

THE
REPRESENTATION
OF
THE PEOPLE ACTS,
1918 to 1921.

WITH
EXPLANATORY NOTES.

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PREFACE.



IN this Book the whole of the Representation of the People Act, 1918, as amended by statutes subsequent to the publication of the first edition, is set out verbatim. Such subsequent statutes, which with the principal Act constitute the Representation of the People Acts, 1918 to 1921, will be found in Appendix I. The provisions of the sections of the principal Act are fully dealt with in the explanatory Notes which follow them. The various parts of the sections commented on and explained in the Notes are printed in prominent type so that the reader may have no difficulty in finding in the Note to a particular section that part of the section in regard to which he wishes for guidance.

In some of the more important sections, particularly in Part I., which deals with "Franchises," it has been thought more convenient and helpful to the reader to deal with the subject in the form of propositions which state shortly the requirements of the section dealt with. Questions of difficulty arise as to the interpretation of the language of some of the sections, and it has seemed advisable and indeed necessary to refer to the decisions of the Courts as to the meaning of similar language in former statutes relating to the franchise, although such statutes are now repealed.

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The method and costs of elections, and corrupt and illegal practices, all of which subjects are to a greater or less extent affected by the present Act, have been dealt with in some detail.

In writing the Notes to the sections of the Act the Author has endeavoured to keep in view the duties and difficulties of the registration officer, and with the same object footnotes have been appended to the Registration Rules where necessary.

In the Introduction will be found a short survey of the progressive reforms in Parliamentary representation introduced by and since the Reform Act, 1832, together with a summary of the far-reaching changes introduced by the present Act.

The Appendices contain, in addition to the County Court Rules, Supreme Court Rules, and Statutes bearing on the subject, the Orders in Council and other Statutory Orders made under the Act, and, as a matter of historical interest, the Report of the Speaker's Conference has been included.

I wish to acknowledge my great indebtedness to my learned friend, Mr. ALEXANDER P. FACHIRI, Barrister-at-Law, for his invaluable assistance in the preparation of the work and for many useful suggestions.

H. F.

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A. & E.	Adolphus and Ellis.
A. C.	Law Reports, Appeal Cases.
B. & Ad.	Barnewall & Adolphus.
B. & Ald.	Barnewall and Alderson's Reports (King's Bench).
B. & Arn.	Barron and Arnold.
B. & Aust.	Barron and Austen.
B. & B.	Broderip and Bingham.
B. & C.	Barnewall & Cresswell.
B. & P.	Bosanquet and Puller.
B. & S.	Best and Smith.
Beav.	Beavan.
Bing.	Bingham.
Bing. N. C.	Bingham (New Cases).
C. & I. P.	Corrupt and Illegal Practices.
C. A.	Court of Appeal.
C. C.	County Court.
C. J.	Chief Justice.
C. B.	Common Bench Reports.
C. B. (N. S.)	Common Bench Reports, New Series.
C. & D.	Corbett and Daniell.
C. M. & R.	Crompton, Meeson, and Roscoe.
C. & P.	Carrington & Payne.
C. & R.	Cockburn and Rowe's Election Cases, 1833.
C. P. D.	The Law Reports, Common Pleas Division.
Clerk, El.	Clerk on Elections and Election Committees.
Ct. of Sess.	Court of Session Cases.
Dalton	Dalton's Office of Sheriff (2nd ed.), 1700.
Day's E. C.	Day's Election Cases.
Dougl.	Douglas.
E. & B.	Ellis and Blackburn.
Ex. D.	The Law Reports, Exchequer Division.
Falc. & F.	Falconer and Fitzherbert.
F.	Fraser.
Glanv.	Glanville.
Hans.	Hansard's Parliamentary Debates.
Hop. & C.	Hopwood and Coltman's Registration Cases.

H. L.	House of Lords.
H. L. C.	Clarke's House of Lords Cases.
Heyw. Bo.	Heywood on Borough Elections, 1797.
Heyw. Co.	Heywood on County Elections (2nd ed.), 1812.
Hob.	Hobart's Reports, <i>temp.</i> Elizabeth and James I.
Hawk. P. C.	Hawkins' Pleas of the Crown.
Ir. C. L. R.	Irish Common Law Reports.
Ir. L. R. (N. S.)	Irish Law Reports, New Series.
Ir. R.	Irish Law Reports.
J.	Justice.
J. P.	Justice of the Peace.
Journ.	Journals of the House of Commons.
Judg.	Judgments of the Election Judges, reported and printed by order of House of Commons. See Parliamentary Elections Act, 1868, s. 24.
Jur.	Jurist Reports, 1837—54.
K. B.	King's Bench.
K. B. D.	The Law Reports, King's Bench Division.
K. & G.	Keane and Grant.
K. & O.	Knapp and Omblor's Election Cases, 1834—5.
L. & S.	Lacey & Smith.
L.JJ.	Lords Justices.
L. J., Ch.	Law Journal Reports, Chancery.
L. J., C. P.	Law Journal Reports, Common Pleas.
L. J., M. C.	Law Journal Reports, Magistrates' Cases.
L. J., K. B.	Law Journal Reports, King's Bench.
L. J., Q. B.	The Law Reports, Queen's Bench.
L. R., C. P.	The Law Reports, Common Pleas.
L. R., Ex.	The Law Reports, Exchequer.
L. R., H. L.	The Law Reports, House of Lords.
L. R., Ir.	The Law Reports (Ireland).
L. R., Q. B.	Law Journal Reports, Queen's Bench.
L. R., K. B.	The Law Reports, King's Bench.
L. T.	Law Times.
L. T. Jo.	Law Times Journal.
Lev.	Levinz.
Lud.	Luder's Election Cases, 1784—7.
M. & S.	Maule & Selwyn.
M. & W.	Meeson and Welsby.
Male	Male on Elections.
May's Parl. Pract. ...	May's Parliamentary Practice.
M. C. A.	The Municipal Corporations Act, 1882.
Min.	Minutes of Evidence taken by shorthand writers before Election Committees, but not printed.
Mod.	Modern (King's Bench) Reports, 1669—1732.
O. & H.	O'Malley and Hardcastle's Reports of Election Petitions.

Orme	Orme on Elections.
P. P.	Parliamentary Papers.
P. & K.	Perry and Knapp's Election Cases.
P., R., & D.	Power, Rodwell, and Dew's Election Cases.
Peck.	Peckwell's Election Cases.
Phill.	Phillips' Election Cases.
Plowd.	Plowden.
Print. Min.	Minutes of Evidence taken by shorthand writers before Election Committees, and printed by order of the House of Commons.
Q. B.	Queen's Bench Reports.
Q. B. D.	The Law Reports, Queen's Bench Division.
R.	Rettie's Court of Session Cases.
R. P.	Representation of the People.
R. S. C.	Rules of the Supreme Court.
Roe	Roe on Elections.
S. C.	Same Case.
Sch.	Schedule.
Sim.	Simcon on Elections, 1789.
Steph. Law of El. ...	Stephens' Law of Elections, 1840.
Str.	Strange.
T. R.	Term Reports.
T. L. R.	Times Law Reports.
Ves.	Vesey.
Ves., jun.	Vesey junior.
W. N.	Law Reports, Weekly Notes.
W. R.	Weekly Reporter.
W. & Br.	Wolferstan and Bristowe's Election Cases.
W. & D.	Wolferston and Dew's Election Cases.
Whitelocke	Whitelocke on the King's Writ for choosing members to serve in Parliament, sometimes called Whitelocke on Government, 1766.
Wight	Wight on Scotch Parliaments and Elections.

INTRODUCTION.



THIS Act, which consists of forty-seven sections and nine Schedules, is the third Reform Act since the passing of the Reform Act, 1832, the other Acts being those of 1867 and 1884.

The present Act is much more comprehensive, and introduces greater changes than any of its predecessors. It deals with the Parliamentary and local government franchise, registration, method and costs of election, and redistribution.

In order to realise how large a measure of enfranchisement is given by the present Act as compared with former Acts, the following facts may be pointed out. Before 1832 there were less than 500,000 parliamentary electors, and the Reform Act of 1832 only added 500,000 more, so that the total number of electors in 1832 was less than 1,000,000 out of a population of about 24,000,000. The Reform Act of 1867 added about 1,500,000 electors, making a total of 2,500,000 electors out of a population as it then was of about 30,000,000. The Act of 1884 added some 3,000,000 electors, making a total of 5,500,000 on the register out of a population which was then 34,000,000. According to the Home Office Return for 1915, the electorate, which, of course, consisted entirely of men, was 8,357,000 out of a population of 43,500,000. The above figures included Ireland.

According to the Preliminary Reports regarding the census of England and Wales, 1921 (Cmd. 1485) and Scotland (Cmd. 1473), the electorate for England and Wales now consists of

10,182,617 men and 7,475,106 women out of a population of 18,082,220 men and 19,803,022 women, and for Scotland approximately 1,350,545 men* and 909,707 women* out of a population of 2,348,403 men and 2,533,885 women; in other words, out of a total population in Great Britain of 42,767,530 the number of Parliamentary electors is 11,533,162 men and 8,384,813 women.

From a historical point of view the present Act owed its origin to the fact that it was universally recognised that the electors of members to serve in the Parliament which would have to deal with questions of reconstruction after the War, must include those who had fought for their country in the War. An attempt was made to attain this object by a separate Bill, but it was found impracticable to introduce changes of this kind without dealing generally with the subject of the franchise. His Majesty's Government accordingly invited the Speaker of the House of Commons to select a number of members of the House of Commons, representative of all shades of opinion, to draft recommendations which might form the basis of a Bill dealing with the whole subject of the representation of the people. In pursuance of this request the Speaker held a Conference which issued a Report† containing various recommendations, the great majority of which were unanimous. Although, in consequence of the amendments which were adopted in the course of its passage through Parliament, the present Act differs in several points from the recommendations contained in the Report of the Speaker's Conference, it is in substance based upon it.

The most sweeping change which the Act introduced is the admission of women to the Parliamentary franchise. The difficult question of the enfranchisement of soldiers, sailors,

* These figures are only approximate, as the Report for Scotland is incomplete as regards a few constituencies. The electorate for these constituencies is therefore necessarily estimated in round figures.

† For this Report, see Appendix V., pp. 594-602, *infra*.

and others serving in connection with the War, was solved by giving them the franchise for the constituency in which but for their service in connection with the War they would have been entitled to vote, or, as an alternative, for the constituency (if any) in which they happened to have an actual qualification. With the re-establishment of peace, the provisions as to naval and military voters are, of course, restricted in scope, but remain applicable to persons serving in His Majesty's Forces.

The present Act sweeps away all the qualifications for the franchise which previously existed; it repeals no less than fifty statutes and modifies fifty-seven others.

Under the previously existing law there were seven alternative qualifications for the Parliamentary franchise:—

- (1) The household qualification, by far the most important, which dated, as regards boroughs, from 1867, and as regards counties from 1884;
- (2) the qualification in respect of occupation of land or tenements of the value of 10*l.*;
- (3) the 50*l.* rental qualification as modified by the Act of 1884, a qualification which was rapidly dying out;
- (4) the lodgers' qualification;
- (5) the service qualification;
- (6) the ownership voters' qualification. It is worth noting, as a matter of historical interest, that amongst these voters was the 40*s.* freeholder, who survived three Reform Acts and dated back to the reign of Henry VI.;
- (7) the university qualification.

In place of these seven franchises, the present Act substitutes, as regards men, three alternative qualifications only:—

- (1) the residence qualification; which includes the householders, the lodgers, and the service voters, and also many residents who were not in any existing class of

voters. There is no requirement for the qualifying premises under this head to be of any minimum yearly value, nor for rating or payment of rates;

- (2) the business premises qualification, which involves the occupation for the purposes of business, trade, or profession, of land or premises of the annual value of not less than 10*l.*;
- (3) the university qualification, which is enlarged by the inclusion of all those who have taken degrees (other than honorary degrees) at a university.

² Not only are the franchises different to those previously in existence, but the period of qualification has been shortened from one year to six months, there being two qualifying periods during the year.

During these six months, electors must have been resident, or occupying land or premises, either in the constituency or in any constituency in the same Parliamentary borough or county or in a contiguous borough or county, so that it will be seen that successive occupation in a largely extended form is permitted.

As regards the Parliamentary franchise for women, the Act confers this only on women who have attained the age of 30. In constituencies other than university constituencies there are two alternative qualifications which are as follows:—

- (1) the woman must be entitled to be registered as a local government elector in respect of the occupation of a dwelling-house (irrespective of value) or of land or premises (other than a dwelling-house) of a yearly value of not less than 5*l.*; or
- (2) she must be the wife of a man who is entitled to be so registered.

The university franchise is conferred on all women of the requisite age who have obtained a degree, or, in the case of

Cambridge, have passed the final examination and kept the necessary residence.

As was pointed out above, it is estimated that the women's franchise has added to the register of Parliamentary electors in Great Britain 8,384,813 voters, of whom it is estimated that about 7,000,000 come on the register by virtue of their husbands' qualification.

As regards the local government franchise, under the previously existing law the qualification to vote for county and borough councils outside London was substantially a pure occupation franchise, and differed from the qualification for London county and borough councils and for district and parish councils, where there was not only the occupation qualification but also the qualification of owners and lodgers. Under the present Act there is a uniform occupation franchise for all local government electors, which extends to lodgers in a room or rooms let to them in an unfurnished state. The local government franchise is conferred on women at the same age (21) and on equal terms with men, with the addition that a woman may be registered and vote by virtue of her husband's qualification in respect of premises in which they both reside if she has attained the age of thirty years.

