" means the register most recently prepared prior to 6 weeks before polling day.
- (6) Regulations may amend this section so as to vary the maximum amount.<sup>84</sup>

## **20D Requirements in respect of declarations**

- (1) The declarations required by sections 20A(1) and 20C(3) must —
  - (a) be made using a form supplied by the Electoral Registration Officer;
  - (b) include a statement that, to the best of the candidate's knowledge, information and belief, the information contained in it is true, complete and correct; and
  - (c) be signed by the candidate.
- (2) If, having made a declaration, a candidate becomes aware of any variation in or addition to the information required to be declared, the candidate must, as soon as possible and, in any event, no later than 10 working days after becoming so aware, deliver to the Electoral Registration Officer a further written declaration of the variation or addition.
- (3) A declaration delivered under subsection (2) must comply with subsection (1)(b) and (c).
- (4) The Electoral Registration Officer must —
  - (a) record the details of every declaration delivered under this section in a register (which may be maintained electronically); and
  - (b) file a copy of every such declaration in the Central Registry.<sup>85</sup>
- (5) The register maintained under subsection (4)(a) and document filed under subsection (4)(b) are to be available for inspection by the general public, on payment of such fee (if any) as the Treasury may determine, at the Central Registry, during its normal working hours.<sup>86 87</sup>

**20E Verification of expenses**

- (1) Where the Electoral Registration Officer has received a complaint under section 20C(2), the Electoral Registration Officer may require the candidate who is the subject of the complaint to produce invoices, receipts and other proof of the candidate's election expenses.
- (2) A requirement under subsection (1) must be in writing.
- (3) A candidate must comply with a requirement under subsection (1) within 15 working days of its being made.<sup>88</sup>

**20F Requirement to provide information and documents to candidate**

A person who incurs or pays a candidate's election expenses must, as soon as is practicable, provide the candidate with such information and documents as the candidate requires to comply with sections 20D and 20E.<sup>89</sup>

**20G Interpretation**

For the purposes of this Division —

- (a) whether a person is connected with a candidate is determined in the same way as it would be for income tax purposes by virtue of section 119C of the *Income Tax Act 1970*; and
- (b) “**the relevant period**” means —
  - (i) in the case of an election of the Keys under section 2(1), the period beginning 12 months before polling day and ending on polling day; and
  - (ii) in the case of any other election to the Keys, the period beginning with the date on which the vacancy occurs and ending on polling day.<sup>90</sup>

**PART 3 – HOLDING OF ELECTIONS***Writs of election***21 Writs of election**

An election of a member or members to represent a constituency shall take place under and by authority of a writ issued by the Governor.

*Conduct of elections***22 Proceedings**

- (1) The proceedings at an election shall be conducted in accordance with regulations made under this section (“**election regulations**”).
- (2) At an election a person must not vote otherwise than in accordance with election regulations.
- (3) Election regulations may provide for the procedures to be followed at elections including in particular the following —
  - (a) a timetable for the proceedings at an election, including provisions as to the computation of time;
  - (b) the delivery of writs of election to and by returning officers;
  - (c) the publication of notices of election and their content;
  - (d) a mechanism for the nomination of candidates, the publication of nominations, the delivery of nomination papers, the contents of nomination papers to be specified, the conditions of their validity and the criteria for objection to nominations;
  - (e) a mechanism for —
    - (i) the withdrawal of candidates;
    - (ii) the cancellation of a candidate’s nomination in the event that the candidate becomes disqualified after nomination day but before polling day (or before the close of the poll if there is one);
    - (iii) the publication of withdrawal or cancellation of nomination;
  - (f) the procedure in the event of a death of a candidate;
  - (g) the method of electing candidates, including notice of poll, the issuing of poll cards in a form to be specified, provision of polling stations and the necessary equipment and means for secret voting, the sealing of ballot boxes, the content, form and appearance of ballot papers to be as prescribed or specified, procedure on spoilt ballot papers, verification of identity of voters and procedure on challenge of voters, the manner of voting, including by those needing assistance, the display of guidance notes for voters to be specified and the procedure on close of poll;
  - (h) the responsibilities of returning officers, including regulation of numbers of persons in polling stations and the conduct of such persons, and the appointment of presiding officers and other officers to assist with elections, their oaths of office, their duties and responsibilities including provision as to delegation to or by them, and for those persons and deputy returning officers to be paid by returning officers;

- (i) the prohibition on disclosure of how a person has voted and for a declaration of secrecy to be made in such form and manner and by such persons as may be prescribed;
- (j) the appointment by candidates of polling and counting agents subject to conditions of or in accordance with election regulations and a procedure for the challenge of voters;
- (k) the procedure on counting and re-counting of votes, including presence at the count and the declaration of result and the procedure for the return of elected candidates; and
- (l) the retention, production, public inspection and disposal of documents.<sup>91</sup>

### **23 Effect of non-compliance with election regulations<sup>92</sup>**

No election shall be declared invalid by reason of any act or omission by the returning officer, or any other person, in breach of his or her official duty in connection with the election, or otherwise in breach of the election regulations, if it appears to the High Court —

- (a) that the election was so conducted as to be substantially in accordance with the law as to elections, and
- (b) that the act or omission did not affect its result.<sup>93</sup>

#### *Voting at election*

### **24 Entitlement to vote at election**

[1982/16/2/2]

- (1) Subject to subsections (2) and (3), every person registered as an elector for a constituency and entitled to vote shall be entitled to demand and receive a ballot paper and to vote in that constituency.
- (1A) A person entitled to vote may do so only in person or by proxy in accordance with this Act.<sup>94</sup>
- (2) A person shall not be entitled to demand or receive a ballot paper or to vote if it appears from the register of electors that he or she is under the age of 16 years on the date of the poll.<sup>95</sup>
- (3) Nothing in subsection (1) —
  - (a) entitles any person to vote who is prohibited from voting by any enactment or rule of law, or
  - (b) relieves any such person from any penalty to which he or she may be liable for voting.<sup>96</sup>

## 25 Place and manner of voting

- (1) A person entitled to vote at an election —
  - (a) may do so in person at the polling station allotted under election regulations (unless he or she is an advance voter or a person appointed as the person's proxy has already voted on his or her behalf);
  - (b) may do so in advance if the conditions set out in section 26 are met;  
or
  - (c) may do so by proxy if he or she has applied under section 27 (unless he or she has already voted in person).<sup>97</sup>

## 26 Advance votes<sup>98</sup>

- (1) A person who is or will be entitled to vote at an election may apply to the returning officer of the appropriate constituency to vote in advance of the election in accordance with this section (whether in his or her own capacity or as a proxy on behalf of an elector who meets the requirements of section 27(1)).<sup>99</sup>
- (2) An application under subsection (1) shall be allowed if the returning officer —
  - (a) is satisfied that the applicant is or will be entitled to vote at the election; and
  - (b) has no reason to doubt the identity of the applicant.
- (3) The application shall include —
  - (a) an address in the British Islands to which a ballot paper is to be sent for the purpose of the election;<sup>100</sup>
  - (b) such other particulars as are prescribed; and
  - (c) such evidence of identity as is required.<sup>101</sup>
- (4) Regulations may make provision with respect to any matters incidental to this Act so far as it relates to advance voters.<sup>102 103</sup>

## 27 Proxy votes

[P1983/50/8]

- (1) An elector entitled to vote at an election who is unable to vote in person or as an advance voter may apply to the Electoral Registration Officer for the appointment of a person named in the application as a proxy to vote for the elector at that election.<sup>104</sup>
- (2) A person may not be appointed proxy to vote on behalf of an elector in any constituency if that person —
  - (a) has not attained the age of 16 years, or<sup>105</sup>



- (b) is subject to any incapacity to vote at an election.
- (3) A person may not be appointed proxy to vote on behalf of more than 2 electors in any constituency unless that person is the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of each of those electors.<sup>106</sup>
- (4) The Electoral Registration Officer may grant an application under subsection (1) only if satisfied, on information provided by the elector that —
- (a) the elector is entitled to make an application under that subsection; and
- (b) the person to be appointed as the proxy is willing to act in that capacity, and is not disqualified under this section.<sup>107</sup>
- (4A) The Electoral Registration Officer may request the elector to provide such further evidence as he or she considers necessary to determine the matter.<sup>108</sup>
- (5) Not more than one person may be appointed as proxy to vote for any elector at an election.
- (6) An appointment of a person as a proxy to vote for an elector at an election shall be revoked —
- (a) by notice by the elector to the registration officer;
- (b) on the appointment of another person as a proxy to vote for the elector.
- (7) Regulations may make provision with respect to any matters incidental to this Act so far as it relates to proxy votes.

## 28 Employers to grant facilities for voting

- (1) Reasonable facilities to vote shall be granted by employers to registered electors who would otherwise be unable to record their votes.
- (2) Any employer refusing to grant such facilities is guilty of an offence and liable on summary conviction to a fine not exceeding £200.

### *Supplemental provisions as to elections*

## 29 Effect of registers

The register of electors shall, for the purposes of this Part, be conclusive on the following questions —

- (a) whether or not a person registered in it was at the time of the making of the list resident at the address shown;
- (b) whether or not any address is in any constituency or any particular part of a constituency.

### 30 Public notices

Wherever public notice is required by this Act to be given, and no mode or place of publication is expressly provided for, publication —

- (a) must be effected —
  - (i) by insertion in a newspaper published and circulating within the Island; and
  - (ii) by display on an appropriate website in an appropriate manner;
- (b) may be effected by placard posted up in some public and conspicuous situation in the constituency to which the notice refers.<sup>109</sup>

### 31 Distribution of election manifestos

- (1) Every candidate may forward an electronic version of his or her manifesto to the Chief Secretary who must arrange for it to be displayed on an appropriate website within 3 working days and for the duration of the election campaign.
- (2) Every candidate is entitled to have his or her manifesto delivered by Isle of Man Post Office to each household containing one or more persons on the electoral register for the constituency in which the candidate is standing for election and the cost of such delivery subject to regulations must be paid out of money provided by Tynwald.
- (3) Regulations may make further provision regarding the distribution of manifestos.<sup>110</sup>

### 31A Election observers

- (1) An application may be made to the Governor for any representative of a named body to be an accredited observer at any of the following proceedings relating to an election —
  - (a) proceedings at the poll;
  - (b) proceedings at the counting of votes.
- (2) Before granting an application under subsection (1) the Governor must be satisfied that the body to which the representative belongs has a genuine interest in the outcome of the election.
- (3) An accredited observer must not be under the age of 16.
- (4) If the Governor grants the application, the accredited observer may attend the proceedings in question.
- (5) An application under subsection (1) must be made in the manner specified in the code of practice issued under section 31C.

- (6) The Governor may at any time revoke the grant of an application under subsection (1).
- (7) If the Governor, —
  - (a) refuses an application under subsection (1); or
  - (b) revokes the grant of any such application,the Governor must give the decision in writing and must at the same time give reasons in writing for the refusal or revocation.
- (8) This section is subject to any other provision of, or made under, this Act regulating attendance at the proceedings in question.<sup>111</sup>

### **31B Attendance and conduct of observers**

- (1) A relevant officer may limit the number of accredited observers who may be present at any proceedings at the same time.
- (2) If an accredited observer misconducts himself or herself while attending the proceedings, the relevant officer may cancel the person's entitlement.
- (3) Subsection (2) does not affect any power a relevant officer has by virtue of any enactment or rule of law to remove a person from any place.
- (4) In this section "relevant officer" means, —
  - (a) in the case of proceedings at a polling station, the presiding officer;
  - (b) in the case of any other proceedings at an election, the returning officer; and
  - (c) such other person as a person mentioned in paragraph (a) or (b) authorises for the purposes of the proceedings mentioned in that paragraph.<sup>112</sup>

### **31C Code of practice on attendance of observers at elections etc.**

- (1) The Governor must prepare a code of practice on the attendance of accredited observers at elections.
- (2) The code must in particular —
  - (a) specify the manner in which applications under section 31A are to be made;
  - (b) specify, subject to section 31A(2), the criteria to be taken into account by the Governor in determining such applications;
  - (c) give guidance to relevant officers as to the exercise of the power conferred by section 31B(1);
  - (d) give guidance to such officers as to the exercise of the power conferred by section 31B(2) as it relates to accredited observers;
  - (e) give guidance to such officers as to the exercise of any power under any enactment to control the number of persons present at any

- proceedings relating to an election as it relates to accredited observers; and
- (f) give guidance to accredited observers on the exercise of the rights conferred by sections 31A and 31B.
- (3) The code may make different provision for different purposes.
  - (4) The Governor must publish the code in such manner as the Governor may determine.
  - (5) A relevant officer must have regard to the code in exercising any function conferred by section 31B.
  - (6) The Governor may at any time revise the code and subsections (4) and (5) apply in relation to a revision of the code as they apply in relation to the code.
  - (7) In this section “relevant officer” has the same meaning as it has in section 31B.<sup>113</sup>

## PART 4 – OFFENCES ETC. IN CONNECTION WITH ELECTIONS

### *Corrupt and illegal practices*

#### **32 Corrupt and illegal practices**

- (1) Each of the following persons is guilty of a corrupt practice —
  - (a) a person who commits, or aids, abets, counsels or procures the commission of, personation;
  - (b) a person who is guilty of bribery;
  - (c) a person who is guilty of treating;
  - (d) a person who is guilty of undue influence.
- (2) Each of the following persons is guilty of an illegal practice —
  - (a) a person who knowingly makes a false statement concerning a candidate in a nomination paper,
  - (b) a candidate concerning whom, and with whose knowledge and consent, a false statement is made in a nomination paper;
  - (c) a candidate who contravenes section 37;
  - (d) a person who contravenes section 38(1);
  - (e) a person who contravenes section 43(1);
  - (ea) a person who commits an offence under any provision of section 44A or 44B which is triable on information;<sup>114</sup>

- (f) a person who, or any director of any body corporate which, before or during an election, for the purpose of affecting the return of any candidate at the election, makes or publishes any false statement of fact in relation to the personal character or conduct of the candidate, unless he or she shows that he or she had reasonable grounds for believing, and did believe, the statement to be true;<sup>115</sup>
  - (g) a person who before or during an election knowingly publishes a false statement of the withdrawal of a candidate at the election for the purpose of promoting or procuring the election of another candidate;
  - (h) a candidate who is personally guilty of an illegal payment or hiring;
  - (i) a candidate with whose knowledge and consent an illegal payment or hiring is committed.
- (3) The court before whom a person is convicted of an offence referred to in subsection (2)(d) or (e) may, if it thinks it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by virtue of section 67.
- (4) A candidate is not liable, nor shall his or her election be avoided, for an illegal practice under subsection (2)(e) or (g) committed by any agent of the candidate's.<sup>116</sup>
- (5) A candidate is not liable, nor shall the election be avoided, for any illegal practice under subsection (2)(f) committed by any agent of the candidate's, unless —
- (a) it is shown that the candidate authorised or consented to the committing of the illegal practice by the agent or paid for the circulation of the false statement in question; or
  - (b) a court hearing an election petition finds and reports that the election of the candidate was procured or materially assisted in consequence of the making or publishing of the false statement.<sup>117</sup>

### *Corrupt practices*

## **33 Personation**

- (1) A person commits personation at an election if he or she votes as some other person, whether that other person is living or dead or is a fictitious person.<sup>118</sup>
- (2) For the purposes of this section, a person shall be treated as having voted if he or she —
- (a) has applied for a ballot paper for the purpose of voting, or
  - (b) has marked, whether validly or not, and returned a ballot paper issued for the purpose of voting by an absent voter.<sup>119</sup>

### 34 Bribery

- (1) A person is guilty of bribery if he or she directly or indirectly, by himself or herself, or by any other person on his or her behalf —
- (a) gives any money or procures any office to or for any voter, or to or for any other person on behalf of any voter, or to or for any other person, in order to induce any voter to vote or refrain from voting; or
  - (b) corruptly does any such act on account of any voter having voted or refrained from voting; or
  - (c) makes any such gift or procurement to or for any person in order to induce that person to procure, or endeavour to procure, the return of any person at an election or the vote of any voter;
- or if upon or in consequence of any such gift or procurement he or she procures or engages, promises or endeavours to procure the return of any person at an election or the vote of any voter.<sup>120</sup>
- (2) For the purposes of subsection (1) —
- (a) references to giving money include references to giving, lending, agreeing to give or lend, offering, promising, or promising to procure or endeavour to procure any money or valuable consideration; and
  - (b) references to procuring any office include references to giving, procuring, agreeing to give or procure, offering, promising, or promising to procure or to endeavour to procure any office, place or employment.
- (3) A person is guilty of bribery if he or she —
- (a) advances or pays or causes to be paid any money to or to the use of any other person with the intent that that money or any part thereof shall be expended in bribery at any election, or
  - (b) knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election.<sup>121</sup>
- (4) Subsections (1) to (3) do not apply to any money paid or agreed to be paid for or on account of any legal expenses incurred in good faith at or concerning an election.
- (5) A voter is guilty of bribery if before or during an election he or she directly or indirectly, by himself or herself, or by any other person on his or her behalf, receives, agrees, or contracts for any money, gift, loan or valuable consideration, office, place or employment for himself or herself or for any other person for voting or agreeing to vote or for refraining or agreeing to refrain from voting.<sup>122</sup>

- (6) A person is guilty of bribery if after an election he or she directly or indirectly, by himself or herself, or by any other person on his or her behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting.<sup>123</sup>
- (7) In this section “voter” includes any person who has or claims to have a right to vote.

### 35 Treating

- (1) A person is guilty of treating if he or she corruptly, by himself or herself or by any other person, whether before, during or after an election, directly or indirectly gives or provides, or pays wholly or in part the expense of giving or providing any food, drink, entertainment or provision to or for any person —
- (a) for the purpose of corruptly influencing that person or any other person to vote or refrain from voting; or
  - (b) on account of that person or any other person having voted or refrained from voting, or being about to vote or refrain from voting.<sup>124</sup>
- (2) Every elector who corruptly accepts or takes any such food, drink, entertainment or provision is also guilty of treating.
- (3) Nothing in this section prevents the provision by a candidate of reasonable refreshment for workers, whether paid or not, engaged in an election on his or her behalf.<sup>125</sup>

### 36 Undue influence

- (1) A person is guilty of undue influence if the person —
- (a) directly or indirectly, by himself or herself or by any other person on his or her behalf, makes use of, or threatens to make use of any force, violence or restraint, or<sup>126</sup>
  - (b) inflicts or threatens to inflict, by himself or herself or by any other person, any temporal or spiritual injury, damage, harm or loss upon or against any person,<sup>127</sup>
- in order to induce or compel that person to vote or refrain from voting or on account of that person having voted or refrained from voting.<sup>128</sup>
- (2) A person is guilty of undue influence if, by abduction, duress or any fraudulent device or contrivance the person —
- (a) impedes or prevents the free exercise of the franchise of an elector, or<sup>129</sup>
  - (b) compels, induces or prevails upon an elector either to vote or to refrain from voting.<sup>130 131</sup>

*Illegal practices***37 Election publications**

- (1) A person shall not —
- (a) print or publish, or cause to be printed or published, any bill, placard or poster having reference to an election, or any printed document distributed for the purpose of promoting or procuring, or discouraging or preventing, the election of a candidate; or<sup>132</sup>
  - (b) post or cause to be posted any such bill, placard or poster; or
  - (c) distribute or cause to be distributed any printed document for the said purpose,
- unless the bill, placard, poster or document bears upon its face the name and address of the printer and publisher.
- (2) A person shall not post or cause to be posted any such bill, placard or poster —
- (a) within any polling station, or any building of which a polling station forms part; or
  - (b) within the curtilage of such a building; or
  - (c) on any building or within the curtilage of a building (other than domestic accommodation or building that is sublet to any person other than a Department or Statutory Board) that is owned or occupied by a Department or Statutory Board.<sup>133</sup>
- (3) Subsection (2) does not apply to a bill, placard or poster exhibited on a motor vehicle which is engaged in delivering a voter to or collecting a voter from the polling station.
- (4) Any person who acts in contravention of this section is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.<sup>134</sup>
- (5) Section 11 of the *Newspapers Act 1846* (books etc. to bear printer's name and address) shall not apply to any bill, placard or poster to which this section applies.
- (6) In this section —
- “distribute” includes distributing by electronic means;
- “print” includes any process for multiplying copies of a document, other than copying it by hand;
- “publish” includes publishing by electronic means.<sup>135</sup>



**38 Imitation poll cards**

- (1) No person shall, for the purpose of promoting or of procuring the election of any candidate at an election, issue any poll card or document so closely resembling an official poll card as to be calculated to deceive.
- (2) Where an act or omission of an association or body of persons, corporate or unincorporate, contravenes subsection (1), any person who at the time of the act or omission was a director, general manager, secretary or other similar officer of the association or body, or was purporting to act in any such capacity, shall be treated as having contravened that subsection unless he or she proves —
  - (a) that the contravention took place without his or her consent or connivance, and<sup>136</sup>
  - (b) that he or she exercised all such diligence to prevent the contravention as he or she ought to have exercised having regard to the nature of his or her functions in that capacity and to all the circumstances.<sup>137 138</sup>

**39 Corrupt withdrawal from candidature**

Any person who corruptly induces or procures any other person to withdraw from being a candidate at an election, in consideration of any payment or promise of payment, and any person withdrawing in pursuance of the inducement or procurement, is guilty of an illegal payment.

**40 Premises not to be used as committee rooms**

- (1) Any person who —
  - (a) hires or uses any room to which this section applies for a committee room for the purpose of promoting or procuring the election of a candidate, or
  - (b) lets any room to which this section applies, knowing that it was intended to use it as a committee room,is guilty of an illegal hiring.
- (2) This section applies to any room on premises —
  - (a) which are licensed for the sale of any liquor for consumption on or off the premises; or
  - (b) in respect of which any club, other than a permanent political club, is registered for the supply of liquor,being a room in which liquor is, or is commonly, supplied.
- (3) In this section “liquor” has the same meaning as in the *Licensing Act 1995*.

**41 [Repealed]<sup>139</sup>****42 Providing money for illegal purposes**

Where a person knowingly provides money —

- (a) for any payment which is contrary to the provisions of this Act, or
- (b) for replacing any money expended in any such payment,

then, except where the payment has been previously allowed in pursuance of section 65 to be an exception, that person is guilty of an illegal payment.

**43 Voting offences**

(1) No person shall —

- (a) vote at an election, in any capacity or by any means provided for by this Act, knowing that he or she is subject to a legal incapacity to vote; or<sup>140</sup>
- (b) apply for the person or another person to vote in advance of the election, knowing that he or she or that other person is subject to a legal incapacity to vote; or<sup>141</sup>
- (c) apply for the appointment of a proxy to vote for him or her at any election knowing that he or she or the person to be appointed is subject to a legal incapacity to vote at the election;<sup>142</sup>
- (d) vote more than once (otherwise than as a proxy) in the same constituency at any election; or
- (e) [Repealed]<sup>143</sup>
- (f) vote as proxy for some other person at an election, knowing that that person is subject to a legal incapacity to vote;
- (g) vote in person at an election, knowing that a person appointed to vote as his or her proxy at the election has already voted as his or her proxy at the election;<sup>144</sup>
- (h) vote more than once as proxy for the same elector at the election;
- (i) vote as proxy for an elector at the election, knowing that the elector has already voted in person at the election;
- (j) vote at the election as proxy for more than 2 persons of whom he or she is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild;<sup>145</sup>
- (k) knowingly induce or procure some other person to do an act which is, or but for that other person's want of knowledge would be, an offence by that other person under this section; or
- (l) knowingly make any false statement or representation for the purpose of obtaining an absent voter's ballot paper for himself or

herself or for some other person, or of securing the appointment of himself or herself or some other person as a proxy.<sup>146</sup>

- (2) For the purposes of this section a person shall be treated as having voted if he or she —
- (a) has applied for a ballot paper for the purpose of voting, or
  - (b) has marked, whether validly or not, and returned a ballot paper issued for the purpose of voting by an advance voter.<sup>147 148</sup>

### *Criminal offences*

#### **44 Offences of corrupt practices etc**

- (1) A person who is guilty of a corrupt practice is guilty of an offence and liable —
- (a) on conviction on information —
    - (i) in the case of personation or of aiding, abetting, counselling or procuring the commission of personation, to custody for a term not exceeding 2 years or to a fine, or to both;
    - (ii) in any other case, to custody for a term not exceeding one year or to a fine, or to both;
  - (b) on summary conviction (including conviction under section 65 by the High Court) to custody for a term not exceeding 6 months or to a fine not exceeding £5,000, or to both.
- (2) A person guilty of an illegal practice (other than an illegal payment or hiring) is guilty of an offence and liable on summary conviction (including conviction under section 65 by the High Court) to a fine not exceeding £5,000.
- (3) A person guilty of an illegal payment or hiring is guilty of an offence and liable on summary conviction to a fine not exceeding £500.