It is estimated that the present Act has added not less than 7,000,000 women to the register of local government electors.

Turning to the subject of registration, the Act adopts a course which has often been recommended, viz., a system of official registration, and throws upon the appointed officers the obligation of making up the registers (of which there are two in every year) and keeping them complete. The office of revising barrister is abolished, and the consideration of claims and objections is entrusted to the registration officer himself with the right of appeal from his decision to the County Court.

and from the County Court, on questions of law alone, to the Court of Appeal.

With regard to methods of election, the much discussed principle of Proportional Representation together with that of the alternative vote, both of which the Speaker's Conference recommended, did not find much favour with the House of Commons. The alternative vote has been entirely rejected and Proportional Representation is at the present time only applicable to university constituencies.

An important innovation is made by the provisions allowing absent voters to vote by post or by proxy.

At a General Election polls are all to be taken on one day, and plural voting has been further greatly curtailed since no elector may under any circumstances give more than two votes at such an election.

The returning officers' expenses are to be paid by the State. A candidate is to make a deposit which shall be returned to him if he has polled not less than one-eighth of the votes.

The scale of election expenses is reduced, and certain expenditure by unauthorised persons is prohibited.

The present Act carried out a great scheme of Redistribution. Following the recommendation of the Speaker's Conference it has been sought to make each vote command as far as possible an equal share of representation in the House of Commons. The standard unit of population represented by one member of the House of Commons has been taken at 70,000, although boroughs with not less than 50,000 inhabitants keep their separate representation.

Forty-four boroughs have lost their separate representation, including ancient boroughs such as Canterbury, Windsor, Chester, Durham, Winchester, Shrewsbury and Lichfield,

but the representation of the boroughs has been increased by thirty-one members. On the other hand the number of members representing counties remains unchanged, whilst the universities gain four members.

The composition of the House of Commons is now as follows: England and Wales: Counties, 254 members; Boroughs, 266; Universities, 8. Scotland: Counties, 38; Boroughs, 33; Universities, 3.

The foregoing remarks are confined to Great Britain, inasmuch as at the time of going to press the future representation of Ireland in the Imperial Parliament is so uncertain that it is impossible to make any useful statement as to the application of the Act to that country.

N.B.—*In the Notes to the Sections, when the actual words of the sections commented on are quoted for the first time, they are printed in heavy type.*

REPRESENTATION OF THE PEOPLE ACT, 1918.

(8 GEO. V. C. 64.)

An Act to amend the Law with respect to Parliamentary and Local Government Franchises, and the Registration of Parliamentary and Local Government Electors, and the conduct of elections, and to provide for the Redistribution of Seats at Parliamentary Elections, and for other purposes connected therewith.

[Royal Assent: 6th February, 1918.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

[Sections 1—10.]

FRANCHISES.

1.—(1) A man shall be entitled to be registered as a parliamentary elector for a constituency (other than a university constituency)¹ if he is of full age² and not subject to any legal incapacity³ and—
(a) has the requisite residence qualification;⁴ or

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Parliamentary
franchises
(men).

¹ See p. 3, footnote ¹, *infra*.

² See p. 3, *infra*.

³ See pp. 4—7, *infra*.

⁴ See pp. 7—21, *infra*.

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(b) has the requisite business premises qualification.⁵

(2) A man, in order to have the requisite residence qualification or business premises qualification for a constituency—

(a) must on the last day of the qualifying period be residing in premises in the constituency,⁶ or occupying business premises in the constituency,⁷ as the case may be; and

(b) must during the whole of the qualifying period have resided in premises,⁸ or occupied business premises,⁹ as the case may be, in the constituency, or in another constituency within the same parliamentary borough¹⁰ or parliamentary county,¹¹ or within a parliamentary borough or parliamentary county contiguous to that borough or county, or separated from that borough or county by water, not exceeding at the nearest point six miles in breadth, measured in the case of tidal water from low-water mark.

For the purposes of this subsection the administrative county of London shall be treated as a parliamentary borough.

(3) The expression “business premises” in this section means land or other premises of the yearly

⁵ See pp. 21—31, *infra*.

⁶ See pp. 9—21, *infra*.

⁷ See pp. 21—31, *infra*.

⁸ See pp. 9—21, *infra*.

⁹ See pp. 21—31, *infra*.

¹⁰ See sect. 37 (1), p. 225, *infra*, and Ninth Sched., pp. 327—339, *infra*.

¹¹ See sect. 37 (2), p. 225, *infra*, and Ninth Sched., pp. 340—349, *infra*.

value of not less than ten pounds occupied for the purpose of the business, profession, or trade of the person to be registered.¹²

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NOTE.—Sect. 1 set out above states the conditions which must be fulfilled in order to entitle a male person to be registered as a parliamentary elector for a constituency (other than a university constituency).¹

These conditions are:—

- (1) He must be of full age ;
- (2) He must not be subject to any legal incapacity ;
- (3) He must have either the requisite residence qualification or the requisite business premises qualification.

Full age.—Full age is by the Common Law the age of 21 years, and such age is attained on the day preceding the 21st anniversary of a person's birth.² By sect. 41 (7) of the Act³ "for the purposes of registration a person's age shall be taken to be that person's age on the last day of the qualifying period",⁴ *i.e.*, on January 15th or on July 15th according to which of the two registers he is placed upon.⁵ If the 21st anniversary of the birth of the person to be registered is January 16th or July 16th he will have attained full age for the purpose of being registered on the Spring or Autumn register,⁶ irrespective of the hour of his birth.⁷

¹² See pp. 24—31, *infra*.

¹ As to registration for parliamentary purposes, see Part II. Registration, sects. 11—19 of the Act, pp. 104—123, *infra*. The expression "a constituency (other than a university constituency)" in sect. 1 (1) means any county, borough, or combination of places returning a member to serve in Parliament, and, where a county or borough is divided for the purpose of parliamentary elections, a division of the county or borough so divided. See sect 41 (1), p. 244, *infra*.

² 1 Co. Lit. 78; Bro. Abr. "Age."

³ Set out at p. 246, *infra*.

⁴ As to the qualifying period, see sect. 6, p. 78, *infra*.

⁵ See sect. 11, p. 104, *infra*.

⁶ See sect. 11, p. 104, *infra*.

⁷ 1 Bl. Com. 463; *Anon.* (1700), *Ld. Raym.* 480, 1096.

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(2) **Not subject to any Legal Incapacity.**—It should be noted that a legal incapacity is quite distinct from an absence of the qualifications required by this Act to enable a person to be registered or to vote at an election. Legal incapacity is some quality inherent in a person or for the time being irremovable in such person, which, either at Common Law or by Statute, deprives him of the status of a parliamentary elector.⁸

The following are legally incapacitated from being registered under this section:—(1) A peer of the United Kingdom,⁹ or of Scotland, or of Ireland not actually elected and serving for a constituency in Great Britain; ¹⁰ (2) a person holding any one of certain offices;¹¹ (3) an infant;¹² (4) an alien;¹ (5) an idiot;² (6) a lunatic

⁸ See the observations of Lord Coleridge, C.J., in *Stowe v. Jolliffe* (1874), L. R. 9 C. P. at p. 750; see also *Hayward v. Scott* (1879), 5 C. P. D. 231; and the observations of O'Brien, J., in *Londonderry* (1886), 4 O. & H. at pp. 100, 101.

⁹ Com. Dig. tit. Parl. D. 10; *Beauchamp (Earl) v. Madresfield* (1872), L. R. 8 C. P. 245; *Bristol (Marquis) v. Beck* (1907), 96 L. T. 55; 71 J. P. 99; 23 T. L. R. 224.

¹⁰ 39 & 40 Geo. 3, c. 67, art. 4; *Banbury* (1797), Heywood, 318; *Droitwich* (1834), K. & O. 65; *Lord Rendlesham v. Haward* (1873), L. R. 9 C. P. 252.

¹¹ Under this head come:—(1) A Scots sheriff, a sheriff substitute, a sheriff clerk, a deputy sheriff clerk for the shire within which the election is being held (2 & 3 Will. 4, c. 65, s. 36); see also sect. 43 (6) of the present Act, p. 254, *infra*); (2) various officers connected with the constabulary and police in Ireland (6 & 7 Will. 4, c. 13, s. 18 (Irish Constabulary); 6 & 7 Will. 4, c. 29, s. 19 (Dublin Metropolitan Magistrates and Police). The disqualifications formerly attaching to the police in Great Britain were abolished by the Police Disabilities Removal Act, 1887.

¹² 7 & 8 Will. 3, c. 25, s. 7; *Stowe v. Jolliffe* (1874), L. R. 9 C. P. 743, 758. A naval or military voter within sect. 5 (4) of the present Act is qualified before attaining full age. See pp. 67—68, *infra*.

¹ *Middleser* (1804), 2 Peck, 118; *Bedford* (1832), C. & R. 98; *Issacson v. Durant* (1886), 17 Q. B. D. 54; British Nationality and Status of Aliens Act, 1914 (4 & 5 Geo. 5, c. 17), s. 17 (2). A naturalized British subject enjoys all the political and other rights, powers and privileges of a natural-born British subject. See British Nationality and Status of Aliens Act, 1914, ss. 3 and 27 (1).

² *Bedfordshire* (1785), 2 Lud. 567.

who is not in a lucid interval;³ (7) an imbecile who is not *compos mentis*;⁴ (8) a person convicted of treason or felony and sentenced to death or penal servitude or imprisonment, either with hard labour or exceeding twelve months, unless he has suffered such other punishment as by competent authority may be substituted for the same or received a free pardon, or in the case of penal servitude or imprisonment has suffered the punishment to which he has been sentenced;⁵ (9) a person convicted on indictment within the preceding seven years of a corrupt practice at a parliamentary election⁶ or convicted within the preceding seven years of a corrupt practice at a municipal election;⁷ (10) a person found guilty on summary conviction within the preceding five years of an illegal practice at a parliamentary election within the county or borough in which he is seeking to be registered;⁸ (11) a person who, as a candidate, election agent or sub-agent, has within the preceding five years been convicted of an illegal employment, payment, or hiring, at a parliamentary election within the county or borough in which he is seeking to be registered;⁹ (12) a person convicted within the preceding five years of an illegal practice at a municipal election within the borough in which he is seeking to be registered¹⁰ or convicted within the preceding five years of an illegal employment, payment, or hiring as candidate at the said municipal election;¹¹ (13) a person who

³ Heywood, 260.

⁴ *Bridgewater* (1803), 1 Peck, 108; *Oakhampton* (1791), 1 Fraser, 162.

⁵ Forfeiture Act, 1870, s. 2. This has no application to Scotland, *ib. s. 33*.

⁶ Corrupt Practices Act, 1883, s. 6 (3). See p. 529, *infra*.

⁷ Municipal Elections (Corrupt Practices) Act, 1884, s. 2 (2), p. 571, *infra*; Corrupt Practices Act, 1883, s. 6 (3), p. 529, *infra*.

⁸ *Ibid.* s. 10. See p. 530, *infra*.

⁹ *Ibid.* s. 21 (2); s. 25 (2); s. 10. See pp. 533—4, 535, and 530, *infra*, respectively.

¹⁰ Municipal Elections (Corrupt Practices) Act, 1884, s. 7, p. 573, *infra*.

¹¹ *Ibid.* ss. 7, 17 (2), pp. 573, 576, *infra*.

Sect. 1. has within the preceding seven years been convicted of a corrupt practice, or within the preceding five years of an illegal practice, at the election of a member of a local board, of a member of Improvement Commissioners, or of a poor law guardian; ¹² (14) a person who has been convicted, within the preceding six years, of a corrupt offence at the election of a member of a school board which has been held within the preceding six years; ¹ (15) a person who has been twice convicted under the Public Bodies Corrupt Practices Act, 1889, s. 2; (16) a person who is reported by an election court or Election Commissioners to have been guilty of any corrupt or illegal practice at an election, whether he obtains a certificate of indemnity or not, in like manner and for the same period ² as if he had at the date of such election been convicted of the offence of which he is reported to have been guilty; ³ (17) a conscientious objector who is incapacitated during a period of five years after the termination of the late War by sect. 9 (2) of the present Act.⁴

It should be noticed that persons subject to the above-mentioned incapacities are prohibited both from being registered and from voting.⁵ By sect. 13 (1) of the present Act "it shall be the duty of the registration officer⁶ . . . to place or cause to be placed on the register . . . the names of those entitled to vote as parliamentary electors . . . in his registration area."

¹² Municipal Elections (Corrupt Practices) Act, 1884, ss. 2, 36, First Sched., pp. 571, 585, 587, *infra*.

¹ 33 & 34 Vict. c. 75, s. 91.

² As to the period during which this incapacity applies, see, with regard to corrupt practice, heading (9), and with regard to illegal practice, heading (10), on p. 5, *supra*.

³ Corrupt Practices Act 1883, s. 38 (5), p. 572, *infra*.

⁴ See sect. 9 (2), pp. 93—95, and pp. 97—101, *infra*.

⁵ See the observations of Lush, J., in *Worcester* (1880), 3 O. & H. at p. 186; and also the Ballot Act, 1872, s. 7, set out at p. 495, *infra*, and sect. 9 (3) of the present Act, pp. 95—96, *infra*.

⁶ As to the registration officer, see sect. 12, p. 106, *infra*.

The registration officer should therefore not place on the register the name of any person who is subject to any of the above incapacities. But if he should do so, the register is conclusive of such person's right to give his vote at the poll, and the returning officer cannot refuse to allow him to vote. Such a vote would, however, be struck off on a scrutiny.⁷ In the words of Lush, J., in *Worcester*,⁸ "the battle of qualification shall be fought either beforehand in the registration court,⁹ or after the election upon a scrutiny,⁷ but nothing shall take place at the polling-booth but a reference to the register to ascertain whether the person who presents himself is the person upon that register or not."

(3) He must have either the requisite residence qualification or the requisite business premises qualification. Residence qualification.

The requisite residence qualification.—In order to have this qualification a man (a) must on the last day of the qualifying period¹⁰ be residing in premises in the constituency,¹¹ and (b) must during the whole of the qualifying period have resided in premises in the constituency, or in another constituency within the same parliamentary borough or parliamentary county, or within a parliamentary borough or parliamentary county contiguous to that borough or county, or separated from that borough or county by water not exceeding at the nearest point six miles in breadth measured in the case of tidal water from low-water mark.¹² For this purpose the administrative county

⁷ As to a scrutiny, see the author's "Law of Parliamentary Elections and Election Petitions," 2nd ed., pp. 210B—215.

⁸ (1880), 3 O. & H. at p. 186.

⁹ The office of revising barrister is abolished by the present Act, but his duties are now undertaken by the registration officer.

¹⁰ See pp. 8—9, *infra*.

¹² See pp. 8—21, *infra*.

¹¹ See pp. 9—21 *infra*.

Sect. 1. of London shall be treated as a parliamentary borough.¹

Under sect. 11² of the present Act two registers of electors are to be prepared in every year, of which one, the Spring register, is to be made for the qualifying period ending on January 15th, and the other, the Autumn register, is to be made for the qualifying period ending on July 15th. The **qualifying period** is a period of six months ending either on January 15th or July 15th, including in each case the fifteenth day,³ so that the **last day of the qualifying period** is in the one case January 15th, and in the other July 15th.

When an elector moves into a constituency within thirty days of the last day of the qualifying period, he is not entitled to be registered by reason of a residence qualification unless he comes within the provisions of sect. 7(3), which are as follows:—“Notwithstanding anything in this Act, a man shall not be entitled to be registered as a parliamentary elector for a constituency in respect of a residence qualification though he may have been residing in premises in the constituency on the last day of the qualifying period, if he commenced to reside in the constituency within thirty days before the end of the qualifying period, and ceased to reside within thirty days after the time when he so commenced to reside.”

The object of the sub-section just quoted is to provide against what are known as “swallow voters,” by imposing a condition which is intended to ensure that the residence on the last day of the qualifying period shall be *bonâ fide*. In order to come within the sub-section, it is only necessary for the person to be registered to reside in a constituency for thirty consecutive days, one of which is the last day of the

¹ See sect. 1 (2), set out on p. 2, *supra*. See also pp. 20–21, *infra*.

² See p. 104, *infra*.

³ Sect. 6, p. 78, *infra*.

qualifying period; *e.g.*, such person may begin to reside on July 14th and cease to reside on August 13th, or he may begin to reside on June 16th and cease to reside on July 16th.

It would appear that the requisite residence during thirty consecutive days would not necessarily be broken by reason of the person to be registered moving from one set of premises to another in immediate succession during the thirty days.⁴

The meaning of the words **residing in premises** in sect. 1 (2) (a) and **resided in premises** in sect. 1 (2) (b) raise questions of some difficulty.

It is abundantly clear from the language of sect. 7 (2)⁵ of the present Act, and s. 1 (1) of the Representation of the People Act, 1921,⁶ that the expression "residence" and cognate expressions are to be interpreted according to general principles.

"The word 'residence' has a variety of meanings according to the Statute in which it is used".⁷ It will therefore only be useful to consider here the interpretation which the word has received in previous Statutes dealing with the franchise.

The question of residence is a question of fact.⁸ There are two kinds of residence, actual residence and constructive residence.

As to actual residence. In *Barlow v. Smith*,⁹ Lord Coleridge, C.J., referred to "the old and universal definition of residence" as "the place where a man's home is and where he sleeps." In the same case¹⁰ the learned

⁴ See pp. 20—21, *infra*.

⁵ Set out at p. 82, *infra*.

⁶ See p. 358, *infra*.

⁷ Per Erle, C.J., in *Nalf and another v. Mutter* (1862), 31 L. J. C. P. at p. 359.

⁸ *Reg. v. Mayor of Exeter, Wescomb's Case*, (1868), L. R. 4 Q. R. 110; *ibid.*, *Dipstale's Case*, 114.

⁹ (1892), Fox & Smith's Registration Cases, at pp. 297, 298.

¹⁰ *Ibid.* at p. 299.

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Chief Justice cited *Whithorn v. Thomas*,¹¹ and *Reg. v. Mayor of Exeter, Dipstale's Case*,¹² and said: "We have therefore the authority of three judges that in this section [sect. 27 of the Reform Act, 1832] 'residence' implies home, the place where a man lives. . . . For centuries past it has always been held that where a man sleeps and has his home is the place where he resides."

"There is no strict or definite rule for ascertaining what is inhabitance or residence. The words have nearly the same meaning. Sleeping once or twice in a place would not constitute inhabitance. There is no precise line to be drawn. It is always, if the inhabiting is *bonâ fide*, a question of more or less. The question is whether there has been such a degree of inhabitance as to be in substance and in common sense a residence. When a person has a country and a town house, it is a mere question of fact whether he has two residences, or only one residence. When . . . a man leaves one residence to go elsewhere to transact real business, whether he has two residences depends on quantity and amount. It is a pure question of fact."¹

"The fact that a person sleeps in a place is generally a very important ingredient in deciding whether he inhabits it, but it is not conclusive."²

It has been held that if a person actually resides in a constituency, such residence is sufficient, even if he be a trespasser.³

As to constructive residence. "In order to constitute residence, a party must possess, at the least, a sleeping

¹¹ (1844) 7 M. & Gr. 1.

¹² (1868), L. R. 4 Q. B. 114.

¹ Per Blackburn, J., in *Reg. v. Mayor of Exeter, Wescomb's Case* (1868), L. R. 2 Q. B. at p. 113.

² *Ibid.* in *Dipstale's Case*, at pp. 115, 116.

³ *Beal v. Ford* (1877), 47 L. J. C. P. 56.

apartment, but an uninterrupted abiding at such dwelling is not requisite. Absence, no matter how long, if there be the liberty of returning at any time,⁴ and no abandonment of the intention to return whenever it may suit the party's pleasure or convenience so to do, will not prevent a constructive legal residence. But if he has debarred himself of the liberty of returning to such dwelling by letting it⁵ for a period however short, or has abandoned his intention of returning, he cannot any longer be said to have even a legal residence there."⁶

In *Whithorn v. Thomas*,⁷ where the question was whether the claimant had resided for six calendar months in a borough so as to qualify him as an elector for such borough under sect. 27 of the Reform Act, 1832, Tindal, C.J., in contrasting the two kinds of residence, said:⁸ "The mere payment of rent would not be equivalent to a residence. The residence required by the Statute⁹ must mean an actual occupation,¹⁰ for some part of the time specified, by the party himself [actual residence] or an occupation¹⁰ by his family or servants [constructive residence]."

In the same case, Erle, J., said:¹¹ "I think that in the Reform Act the intention of the legislature was, that a party who obtained a vote by residing in a borough should have some local interest there—referring to the ordinary meaning of the word residence, as conveying

⁴ See as to this *Tanner v. Carter* (1885), 16 Q. B. D. 231 (university students).

⁵ But see as to the exception expressly allowed in the present Act, pp. 13—18, *infra*.

⁶ Elliott on Registration, 2nd ed. p. 204, quoted with approval by Erle, C.J., in *Powell v. Guest* (1864), 34 L. J. C. P. at p. 70.

⁷ (1844), 7 M. & Gr. 1.

⁸ *Ibid.* at p. 8.

⁹ Reform Act, 1832.

¹⁰ The word "occupation" is obviously used here in a colloquial sense, and not in the strict legal meaning discussed on pp. 22—24, *infra*.

¹¹ 7 M. & Gr. at p. 10.

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the idea of home. . . . The fact of sleeping at a place, indeed, by no means constitutes a residence—though, on the other hand, it may not be necessary for the purpose of constituting a residence in any place to sleep there at all. If a man's family are living in a borough, and he is absent for six months, but with the intention of returning, he will still be considered as residing there."

Where a person has a house or rooms to which he is entitled to go, even a considerable absence will not break the residence for the purpose of qualification.¹²

On the other hand: "a legal inability to reside caused by the voter's own act and not by misfortune would break the residence."¹ Thus, imprisonment following upon a conviction of a criminal offence, for a substantial part of the qualifying period, was held to have prevented the voter from having obtained the residence qualification in his own home under sect. 27 of the Reform Act, 1832.²

The same principle applies where the voter, being a civilian,³ has voluntarily incapacitated himself from residing in the constituency, *e.g.*, where a clerk is bound under articles to a solicitor not to leave his place of employment outside the constituency without the solicitor's permission.⁴

From what has been said above, it is clear that a person can obtain the residence qualification without

¹² *Falconer v. Dunlop* (1890), W. N. (1897) 124; see also *Taylor v. St. Mary Abbott Overseers* (1870), L. R. 6 C. P. 309; *Bond v. St. George, Hanover Square, Overseers*, *ibid.* 312.

¹ Per Byles, J., in *Powell v. Guest* (1864), 34 L. J. C. P. at p. 71. See also *Ford v. Pye* (1873), 9 C. P. 269; *Ford v. Hart*, *ibid.* 273; *Beal v. Town Clerk of Exeter* (1887), 20 Q. B. D. 300.

² *Powell v. Guest* (1864), 34 L. J. C. P. 69.

³ For the special conditions governing the qualification of soldiers and sailors, see sect. 5, pp. 63—78. *infra*.

⁴ *Ford v. Drew* (1879), 5 C. P. D. 59. But see as to the exception expressly allowed by the Representation of the People Act, 1921, pp. 19—20, *infra*.

having any estate in the premises in which he resides. Thus, a son living in his father's house may thereby obtain the residence qualification.

It should be noticed that by sect. 41 (5) of the present Act: "A person who is an inmate or patient in any prison, lunatic asylum, workhouse, poorhouse, or any other similar institution shall not by reason thereof be treated as resident therein for any purpose of this Act."

The fact that the object of the residence is to obtain a vote is in itself no objection, but will be taken into account in determining whether there is a real *bonâ fide* residence.⁵

There are two statutory exceptions to the principles governing the meaning of residence outlined above.

By sect. 7 (2) of the present Act "residence in a house . . . shall not be deemed to be interrupted for the purposes of this Act by reason only of permission being given by letting or otherwise for the occupation of the house as a furnished house by some other person for a part of the qualifying period not exceeding four months in the whole, or by reason only of notice to quit being served and possession being demanded by the landlord of the house."⁶

The meaning of the word "house" in this sub-section is not free from doubt. It is submitted, however, that the word "house" here is used in the meaning in which it has been interpreted by the Courts in construing the word in sect. 27 of the Reform Act, 1832, which, like the present Act, contains no definition or reference to the meaning of the word. In that section the following words are used: "Every male person . . . who shall occupy . . . as owner or tenant any house . . . shall if duly registered . . . be entitled to vote . . ."

⁵ *Whithorn v. Thomas* (1844), 7 M. & Gr. 1.

⁶ This provision is not applicable to "naval or military voters." See pp. 72 and 81, *infra*.

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In *Cook v. Humber*,⁵ Erle, C.J., in delivering the considered judgment of the Court of Common Pleas (Erle, C.J., Williams, Keating and Byles, JJ.), said:—“Cases may be put where he (the claimant) would, as tenant or occupier, be qualified, although the key should be withheld; for if that which is one house in one sense, being under one roof, be divided by the structure into several flats, constituting several houses in another sense, has one outer door to the street, of which a porter has the key and the sole control for the security of the tenants, each flat is a sufficient tenement, and the qualification is gained, though the tenant have no key to the outer door; and it is the same though the porter resides on one of the flats, and is owner of all the rooms under the roof. Again, if the occupier is tenant, it seems to us immaterial to inquire whether he has an uncontrolled access to the house. If, for instance, a house is let to A., without any access, except across the yard of B., and B. neither gives nor refuses leave to A. to pass over the yard, the mere liability to interruption of the access would not prevent his being qualified. And again, it seems immaterial to inquire whether the tenant of a house has exclusive possession, that is, possession free from servitudes or rights of entry reserved to the landlord: such servitudes and rights of entry affect the value of the tenement, but not the sufficiency in kind.”

In *Henrette v. Booth*⁶ the facts were as follows: The claimant was tenant of the whole of the upper floor of a building; his holding consisted of two rooms, opening on to the common staircase. The staircase was approached from the street by a passage at the end of which, next to the street, was a door, which could be closed, but had no lock or fastening of any kind. The other floors were occupied by other tenants in a similar

⁵ (1862), 31 L. J. C. P. at p. 76.