#### **44A Offences in connection with political parties**

- (1) A candidate or prospective candidate who accepts support or endorsement from a political party that is not registered under Part 1A (registration of political parties) is guilty of an offence and liable —
- (a) on conviction on information to a fine;
  - (b) on summary conviction to a fine not exceeding £5,000.
- (2) A person who, knowingly or recklessly, makes any application or delivers any notice to the Electoral Registration Officer under Part 1A that is false in a material particular, is guilty of an offence and liable on summary conviction to a fine not exceeding £5,000.<sup>149</sup>

**44B Offences in connection with funding**

- (1) If the treasurer of a political party fails, without reasonable excuse, to comply with section 10J(2) (treasurer to send anonymous donation to Chief Financial Officer) the treasurer is guilty of an offence and liable —
  - (a) on conviction on information to a fine;
  - (b) on summary conviction to a fine not exceeding £5,000.
- (2) A candidate or prospective candidate who fails, without reasonable excuse, to comply with section 20B(2) (candidate to send anonymous donation to Chief Financial Officer) is guilty of an offence and liable —
  - (a) on conviction on information to a fine;
  - (b) on summary conviction to a fine not exceeding £5,000.
- (3) A candidate whose election expenses exceed, without reasonable excuse, the maximum amount permitted by section 20C(1) (election expenses) is guilty of an offence and liable —
  - (a) on conviction on information to a fine;
  - (b) on summary conviction to a fine not exceeding £5,000.
- (4) A candidate who —
  - (a) fails, without reasonable excuse, to deliver a declaration, or further declaration, in accordance with section 20D (requirements in respect of declarations); or
  - (b) delivers a declaration, or a further declaration, under section 20D, knowing or believing it to be false in a material particular,is guilty of an offence and liable —
  - (i) on conviction on information to a fine;
  - (ii) on summary conviction to a fine not exceeding £5,000.
- (5) A person who fails, without reasonable excuse, to comply with —
  - (a) section 20E (candidate must within 15 days provide proof of expenses incurred on request); or
  - (b) section 20F (person to provide details to candidate as to expenses incurred),is guilty of an offence and liable on summary conviction to a fine not exceeding £5,000.<sup>150</sup>

**45 Breach of official duty**

- (1) If —
  - (a) any person to whom this section applies, or
  - (b) any person who is for the time being under a duty to discharge as deputy or otherwise any of the functions of a person to whom this section applies,

is without reasonable cause guilty of any act or omission in breach of his or her official duty, he or she is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.<sup>151</sup>

- (2) No action for damages or any penalty lies against a person to whom this section applies for breach of his or her official duty.<sup>152</sup>
- (3) This section applies to —
  - (a) a returning officer,
  - (b) a presiding officer,
  - (c) a clerk or assistant employed by a returning officer or presiding officer in connection with his or her official duties;<sup>153</sup>

and “official duty” shall for the purposes of this section be construed accordingly, but does not include duties imposed otherwise than by the law relating to elections.

#### 46 Offences in respect of nomination papers etc

- (1) Any person who —
  - (a) forges or fraudulently defaces or fraudulently destroys any nomination paper, or delivers to the returning officer any nomination paper knowing the same to be forged; or
  - (b) forges or counterfeits or fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper; or
  - (c) without due authority supplies any ballot paper to any person; or
  - (d) fraudulently puts into any ballot box any paper other than the ballot paper which he or she is authorised by law to put in; or<sup>154</sup>
  - (e) fraudulently takes out of the polling place any ballot paper; or
  - (f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purpose of the election,

is guilty of an offence.

- (2) A person guilty of an offence under subsection (1) is liable —
  - (a) if he or she is a returning officer or an officer or clerk in attendance at a polling station, on conviction on information to custody for a term not exceeding 2 years; and<sup>155</sup>
  - (b) in any other case, on summary conviction to custody for a term not exceeding 6 months.
- (3) In any information or complaint relating to an offence in relation to the nomination papers, ballot boxes, ballot papers and marking instruments at an election, the property in such papers, boxes and instruments, and in any counterfoils, may be stated to be in the returning officer at the election.

- (4) Every person who intentionally acts in contravention of the directions or orders for the guidance of voters in election regulations is guilty of an offence and liable on summary conviction to a fine not exceeding £200.<sup>156</sup>

#### 47 Requirement of secrecy

- (1) Every person to whom this subsection applies shall maintain and aid in maintaining the secrecy of voting and shall not, except for some purpose authorised by law, communicate to any person before the poll is closed any information as to —
- (a) the name of any elector or proxy for an elector who has or has not applied for a ballot paper or voted at a polling station;
  - (b) the number on the register of electors of any elector who, or whose proxy, has or has not applied for a ballot paper or voted at a polling station; or
  - (c) the official mark.
- (2) Subsection (1) applies to —
- (a) a returning officer;
  - (b) a presiding officer or clerk attending at a polling station;
  - (c) every candidate or agent so attending.
- (3) Every person attending at the counting of votes shall maintain and aid in maintaining the secrecy of the voting and shall not —
- (a) ascertain at the counting of the votes the number on the back of any ballot paper;
  - (b) communicate any information obtained at the counting of the votes as to the candidates for whom any vote is given in any particular ballot paper.
- (4) No person shall —
- (a) interfere with a voter when recording his or her vote;<sup>157</sup>
  - (b) otherwise obtain, or attempt to obtain, in a polling station information as to the candidate for whom a voter in that station is about to vote, or has voted;
  - (c) communicate at any time to any person any information obtained in a polling station as to the candidate for whom a voter in that station is about to vote or has voted, or as to the number on the back of the ballot paper given to a voter at that station;
  - (d) directly or indirectly induce a voter to display his or her ballot paper after he or she has marked it so as to make known to any person the name of the candidate for whom he or she has or has not voted.<sup>158</sup>

- (5) If any person acts in contravention of this section, he or she is guilty of an offence and liable on summary conviction to custody for a term not exceeding 6 months.<sup>159</sup>

#### **48 Refusal to obey lawful commands of returning officer**

Any person who intentionally refuses to obey or comply with any lawful order or direction given by a returning officer in the execution of his or her duty under this Act is guilty of an offence and liable on summary conviction to custody for a term not exceeding 3 months, or to a fine not exceeding £2,500, or to both, in addition to any other penalty to which he or she may be subject.<sup>160</sup>

#### **49 Defacing of notices**

If any person without lawful authority destroys, mutilates, defaces or removes any notice published by the Chief Secretary or a returning officer in connection with their respective duties under this Act, he or she is guilty of an offence and liable on summary conviction to a fine not exceeding £200.<sup>161</sup>

#### **50 Display of lists showing how persons will vote**

- (1) A candidate at an election shall not, either by himself or herself or by any agent employed by him or her or any person authorised by him or her to assist in the election, display in any public place any list of electors showing how or in what manner any such electors will, or it is assumed will, vote in the election.<sup>162</sup>
- (2) Any candidate exhibiting a list in contravention of this section is guilty of an offence and liable on summary conviction to a fine not exceeding £500.

#### **51 Issue etc of certain election documents**

- (1) No person shall, for the purpose of promoting or of procuring the election of any candidate or candidates at an election, publish, display or issue any document setting out the names of all or any of the candidate or candidates at such election.
- (2) Subsection (1) does not apply to a document containing only the names of the particular candidate or candidates whose election such person is seeking to promote or procure, and the manner in which the vote or votes may be recorded in favour of such particular candidate or candidates.
- (3) Any person who contravenes this section is guilty of an offence and liable on summary conviction to a fine not exceeding £500.

#### **52 Officials not to act for candidates**

If —

- (a) any returning officer at an election,

- (b) any officer or clerk appointed under election regulations, or<sup>163</sup>
- (c) any partner or clerk of a person mentioned in paragraph (a) or (b), acts as an agent of a candidate in the conduct or management of the election, he or she is guilty of an offence and liable on summary conviction to a fine not exceeding £2,500.<sup>164</sup>

### 53 Canvassing by police officers

- (1) If any constable by word, message, writing or in any other manner endeavours to persuade any person to give, or dissuade any person from giving, his or her vote at an election, he or she is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.<sup>165</sup>
- (2) Nothing in this section subjects a constable to any penalty for anything done in the discharge of his or her duty as such.<sup>166</sup>

#### *Supplemental*

### 54 Rights of creditors

Any provision of this Part prohibiting payments and contracts for payments, shall not affect the right of any creditor, who, when the contract was made or the expense was incurred, was ignorant of that contract or expense being in contravention of this Act.

### 55 Interpretation of Part 4

In this Part —

“**candidate**” [Repealed]<sup>167</sup>

“**payment**” includes any pecuniary or other reward;

“**pecuniary reward**” and, save in sections 34 and 35, “**money**” include any office, place or employment, and any valuable security or other equivalent for money, and any valuable consideration; and expressions referring to money shall be construed accordingly.

## PART 5 – LEGAL PROCEEDINGS

### *Questioning of an election*

### 56 Election petition

- (1) No election and no return to the Keys under this Act shall be questioned except by a petition presented in accordance with this Part (an “election petition”) complaining of —



- (a) an undue election,
  - (b) an undue return, or
  - (c) no return.
- (2) On an election petition complaining of no return the High Court may either —
- (a) make such order as it thinks expedient for compelling a return to be made, or
  - (b) allow the petition to be heard.
- (3) Schedule 3 shall have effect with respect to election petitions.

### **57 Report as to candidate guilty of corrupt or illegal practices**

- (1) For the purposes of sections 58 and 66 —
- (a) if it is reported that a corrupt practice (other than treating or undue influence) was committed with the knowledge and consent of a candidate, he or she shall be treated as having been reported personally guilty of that corrupt practice, and<sup>168</sup>
  - (b) if it is reported that an illegal practice was committed with the knowledge and consent of a candidate, he or she shall be treated as having been reported personally guilty of that illegal practice.<sup>169</sup>
- (2) If a candidate is reported guilty by his or her agents of treating, undue influence or any illegal practice, and the court further reports under paragraph 8 of Schedule 3 that the candidate has proved to the court —
- (a) that no corrupt or illegal practice was committed in the election by the candidate or with his or her knowledge or consent and the offences mentioned in the said report were committed without the sanction or connivance of the candidate; and<sup>170</sup>
  - (b) that the candidate and his or her agents took all reasonable means for preventing the commission of corrupt and illegal practices at the election; and<sup>171</sup>
  - (c) that the offences mentioned in the report were of a trivial, unimportant and limited character; and
  - (d) that in all other respects the election was free from any corrupt or illegal practice on the part of the candidate and of his or her agents,<sup>172</sup>

then the candidate shall not be treated for the purposes of sections 58 and 66 as having been reported guilty by his or her agents of the offences mentioned in the report.<sup>173</sup>

*Consequences of finding of corrupt or illegal practice*

**58 Avoidance of election if candidate reported guilty**

- (1) If a candidate who has been elected is reported by the High Court personally guilty or guilty by his or her agents of any corrupt or illegal practice his or her election shall be void.<sup>174</sup>
- (2) This section is subject to section 32(4) and (5) and section 57(2).

**59 Disciplinary action on report etc of corrupt practice**

[1980/1/1/189]

- (1) Where a justice of the peace is reported by the High Court to have been guilty of any corrupt practice in reference to an election, whether he or she has obtained a certificate of indemnity or not, the High Court shall report the case to the Governor with such evidence as may have been given of the corrupt practice.<sup>175</sup>
- (2) Where an advocate, or any person who belongs to any profession the admission to which is regulated by law, is reported by the High Court to have been guilty of any corrupt practice in reference to an election, whether he or she has obtained a certificate of indemnity or not, the Attorney General shall also cause that advocate or as the case may be, that person to be dealt with as if the corrupt practice were misconduct by him or her in his or her profession.<sup>176</sup>
- (3) If it appears to the High Court that a person holding a licence under the *Licensing Act 1995* has knowingly suffered any bribery or treating in reference to any election to take place upon the licensed premises —
  - (a) the High Court shall, after affording him or her such rights as are conferred on those about to be reported under paragraph 9(2) of Schedule 3, report the fact; and<sup>177</sup>
  - (b) whether that person has obtained a certificate of indemnity or not —
    - (i) the Attorney General shall bring the report before the Licensing Court, and
    - (ii) the report shall be taken into consideration by the Licensing Court in determining whether to renew the licence and may be a ground, if the Licensing Court thinks fit, for refusing the renewal.
- (4) If a person holding a licence under the *Licensing Act 1995* is convicted of bribery or treating committed on the licensed premises, the conviction shall be taken into consideration by the Licensing Court in determining whether to renew the licence and may be a ground, if the Licensing Court think fit, for refusing the renewal.

*Avoidance of elections etc.: further provisions***60 Avoidance of election for general corruption**

- (1) Where on an election petition it is shown that corrupt or illegal practices or illegal payments or hirings committed in reference to the election for the purpose of promoting or procuring the election of any person at it have so extensively prevailed that they may be reasonably supposed to have affected the result —
  - (a) the election of the person (if any), shall be void, and<sup>178</sup>
  - (b) the person shall be incapable of being elected to fill the vacancy or any of the vacancies for which the election was held.<sup>179</sup>
- (2) An election shall not be liable to be avoided otherwise than under this section by reason of general corruption, bribery, treating or intimidation.