⁶ (1863), 33 L. J. C. P. at p. 61.

way. The claimant had exclusive control of the door leading to his own two rooms, which were completely severed from the rest of the building. In delivering judgment, Erle. C.J., said: ⁷ "I am of opinion that . . . the voter is entitled to the franchise. I think he was the tenant of a house within the meaning of the 2 & 3 Will. 4, c. 45,⁸ s. 27, as explained in the case of *Cook v. Humber*.⁹ He occupied the whole of the upper floor, and the part of the building which was occupied by him communicated with the landing on the staircase by one outer door, over which he had exclusive control. It is also stated in the case that there are other floors occupied by other tenants, and that all the tenants have access to their respective holdings from the street through a doorway at the entry of a passage which leads to the common staircase of the building. In this doorway there is a door which has no lock or fastening of any kind. That, I think, makes the voter the tenant of a house within the meaning of the statute. We have felt great difficulty in coming to a definite idea of what is a house within the meaning of the statute, when once it is assumed that there may be several houses under one roof; but we have felt bound to hold, notwithstanding, that there may be such houses, and we must, therefore, lay down rules for deciding what is a house and what is not, as clearly as we can. One matter that the Court has considered with reference to this subject is, that there would be great complication, if a building, which had been so constructed in other respects with reference to its internal arrangements, as that it should be considered as divided into several houses for the purpose of the franchise, should, merely because an outer door was added, be considered to be one house only. And in *Cook v. Humber*¹⁰ we endeavoured to point out this, and also that the

⁷ (1863), 33 L. J. C. P. at pp. 62, 63.

⁸ Reform Act, 1832.

⁹ (1862), 31 L. J. C. P. 73.

¹⁰ (1862), 31 L. J. C. P. 73.

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question, whether the subject of occupation was a separate house, did not depend solely on the presence or absence of the landlord, or on the circumstance whether the tenant had or had not a key of the outer door. . . . I think that the facts of the present case show as complete an analogy between this claim and that for chambers in the Inns of Court, or any of the other recognized cases of separate holdings, which constitute several houses with a common staircase under one roof, as there possibly can be. . . .”

In the same case, Williams, J., said¹¹:—“I am of the same opinion. We are bound to abide by the opinion which we expressed in *Cook v. Humber*,¹² that part of a building may confer the franchise if there be an entirely independent occupation of it, and it be actually severed from the rest of the building, so as to form, in fact, a separate house. It is impossible to deny that there is difficulty in saying precisely in what a separate house consists. It is admitted, however, that if a building be divided into what are commonly called chambers, these are actually severed. Nor does it seem to me that it would necessarily be otherwise, if there was a door which separated all the chambers from the street, and which might be closed if the inmates were so minded. . . .”

Keating, J., said¹:—“The cases necessarily run very close to each other. But looking to the facts as found in this case, I come to the conclusion, without difficulty, that this voter was the tenant of a house within the meaning of the statute, as explained in *Cook v. Humber*. There was no other door between him and the street except that leading on to the staircase; for the mere flap without a fastening cannot be considered as a door for the purpose which we are now considering.”

¹¹ (1863), 33 L. J. C. P. at p. 63.

¹² (1862), 31 L. J. C. P. 73.

¹ (1863), 33 L. J. C. P. at p. 63.

It appears from the above judgments that structural severance is necessary in order that premises should be a "house" within the meaning of sect. 27 of the Reform Act, 1832, and by analogy within the meaning of sect. 7 (2) of the present Act.

A further argument that this is the true interpretation of the word "house" in the present Act is the fact that in sect. 1 the word "premises" is used to describe the subject of residence and occupation, whereas if the Legislature had intended that the provisions of sect. 7 (2) should apply to all kinds of premises in which a man resides, the word "premises" would have been there used instead of the word "house."

It may be well to point out that the word "dwelling-house," which occurs in sect. 3 of the Representation of the People Act, 1867, was defined by sect. 61 of that Act, and that the word "house" was defined in sect. 5² of the Parliamentary and Municipal Registration Act, 1878, and sect. 31 (a) of the Municipal Corporations Act, 1882.

The interpretation placed by the Courts on the words "dwelling-house" and "house" in the Acts just mentioned depended largely on the express words of the definitions in those Acts, and it is therefore submitted that the cases³ in which the words in question in those Acts were interpreted throw no light upon the meaning of the word "house" in the present Act. These definitions expressly include in the meaning given to the words "house" and "dwelling-house" premises other than those included in the word "house" as interpreted in the judgments in *Cook v. Humber*⁴ and *Henrette v.*

² Repealed by the present Act, s. 47 (1), and Eighth Schedule. See p. 321, *infra*.

³ *Thompson v. Ward*, *Ellis v. Burch* (1871), L. R. 6 C. P. 327; *Boon v. Howard* (1874), L. R. 9 C. P. 277; *Allchurch v. Hendon Union*, (1891) 2 Q. B. 436 (C. A.).

⁴ (1862), 31 L. J. C. P. 73.

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Booth,⁵ but it is submitted that these judgments supply the true test of the meaning of the word "house" in the present Act by reason of the fact that the judges were there construing the word in an Act which, like the present, contained no definition of "house." It should also be noticed that sect. 41 (8) of the present Act follows the Act of 1867 in expressly including in the meaning of the word "dwelling-house" "any part of a house where that part is occupied separately as a dwelling-house." The fact that the Acts referred to above contained definitions of the words "house" and "dwelling-house" and that the present Act deals expressly with the meaning of the word "dwelling-house" whilst leaving the word "house" undefined, is a strong argument against the applicability of these definitions to the word "house" in the present Act, and in favour of the meaning given to the word in the judgments mentioned above.

There would appear to be no necessity for the four months referred to in sect. 7 (2), set out on p. 13, *supra*, to be four consecutive months. It should also be observed that the period of letting may be more than four months in the whole without disfranchising the elector, provided that such period is in two and not one qualifying period.

Further, not only is the residence of a lessor deemed to be unbroken during the time his house is let, but it is clear that the tenant may also obtain the benefit of his residence towards his qualification for the franchise during such time as he resides in the house of which he is tenant.

The provision in sect. 7 (2) set out on p. 13, *supra*, in so far as it deals with notice to quit, is unnecessary in the case of residence.

⁵ (1863), 33 L. J. C. P. 61.

The second exception from the general principles governing the interpretation of "residence" is contained in sect. 1 of the Representation of the People Act, 1921,⁶ which is as follows:—

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"The residence of a person in any premises shall not be deemed to have been interrupted for the purposes of the Representation of the People Acts, 1918 to 1920, by reason only of the fact that that person has been absent from the premises during part of the qualifying period not exceeding four months at any one time, in the performance of any duty arising from or incidental to any office, service, or employment held or undertaken by him; but the express enactment of this provision shall not affect in any way the general principles governing the interpretation of the expression 'residence' and cognate expressions."

Sect. 2 of the Electoral Disabilities Removal Act, 1891⁷ (which is repealed by the present Act⁸) enacted a similar exception in relation to the former household,⁹ lodger,¹⁰ and service¹¹ franchises, and the decisions under that section may therefore be material on the meaning of sect. 1 (1) of the Act of 1921. In *O'Connell v. Holland*¹² it was held by the Irish Court of Appeal that a militiaman, ordinarily resident in Londonderry, who while on training with his regiment at Buncrana

⁶ Set out at p. 358, *infra*.

⁷ 54 & 55 Vict. c. 11.

⁸ See p. 324, *infra*.

⁹ See R. P. Act, 1867 (30 & 31 Vict. c. 102), s. 3; R. P. Act, 1884, (48 & 49 Vict. c. 3), s. 2.

¹⁰ See R. P. Act, 1867, s. 4; R. P. Act, 1884, s. 2.

¹¹ See R. P. Act, 1884, s. 3, and *Larcombe v. Simey*, (1907) 1 K. B. 139.

¹² (1900) 2 Ir. R. 448. The following cases were also decided under sect. 2 of the Electoral Disabilities Removal Act, 1891: *Riddall v. Sweeney*, *Graham v. McGillian*, 1 Lawson's Registration Cases, 46; *McGowan v. Chambers*, *ibid.* 49; *Fitz Simmon's Case*, *ibid.* 48; *Larcombe v. Simey*, (1907) 1 K. B. 139.

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was sentenced to be a prisoner at large for 48 hours on a charge of drunkenness, the effect of which was that he was not allowed outside the camp lines during the period, was not thereby disqualified as an inhabitant occupier in respect of his residence in Londonderry. In construing the word "only" in sect. 2 of the Act of 1891, the tests adopted appear to have been (1) whether the absence arose from an obligation incidental to the service, and (2) whether the effective cause of the absence was the service itself or the confinement.

It should be observed that sect. 1 of the Act of 1921 is not applicable¹ to persons in naval or military service, who are specially dealt with by sect. 5 of the present Act.²

As to the meaning of the word **premises** in relation to the residence qualification, the Act contains no definition, and indeed the words **in premises** in sect. 1 (2) appear to be surplusage. Provided that a man resides in the constituency, it is immaterial what is the nature or value of the **premises** in which he resides.

It should also be remembered in this connection that a man may during the course of a qualifying period move in immediate succession from one set of premises to another in the constituency,³ or a neighbouring constituency as described in sect. 2 (b), without losing his qualification, provided that he does not cease to reside.

This materially extends the meaning of what was formerly known, in relation to the occupation franchise, as "successive occupation." Thus, bearing in mind that the administrative county of London is, for the purposes of sect. 1 (2), to be treated as a parliamentary

¹ See p. 77, *infra*.

² See pp. 63-78, *infra*.

³ As to the meaning of the word "constituency," see p. 3, *supra*, footnote¹.

borough, a man may move his residence in London freely during the qualifying period in any constituency in London. He may also move, *e.g.*, into any constituency within the parliamentary counties of Essex or Kent, as such parliamentary counties at some point touch the boundaries of the administrative county of London.

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The requisite business premises qualification.— In order to have this qualification a man (a) must on the last day of the qualifying period be occupying business premises in the constituency,⁴ and (b) must during the whole of the qualifying period have occupied business premises in the constituency or in another constituency within the same parliamentary borough or parliamentary county or within a parliamentary borough or parliamentary county contiguous to that borough or county or separated from that borough or county by water, not exceeding at the nearest point six miles in breadth measured in the case of tidal water from low-water mark. For this purpose the administrative county of London shall be treated as a parliamentary borough.⁵

Business premises qualification.

As to the meaning of the words **qualifying period** and **last day of the qualifying period**, see p. 8, *supra*.

It should be noticed that in the case of the business premises qualification the requirements of sect. 1 (2) (a) are satisfied by occupation on the last day of the qualifying period, even in the case of successive occupation, without any additional period such as is required in the case of the residence qualification.⁶

In the case of the business premises qualification, as in that of the residence qualification, there is no necessity

⁴ As to the meaning of the word “constituency,” see p. 3, *supra*, footnote 1.

⁵ See sect. 1 (2), set out on p. 2, *supra*.

⁶ See p. 8, *supra*.

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for the land or premises occupied to be the same during the whole of the qualifying period, provided such land or premises are occupied in immediate succession and are within the requisite limits.⁷

The meaning of the words **occupying** in sect. 1 (2) (a) and **occupied** in sect. 1 (2) (b), like the meaning of "residence," raises difficulties.

In *Cook v. Humber*,⁸ Erle, C.J., in considering the meaning of occupation in relation to sect. 27 of the Reform Act, 1832, defined "occupation" as "actual exercise of the rights of the owner in possession during the requisite time."

This is apparently the only judicial definition of the word "occupation" in relation to the parliamentary franchise. Although it may perhaps be doubted⁹ whether any useful purpose is served by referring to judgments which deal with the meaning of the word in relation to a subject-matter other than that of the franchise, the observations made by Lush, J., in *Reg. v. St. Pancras Assessment Committee*¹⁰ appear to be so wide as to be worth quoting in connection with the question now under consideration. "Occupation includes possession as its primary element, but it also includes something more. Legal possession (*e.g.* the possession of the owner of a vacant house) does not of itself constitute an occupation."

The cases decided under sect. 27 of the Reform Act, 1832,¹¹ as to the meaning of occupation of any warehouse,

⁷ See sect. 1 (2) (b), p. 2, *supra*.

⁸ (1862), 31 L. J. C. P. at p. 75.

⁹ See the observations of Denman, C.J., in *Re v. Inhabitants of St. Nicholas* (1833), 5 B. & Ad. at p. 256; see also p. 9, *supra*.

¹⁰ (1877), 2 Q. B. D. at p. 588.

¹¹ It is submitted that the words "occupying business premises" will, generally speaking, have much the same effect as the words "shall occupy as owner or tenant any . . . warehouse or counting-house, shop or other building."

counting-house, shop, or other similar building, may be usefully referred to as throwing light on the meaning of the words "occupying" and "occupied" in sect. 1 (2) and (3) of the present Act. Under that section it was decided that the occupation required need not be actual occupation by the elector himself, but might be constructive. Thus it was held that there was occupation by the voter of a wareh use, being part of a house, where his goods were kept in the warehouse, although no one lived in the house,¹² of a counting-house (part of a house) where he used it by himself or his clerks for the purposes of his business during the day, although such counting-house might be locked up and left without anyone in it at night,¹ of a shed on a wharf used by a wharfinger for keeping in it his barrows, shovels and baskets,² of a shed used by a market gardener for storing potatoes,³ of a stone building on a piece of land in which he kept guano and other manure used for the purposes of the land.⁴

Having regard to the definitions and cases referred to above, it would appear that in order that there should be occupation within the meaning of section 1 of the present Act two conditions must be fulfilled: (1) There must be the exercise of the rights of ownership by the person to be registered, whether such person is or is not the owner; and (2) there must be actual user for the purpose of the business, profession or trade of such person.⁵

It should be noticed that by sect. 7 (2) " . . . the occupation of a house shall not be deemed to be inter-

¹² *Daniel v. Coulsting* (1845), 7 M. & Gr. 122.

¹ *Downing v. Lockett* (1847), 17 L. J. C. P. 31; *Piercy v. Maclean* (1870), L. R. 5 C. P. 252.

² *Watson v. Cotton* (1847), 17 L. J. C. P. 68.

³ *Powell v. Farmer* (1865), 34 L. J. C. P. 71.

⁴ *Morish v. Harris* (1865), L. R. 1 C. P. 155.

⁵ See sect. 1 (3) and pp. 29—31, *infra*.

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rupted for the purposes of this Act by reason only of permission being given by letting or otherwise for the occupation of the house as a furnished house by some other person for part of the qualifying period not exceeding four months in the whole, or by reason only of notice to quit being served and possession being demanded by the landlord of the house;⁶ . . .” This sub-section applies, as will be observed, only to the occupation of a “house.”⁷

The case of a house which is used “for the purpose of the business, profession or trade of the person to be registered” being let furnished will no doubt arise rarely. The provision as to notice to quit is inserted to meet the cases in which it was held,⁸ under sect. 5 of the Representation of the People Act, 1884, that a notice to quit coupled with a demand of possession by the landlord broke the occupation.

The expression **business premises** is defined in sect. 1 (3) as “**land or other premises of the yearly value of not less than ten pounds occupied for the purpose of the business, profession or trade of the person to be registered.**”

The words **land or other premises** include any piece of land and any kind of structure, erection or building of whatever nature or any part thereof provided they are occupied⁹ for the purpose of the business, profession or trade of the person to be registered.

As to the words **of the yearly value of not less than ten pounds**, it is provided by sect. 41 (9) of the present Act that “the yearly value of land or premises shall

⁶ This provision is not applicable to “naval or military voters,” see p. 81, *infra*.

⁷ As to the meaning of “house” (within which some “business premises” will and some will not come), see pp. 13—18, *supra*.

⁸ *Strachan v. Bianic* (1888), 15 Ct. of Sess. Cas. 308; *Holland v. Chambers, Devine's Case*, (1894) 2 Ir. R. 442.

⁹ See pp. 22—23, *supra*.

be taken to be the gross estimated rental or in the metropolis the gross value where those premises are separately assessed to rates, and in any other case shall be deemed to be the amount which would in the opinion of the registration officer be the gross estimated rental or gross value as the case requires if they were separately assessed."

The expression "gross estimated rental" is defined by sect. 15 of the Union Assessment Committee Act, 1862, as "the rent at which the hereditament might reasonably be expected to let from year to year free of all usual tenant's rates and taxes and tithe commutation rent-charge, if any."

The gross estimated rental forms a step in the ascertainment of the rateable value, which is an estimate "of the rent at which the [premises] might reasonably be expected to let from year to year free of all usual tenant's rates and taxes and tithe commutation rent-charge if any and deducting therefrom the probable average annual cost of the repairs insurance and other expenses, if any, necessary to maintain them in a state to command such rent."¹⁰

As to the words "or in the metropolis the gross value," it should be noticed that in the Valuation (Metropolis) Act, 1869, which governs rating in the metropolis,¹¹ "gross value" is substituted for the expression "gross estimated rental" which appears in the Union Assessment Committee Act, 1862, s. 15, but the meaning of these two expressions as defined in the two Acts is the same.

The gross estimated rental of all premises outside the

¹⁰ Parochial Assessments Act, 1836, s. 1. The definition of rateable value in the metropolis is substantially the same. See sect. 4 of the Valuation (Metropolis) Act, 1869.

¹¹ As to the meaning of "metropolis," see sects. 3, 4 of the Valuation (Metropolis) Act, 1862 (32 & 33 Vict. c. 67).

Sect. 1. metropolis that are separately assessed to rates appear in the valuation lists,¹² and in the case of the metropolis the gross value of all premises that are separately assessed appears in the valuation lists relating to the metropolis.¹

In *Cook v. Butler*² it was held, that the words "rateable value of 12*l.* or upwards" in sect. 6 (2) of the Representation of the People Act, 1867, meant real rateable value and not necessarily the rateable value which appears in the rate-book. It is, however, submitted that in view of the words used in sect. 41 (9) of the present Act quoted above,³ and the distinction drawn between premises which are separately assessed and those which are not, and the reference to the opinion of the registration officer in the latter case only, the gross estimated rental and gross value, as the case may be, appearing in the valuation list is, under the present Act, conclusive as to the yearly value of premises which are separately assessed to rates.

Where premises are not separately assessed to rates it becomes, by sect. 41 (9) quoted above,³ the duty of the registration officer to form an opinion as to what would be the gross estimated rental (or gross value) if the premises were separately assessed. In forming his opinion it is submitted that the registration officer must be governed by the law applicable to overseers or assistant overseers in estimating the gross estimated rental (and gross value).

The principles upon which the rateable value, in the ascertainment of which the gross estimated rental (or gross value) is, as was pointed out above, a step,

¹² Union Assessment Committee Act, 1862, ss. 14, 27, and Schedule.

¹ Valuation (Metropolis) Act, 1869, ss. 14, 41, and Second Schedule.

² (1872), 8 C. P. 256.

³ See pp. 24—25, *supra*.

were stated as follows by the Court of Queen's Bench (Blackburn, Quain and Archibald, J.J.), in *Mersey Docks v. Liverpool*,⁴ in a considered judgment which, as Lord Esher, M.R., said,⁵ "is and has always been held to be the foundation of all the subsequent decisions upon this matter":—

"Where the hereditaments, or hereditaments of a similar kind, are in practice actually let at a rent, the amount of which is ascertained by what has been called 'the higgling of the market,' the application of this definition⁶ is easy and simple.

"Where the hereditaments are not in practice let, the problem becomes more difficult. The facts and circumstances, which would be taken into consideration by those who in the case of a real tenancy do in the higgling of the market fix the rent, are to be taken into consideration, and on a view of all those the net annual value of the occupation is to be determined; and in many cases the amount that is made by the trade carried on by the occupier's occupation, less an allowance for the profits which the tenant might elsewhere make by his trade, is an important element in the evidence of the annual value. In such a case as *Reg. v. Southampton Docks*⁷ they were properly allowed; but it is not always so.

"If the hereditaments are such as to afford peculiar facilities for carrying on any kind of business, that facility does, beyond all question, enhance the value of the occupation; but though the profits which may be reasonably expected to arise from such a business no doubt form an element in estimating the enhanced value

⁴ (1873), L. R. 9 Q. B. at pp. 96, 97.

⁵ *Dodds v. South Shields Union*, (1895) 2 Q. B. at p. 136.

⁶ *I.e.*, the definition of rateable value in the Parochial Assessment Act, 1836, s. 1, which is set out on p. 25, *supra*.

⁷ 17 Q. B. 83; 20 L. J. M. C. 155.

Sect. 1. of the occupation of the premises, the actual profits made do not form any element, except in so far as they afford evidence of what might be reasonably expected to be made from the occupation of premises affording facility for carrying on such a business. For instance, to explain our meaning, there can be no doubt that the annual rent of a shop in Cheapside is higher than the annual rent of a similar shop in a back street; and that the reason why tenants give a higher rent is because of the superior facility for carrying on business there. But the rent and the rateable value of the shop are quite independent of the amount of the shopkeeper's actual gains. The rateable value is the same whether the tenant is a flourishing trader or is carrying on business at a loss. So, no doubt, in fixing the rent of chambers in one of the Inns of Court, the facility for carrying on the legal profession in them is an element, and an important one, but the actual income of the tenant is not. The chambers command no more rent when let to the Attorney-General than they would do if let to a young barrister just called who does not as yet pay his expenses."

In *R. v. School Board for London*,⁸ Lord Esher, M.R., said: "The real question is how the value is to be ascertained. The inquiry is not as to what rent is paid by the actual occupier. The mode of finding out the value is laid down in the Act,⁹ and it is to ascertain the rent which *a* tenant (not *the* tenant) taking one year with another might reasonably be expected to pay; it is also implied that where the owner occupies, he is to be considered as if he were a tenant. The directions given by the Act are equivalent to saying that one must look at all possible tenants."

⁸ (1886), 17 Q. B. D. at 740; see also the observations of Bowen and Fry, L.JJ., at p. 741.

⁹ Valuation (Metropolis) Act, 1869, s. 4.

As to the meaning of "yearly value" in Scotland, see sect. 43 (2), p. 248, *infra*.

The words **occupied for the purpose of the business, profession or trade of the person to be registered** require consideration.

In the language of Jessel, M.R., in *Smith v. Anderson*:¹⁰ "Business itself is a word of large and indefinite import. I have before me the last edition of Johnson's Dictionary, edited by Dr. Latham, and there the first meaning given of it is 'employment, transaction of affairs'; the second, 'an affair'; the third, 'subject of business, affair, or object which engages the care.' Then there are some other meanings, and the sixth is, 'something to be transacted.' The seventh is, 'something required to be done.' Then taking the last edition of the Imperial Dictionary, which is a very good dictionary, we find it a little more definite, but with a remark which is worth reading: 'Business, employment; that which occupies the time and attention and labour of men for the purpose of profit or improvement.' That is to say, anything which occupies the time and attention and labour of a man for the purpose of profit is business. It is a word of extensive use and indefinite signification. Then, 'Business is a particular occupation, as agriculture, trade, mechanics, art, or profession' Therefore the Legislature could not well have used a larger word."

In the above case the learned Master of the Rolls was construing the meaning of the word "business" in sect. 4 of the Companies Act, 1862, which refers to "business that has for its object the acquisition of gain." It seems clear that in the present Act the word "business" is applicable to cases where there is no profit or gain. In *Re Law Reporting Council*,¹¹ where the question was whether the Council of Law Reporting were entitled

¹⁰ (1880), 15 Ch. D. at p. 258.

¹¹ (1888), 22 Q. B. D. 291.

Sect. 1. to exemption from duty as being a body "established for any trade or business" within the meaning of sect. 11 (5) of the Customs and Inland Revenue Act, 1885, it was held that the Council were entitled to exemption although they did not make a profit to their own benefit, and that the Council were in fact carrying on a business.¹²

As to the meaning of the word "trade," "it is unnecessary to refer to authorities to show that the word 'business' has a more extensive meaning than the word 'trade.' It has never been doubted that farming was a business, though it could not properly be called a 'trade,' since the latter has the technical meaning of buying and selling."¹ Further, as in the case of business, "it is not essential to the carrying on of a trade that the persons engaged in it should make, or desire to make, a profit by it."²

In considering whether a person is or is not carrying on a business or trade, the question of continuity may be of importance. To quote one of the illustrations given by Jessel, M.R., in *Smith v. Anderson*,³ "a man occasionally buys and sells land, as many landowners do, and nobody would say he was a land-jobber or dealer in land, but if a man made it his particular business to buy and sell land . . . he would be designated as a land-jobber or dealer in land."

The construction which the Court will put upon the words **occupied for the purpose of the business, profession or trade of the person to be registered** is not free from doubt. It will be a question in each case (1) whether the person to be registered is occupying⁴ the

¹² See the observations of Lord Coleridge, C.J., *ibid.* at pp. 293, 294.

¹ Per Willes, J., in *Harris v. Amery* (1865), 35 L. J. C. P. at p. 92.

² Per Lord Coleridge, C.J., in *Re Law Reporting Council* (1888), 22 Q. B. D. at p. 293.

³ (1880), 15 Ch. D. at p. 260.

⁴ See p. 22, *supra*.

premises, and (2) whether the business, profession or trade of the person to be registered is *his* business, profession or trade. There will be cases where the employer, though he may be absent, is alone entitled to be registered, and in view of the fact that there are no words in sect. 1 of the present Act limiting the occupation to that of owner or tenant, as was the case in former Franchise Acts, it is submitted that there may also possibly be some cases where the employee only is entitled to be registered, and others where both employer and employee are entitled to be registered.

It must be remembered, of course, that it is only where the employee is in a position of authority that he can possibly fulfil the requirements of "occupation," viz. "the actual exercise of the rights of the owner in possession."⁵

Sect. 7 (1) provides that "where land or premises are in the joint occupation of two or more persons, each of the joint occupiers shall for the purposes of this Part of this Act be treated as occupying the premises subject as follows:—

- (a) In the case of the occupation of business premises the aggregate yearly value of the premises must for the purpose of the parliamentary franchise be not less than the amount produced by multiplying ten pounds by the number of the joint occupiers; and
- (c) Not more than two joint occupiers shall be entitled to be registered in respect of the same land or premises unless they are bonâ fide engaged as partners carrying on their profession, trade, or business on the land or premises.

⁵ See the observations of Erle, C.J., in *Cook v. Humber*, quoted at p. 22, *supra*, and also p. 23, *supra*.

Sect. 2.
University
franchise
(men).