**61 Avoidance of election for employing corrupt agent**

If at an election a candidate personally engages as a canvasser or agent for the conduct or management of the election any person whom the candidate knows or has reasonable grounds for supposing to be subject to an incapacity to vote at the election by reason of having been convicted or reported guilty of any corrupt practice or illegal practice, the candidate shall be incapable of being elected to fill the vacancy or any of the vacancies for which the election is held.<sup>180</sup>

**62 Votes to be struck off for corrupt or illegal practices**

- (1) Where, on an election petition claiming the seat for any person, a candidate is proved to have been guilty by himself or herself or by any person on the candidate's behalf, of bribery, treating or undue influence in respect of any person who voted at the election, there shall, on a scrutiny, be struck off from the number of votes appearing to have been given to the candidate one vote for every person who voted at the election and is proved to have been so bribed, treated or unduly influenced.<sup>181</sup>
- (2) If any person who is guilty of a corrupt or illegal practice or of an illegal payment or hiring at an election votes at the election, the person's vote shall be void.<sup>182</sup>
- (3) If any person, who is subject to an incapacity to vote at an election under any provision of this Act, votes at that election, the person's vote shall be void.<sup>183</sup>

**63 Relief for innocent act**

- (1) An application for relief under this section may be made to the High Court.
- (1A) For the sake of clarity, under this section, —

- (a) an application may be made by a person, and
  - (b) relief may be granted under it to a person,
- even if the person is not entitled to present an election petition.<sup>184</sup>
- (2) If it is shown to the High Court by such evidence as the court thinks sufficient —
- (a) that any act or omission of any person would, apart from this section, by reason of being in contravention of this Act be an illegal practice, payment or hiring; and
  - (b) that the act or omission arose from inadvertence or from accidental miscalculation or from such other reasonable cause of like nature, and in any case did not arise from any want of good faith; and
  - (c) that such notice of the application as the court thinks appropriate has been given in the constituency for which the election was held;
- and under the circumstances the court thinks it just that either that or any other person should not be subject to any of the consequences under this Act of the act or omission, the High Court may make an order allowing the act or omission to be an exception from the provisions of this Act making it an illegal practice, payment or hiring; and thereupon no person shall be subject to any of the consequences under this Act of the said act or omission.

*Prosecutions for corrupt practices etc.*

**64 Prosecution for corrupt practices etc**

- (1) A person shall not be prosecuted summarily for a corrupt practice where there may be occasion to exercise the powers conferred by section 67(1) and (2).
- (2) A person charged with personation shall not be convicted by a court of summary jurisdiction or, save under section 65, committed for trial, except on the evidence of not less than 2 credible witnesses.
- (3) On a prosecution for an illegal practice it shall be sufficient to allege that the person charged was guilty of an illegal practice.
- (4) On a prosecution for an illegal payment or an illegal hiring it shall be sufficient to allege that the person charged was guilty of an illegal payment or an illegal hiring, as the case may be.
- (5) Any person charged with a corrupt practice may, if the circumstances warrant such finding, be found guilty of an illegal practice (which offence shall for that purpose be an offence triable on information).
- (6) Any person charged with an illegal practice may be found guilty of that offence even though the act constituting the offence amounted to a corrupt practice.

- (7) Any person charged with an illegal payment or hiring may be found guilty of that offence even though the act constituting the offence amounted to a corrupt or illegal practice.

## 65 Prosecution of offences disclosed on election petition

- (1) The Attorney General shall obey any directions given by the High Court with respect to the prosecution of offenders, and if it appears to the Attorney General that any person who has not received a certificate of indemnity has been guilty of a corrupt or illegal practice, the Attorney General shall, without any such direction, prosecute that person for that offence before the High Court, or if the Attorney General thinks it expedient in the interests of justice, before any other competent court.<sup>185</sup>
- (2) Where a person prosecuted before the High Court appears before the court, the court shall proceed to try him or her summarily, unless —
- (a) the court thinks it expedient in the interests of justice that the person prosecuted should be tried before some other court; and<sup>186</sup>
  - (b) in the case of an allegation of a corrupt practice, the person prosecuted elects to be tried by a jury.<sup>187 188</sup>
- (3) The *Summary Jurisdiction Act 1989*, so far as applicable, shall apply to the prosecution of an offence summarily before the High Court, in like manner as if it were an offence punishable only on summary conviction; and accordingly —
- (a) the attendance of any person may be enforced,
  - (b) the case shall be heard and determined,
  - (c) any summary conviction by the High Court shall be carried into effect and enforced,
  - (d) the costs of the proceedings shall be paid, and
  - (e) the record of the proceedings shall be dealt with under that Act,
- in like manner as if the High Court were a court of summary jurisdiction, except that no appeal shall lie against a conviction by the High Court.
- (4) Where —
- (a) the person prosecuted does not appear before the High Court; or
  - (b) the High Court thinks it expedient in the interests of justice that the person prosecuted should be tried before some other court; or<sup>189</sup>
  - (c) the person prosecuted elects under subsection (2) to be tried by a jury,

and the High Court is of opinion that the evidence is sufficient to put that person on trial for the offence, the High Court shall order that person to be prosecuted for the offence either on information or before a court of

summary jurisdiction specified in the order, as the case may require, and thereupon shall proceed as directed by subsection (6), (7) or (8).<sup>190</sup>

- (5) Except where the accused has elected to be tried by a jury, a corrupt practice shall not for the purposes of subsections (6) to (9) be treated as an offence triable on information, if the High Court thinks that it should be prosecuted summarily.
- (6) If the accused is present before the High Court and the offence is an offence triable on information, the provisions of the *Summary Jurisdiction Act 1989* relating to charges before justices against persons for such offences, shall apply, so far as applicable, and the High Court shall commit the accused for trial.<sup>191</sup>
- (7) If the accused is present before the High Court and the offence is not an offence triable on information, the High Court shall —
  - (a) order the accused to be brought before the court of summary jurisdiction before whom the accused is to be prosecuted, or<sup>192</sup>
  - (b) remand the accused on bail to appear before that court.<sup>193</sup>
- (8) If the accused is not present before the High Court, the High Court shall as circumstances require issue —
  - (a) a summons for the accused's attendance before a court of summary jurisdiction, or<sup>194</sup>
  - (b) a warrant to apprehend the accused and bring the accused before such a court.<sup>195</sup>
- (9) The court of summary jurisdiction before whom the accused attends or is brought shall —
  - (a) if the offence is an offence triable on information, on proof only of the summons or warrant and the identity of the accused, commit the accused for trial; and<sup>196</sup>
  - (b) if the offence is not an offence triable on information, proceed to hear the case.<sup>197</sup>

### *Incapacities*

## **66 Incapacities on report or conviction of corrupt or illegal practice**

- (1) A candidate who is reported by the High Court guilty of a corrupt or illegal practice is incapable, from the date of the report, of being elected to and sitting in the Keys or of being a member of a local authority in the Island —
  - (a) if reported personally guilty of a corrupt practice, for 10 years;
  - (b) if reported guilty by his or her agents of a corrupt practice, for 7 years;<sup>198</sup>

- (c) if reported personally guilty of an illegal practice, for 7 years;
  - (d) if reported guilty by his or her agents of an illegal practice, during the term of the Keys for which the election was held;<sup>199</sup>
- and if at the date of the report he or she is a member of a local authority, then his or her seat shall be vacated as from that date.<sup>200</sup>
- (2) Any person reported by the High Court personally guilty of a corrupt practice is for 5 years from the date of the report incapable —
    - (a) (except in the case of a candidate) of being elected to and sitting in the Keys or of being a member of a local authority in the Island;<sup>201</sup>
    - (b) of being registered as an elector or voting at any election for the Keys or a local authority; or<sup>202</sup>
    - (c) of holding any public or judicial office,
 and if at the date of the report he or she is a member of the Keys or a local authority or holds such an office, then his or her seat or office shall be vacated as from that date.<sup>203</sup>
  - (3) Any person reported by the High Court personally guilty of an illegal practice is for 5 years from the date of the report incapable of being registered as an elector or voting at any election for the Keys or a local authority held for or within —
    - (a) the constituency in respect of which the offence was committed, or
    - (b) any constituency wholly or partly within the area of that constituency as constituted for the purposes of the election.<sup>204</sup>
  - (4) A person convicted of a corrupt practice is subject to the incapacities imposed by this section as if at the date of the conviction he or she had been reported personally guilty of that corrupt practice.<sup>205</sup>
  - (5) A person convicted of an illegal practice is subject to the incapacities imposed by this section as if at the date of the conviction he or she had been reported personally guilty of that illegal practice.<sup>206</sup>
  - (6) This section is subject to section 32(4) and (5), section 57(2) and section 67.

## 67 Mitigation and remission of incapacities

- (1) Where any person is subject to any incapacity by virtue of the report of the High Court, and he or she or some other person in respect of whose acts the incapacity was imposed is on a prosecution acquitted of any of the matters in respect of which the incapacity was imposed, the High Court may order that the incapacity shall thenceforth cease so far as it is imposed in respect of those matters.<sup>207</sup>
- (2) Where any person who is subject to any such incapacity is on a prosecution convicted of any such matters, no further incapacity shall be taken to be imposed by reason of the conviction, and the High Court shall have the

like power (if any) to mitigate or remit for the future the incapacity so far as it is imposed by section 66 in respect of the matters of which he or she is convicted, as if the incapacity had been imposed by reason of the conviction.<sup>208</sup>

- (3) The High Court exercising any of the powers conferred by subsections (1) and (2) shall make an order declaring how far, if at all, the incapacities imposed by virtue of the relevant report remain unaffected by the exercise of that power, and the order shall be conclusive for all purposes.
- (4) Where a person convicted of a corrupt or illegal practice is subsequently reported to have been guilty of it by the High Court, no further incapacity shall be imposed on him or her under section 66 by reason of the report.<sup>209</sup>
- (5) Where any person is subject to any incapacity by virtue of a conviction or of the report of the High Court, and any witness who gave evidence against that person upon the proceeding for the conviction or report is convicted of perjury in respect of that evidence, the incapacitated person may apply to the High Court, and the court, if satisfied that the conviction or report so far as respects that person was based upon perjury, may order that the incapacity shall thenceforth cease.

#### *General provisions as to prosecutions*

### **68 Time limit for prosecutions**

- (1) Proceedings against a person in respect of any offence to which this section applies shall not be commenced more than one year after the offence was committed.
- (2) For the purpose of this section —
  - (a) where the service or execution of a summons, warrant or other process is prevented by the absconding, concealment or other act of the alleged offender, the issue of the process shall be treated as the commencement of proceedings;
  - (b) in any other case the service of the summons, warrant or other process shall be treated as the commencement of the proceedings.
- (3) This section applies to —
  - (a) any corrupt or illegal practice;
  - (b) any illegal payment or hiring; and
  - (c) any offence under section 37, 38 or 52.

### **69 Offences by corporations**

Where —

- (a) any corrupt or illegal practice, or



(b) any illegal payment or hiring, or

(c) any offence under section 37,

is committed by any association or body of persons, corporate or unincorporate, the members of the association or body who have taken part in the commission of the offence shall be liable to any fine or punishment imposed for that offence by this Act.

## 70 Evidence by certificate of holding of elections

On any prosecution for a corrupt or illegal practice or for any illegal payment or hiring, the certificate of the returning officer at an election that the election mentioned in the certificate was duly held and that the person named in the certificate was a candidate at the election shall be sufficient evidence of the facts stated in it.

## 71 Functions of Attorney General

- (1) Where information is given to the Attorney General that any corrupt or illegal practice has occurred in reference to any election, the Attorney General shall make such inquiries and institute such prosecutions as the circumstances of the case appear to the Attorney General to require.<sup>210</sup>
- (2) The Attorney General shall, either personally or by a representative, attend the trial of every election petition.<sup>211</sup>
- (3) The court may order any party to the petition to pay all or part of the costs of the Attorney General in connection with the petition.

### *Supplemental*

## 72 Injunction restraining false statement

A person making or publishing any such false statement of fact as is mentioned in section 32(2)(f) may be restrained by injunction by the High Court from any repetition of that false statement, or of a false statement of similar character, in relation to the candidate, and for the purpose of granting an interim injunction, prima facie proof of the falsity of the statement shall be sufficient.

## 73 Rules of court

Section 25 of the *High Court Act 1991* (power to make rules of court) applies to proceedings in the High Court under this Act.

## 74 Service of notices

- (1) Any summons, notice or document required to be served on any person with reference to any proceeding respecting an election for the purpose of causing the person to appear before the High Court, or otherwise, or of

giving the person an opportunity of making a statement, or showing cause, or being heard by himself or herself before any court for any purpose of this Part, may be served —

- (a) by delivering it to that person, or by leaving it at, or sending it by post by a registered letter or the recorded delivery service to, the person's last known place of abode in the constituency; or<sup>212</sup>
  - (b) if the proceeding is before any court, in such other manner as the court may direct.<sup>213</sup>
- (2) In proving service by post under this section, it shall be sufficient to prove that the letter was prepaid, properly addressed, and sent by registered post or the recorded delivery service.

## 75 Interpretation of Part 5

In this Part —

“**candidate**” [Repealed]<sup>214</sup>

“**costs**” include charges and expenses;

“**judicial office**” includes the office of justice of the peace;

“**payment**” includes any pecuniary or other reward;

“**pecuniary reward**” and “**money**” include any office, place or employment, and any valuable security or, other equivalent for money, and any valuable consideration; and expressions referring to money shall be construed accordingly;

“**prescribed**” [Repealed]<sup>215</sup>

“**public office**” means any office under the Crown or under any Department, Statutory Board or local authority.

## PART 6 – MISCELLANEOUS AND SUPPLEMENTAL

### 76 [Repealed]<sup>216</sup>

#### *Supplemental*

### 77 Interpretation: general

(1) In this Act —

“**accredited observer**” means a person permitted to attend election proceedings as an observer in accordance with section 31A;<sup>217</sup>

“**advance voter**” means a person allowed to vote in advance under section 26;<sup>218</sup>

“**anonymous**” – see subsection (2);<sup>219</sup>

- “**the Board of Education**” [Repealed]<sup>220</sup>
- “**candidate**” – see subsection (6);<sup>221</sup>
- “**donation**” – see subsection (3);<sup>222</sup>
- “**election**” means an election of a member or members of the Keys;
- “**election expenses**” – see subsection (4);<sup>223</sup>
- “**election petition**” means a petition presented in pursuance of Schedule 3;
- “**election rules**” [Repealed]<sup>224</sup>
- “**elector**”, in relation to an election, means any person whose name is for the time being on the register to be used at that election;
- “**Electoral Registration Officer**” means the officer for the time being appointed under section 18(1) of the *Registration of Electors Act 2020*;<sup>225</sup>
- “**legal incapacity**” includes (in addition to any incapacity by virtue of any subsisting provision of the common law) any disqualification imposed by this Act or any other enactment;
- “**member**” means a member of the Keys;
- “**nominated charitable trust**” means the Manx Lottery Trust, an independent charitable trust established by a trust deed dated 21st May 2008;<sup>226</sup>
- “**political party**” means an organisation, howsoever called, one of whose fundamental purposes is to participate in the public affairs of the Island by supporting or otherwise endorsing a candidate at an election of the Keys;<sup>227</sup>
- “**prescribed**”, except in Schedule 3, means prescribed by regulations;<sup>228</sup>
- “**prospective candidate**” – see subsection (7);<sup>229</sup>
- “**registration officer**” [Repealed]<sup>230</sup>
- “**regulations**” means regulations made by the Governor in Council;
- “**returning officer**” means a returning officer appointed under section 13 and, where a deputy returning officer appointed under section 18 is acting for the returning officer in accordance with his authority, includes a deputy returning officer;
- “**support**” need not be financial support;<sup>231</sup>
- “**voter**” means a person voting at an election, and includes a person voting as an absent voter or as a proxy, and “vote” shall be construed accordingly;
- “**working day**” means any day other than Christmas Day, Good Friday, a Saturday, a Sunday or a day prescribed as a bank holiday under section 1 of the *Bank Holidays Act 1989*.<sup>232</sup>
- (2) For the purposes of this Act a donor or donation is “**anonymous**” if the recipient is unable, despite taking all reasonable steps –

- (a) in the case of a donation made by a person other than in the person's capacity as a trustee, to ascertain the identity of the donor making the donation;
  - (b) in the case of a donation made by a trustee, to ascertain the identity of the settlor or other contributor to the trust providing the asset from which the donation is derived.<sup>233</sup>
- (3) Whether something constitutes a donation for the purposes of this Act, and if so the timing and amount of the donation, is to be determined in accordance with Part 1 of Schedule 3A.<sup>234</sup>
- (4) Whether or not something constitutes an election expense for the purposes of this Act and, if so, the timing and amount of the expense is to be determined in accordance with Part 2 of Schedule 3A.<sup>235</sup>
- (5) Regulations may amend the definition of "nominated charitable trust".<sup>236</sup>
- (6) For the purposes of this Act a person becomes a candidate for an election on the day on which, in accordance with election regulations, a person is nominated for election to the Keys, and that nomination is accepted by a returning officer.<sup>237</sup>
- (7) For the purposes of this Act a person becomes a prospective candidate for the next election of the Keys when —
- (a) that person ("C") declares C's intention to be a candidate at that election; or
  - (b) another person, with C's consent, declares C's intention to be such a candidate.<sup>238</sup>
- (8) But if the declaration referred to in subsection (7) occurs more than 12 months before the day of the election, C becomes a prospective candidate on the day that is 12 months before election day.<sup>239</sup>

## 78 [Repealed]<sup>240</sup>

## 79 Local elections

For Schedule 1 to the *Local Elections Act 1986* there are substituted the provisions set out in Schedule 5.

## 80 Regulations

- (1) The Governor in Council may make regulations prescribing anything which by this Act (except Schedule 3) may be prescribed.<sup>241</sup>
- (1A) Regulations may amend this Act so as to vary any reference to any period of time mentioned in sections 20A to 20G.<sup>242</sup>
- (2) Regulations under this Act shall not have effect unless they are approved by Tynwald.

**81 Transitional provisions, amendments, repeals and revocations**

- (1) [Repealed]<sup>243</sup>
- (2) The enactments specified in Schedule 7 are amended in accordance with that Schedule.
- (3) The enactments specified in Schedule 8 are repealed or, as the case may be, revoked, to the extent specified in column 3 of that Schedule.
- (4) In applying any provision of this Act inserted by the *Representation of the People (Amendment) Act 2015*, in reckoning any period of time, disregard any time before the provision so inserted comes into operation.<sup>244</sup>

**82 Short title and commencement**

- (1) This Act may be cited as the *Representation of the People Act 1995*.
- (2) This Act shall come into operation on the 1st January 1996.



**SCHEDULE 1**<sup>245</sup>**SCHEDULE 2**<sup>246</sup>**SCHEDULE 3****PROCEDURE ON ELECTION PETITION**

## Section 56(3)

**1 Interpretation**

In this Schedule —

“**petition**” means an election petition;

“**prescribed**” means prescribed by rules of court;<sup>247</sup>

“**the court**” means the High Court.

**2 Presentation and service of petition**

(1) A petition may be presented by one or more of the following persons —

- (a) a person who voted as an elector at the election or who had a right so to vote;
- (b) a person claiming to have had a right to be elected or returned at the election; or
- (c) a person alleging himself or herself to have been a candidate at the election.<sup>248</sup>

(2) The respondent to a petition shall be —

- (a) if the petition complains of the conduct of a returning officer, the returning officer;
- (b) in any other case, the member whose election or return is complained of.

(3) The petition shall —

- (a) be addressed to the court;
- (b) be in the prescribed form;
- (c) state the prescribed matters;
- (d) be signed by the petitioner, or all the petitioners if more than one;
- (e) be filed at the General Registry; and
- (f) be served in the prescribed manner.

(4) The Chief Registrar shall cause a copy of the petition to be sent to the returning officer of the constituency to which the petition relates, who shall forthwith publish it in that constituency.

### **3 Time for presentation or amendment of petition**

(1) Subject to this paragraph, a petition shall be presented within 28 days after the return has been made to the Clerk of the Rolls of the member to whose election the petition relates.

(2) If the matter complained of in the petition is an alleged illegal payment, or any payment of money or other act made or done since the return has been made, by the member to whose election the petition relates or any agent of the member's or with the privity of the member, in pursuance or furtherance of the matter complained of, the petition may so far as respects such matter be filed within 28 days after the date of the payment or other act.<sup>249</sup>

(3) If the petition is one complaining of no return, it shall be filed within 56 days of the issue of the writ of election.

(4) For the purposes of this paragraph, an allegation that an election is avoided under section 61 shall be treated as an allegation of corrupt practices, notwithstanding that the offences alleged are, or include, offences other than corrupt practices.

### **4 Security for costs etc.**

(1) The petitioner shall in accordance with rules of court give security, in such amount (not exceeding the prescribed amount) as the Clerk of the Rolls directs, for all costs which may become payable by the petitioner in connection with the petition.<sup>250</sup>

(2) Within the prescribed time the petitioner shall serve on the respondent —

- (a) a notice of the presentation of the petition, and of the nature of the proposed security, and
- (b) a copy of the petition.

(3) The respondent may in accordance with rules of court object to any security given by the petitioner on the ground that —

- (a) any surety is insufficient or dead, or cannot be found or identified, or
- (b) a person named as surety has not duly acknowledged the recognisance;

and the objection shall be decided by the court.

(4) If no security is given as required by this paragraph, or any objection is allowed and not removed, no further proceedings shall be had on the petition.



## 5 Petition at issue

On the expiration of the time limited for objections, or, after objection made, on the objection being disallowed or removed, whichever last happens, the petition shall be at issue.

## 6 Trial of petition

(1) A petition shall be tried in open court without a jury, and notice of the time and place of trial shall be given in the prescribed manner, not less than 14 days before the day of trial.

(2) The trial of a petition shall be proceeded with notwithstanding the acceptance by the respondent of an office of profit under the Crown or under the Government of the Island, and notwithstanding the prorogation of the Keys.

(3) On the trial of a petition, unless the court otherwise directs, any charge of a corrupt or illegal practice may be gone into, and evidence in relation thereto received, before any proof has been given of agency on behalf of any candidate in respect of the corrupt or illegal practice.

(4) On the trial of a petition complaining of an undue election and claiming the seat or office for some person, the respondent may give evidence to prove that that person was not duly elected, in the same manner as if he or she had presented a petition against the election of that person.<sup>251</sup>

(5) If it appears during the hearing of a petition that there is an equality of votes between any candidates at the election, and that the addition of a vote would have entitled any of these candidates to be declared elected, then —

- (a) any decision under the provisions as to equality of votes in election regulations shall, in so far as it determines the question between those candidates, be effective also for the purposes of the petition; and<sup>252</sup>
- (b) in so far as that question is not determined by such a decision the court shall decide between them by lot and proceed as if the one on whom the lot then falls had received an additional vote.

## 7 Witnesses

(1) The Attorney General shall obey any direction given by the court with respect to the summoning and examination of any witness to give evidence at the trial.<sup>253</sup>

(2) The Attorney General shall, without any direction from the court, cause any person appearing to the Attorney General to be able to give material evidence as to the subject of the trial to attend the trial and shall with the leave of the court examine him or her as a witness.<sup>254</sup>

(3) A person called as a witness respecting an election before the court shall not be excused from answering any question relating to any offence at, or connected with, the

election, on the ground that the answer thereto may criminate or tend to criminate that person or the spouse or civil partner of that person, or on the ground of privilege; but —

- (a) a witness who answers truly all questions which he or she is required by the court to answer shall be entitled to receive a certificate of indemnity under the hand of the Deemster presiding at the court stating that the witness has so answered; and<sup>255</sup>
- (b) an answer by a person to a question put by, or before, the court shall not, except in the case of any criminal proceeding for perjury in respect of the evidence, be in any proceeding, civil or criminal, admissible in evidence against that person or the spouse or civil partner of that person.<sup>256</sup>

(4) The giving or refusal to give a certificate of indemnity to a witness by a court shall be final and conclusive.

(5) Where a person has received a certificate of indemnity in relation to an election, and any legal proceeding is at any time instituted against the person for any corrupt or illegal practice committed by the person previously to the date of the certificate at or in relation to the election, or any illegal payment or hiring or contravention of section 39 so committed, the court having cognizance of the case shall on production of the certificate stay the proceeding, and may in its discretion award to the said person such costs as he or she may have been put to in the proceeding.<sup>257</sup>

(6) Nothing in this paragraph shall relieve a person receiving a certificate of indemnity from any incapacity under this Act or from any proceedings to enforce that incapacity (other than a criminal prosecution).

(7) The reasonable expenses incurred by any person in appearing to give evidence at the trial of a petition, according to the scale allowed to witnesses on the trial of civil actions, may be allowed to him by a certificate of the court.

## 8 Conclusion of trial of petition

(1) At the conclusion of the trial of a petition the court shall determine whether the member whose petition, election or return is complained of, or any, and what, other person was duly returned or elected, or whether the election was void, and shall forthwith certify in writing the determination to the Speaker, and the determination so certified shall be final to all intents and purposes.

(2) Where any charge is made in the petition of any corrupt or illegal practice having been committed at the election, the court shall, in addition to giving a certificate, and at the same time, make a report to the Speaker as required by paragraph 9 and also stating whether corrupt or illegal practices have, or whether there is reason to believe that corrupt or illegal practices have, extensively prevailed at the election.

(3) The court may at the same time make a special report to the Speaker as to matters arising in the course of the trial an account of which in the judgment of the court ought to be submitted to the Keys.

(4) The Keys on being informed of a certificate and any report of the court, shall order the certificate and report (if any) to be entered in their proceedings or minutes and shall give the necessary direction for confirming or altering the return, or for reporting to the Governor the vacancy in pursuance of section 5 with a view to issuing a writ for a new election, or for carrying the determination into execution as the circumstances may require; and where the court makes a special report, the Keys may make such order in respect of that report as they think proper.