2. A man shall be entitled to be registered as a parliamentary elector for a university constituency⁶ if he is of full age⁷ and not subject to any legal incapacity,⁸ and has received a degree (other than an honorary degree) at any university forming, or forming part of, the constituency, or in the case of the Scottish universities is qualified under section twenty-seven of the Representation of the People (Scotland) Act, 1868,⁹ or in the case of the University of Dublin has either received a degree (other than an honorary degree) or has obtained a scholarship or fellowship in the University, whether before or after the passing of this Act.

NOTE.—This section, like sect. 1, is applicable to male persons only.

Registered as a parliamentary elector for a university constituency.—As to registration for university constituencies, see sect. 19, pp. 122—123, *infra*.

The words “parliamentary elector for a university constituency” in the above section mean a person who is entitled to vote at an election of a member of the House of Commons for a constituency consisting of a university or a combination of universities. See sect. 41 (1), p. 244, *infra*.

Full age.—See p. 3, *supra*.

Not subject to any legal incapacity.—See pp. 4—7, *supra*.

⁶ See p. 32.

⁷ See p. 3, *supra*.

⁸ See pp. 4—7, *supra*.

⁹ See p. 33, *infra*.

Has received a degree (other than an honorary degree) at any university forming, or forming part of, the constituency.—By sect. 2 of the Act the receipt of any degree except an honorary degree at any one of certain universities entitles a man who is of full age and not subject to any legal incapacity to the vote in a university constituency in England, Wales or Ireland. Thus, a Bachelor of Arts of the University of Oxford, who prior to this Act had no vote in virtue of his degree, is now in the same position in regard to the franchise as a Doctor of Divinity or a Master of Arts of that university.

The universities in England and Wales which form a constituency or part of a constituency are mentioned in the Ninth Schedule, Part III., p. 349, *infra*.

In the case of the Scottish Universities is qualified under section twenty-seven of the Representation of the People (Scotland) Act, 1868.—Sect. 27 of the Representation of the People (Scotland) Act, 1868, enacts that “the Chancellor, the Members of the University Court, and the professors for the time being of each of the Universities of Scotland, and also every person whose name is for the time being on the register . . . of the General Council of such University shall if . . . of full age, and not subject to any legal incapacity, be entitled to vote in the election of a member to serve in any future Parliament for such University. . . .”

There is only one Scottish university constituency, formed by the universities of St. Andrews, Glasgow, Aberdeen, and Edinburgh.¹⁰

3. A man shall be entitled to be registered as a local government elector for a local govern-

Local
government
franchise
(men).

¹⁰ See Ninth Sch., Part III., p. 349, *infra*.

Sect. 3. ment electoral area¹¹ if he is of full age¹² and not subject to any legal incapacity,¹ and—

- (a) is on the last day of the qualifying period occupying as owner or tenant,² any land or premises in that area³; and
- (b) has, during the whole of the qualifying period, so occupied any land or premises in that area, or, if that area is not an administrative county or a county borough, in any administrative county or county borough in which the area is wholly or partly situate⁴:

Provided that—

- (i) for the purposes of this section a man who himself inhabits any dwelling-house⁵ by virtue of any office, service, or employment, shall if the dwelling-house is not inhabited by the person in whose service he is in such office, service, or employment, be deemed to occupy the dwelling-house as a tenant⁶; and
- (ii) for the purposes of this section the word tenant shall include a person who occupies a room or rooms as a lodger only where such room or rooms are let to him in an unfurnished state.⁷

¹¹ See p. 35, footnote ⁹, *infra*.

¹² See p. 3, *supra*.

¹ See p. 35, *infra*.

² See pp. 36—50, *infra*.

³ See p. 50, *infra*.

⁴ See pp. 51—52, *infra*.

⁵ See pp. 41—45, *infra*.

⁶ See pp. 40—46, *infra*.

⁷ See pp. 47—49, *infra*.

NOTE.—Section 3 states the conditions which must be fulfilled in order to entitle a male person to be registered⁸ as a local government elector for a local government electoral area.⁹

These conditions are :—

- (1) He must be of full age.
- (2) He must not be subject to any legal incapacity.
- (3) He must on the last day of the qualifying period be occupying as owner or tenant any land or premises in the local government electoral area.
- (4) He must during the whole of the qualifying period have so occupied any land or premises in the local government electoral area, or if that area is not an administrative county or a county borough in an administrative county or county borough in which the area is wholly or partly situate.

(1) **Full age.**—As to this see p. 3, *supra*.

(2) **Not subject to any legal incapacity.**—The nature of the incapacity is the same here as in the case of a parliamentary elector (see pp. 4—7, *supra*), *i.e.*, it is some quality inherent in a person or for the time being irremovable in such person which either at common law or by statute deprives him of the status of an elector. The persons who are legally incapacitated from being registered under this section as local government electors

⁸ As to registration for local government purposes, see Part II., Registration, sects. 11—19 of the Act, pp. 104—123, *infra*.

⁹ The words “local government electoral area” mean the area for which any county council, municipal borough council, metropolitan borough council, board of guardians, parish council or any other body elected at the time of the passing of this Act by persons on the local government register, or on the register of parochial electors is elected. See sect. 41 (2), p. 245, *infra*.

Sect. 3. are the same as those mentioned on pages 4—6, *supra*, with the exception of peers.¹⁰

(3) As to the words **on the last day of the qualifying period**, see p. 8, *supra*. If a man moves into a local government area within thirty days of the last day of the qualifying period, the requirements of sect. 7 (4) must be fulfilled. This sub-section is as follows:—“Notwithstanding anything in this Act, a person shall not be entitled to be registered as a local government elector for a local government electoral area though that person may have been occupying land or premises in the area on the last day of the qualifying period, if that person commenced to occupy the land or premises within thirty days before the end of the qualifying period, and ceased to occupy the land or premises within thirty days after the commencement of the occupation.”

It will be observed that this provision is similar to sect. 7 (3), which was dealt with on pp. 8—9, *supra*, except that under the words “occupy the land or premises” here used a change of premises during the thirty days would not be permissible, as it is under the words “reside in the constituency” in sect. 7 (3).¹¹

occupying as owner or tenant.—The word “occupying” in this section is used in two different senses: first in its strict legal meaning in connection with the words “as owner or tenant,” the latter word being used in its usual legal signification¹²; secondly in a looser sense when used in connection with the special meaning expressly given to the word “tenant” by proviso (ii) in sect. 3. The meaning of occupation in the first of the

¹⁰ The constitutional reasons which prevent peers from voting at an election of a member of the House of Commons are not applicable to local government elections. See *Brauchamp (Earl) v. Madresfield* (1872), L. R. 8 C. P. 250, 251.

¹¹ See p. 9, *supra*.

¹² See pp. 39—40, *infra*.

above senses is similar to that dealt with at pp. 22—23, *supra*, in connection with the parliamentary business premises qualification under sect. 1. The only differences are that user of the premises for the purpose of business or trade is not required here and that the words “as owner or tenant” are added. In practice the necessity for occupation “as owner or tenant” will not, in the great majority of cases, differentiate the nature of the occupation required under the two sections, as the “business premises” electors under sect. 1 will, as a matter of course, usually be the owner or tenant of the premises.¹³

As in the case of occupation under sect. 1, so here, the occupation may be constructive as well as actual—*e.g.*, a man may be absent during a part or even the whole of the qualifying period and yet occupy the premises of which he is owner or tenant, either because his wife or family live there during his absence,¹ or because his business is being carried on there on his behalf.²

It may also be observed in connection with the meaning of occupation as tenant, that this is not necessarily prevented by the landlord residing on the premises and retaining control of the passages and staircases and other parts used in common.³

Sect. 7(2) of the present Act lays down that “. . . the occupation of a house shall not be deemed to be interrupted for the purposes of this Act by reason only of permission being given by letting or otherwise for the occupation of the house as a furnished house by some other person for a part of the qualifying period not exceeding four months in the whole, or by reason only

¹³ See, however, p. 31, *supra*.

¹ *Whitelaw v. McGowan* (1905), 8 F. 332.

² See cases cited on p. 23, *supra*.

³ See *Kent v. Fittall*, (1906) 1 K. B. 60 (C. A.), but cf. *Douglas v. Smith*, (1907) 1 K. B. 126; (1907) 2 K. B. 568 (C. A.).

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of notice to quit being served and possession being demanded by the landlord of the house³ . . .”

It should be noticed that this provision only applies to a “house.” As to the meaning of the word “house” in this provision, see pp. 13—18, *supra*.

A man would be entitled to be registered under sect. 3 notwithstanding that his house is in the occupation of a tenant (with all the usual rights) to whom he has let it furnished, provided the period for which he has let his house is not more than four months (not necessarily consecutive) in the whole during the qualifying period. Sect. 7 (2), therefore, extends the meaning of the word “occupying” in sect. 3 in an important respect, as, where a man has let his house he does not fulfil the conditions laid down by Erle, C.J., in defining occupation as “the actual exercise of the rights of the owner in possession.”⁴

The observations made on p. 18, *supra*, with regard to sect. 7 (2) in relation to residence are equally applicable here with such modifications as are obviously necessary by reason of the franchise now dealt with being based on occupation instead of residence.

The effect of the provision in sect. 7 (2) set out above as to notice to quit is to prevent the disfranchisement of tenants, which under sect. 5 of the Representation of the People Act, 1884, was held⁵ to have taken place by reason of their landlords having served them with a notice to quit and a demand for possession.

The word **owner** in sect. 3 means a person who has a freehold estate whether legal or equitable in the land or premises in question as opposed to a person having any less estate.

³ This provision is not applicable in the case of a person who is a “naval or military voter,” see p. 81, *infra*.

⁴ *Cook v. Humber* (1862), 31 L. J. C. P. at p. 75, and see p. 22, *supra*.

⁵ *Strachan v. Binnie* (1888), 15 Ct. of Sess. Cas. 308; *Holland v. Chambers (Devine's Case)*, (1894) 2 Ir. R. 442.

Tenant here means a person who whilst not an "owner" has some estate, however small, either legal or equitable, in the subject-matter of the occupation, and also by proviso (ii) in sect. 3, a lodger who occupies a room or rooms which are let to him unfurnished.⁶ It is important to keep these two meanings of "tenant" in this section distinct.

Dealing first with the meaning of the word "tenant" in the first of the above meanings, it may be useful to refer to some of the cases decided under sect. 27 of the Reform Act, 1832, and sect. 5 of the Representation of the People Act, 1884, where difficult questions arose as to what constituted a tenant, as these cases would, no doubt, be held applicable in determining the meaning of the word "tenant" in sect. 3 of the present Act.

It was decided under the Act of 1884 that tenants at will⁷ were entitled to be registered.

In *Holland v. Chambers* (*John Doherty's Case*),⁸ it was held that when the sole next of kin of the deceased tenant of a house who died intestate, resided in the house and paid the rent, his occupation was that of a tenant, notwithstanding that he had never taken out letters of administration.

In *Heath v. Haynes*⁹ the claimant occupied rooms in a hospital as a member of the corporation of "The Master and Brethren of the Hospital of Robert, Earl of Leicester." The property belonged to the charity and was managed by the members of the corporation, each being allotted a set of rooms over which he had exclusive control. It was held that the claimant did not occupy either as owner or tenant.

In *Powell v. Boraston*¹⁰ it was decided, that where

⁶ As to the latter meaning, see pp. 47—49, *infra*.

⁷ *Rogers v. Harvey* (1858), 28 L. J. C. P. 17.

⁸ (1894) 2 I. R. 285.

⁹ (1857), 27 L. J. C. P. 50.

¹⁰ (1865), 34 L. J. C. P. 73.

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a man built and occupied a shed on the land of a farmer (who was tenant of the land and allowed such building and occupation without his landlord's permission), the farmer was not the owner or tenant of the shed.

It should also be noticed that under the Bankruptcy Act, 1883, all the property of a person who is adjudicated bankrupt vests in the trustee in bankruptcy, and therefore the bankrupt would not be entitled to be registered as owner or tenant (in the meaning now being discussed¹¹) under sect. 3 of this Act. There is, however, an exception in the case where a bankrupt, who occupies premises as tenant, continues to occupy them after his adjudication and pays the rent. In that case, provided the official receiver or trustee in bankruptcy has done nothing by payment of rent or otherwise in relation to the tenancy, the bankrupt may be occupying as tenant at will or by estoppel from the date of his adjudication.¹²

“Service franchise.”

By section 3, proviso (i)—“for the purposes of this section a man who himself inhabits any dwelling-house by virtue of any office, service, or employment, shall if the dwelling-house is not inhabited by the person in whose service he is in such office, service, or employment, be deemed to occupy the dwelling-house as a tenant.”

The object of this proviso, which deals with what has been hitherto known in connection with the parliamentary franchise as the “service franchise,” is intended to remove the inference of law that a servant who is under an obligation to inhabit premises for the performance of his duties does not occupy as tenant.

Three points¹³ should be noticed in connection with this proviso:—

(1) To come within the proviso the premises inhabited

¹¹ See p. 39, *supra*.

¹² *Mackay v. McGuire*, (1891) 1 Q. B. 250.