## **9 Further provisions as to report under paragraph 8**

(1) The report of the court under paragraph 8 shall state —

- (a) whether any corrupt or illegal practice has or has not been proved to have been committed by or with the knowledge and consent of any candidate at the election, and the nature of the corrupt or illegal practice;
- (b) whether any of the candidates has been guilty by his or her agents of any corrupt or illegal practice in reference to the election;<sup>258</sup>
- (c) the names of all persons (if any) who have been proved at trial to have been guilty of any corrupt or illegal practice and whether they have been furnished with certificates of indemnity.

(2) Before any report is made against a person who is neither a party to the petition nor a candidate on behalf of whom the seat is claimed by the petition, the court shall first —

- (a) cause notice to be given to the person, and<sup>259</sup>
- (b) if the person appears in pursuance of the notice, give the person an opportunity of being heard in person and of calling evidence in his or her defence to show why he or she should not be so reported.<sup>260</sup>

(3) The report shall be laid before the Attorney General with a view to the Attorney General's instituting or directing a prosecution against such persons as have not received certificates of indemnity, if the evidence should, in the Attorney General's opinion, be sufficient to support a prosecution.<sup>261</sup>

(4) This paragraph is subject to section 32(4) and (5).

## **10 Withdrawal of petition**

(1) A petitioner shall not withdraw a petition without the leave of the court on special application, made in the prescribed manner.

(2) The application shall not be made until the prescribed notice of the intention to make it has been given in the constituency to which the petition relates.

(3) Where there are more petitioners than one, the application shall not be made except with the consent of all the petitioners.

(4) If a petition is withdrawn the petitioner shall be liable to pay the costs of the respondent.

## 11 Evidence required for withdrawal of petition

- (1) Before leave for the withdrawal of a petition is granted, there shall be produced affidavits by all the parties to the petition and their advocates, but the court may on cause shown dispense with the affidavit of any particular person if it seems to the court on special grounds to be just so to do.
- (2) Each affidavit shall state that, to the best of the deponent's knowledge and belief, no agreement or terms of any kind whatsoever has or have been made, and no undertaking has been entered into, in relation to the withdrawal of the petition; but if any lawful agreement has been made with respect to the withdrawal of the petition, the affidavit shall set forth that agreement, and shall make the foregoing statement subject to what appears from the affidavit.
- (3) The affidavits of the applicant and the applicant's advocate shall further state the ground on which the petition is sought to be withdrawn.<sup>262</sup>
- (4) Copies of the said affidavits shall be delivered to the Attorney General a reasonable time before the application for the withdrawal is heard, and the court may hear the Attorney General or the Attorney General's assistant, or other representative, in opposition to the allowance of the withdrawal of the petition, and may receive the evidence on oath of any person or persons whose evidence the Attorney General or the Attorney General's assistant or other representative may consider material.<sup>263</sup>
- (5) Where more than one advocate is concerned for the petitioner or respondent, whether as agent for another advocate or otherwise, the affidavit shall be made by all such advocates.

## 12 Corrupt withdrawal

If any person makes any agreement or enters into any undertaking in relation to the withdrawal of a petition, and the agreement or undertaking is for the withdrawal of the petition in consideration —

- (a) of any payment, or
- (b) that the seat or office shall at any time be vacated, or
- (c) of the withdrawal of any other petition,

or is (whether lawful or unlawful) not mentioned in the said affidavits, he shall be guilty of an offence and liable on conviction on information to imprisonment for a term not exceeding 12 months or to a fine, or to both.

## 13 Substitution of new petitioner

- (1) On the hearing of the application for leave to withdraw, any person who might have been a petitioner in respect of the election may apply to the court to be substituted as a petitioner, and the court may, if it thinks fit, substitute the person accordingly.<sup>264</sup>
- (2) If the proposed withdrawal is in the opinion of the court the result of any agreement or undertaking prohibited by section 39 or induced by any corrupt bargain

or consideration, the court may by order direct that the security given on behalf of the original petitioner shall remain as security for any costs that may be incurred by the substituted petitioner, and that, to the extent of the sum named in the security, the original petitioner and his or her sureties shall be liable to pay the costs of the substituted petitioner.<sup>265</sup>

(3) If the court does not so direct, then security to the same amount as would be required in the case of a new petitioner and subject to the like conditions shall be given on behalf of the substituted petitioner before he or she proceeds with his or her petition and within the prescribed time after the order of substitution.<sup>266</sup>

(4) Subject as aforesaid, a substituted petitioner shall as nearly as may be stand in the same position and be subject to the same liabilities as the original petitioner.

#### **14 Report on withdrawal**

If a petition is withdrawn, the court shall make a report to the Speaker stating whether in the opinion of the court the withdrawal of the petition was —

- (a) the result of any agreement or undertaking, or
- (b) in consideration of any matter specified in paragraph 12 or for any other consideration,

and, if so, shall state the circumstances attending the withdrawal.

#### **15 Withdrawal after double return**

(1) Where —

- (a) a petition complains of a double return to a writ for an election; and
- (b) the respondent has given notice to the court that he or she does not intend to oppose the petition; and<sup>267</sup>
- (c) no party has been admitted under the following provisions to defend the petition; and
- (d) there is no petition complaining of the other member returned on the double return,

the petitioner may withdraw by notice addressed to the court, who upon receipt of the notice shall report the fact of the withdrawal to the Speaker.

(2) The Keys shall thereupon give the necessary directions for amending the double return by striking out the certificate by which the respondent declining to oppose the petition was returned, or otherwise as the case may require.

#### **16 Abatement of petition**

(1) A petition shall be abated by the death of a sole petitioner or of the survivor of several petitioners.

- (2) The abatement shall not affect the liability of the petitioner or any other person to the payment of costs previously incurred.
- (3) On the abatement the prescribed notice thereof shall be given in the constituency to which the petition relates; and within the prescribed time after the notice is given, any person who might have been a petitioner in respect of the election may apply to the court in the prescribed manner and at the prescribed time to be substituted as a petitioner; and the court may, if it thinks fit, substitute him or her accordingly.<sup>268</sup>
- (4) Security shall be given on behalf of a petitioner so substituted, as in the case of a new petition.

### **17 Withdrawal and substitution of respondents before trial**

- (1) If before the trial of a petition the Keys resolve that the seat of a respondent is vacant or that respondent (not being a returning officer) —
- (a) dies;
  - (b) becomes a member of the Council; or
  - (c) gives the prescribed notice that he or she does not intend to oppose the petition,

the prescribed notice of those events must be given in the constituency to which the petition relates.<sup>269</sup>

(1A) Within the prescribed time after the notice is given any person who might be a petitioner in respect of the election may apply to the court to be admitted as a respondent to oppose the petition, and must so admitted save that no more than 3 persons may be admitted in total.<sup>270</sup>

- (2) A respondent who has given the prescribed notice that he or she does not intend to oppose the petition shall not be allowed to appear or act as a party against the petition in any proceedings thereon, and he or she shall not sit or vote in the Keys until the Keys have been informed of the report on the petition.<sup>271</sup>
- (3) Where a respondent to a petition has given the prescribed notice in the prescribed time and manner, the court shall report that fact to the Speaker.

### **18 Costs of petition**

- (1) All costs of and incidental to the presentation of a petition and the proceedings consequent thereon, except as otherwise provided for, shall be defrayed by the parties to the petition in such manner and in such proportions as the court may determine; and in particular any costs which in the opinion of the court have been caused by vexatious conduct, unfounded allegations or unfounded objections on the part either of the petitioner or of the respondent, and any needless expense incurred or caused on the part of the petitioner or respondent, may be ordered to be defrayed by the parties by whom it has been incurred or caused, whether or not they are on the whole successful.
- (2) If a petitioner neglects or refuses for 3 months after demand to pay to any person summoned as a witness on his or her behalf or to the respondent any sum certified to be

due to him or her for his or her costs, and the neglect or refusal is within one year after the demand proved to the satisfaction of the court, every person who under this Act entered into a recognisance relating to the petition shall be held to have made default in the recognisance, and the court shall thereupon certify the recognisances to be forfeited and grant execution against every such person in favour of the witness or respondent, as the case may be, in respect of the sum due to him or her.<sup>272</sup>

## 19 Further provisions as to costs

- (1) Where upon the trial of a petition it appears to the court —
- (a) that a corrupt practice has not been proved to have been committed in reference to the election by or with the knowledge and consent of the respondent to the petition, and
  - (b) that the respondent took all reasonable means to prevent corrupt practices being committed on his or her behalf,<sup>273</sup>

the court may make one or more orders with respect to the payment either of the whole or such part of the costs of the petition as the court may think right as provided by subparagraph (2).

(2) If it appears to the court that any person or persons is or are proved, whether by providing money or otherwise, to have been extensively engaged in corrupt practices, or to have encouraged or promoted extensive corrupt practices in reference to the election, the court may, after giving that person, or those persons, an opportunity of being heard by an advocate and examining and cross-examining witnesses to show cause why the order should not be made, order the whole or part of the costs to be paid by that person or those persons or any of them; and may order that if the costs cannot be recovered from one or more of those persons, they shall be paid by some other of those persons or by either of the parties to the petition.

(3) Where any person appears to the court to have been guilty of a corrupt or illegal practice, the court may, after giving that person an opportunity of making a statement to show why the order should not be made, order the whole or any part of the costs of, or incidental to, any proceeding before the court in relation to the said person to such person or persons as the court may direct.

## 20 Appeals and jurisdiction

(1) No appeal shall lie without the special leave of the court from the decision of the court on any question of law, whether on appeal or otherwise, under the foregoing provisions of this Schedule, and if leave to appeal is granted the decision of the court on the appeal shall be final and conclusive.

(2) Subject to the provisions of this Act and of rules of court, the court shall, so far as may be, observe the principles, practices and rules on which select committees of the Keys used to act in dealing with election petitions.

(3) The court shall, subject to the provisions of this Act, have the same powers, jurisdiction and authority with respect to a petition and the proceedings thereon as if the petition were an ordinary action within its jurisdiction.

## SCHEDULE 3A<sup>274</sup>

[Section 77]

### DONATIONS AND ELECTION EXPENSES

#### PART 1 — MEANING OF “DONATION”

##### 1 Money

- (1) A gift of money is a donation if —
  - (a) it is made at any time during the relevant period to a candidate or prospective candidate and the giver signifies, either expressly or by implication, that the money is intended for use to pay the candidate’s election expenses; or
  - (b) it is made after the candidate’s nomination is accepted by the returning officer but before the poll, and the giver does not signify the intended use of the money.
- (2) A loan of money is a donation if —
  - (a) the loan is made either at no cost to the candidate or prospective candidate or on terms by which the cost to the candidate or prospective candidate is below the commercial rate for the loan; and
  - (b) the loan is made —
    - (i) at any time during the relevant period, to the candidate or prospective candidate and the lender signifies, either expressly or by implication, that the loan is intended for use to pay the election expenses of the candidate or prospective candidate; or
    - (ii) after the candidate’s nomination is accepted by the returning officer but before the poll, and the lender does not signify the intended use of the loan.
- (3) A gift or loan of money is made at the time when the money is given to the candidate or prospective candidate or, if earlier, the time when the giver or lender informs the candidate or prospective candidate of his or her intention to make the gift or loan.



## 2 Goods and services

- (1) A gift or loan of goods, the supply of goods for use or the supply of services is a donation if —
  - (a) the gift or loan is made free of charge or at a discount to the open market value of or rate for the goods or services; and
  - (b) the gift or loan is made —
    - (i) during the relevant period, to the candidate or prospective candidate and the giver or lender signifies, either expressly or by implication, that the goods or services are intended for use by the candidate or prospective candidate, for the purposes described in paragraph 6(1)(b); or
    - (ii) after the candidate's nomination is accepted by the returning officer but before the poll, and the giver or lender does not signify the intended use of the goods or services.
- (2) A gift, loan of goods or supply of goods or services, is made at the time when the goods or services are supplied.

## 3 Value attributable to donation of loans, goods or services

- (1) The value of a donation that is a loan of money is the amount equal to the difference between the cost, to the candidate or prospective candidate, of the loan if it had been made on commercial terms and the actual cost to the candidate or prospective candidate.
- (2) The value of a donation of goods is the amount equal to the difference between the open market value of the goods and actual cost to the candidate or prospective candidate.
- (3) The value of a donation of the use of goods is the amount equal to the difference between the open market rate for the provision of the goods and the actual cost to the candidate or prospective candidate.
- (4) The value of a donation of the supply of services is the amount equal to the difference between the open market rate for their supply and the actual cost to the candidate or prospective candidate.

## 4 Exception for services of an individual provided without charge

- (1) The provision by an individual of his or her own services which he or she provides voluntarily, in his or her own time and without charge, is not a donation.
- (2) The exception in sub-paragraph (1) does not extend to any goods used by or supplied by the individual in the course of the provision of the individual's own services.
- (3) However, the provision without charge of a motor vehicle by an individual which the individual drives for the purposes of conveying

voters to or from a polling station on polling day does not constitute a donation.

## 5 Exception for newspapers and broadcasts

- (1) A person does not make a donation by publishing any matter relating to an election —
  - (a) in a newspaper or periodical (including a web-based edition of the newspaper or periodical);
  - (b) in a programme broadcast by a television or radio service provider (including such a programme as it may be accessed on, or downloaded from, a website); or
  - (c) on a website as part of the news service of a television or radio service provider or news agency.
- (2) Despite sub-paragraph (1), a person does make a donation if the person provides an advertisement, or pays for the inclusion of an advertisement, in a newspaper or a periodical.
- (3) In this paragraph —
  - (a) references to a newspaper or a periodical include references to a web-based edition of that newspaper or periodical; and
  - (b) references to a programme broadcast by a television or radio service include references to such a programme being made available for viewing or listening on, or downloading from, a website.

## PART 2 — MEANING OF “ELECTION EXPENSES”

### 6 Election expenses of a candidate

- (1) Expenses are a candidate’s election expenses if they are incurred, or are treated as being incurred at any time during the relevant period —
  - (a) by the candidate or prospective candidate or with that person’s express or implied consent; and
  - (b) for the supply or use of goods or the provision of services used —
    - (i) to promote or procure the election of the candidate or the prospective candidate at the election; or
    - (ii) to prejudice the electoral prospects of another candidate or prospective candidate in the same election.
- (2) If a candidate or prospective candidate is endorsed by any other person, the candidate or prospective candidate is taken, for the purposes of sub-paragraph (1)(a), to have consented to the person’s incurring expenses on his or her behalf.

## 7 Direct or notional expenses

- (1) The election expenses of a candidate or prospective candidate may be direct expenses or notional expenses.
- (2) A direct expense is the amount of any liability incurred for the supply or use of goods or the provision of services used as described in paragraph 6(1)(b).
- (3) A notional expense is incurred when goods or services supplied either free of charge or at a discount are used as described in paragraph 6(1)(b).
- (4) A notional expense is also a donation and, accordingly determine its value and timing in accordance with paragraph 3.
- (5) This paragraph is subject to paragraph 8.

## 8 Sums to be disregarded in computing expenses

In computing expenses for the purposes of this Schedule disregard —

- (a) any expense that, by virtue of paragraph 4 or 5, is not a donation;
- (b) any expense incurred by a person in discharging a legal obligation (such as that of the Treasury under section 31(1) in respect of posting election addresses);
- (c) any expense incurred in connection with the proper performance of a person's duties as a member of the Keys or the holder of any other elected office; and
- (d) any expense of a description specified in an order made by the Council of Ministers.

## 9 Shared expenses

If election expenses are incurred by, or with the express or implied consent of, 2 or more candidates or prospective candidates, it shall be presumed, unless the contrary is proved by them, that the expenses relate to goods and services which are of equal benefit to them and, accordingly, that those expenses are to be apportioned equally between them.

## 10 Meaning of “relevant period”

In this Schedule “the relevant period” has the same meaning as it has in section 20G.

**SCHEDULE 4<sup>275</sup>**

**SCHEDULE 5**

**SUBSTITUTED SCHEDULE 1 TO THE LOCAL ELECTIONS ACT  
1986**

Section 79<sup>276</sup>

## **SCHEDULE 6<sup>277</sup>**

### **SCHEDULE 7**

#### **AMENDMENT OF ENACTMENTS**

Section 81(2)

[Sch 7 amended by Education Act 2001 Sch 11 and by Registration of Electors Act 2006 Sch 3, and amends the following Acts —

Isle of Man Constitution Amendment Act 1919 q.v.

Local Elections Act 1986 q.v.

Legal Aid Act 1986 q.v.]

### **SCHEDULE 8**

#### **REPEALS AND REVOCATIONS**

Section 81(3)

#### **PART 1 – ENACTMENTS REPEALED**

Part 1 repeals the following Acts wholly —

Representation of the *People Act 1951*

Representation of the *People Act 1956*

Representation of the *People Act 1966*

Representation of the People (Members of Tynwald and Local Authorities)  
Act 1971

Representation of the *People (Amendment) Act 1976*

Representation of the People (Preferential Voting) Act 1982

Representation of the *People Act 1985*

Representation of the *People Act 1990*

and the following Acts in part —

Bankruptcy Code 1892

Isle of Man Constitution Amendment Act 1919

Castletown Town Act 1966

Ramsey Town Act 1970

Civil Evidence Act 1973

Statute Law Revision (Miscellaneous Provisions) Act 1979

Governor's General Functions (Transfer) Act 1980  
Constitution (Amendment) Act 1981  
Statute Law Revision Act 1983  
Registration of Electors Act 1984  
Douglas Extension of Boundaries Act 1985  
Treasury Act 1985  
Fines Act 1986  
Local Elections Act 1986  
Education Act 1986  
Payment of Members' Expenses Act 1989  
Ramsey (Boundary Extension) Act 1993  
Broadcasting Act 1993.]

## **PART 2 – ORDERS REVOKED**

Part 2 repeals the following Orders wholly –

Election Rules Amendment Order 1966 (GC31/66)  
Election Rules (Amendment) Order 1983 (GC231/83)  
Election Rules (Amendment) (No.2) Order 1983 (GC13/84)  
Election Rules (Amendment) Order 1986 (GC176/86)  
Election Rules (Amendment) (No.3) Order 1986 (GC251/86)

and the following Orders in part –

Transfer of Functions (Treasury) Order 1986 (GC69/86)  
Department of Local Government and the Environment Order 1986  
(GC192/86).]



## ENDNOTES

### Table of Legislation History

| Legislation | Year and No | Commencement |
|-------------|-------------|--------------|
|             |             |              |
|             |             |              |
|             |             |              |
|             |             |              |

### Table of Renumbered Provisions

| Original | Current |
|----------|---------|
|          |         |
|          |         |
|          |         |
|          |         |

### Table of Endnote References

- 
- <sup>1</sup> S 1 substituted by Representation of the People (Amendment) Act 2015 s 5.
- <sup>2</sup> S 2 substituted by Representation of the People (Amendment) Act 2015 s 5.
- <sup>3</sup> Para (a) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>4</sup> Subs (1) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>5</sup> Para (b) amended by Registration of Electors Act 2006 Sch 3.
- <sup>6</sup> S 5 amended by Representation of the People (Amendment) Act 2004 s 1 and by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>7</sup> Para (a) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>8</sup> Para (b) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>9</sup> Subs (1) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>10</sup> Para (a) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>11</sup> Subs (2) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>12</sup> Subs (3) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>13</sup> Subs (4) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>14</sup> Para (b) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>15</sup> Subs (6) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>16</sup> Para (b) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>17</sup> Subs (8) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>18</sup> Subs (9) added by Representation of the People (Amendment) Act 2004 s 2 and amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>19</sup> Subs (10) added by Representation of the People (Amendment) Act 2004 s 2 and amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>20</sup> S 7 amended by Representation of the People (Amendment) Act 2015 Sch 1.

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- <sup>21</sup> S 8 amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>22</sup> Subs (1A) inserted by Presiding Officers Act 2008 s 1.
- <sup>23</sup> Subs (1B) inserted by Presiding Officers Act 2008 s 1.
- <sup>24</sup> Para (b) amended by Representation of the People (Amendment) Act 2004 s 3 and by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>25</sup> Para (c) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>26</sup> S 9A inserted by Presiding Officers Act 2008 s 2.
- <sup>27</sup> Subs (7) substituted by Interpretation Act 2015 s 107.
- <sup>28</sup> S 9B inserted by Presiding Officers Act 2008 s 3.
- <sup>29</sup> Part 1A inserted by Representation of the People (Amendment) Act 2015 s 6.
- <sup>30</sup> S 10A inserted by Representation of the People (Amendment) Act 2015 s 6.
- <sup>31</sup> Subs (5) not in operation – see SD2015/0303.
- <sup>32</sup> S 10B inserted by Representation of the People (Amendment) Act 2015 s 6.
- <sup>33</sup> S 10C inserted by Representation of the People (Amendment) Act 2015 s 6.
- <sup>34</sup> Subs (3) amended by Central Registry Act 2018 Sch.
- <sup>35</sup> Subs (5) amended by Registration of Electors Act 2020 s 27.
- <sup>36</sup> S 10D inserted by Representation of the People (Amendment) Act 2015 s 6.
- <sup>37</sup> Para (a) transitionally modified by SD2015/0303.
- <sup>38</sup> S 10E inserted by Representation of the People (Amendment) Act 2015 s 6.
- <sup>39</sup> S 10F inserted by Representation of the People (Amendment) Act 2015 s 6.
- <sup>40</sup> S 10G inserted by Representation of the People (Amendment) Act 2015 s 6.
- <sup>41</sup> Subs (4) transitionally modified by SD2015/0303.
- <sup>42</sup> Subs (5) transitionally modified by SD2015/0303
- <sup>43</sup> S 10H inserted by Representation of the People (Amendment) Act 2015 s 6.
- <sup>44</sup> S 10I inserted by Representation of the People (Amendment) Act 2015 s 6 and amended by Charities Registration and Regulation Act 2019 s 66.
- <sup>45</sup> S 10J inserted by Representation of the People (Amendment) Act 2015 s 6.
- <sup>46</sup> Subpara (i) transitionally modified by SD2015/0303.
- <sup>47</sup> S 10K inserted by Representation of the People (Amendment) Act 2015 s 6.
- <sup>48</sup> Subs (1) amended by Central Registry Act 2018 Sch.
- <sup>49</sup> Subs (2) amended by Central Registry Act 2018 Sch.
- <sup>50</sup> S 10L inserted by Representation of the People (Amendment) Act 2015 s 6.
- <sup>51</sup> S 10M inserted by Representation of the People (Amendment) Act 2015 s 6.
- <sup>52</sup> Definition of “Electoral Registration Officer” amended by Registration of Electors Act 2020 s 27.
- <sup>53</sup> S 10N inserted by Representation of the People (Amendment) Act 2015 s 6.
- <sup>54</sup> Division 1 heading inserted by Representation of the People (Amendment) Act 2015 s 7.
- <sup>55</sup> S 11 substituted by Representation of the People (Amendment) Act 2014 s 3.  
[Applies to the general election of the Keys in 2016 and every election thereafter by s 2 of the 2014 Act.]
- <sup>56</sup> Division 2 heading inserted by Representation of the People (Amendment) Act 2015 s 7.



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- <sup>57</sup> Item substituted by Representation of the People (Amendment) Act 2016 s 4.
- <sup>58</sup> Subs (2) amended by Central Registry Act 2018 Sch.
- <sup>59</sup> Subs (3) amended by Central Registry Act 2018 Sch.
- <sup>60</sup> S 11A inserted by Representation of the People (Amendment) Act 2014 s 3. [Applies to the general election of the Keys in 2016 and every election thereafter by s 2 of the 2014 Act.]
- <sup>61</sup> S 12 substituted by Representation of the People (Amendment) Act 2015 s 8.
- <sup>62</sup> Division 3 heading inserted by Representation of the People (Amendment) Act 2015 s 7.
- <sup>63</sup> Subs (1) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>64</sup> Subs (3) amended by Representation of the People (Amendment) Act 2015 s 13.
- <sup>65</sup> Subs (5) substituted by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>66</sup> Para (e) amended by Central Registry Act 2018 Sch.
- <sup>67</sup> Subs (2) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>68</sup> Para (a) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>69</sup> Para (b) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>70</sup> Subs (1) amended by Representation of the People (Amendment) Act 2015 s 9.
- <sup>71</sup> Subs (2) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>72</sup> Para (a) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>73</sup> Para (c) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>74</sup> Para (d) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>75</sup> Subs (1) substituted by Representation of the People (Amendment) Act 2015 s 10.
- <sup>76</sup> Subs (1A) inserted by Representation of the People (Amendment) Act 2015 s 10.
- <sup>77</sup> Subs (3) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>78</sup> Subs (2) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>79</sup> S 20 heading amended by Representation of the People (Amendment) Act 2015 s 11.
- <sup>80</sup> Subs (5) amended by Representation of the People (Amendment) Act 2015 s 11.
- <sup>81</sup> Division 4 heading inserted by Representation of the People (Amendment) Act 2015 s 12.
- <sup>82</sup> S 20A inserted by Representation of the People (Amendment) Act 2015 s 12.
- <sup>83</sup> S 20B inserted by Representation of the People (Amendment) Act 2015 s 12.
- <sup>84</sup> S 20C inserted by Representation of the People (Amendment) Act 2015 s 12.
- <sup>85</sup> Para (b) amended by Central Registry Act 2018 Sch.
- <sup>86</sup> Subs (5) amended by Central Registry Act 2018 Sch.
- <sup>87</sup> S 20D inserted by Representation of the People (Amendment) Act 2015 s 12.
- <sup>88</sup> S 20E inserted by Representation of the People (Amendment) Act 2015 s 12.
- <sup>89</sup> S 20F inserted by Representation of the People (Amendment) Act 2015 s 12.
- <sup>90</sup> S 20G inserted by Representation of the People (Amendment) Act 2015 s 12.
- <sup>91</sup> S 22 substituted by Representation of the People (Amendment) Act 2015 s 13.
- <sup>92</sup> S 23 heading amended by Representation of the People (Amendment) Act 2015 s 14.
- <sup>93</sup> S 23 amended by Representation of the People (Amendment) Act 2015 s 14 and Sch 1.
- <sup>94</sup> Subs (1A) inserted by Representation of the People (Amendment) Act 2015 s 15.