¹³ For the second and third of these points see pp. 45—46, *infra*.

must be a **dwelling-house**. By sect. 41 (8) of the present Act "the expression 'dwelling-house' includes any part of a house, where that part is occupied separately as a dwelling-house." The meaning of the expression "dwelling-house" in proviso (i) of sect. 3, as explained by sect. 41 (8), is not free from doubt. Sect. 3 of the Representation of the People Act, 1867, contained the words "dwelling-house," which by sect. 61 of the same Act was to be read as including "any part of a house occupied as a separate dwelling and separately rated to the relief of the poor." By sect. 59 of the same Act, that Act and the Reform Act, 1832, were to be read together as one Act. It was accordingly argued that the decisions in *Cook v. Humber*¹ and *Heurette v. Booth*² under sect. 27 of the Reform Act, 1832, as to the meaning of the word "house" were applicable in interpreting the expression "dwelling-house" in the Act of 1867. In the cases of *Thompson v. Ward*, *Ellis v. Burch*³ and *Boon v. Howard*⁴ the Court was equally divided as to whether it was necessary that there should be structural severance in order to constitute a "dwelling-house" within the meaning of the Act of 1867. Subsequently to these decisions the point was settled by the express words of sect. 5 of the Parliamentary and Municipal Registration Act, 1878, which made it clear that structural severance was not necessary. By that section it was, inter alia, provided that "in and for the purposes of the Representation of the People Act, 1867, the term 'dwelling-house' shall include any part of a house where that part is separately occupied as a dwelling," and that "for the purposes of any of the Acts referred to in this section [*i.e.*, amongst others the Repre-

¹ (1862), 31 L. J. C. P. at p. 76. See pp. 13—16, *supra*.

² (1863), 33 L. J. C. P. at pp. 62, 63.

³ (1871), L. R. 6 C. P. 327.

⁴ (1874), L. R. 9 C. 277.

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resentation of the People Act, 1867] where an occupier is entitled to the sole and exclusive use of any part of a house that part shall not be deemed to be occupied otherwise than separately by reason only that the occupier is entitled to the joint use of some other part."

It is submitted that in view of the difference in language between sect. 41 (8) of the present Act and sect. 61⁵ of the Representation of the People Act, 1867, and the fact that the latter Act and the Reform Act, 1832, were to be read together, it would not be held that the expression "dwelling-house" in the present Act bears the meaning given to the word "house" in *Cook v. Humber*⁶ and *Henrette v. Booth*.⁷ Further, in view of the close similarity between the language of the first part of sect. 5 of the Parliamentary and Municipal Registration Act, 1878, quoted above,⁸ and that of sect. 41 (8) of the present Act, and the fact that the latter part of sect. 5 of the former Act was in effect declaratory of the law for the purpose of settling the doubts raised by the disagreement of the learned judges in the cases⁹ under the Act of 1867, it is probable that the expression "dwelling-house" in the present Act would be held to have the meaning given to it by sect. 5 of the Parliamentary and Municipal Registration Act, 1878, and therefore, that where an occupier is entitled to the sole and exclusive use of any part of a house, that part will not be deemed to be occupied otherwise than separately by reason only that the occupier is entitled to the joint use of some other part. In other words, it is submitted that structural severance is not necessary to constitute a "dwelling-house" under the present Act.¹⁰

⁵ See p. 41, *supra*.

⁶ (1862), 31 L. J. C. P. at p. 76. See pp. 13—16, *supra*.

⁷ (1863), 33 L. J. C. P. at pp. 62, 63.

⁸ See p. 41, *supra*.

⁹ *Thompson v. Ward*, *Ellis v. Burch* and *Boon v. Howard*, *supra*.

¹⁰ See *Alchurch v. Hendon Union*, (1891) 2 Q. B. 436.

If the above view of the meaning of "dwelling-house" in sect. 3 of the present Act is correct, it will be useful to refer to some of the cases decided under sect. 3 of the Representation of the People Act, 1884 (which first conferred the service franchise), as to the meaning of the expression "dwelling-house," which was the same in that Act as in the Act of 1878.¹¹

In *Campbell v. Morris*,¹² a coachman had the exclusive use and control of a room over a stable furnished as a bedroom, in which he kept his clothes and dressed, but he took his meals in the mansion-house occupied by his master, and slept there as caretaker. He claimed to be enrolled as a voter by reason that he inhabited the room over the stable as a dwelling-house by virtue of service within the meaning of sect. 3 of the Representation of the People Act, 1884. It was held that he was not entitled to the franchise, because the dwelling-house which he inhabited was not the room over the stables, but the mansion-house, which was inhabited by the person under whom he served.

In *Barnett v. Hickmott*,¹ a policeman had the exclusive occupation, by virtue of his service, of a cubicle in a dormitory at a police barrack. The cubicle was separated from the rest of the dormitory, which contained a number of similar cubicles, by a partition seven feet high, but there was a space of five feet between the top of the partition and the ceiling. The policeman kept the key of his cubicle, and was entitled to lock it up at any time. It was held that the cubicle was not "part of a house separately occupied as a dwelling" within the meaning of sect. 5 of the Parliamentary and Municipal Registration Act, 1878, and that the policeman was not entitled to the franchise in respect of it.

¹¹ See pp. 41—42, *supra*.

¹² (1895), 23 Ct. of Sess. Cas. (4th Series) 118.

¹ (1895) 1 Q. B. 691.

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In *Clutterbuck v. Taylor*² the facts were similar. All the cubicles had a gas-light in common. A lavatory and mess-room were provided for the policemen who occupied these cubicles in another part of the police station. The policemen occupying the cubicles were subject to the control of a superior officer, who had power to impose restrictions upon their use of the cubicles inconsistent with the rights which a person ordinarily exercises in respect of his own dwelling. It was held by Lord Esher, M.R., and Lopes, L.J., Rigby, L.J., dissenting, that the cubicle was not part of a house separately occupied as a dwelling within the meaning of sect. 5 of the Parliamentary and Municipal Registration Act, 1878.

In *M'Quade v. Charlton*,³ the claimant was, with other men, in the employment of a company which carried on an extensive drapery business in Belfast. Under his contract he was to be paid a yearly salary, to be boarded by the company, and to have a bedroom so long as he remained in their service, the service being determinable by notice. There was a bolt inside the bedroom to fasten the door, but the claimant had not the key. The manager could change an employee from one bedroom to another, if necessary. There were rules, understood in the house, regulating the occupation of bedrooms, which were as follows:—the claimant could not leave his business in the shop to go to his bedroom without permission; on Saturday the bedrooms were closed up to 2 p.m. for cleaning. It was also understood that an employee must not be in his

² (1896) 1 Q. B. 395.

³ (1904) 2 I. R. 383. It is thought unnecessary to discuss the decision in *Stribling v. Halse* (1885), 16 Q. B. D. 246, which is now generally recognised as being erroneous. In *Barnett v. Hickmott* and *Clutterbuck v. Taylor*, *supra*, the Court refused to extend the principle of that decision; and in *M'Quade v. Charlton*, *supra*, the Irish Court of Appeal, consisting of the Chief Justice and three Lords Justices, declined to follow it.

bedroom between 11 a.m. and 1 p.m. on Sunday. It was held that the claimant was not entitled to the franchise.

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On the other hand, in *Adams v. Ford*,⁴ it was held that the appellant, who was in the employment of poor law guardians, and as part of his salary was allowed to have the exclusive occupation of a sitting-room and bedroom in the main building of the workhouse, occupied a "dwelling-house" within the meaning of sect. 3 of the Representation of the People Act, 1884. Further, it is clear from the case of *Kent v. Fittall*⁵ (decided under sect. 3 (2) of the Act of 1867) that it is possible for one room to be a "dwelling-house" within sect. 5⁶ of the Act of 1878.

(2) In order to come within proviso (i) of sect. 3 of the present Act it must be shown that the person in question is **a man who himself inhabits . . . by virtue of any office service or employment.**

In *Dover v. Prosser*,⁷ Alverstone, C.J., in dealing with the meaning of similar words in sect. 3 of the Representation of the People Act, 1884, said: "The governing test in cases of this sort is whether or not the occupier of the premises in respect of which the claim is made is required to occupy them either by the express terms of his employment or by the nature of his duties. If he is merely permitted but not obliged to occupy the premises so long as he performs certain duties that is not an occupation by virtue of any office service or employment."

(3) It is a condition required by proviso (i) that **the dwelling-house is not inhabited by the person in**

⁴ (1885), 16 Q. B. D. 239.

⁵ (1906) 1 K. B. 60 (C. A.).

⁶ Set out at pp. 41—42, *supra*.

⁷ (1904) 1 K. B. at p. 85; see also the cases referred to in this case, and *Aitchison v. Lothian* (1890), 18 Ct. of Sess. Cas. (4th Series) 337.

Sect. 3. whose service he is in such office service or employment.

The words of proviso (i), although similar to, are not identical with, the words of sect. 3 of the Representation of the People Act, 1884. The corresponding words in that section are "the dwelling-house is not inhabited by any person under whom such man serves in such office service or employment." The words used in proviso (i) set out above remove the difficulties which arose under sect. 3 of the Act of 1884 in determining in certain cases whether a dwelling-house was inhabited by any person "under whom" the person claiming to be registered served. The words "a person in whose service he is" used in proviso (i) can refer only to the employer of the person claiming to be registered.

It should be noticed that compulsory absence, *e.g.*, on military service would debar a man from obtaining the local government franchise under sect. 3, proviso (i) of the present Act, notwithstanding that his family resided in the dwelling-house during his absence.

Thus, in the case of *Spittall v. Brook*,⁸ decided under the Representation of the People Act, 1884, s. 3 (the language of which, as pointed out above, was similar to that of proviso (i) now under discussion), it was held that a non-commissioned officer, who resided with his family in barracks, but during twenty-seven days of the qualifying year was compulsorily absent from the constituency, was not entitled to be registered as a parliamentary elector, notwithstanding that his rooms were occupied during his absence by his family and his furniture.

Joint occupation.

Sect. 7 (1) of the present Act provides that: "Where land or premises are in the joint occupation of two

⁸ (1886), 18 Q. B. D. 426. See also *Ford v. Barnes* (1885), 16 Q. B. D. 254; *Donoghue v. Brook* (1887), 57 L. J. Q. B. 122; *Duffy v. Chambers*, *Ferguson v. Black* (1889), 26 L. R. Ir. 100.

or more persons, each of the joint occupiers shall, for the purposes of this Part⁹ of this Act, be treated as occupying the premises, subject as follows:

(c) Not more than two joint occupiers shall be entitled to be registered in respect of the same land or premises, unless they are bonâ fide engaged as partners carrying on their profession, trade or business on the land or premises.”

The meaning of the words “joint occupation” in sect. 7 (1) presents no difficulties, but it must be remembered that each of the joint owners or tenants in order to be entitled to be registered must fulfil the conditions of “occupation,” which are dealt with on pp. 22 and 36—37, *supra*. As, however, there may be constructive occupation,¹⁰ the occupation of one of several joint owners or tenants on his own behalf and on behalf of the other joint owners or tenants would entitle all of them to be placed upon the register.¹¹ This, however, is not so if the occupation of the joint occupier or occupiers on behalf of the others is based on an illegal contract, as, for instance, a partnership of more than 20 persons.¹²

In no case can more than two persons be registered as joint occupiers unless they fulfil the condition mentioned in sect. 7 (1) (c) set out above.

As to the second meaning¹ given by sect. 3 to the word “tenant,” *i.e.*, the meaning given by proviso (ii) in that section, such proviso states that **the word tenant (in sect. 3) shall include a person who occupies a room or rooms as a lodger only where such room or rooms are let to him in an unfurnished state.** Accordingly, a lodger who occupies a room or rooms in the local government

“Tenant”
as including
lodger

⁹ *I.e.*, Part I., sects. 1—10.

¹⁰ See p. 37, *supra*.

¹¹ *Jones v. Pritchard* (1891), 1 Fox & Smith, 259.

¹² *Harris v. Amery* (1865), 35 L. J. C. P. 89.

¹ As to the first meaning, see pp. 39—40, *supra*.

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electoral area let to him in an unfurnished state is to be deemed a tenant and may be registered as a local government elector for such area.

The chief difference between a tenant and a lodger is that the latter is entitled to live in his lodgings by reason of a purely personal contract between himself and his landlord, and has no estate, legal or equitable, in the premises in which he lodges.² If the landlord retains a general control and dominion over the premises, including the part inhabited by the person in question, that person is a lodger.³ On the other hand, a tenant has some estate or interest carved out of the estate or interest of his landlord.⁴ He has exclusive possession (in the legal sense) of the premises,⁵ and, if wrongfully dispossessed, can recover possession by law, whereas if the personal contract between a lodger and his landlord is broken, and the lodger turned out, his only remedy is in damages.⁶ The occupier does not necessarily cease to be a tenant merely because the landlord resides on the premises and retains control of the passages and staircases and other parts used in common.⁷

It should be noticed that the meaning of the word "occupying" when used of a lodger must of necessity bear a different meaning from that which it bears in sect. 1 of the Act⁸ and in sect. 3 when used of an owner or tenant.⁹ A lodger does not (since his occupation

² See *Auckettill v. Baylis* (1882), 10 Q. B. D. at p. 587.

³ *Watkins v. Milton, &c. Overseers* (1868), L. R. 3 Q. B. at pp. 356, 357; *Allan v. Liverpool, Inman v. Kirkdale* (1874), L. R. 9 Q. B. at pp. 191, 192; *Cory v. Bristow* (1877), 2 App. Cas. at p. 276; *Kent v. Fittall*, (1906) 1 K. B. 60 (C. A.).