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- <sup>95</sup> Subs (2) amended by Representation of the People (Amendment) Act 2006 s 4 and by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>96</sup> Para (b) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>97</sup> S 25 substituted by Representation of the People (Amendment) Act 2015 s 16.
- <sup>98</sup> S 26 heading substituted by Representation of the People (Amendment) Act 2015 s 17.
- <sup>99</sup> Subs (1) substituted by Representation of the People (Amendment) Act 2015 s 17.
- <sup>100</sup> Para (a) amended by Representation of the People (Amendment) Act 2015 s 17.
- <sup>101</sup> Subs (3) amended by Representation of the People (Amendment) Act 2015 s 17.
- <sup>102</sup> Subs (4) amended by Representation of the People (Amendment) Act 2015 s 17.
- <sup>103</sup> S 26 substituted by Representation of the People (Amendment) Act 2006 s 2.
- <sup>104</sup> Subs (1) substituted by Representation of the People (Amendment) Act 2015 s 18.
- <sup>105</sup> Para (a) amended by Representation of the People (Amendment) Act 2006 s 4.
- <sup>106</sup> Subs (3) amended by Civil Partnership Act 2011 Sch 14.
- <sup>107</sup> Subs (4) substituted by Representation of the People (Amendment) Act 2015 s 18.
- <sup>108</sup> Subs (4A) inserted by Representation of the People (Amendment) Act 2015 s 18.
- <sup>109</sup> S 30 substituted by Representation of the People (Amendment) Act 2015 s 19.
- <sup>110</sup> S 31 substituted by Representation of the People (Amendment) Act 2015 s 19.
- <sup>111</sup> S 31A inserted by Representation of the People (Amendment) Act 2015 s 20.
- <sup>112</sup> S 31B inserted by Representation of the People (Amendment) Act 2015 s 20.
- <sup>113</sup> S 31C inserted by Representation of the People (Amendment) Act 2015 s 20.
- <sup>114</sup> Para (ea) inserted by Representation of the People (Amendment) Act 2015 s 21.
- <sup>115</sup> Para (f) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>116</sup> Subs (4) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>117</sup> Subs (5) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>118</sup> Subs (1) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>119</sup> Subs (2) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>120</sup> Subs (1) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>121</sup> Subs (3) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>122</sup> Subs (5) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>123</sup> Subs (6) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>124</sup> Subs (1) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>125</sup> Subs (3) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>126</sup> Para (a) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>127</sup> Para (b) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>128</sup> Subs (1) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>129</sup> Para (a) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>130</sup> Para (b) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>131</sup> Subs (2) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>132</sup> Para (a) amended by Representation of the People (Amendment) Act 2015 s 22.
- <sup>133</sup> Para (c) inserted by Representation of the People (Amendment) Act 2015 s 22.
- <sup>134</sup> Subs (4) amended by Representation of the People (Amendment) Act 2015 s 22.
- <sup>135</sup> Subs (6) substituted by Representation of the People (Amendment) Act 2015 s 22.
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- <sup>136</sup> Para (a) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>137</sup> Para (b) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>138</sup> Subs (2) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>139</sup> S 41 repealed by Representation of the People (Amendment) Act 2015 s 24.
- <sup>140</sup> Para (a) amended by Representation of the People (Amendment) Act 2015 s 25 and Sch 1.
- <sup>141</sup> Para (b) amended by Representation of the People (Amendment) Act 2015 s 25 and Sch 1.
- <sup>142</sup> Para (c) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>143</sup> Para (e) repealed by Representation of the People (Amendment) Act 2015 s 25.
- <sup>144</sup> Para (g) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>145</sup> Para (j) amended by Civil Partnership Act 2011 Sch 14 and by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>146</sup> Para (l) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>147</sup> Para (b) amended by Representation of the People (Amendment) Act 2015 s 25.
- <sup>148</sup> Subs (2) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>149</sup> S 44A inserted by Representation of the People (Amendment) Act 2015 s 26.
- <sup>150</sup> S 44B inserted by Representation of the People (Amendment) Act 2015 s 26.
- <sup>151</sup> Subs (1) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>152</sup> Subs (2) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>153</sup> Para (c) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>154</sup> Para (d) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>155</sup> Para (a) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>156</sup> Subs (4) amended by Representation of the People (Amendment) Act 2015 s 13.
- <sup>157</sup> Para (a) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>158</sup> Para (d) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>159</sup> Subs (5) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>160</sup> S 48 amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>161</sup> S 49 amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>162</sup> Subs (1) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>163</sup> Para (b) amended by Representation of the People (Amendment) Act 2015 s 13.
- <sup>164</sup> S 52 amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>165</sup> Subs (1) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>166</sup> Subs (2) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>167</sup> Definition of “candidate” repealed by Representation of the People (Amendment) Act 2015 s 27.
- <sup>168</sup> Para (a) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>169</sup> Para (b) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>170</sup> Para (a) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>171</sup> Para (b) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>172</sup> Para (d) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>173</sup> Subs (2) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>174</sup> Subs (1) amended by Representation of the People (Amendment) Act 2015 Sch 1.

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- <sup>175</sup> Subs (1) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>176</sup> Subs (2) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>177</sup> Para (a) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>178</sup> Para (a) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>179</sup> Para (b) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>180</sup> S 61 amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>181</sup> Subs (1) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>182</sup> Subs (2) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>183</sup> Subs (3) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>184</sup> Subs (1A) inserted by Representation of the People (Amendment) Act 2015 s 28.
- <sup>185</sup> Subs (1) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>186</sup> Para (a) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>187</sup> Para (b) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>188</sup> Subs (2) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>189</sup> Para (b) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>190</sup> Subs (4) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>191</sup> Subs (6) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>192</sup> Para (a) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>193</sup> Para (b) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>194</sup> Para (a) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>195</sup> Para (b) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>196</sup> Para (a) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>197</sup> Subs (9) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>198</sup> Para (b) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>199</sup> Para (d) amended by Education (Miscellaneous Provisions) Act 2009 Sch 1 and by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>200</sup> Subs (1) amended by Education (Miscellaneous Provisions) Act 2009 Sch 1 and by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>201</sup> Para (a) amended by Education (Miscellaneous Provisions) Act 2009 Sch 1.
- <sup>202</sup> Para (b) amended by Education (Miscellaneous Provisions) Act 2009 Sch 1.
- <sup>203</sup> Subs (2) amended by Education (Miscellaneous Provisions) Act 2009 Sch 1 and by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>204</sup> Subs (3) amended by Education (Miscellaneous Provisions) Act 2009 Sch 1.
- <sup>205</sup> Subs (4) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>206</sup> Subs (5) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>207</sup> Subs (1) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>208</sup> Subs (2) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>209</sup> Subs (4) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>210</sup> Subs (1) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>211</sup> Subs (2) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>212</sup> Para (a) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>213</sup> Subs (1) amended by Representation of the People (Amendment) Act 2015 Sch 1.

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- <sup>214</sup> Definition of “candidate” repealed by Representation of the People (Amendment) Act 2015 s 27.
- <sup>215</sup> Definition of “prescribed” repealed by Representation of the People (Amendment) Act 2015 s 27.
- <sup>216</sup> S 76 and cross heading relating to this section repealed by Registration of Electors Act 2006 Sch 3.
- <sup>217</sup> Definition of “accredited observer” inserted by Representation of the People (Amendment) Act 2015 s 29.
- <sup>218</sup> Definition of “advance voter” inserted by Representation of the People (Amendment) Act 2015 s 29.
- <sup>219</sup> Definition of “anonymous” inserted by Representation of the People (Amendment) Act 2015 s 29.
- <sup>220</sup> Definition of “the Board of Education” repealed by Education (Miscellaneous Provisions) Act 2009 Sch 1.
- <sup>221</sup> Definition of “candidate” inserted by Representation of the People (Amendment) Act 2015 s 29.
- <sup>222</sup> Definition of “donation” inserted by Representation of the People (Amendment) Act 2015 s 29.
- <sup>223</sup> Definition of “election expenses” inserted by Representation of the People (Amendment) Act 2015 s 29.
- <sup>224</sup> Definition of “election rules” repealed by Representation of the People (Amendment) Act 2015 s 29.
- <sup>225</sup> Definition of “Electoral Registration Officer” inserted by Representation of the People (Amendment) Act 2015 s 29 and amended by Registration of Electors Act 2020 s 27.
- <sup>226</sup> Definition of “nominated charitable trust” inserted by Representation of the People (Amendment) Act 2015 s 29.
- <sup>227</sup> Definition of “political party” inserted by Representation of the People (Amendment) Act 2015 s 29.
- <sup>228</sup> Definition of “prescribed” amended by Representation of the People (Amendment) Act 2015 s 29.
- <sup>229</sup> Definition of “prospective candidate” inserted by Representation of the People (Amendment) Act 2015 s 29.
- <sup>230</sup> Definition of “registration officer” repealed by Registration of Electors Act 2020 s 27.
- <sup>231</sup> Definition of “support” inserted by Representation of the People (Amendment) Act 2015 s 29.
- <sup>232</sup> Definition of “working day” inserted by Representation of the People (Amendment) Act 2015 s 29.
- <sup>233</sup> Subs (2) inserted by Representation of the People (Amendment) Act 2015 s 29.
- <sup>234</sup> Subs (3) inserted by Representation of the People (Amendment) Act 2015 s 29.
- <sup>235</sup> Subs (4) inserted by Representation of the People (Amendment) Act 2015 s 29.
- <sup>236</sup> Subs (5) inserted by Representation of the People (Amendment) Act 2015 s 29.
- <sup>237</sup> Subs (6) inserted by Representation of the People (Amendment) Act 2015 s 29.
- <sup>238</sup> Subs (7) inserted by Representation of the People (Amendment) Act 2015 s 29.

- <sup>239</sup> Subs (8) inserted by Representation of the People (Amendment) Act 2015 s 29.
- <sup>240</sup> S 78 repealed by Education (Miscellaneous Provisions) Act 2009 Sch 1.
- <sup>241</sup> Subs (1) amended by Representation of the People (Amendment) Act 2015 s 30.
- <sup>242</sup> Subs (1A) inserted by Representation of the People (Amendment) Act 2015 s 30.
- <sup>243</sup> Subs (1) repealed by Representation of the People (Amendment) Act 2015 s 31.
- <sup>244</sup> Subs (4) inserted by Representation of the People (Amendment) Act 2015 s 31.
- <sup>245</sup> Sch 1 repealed by Representation of the People (Amendment) Act 2014 s 3. [Applies to the general election of the Keys in 2016 and every election thereafter by s 2 of the 2014 Act.]
- <sup>246</sup> Sch 2 repealed by Representation of the People (Amendment) Act 2015 s 13.
- <sup>247</sup> Definition of “prescribed” inserted by Representation of the People (Amendment) Act 2015 s 32.
- <sup>248</sup> Item (c) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>249</sup> Subpara (2) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>250</sup> Subpara (1) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>251</sup> Subpara (4) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>252</sup> Item (a) amended by Representation of the People (Amendment) Act 2015 s 13.
- <sup>253</sup> Subpara (1) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>254</sup> Subpara (2) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>255</sup> Item (a) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>256</sup> Subpara (3) amended by Civil Partnership Act 2011 Sch 14. Item (b) amended by Civil Partnership Act 2011 Sch 14.
- <sup>257</sup> Subpara (5) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>258</sup> Item (b) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>259</sup> Item (a) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>260</sup> Item (b) substituted by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>261</sup> Subpara (3) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>262</sup> Subpara (3) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>263</sup> Subpara (4) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>264</sup> Subpara (1) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>265</sup> Subpara (2) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>266</sup> Subpara (3) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>267</sup> Item (b) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>268</sup> Subpara (3) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>269</sup> Subpara (1) substituted by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>270</sup> Subpara (1A) inserted by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>271</sup> Subpara (2) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>272</sup> Subpara (2) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>273</sup> Item (b) amended by Representation of the People (Amendment) Act 2015 Sch 1.
- <sup>274</sup> Sch 3A inserted by Representation of the People (Amendment) Act 2015 s 33.
- <sup>275</sup> Sch 4 repealed by Education (Miscellaneous Provisions) Act 2009 Sch 1.
- <sup>276</sup> Sch 5 substitutes Sch 1 to Local Elections Act 1986.



<sup>277</sup> Sch 6 repealed by Representation of the People (Amendment) Act 2015 s 34.