⁴ *Keith v. Twentieth Century Club* (1904), 90 L. T. 775.

⁵ *Taylor v. Caldwell* (1863), 3 B. & S. 826, 832.

⁶ *Wright v. Stavert* (1859), 2 E. & E. 721.

⁷ *Kent v. Fittall, supra*; but see *Douglas v. Smith*, (1907) 1 K. B. 126; (1907) 2 K. B. 568 (C. A.).

⁸ See p. 22, *supra*.

⁹ See pp. 36—37, *supra*.

depends, as pointed out above, merely on a personal contract with his landlord) fulfil the conditions of occupation in the strict sense of the word, *i.e.* “ the actual exercise of the rights of the owner in possession ” ;¹⁰ *e.g.* a lodger has no legal remedy against a person who merely enters his lodging and disturbs his privacy,¹¹ nor can a lodger eject a trespasser with impunity.¹² Moreover, the landlord maintains under the contract between him and his lodger a general right of control over the lodging. In what sense, then, is the word “ occupying ” used in connection with a lodger ? In this connection the word bears its untechnical meaning and denotes the exercise by the lodger of his rights under his contract with his landlord. Its meaning resembles that of “ residence ” ,¹ the residence, of course, being in the lodgings. As “ occupation ” in this connection approximates closely to “ residence,” it follows that the physical presence of the lodger in his lodgings is not always necessary, as there may be a constructive occupation² of the lodgings, provided, of course, that the contract between the lodger and the landlord continues.

Sect. 7 (1) applies equally to occupation by lodgers, which may therefore be joint, as in the case of occupation by an owner or tenant. Although no doubt the case will seldom arise of joint lodgers “ carrying on their profession, trade or business ” in the room or rooms let to them unfurnished, if such a case should arise the provisions of sect. 7 (1) (c) will apply.³

It should be noted that sect. 7 (2)⁴ has no application to a person occupying as a lodger.

¹⁰ *Cook v. Humber* (1862), 31 L. J. C. P. at p. 75.

¹¹ *Wright v. Stavert* (1859), 2 E. & E. 721.

¹² *Monks v. Dykes* (1839), 4 M. & W. 567.

¹ See pp. 9—12, *supra*.

² See pp. 9—12, *supra*.

³ See pp. 46—47, *supra*.

⁴ See pp. 37—38, *supra*.

Sect. 3.**Any land or premises in that area.**

The words "any land or premises" are very wide, and will include any piece of land or any kind of structure or building of whatsoever kind, or any part thereof, provided it is capable of being "occupied"⁶ within the meaning of sect. 3.

It may be pointed out that where the requirement for occupation for thirty consecutive days, including the last day of the qualifying period, is applicable,⁷ there is nothing to prevent the conditions laid down in sect. 3 (a) from being fulfilled by occupation during such thirty consecutive days partly as owner and partly as tenant, though this would, of course, be a very rare case.

Sect. 3 (b).

(4.) He must during the whole of the qualifying period have so occupied any land or premises in the local government electoral area, or if that area is not an administrative county or a county borough, in any administrative county or county borough in which the area is wholly or partly situate.

During the whole of the qualifying period.—The qualifying period⁸ is a period of six months ending either on January 15th or July 15th, including in each case the fifteenth day, and corresponds to the two registers of electors, the Spring and Autumn Registers.⁹

As to the qualifying period in the case of a "naval or military voter," see pp. 80—81, *infra*.

So occupied (*i.e.*, as owner or tenant).—See pp. 36—49, *supra*.

Land or premises.—As to the meaning of "land or premises," see above. The land or premises occupied as owner or tenant (or the room or rooms occupied as a lodger), need not be the same throughout

⁶ See pp. 36—37, 48—49, *supra*.

⁷ See p. 36, *supra*.

⁸ See sect. 6, p. 78, *infra*.

⁹ See sect. 6, p. 78, *infra*, and sect. 11, p. 104, *infra*.

the qualifying period, although they must be within the limits mentioned in (4) above. Thus, a man who moves from premises outside a municipal borough to premises within the borough will not lose his local government vote provided that both sets of premises are within one administrative county. But no interval of time must elapse between the cessation of occupation in one place and the beginning of occupation in another, as the occupation must be "during the whole of the qualifying period." On the other hand it should be remembered that the physical presence of the occupier is not necessary,¹⁰ so that, taking the case of a tenant as an illustration, the lease of the tenant of a flat might end during the course of the qualifying period, and the tenant might, just before the expiration of the lease, become tenant of a flat in the local government electoral area, but before beginning to live in the other flat he might go away for a month's holiday. In such a case the "occupation" would be unbroken.

There is nothing in sect. 3 to prevent the registration as a local government elector of a man, part of whose qualification during a single qualifying period was obtained by virtue of his occupation as a lodger in rooms let to him unfurnished, and part by virtue of his occupation as owner or tenant (properly so called) of land or premises.

Administrative county means the area for which a county council is elected in pursuance of the Local Government Act, 1888, but does not include a county borough,¹¹ and a **county borough** means one of the county boroughs mentioned in the 3rd schedule to the same Act.¹²

¹⁰ See pp. 37, *supra*.

¹¹ Local Government Act, 1888, s. 100.

¹² *Ibid.* s. 31.

Sect. 3.
Application
to Scotland.

Sect. 3 of the present Act has no application to Scotland, but by sect. 43 (3),² the provisions contained in that sub-section apply to Scotland in lieu of the provisions of sect. 3.

Franchises
(women).

4.—(1) A woman shall be entitled to be registered as a parliamentary elector for a constituency (other than a university constituency)³ if she—

- (a) has attained the age of thirty years⁴; and
- (b) is not subject to any legal incapacity⁵; and
- (c) is entitled to be registered as a local government elector in respect of the occupation in that constituency of land or premises (not being a dwelling-house) of a yearly value of not less than five pounds or of a dwelling-house, or is the wife of a husband entitled to be so registered.⁶

(2) A woman shall be entitled to be registered as a parliamentary elector for a university constituency⁷ if she has attained the age of thirty years⁸ and either would be entitled to be so registered if she were a man, or has been admitted to and passed the final examination, and kept under the conditions required of women by the university the period of residence, necessary for a man to obtain a degree at any university forming, or forming part of, a university constituency which did not at the time the examination was passed admit women to degrees.⁹

² Set out at pp. 249—251, *infra*.

³ See p. 3, footnote 1, *supra*.

⁴ See p. 55, *infra*.

⁵ See pp. 55—58, *infra*.

⁶ See pp. 56—59, *infra*.

⁷ See p. 32, *supra*.

⁸ See p. 60, *infra*.

⁹ See p. 60, *infra*.

(3) A woman shall be entitled to be registered as a local government elector for any local government electoral area—¹⁰

- (a) where she would be entitled to be so registered if she were a man¹¹; and
- (b) where she is the wife of a man who is entitled to be so registered in respect of premises in which they both reside, and she has attained the age of thirty years and is not subject to any legal incapacity.¹²

For the purpose of this provision, a naval or military voter who is registered in respect of a residence qualification which he would have had but for his service, shall be deemed to be resident in accordance with the qualification.¹

NOTE.—Sect. 4 lays down the conditions which must be fulfilled in order to entitle a woman to be registered as a parliamentary elector and as a local government elector. These conditions as regards the right to registration as a parliamentary elector are:—

I. In the case of a constituency other than a university constituency—

- (1) She must have attained the age of thirty years.
- (2) She must not be subject to any legal incapacity.

(3) She must (a) be entitled to be registered as a local government elector in respect of the occupation in that constituency (i) of land or premises (not being a dwelling-house) of a yearly value of not less than five

Parliamentary franchise (women) in constituencies other than university constituencies.

¹⁰ See p. 9, footnote⁹, *supra*.

¹¹ See pp. 60—61, *infra*.

¹² See pp. 60—62, *infra*.

¹ See pp. 62—63, *infra*.

Sect. 4. pounds or (ii) of a dwelling-house, or (b) be the wife of a husband entitled to be so registered.

Parliamentary franchise (women) in university constituencies.

II. In the case of a university constituency—

(1) She must have attained the age of thirty years.

(2) She must (a) fulfil the conditions which if she were a man would entitle her to be registered as a parliamentary elector for a university constituency or (b) have been admitted to and passed the final examination, and kept under the conditions required of women by the university the period of residence, necessary for a man to obtain a degree at any university forming, or forming part of, a university constituency which did not at the time the examination was passed admit women to degrees.

Local government franchise (women).

There are two alternative sets of conditions one or other of which must be fulfilled in order to entitle a woman to be registered as a local government elector for a local government electoral area. These sets of conditions are:—

A.—

(1) She must be of full age (twenty-one years).

(2) She must not be subject to any legal incapacity.

(3) She must on the last day of the qualifying period be occupying as owner or tenant any land or premises in the local government electoral area.

(4) She must during the whole of the qualifying period have occupied as owner or tenant any land or premises in the local government electoral area, or if that area is not an administrative county or a county borough, in any administrative county or county borough in which the area is wholly or partly situate.

Or B.—

(1) She must have attained the age of thirty years.

(2) She must not be subject to any legal incapacity.

(3) She must be the wife of a man who is entitled to be registered as a local government elector in respect of premises in which they both reside.

I.—In the case of a constituency other than a university constituency—

(1) **attained the age of thirty years.**—See pp. 3—4, *supra*. The remarks there made apply equally here, with the exception that the age of thirty years must be substituted for that of twenty one years or “full age.”

(2) **not subject to any legal incapacity.**—See pp. 4—7, *supra*. With the exceptions mentioned below, the incapacities attaching to men would no doubt apply equally to women.

Dealing with the list of persons who are legally incapacitated, which is set out on pp. 4—6, *supra*, as to head (1), sect. 9 (5)³ of the present Act expressly declares that a peeress in her own right is not under any legal incapacity which prevents her from being registered or voting, and although there is no express provision to that effect, it is clear that a peeress by marriage would not be subject to any incapacity, as the constitutional reasons for which peers are excluded from the parliamentary franchise have no application to peeresses by marriage.⁴

As to head (2) in such list, viz., “a person holding any one of certain offices,” all civil offices are now open to women, and if a woman held any of the offices in question she would incur the disability attaching to it.

³ See p. 96, *infra*.

⁴ See *Chorlton v. Lings* (1868), L. R. 6 C. P. 374; *Bauchamp (Earl) v. Madresfield* (1872), L. R. 8 C. P. 245.

⁵ See Sex Disqualification (Removal) Act, 1919, s. 1.

Parliamentary franchise (women) in constituencies other than university constituencies.

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As to head (3), viz., "an infant," it is clear that a woman under the age of thirty is legally incapacitated with respect to the parliamentary franchise as though she were an infant of the other sex.

As to the persons included under heads (4) to (8)⁶ (viz., an alien, an idiot, a lunatic who is not at the time of voting in a lucid interval, an imbecile who is not at the time of voting *compos mentis*, a person convicted of treason or felony and sentenced unless he has suffered his punishment or received a free pardon), the incapacities referred to would apply equally to women as to men. The same is true of all the remaining classes of persons mentioned under heads (9) to (16) on pp. 5—6, *supra*.

As to head (17) (viz., conscientious objectors, who come within the provisions of sect. 9 (2) of the present Act), this class of persons can never include a woman, and it is expressly provided by sect. 9 (2)⁷ that any incapacity attaching to such conscientious objector shall not affect the rights of his wife.

(3) She must (a) be entitled to be registered as a local government elector in respect of the occupation in that constituency (i) of land or premises (not being a dwelling-house) of a yearly value of not less than five pounds, or (ii) of a dwelling-house, or (b) be the wife of a husband entitled to be so registered.

It will be noticed that there is a material difference, besides that of age, between the qualifications which confer the parliamentary franchise (in constituencies other than university constituencies) on a woman and those which confer it on a man. Those qualifications in the case of a man depend on residence or on the occupation of business premises,⁸ and are distinct from

⁶ See pp. 4, 5, *supra*.

⁷ See p. 95, *infra*.

⁸ See sect. 1, pp. 1—3, *supra*.

the local government franchise.⁹ A woman, on the other hand, in order to be entitled to the parliamentary franchise, must be (1) qualified as a local government elector in respect of the occupation of a particular kind of premises, or (2) the wife of a man so qualified. Sect. 4.

The **occupation** here required is the same as that required in the case of a man by sect. 3, *i.e.*, it must be occupation as owner or tenant or by virtue of an office service or employment or as a lodger in a room or rooms let unfurnished. As to what constitutes such occupation, see pp. 36—49, *supra*.

In applying what is said on pp. 46—47 and 49, *supra*, with regard to joint occupation to the women's franchise now under consideration, it is important to notice the provisions of sect. 7 (1) (b),¹⁰ which are as follows:—"In the case of the occupation of land or premises (not being a dwelling-house) the aggregate yearly value thereof must for the purpose of the parliamentary franchise of women be not less than the amount produced by multiplying five pounds by the number of joint occupiers."

Further, the provisions of sect. 7 (1) (c), referred to on pp. 47 and 49, *supra*, are of course equally applicable here.

The particular kind of premises must be either (1) land or premises which are not a dwelling-house (such land or premises being of a yearly value of not less than 5*l.*), or (2) a dwelling-house—such particular kind of premises being in the constituency for which the woman is to be registered. The premises other than land just referred to under (1) can be any building or structure of whatsoever kind, or any part thereof, so long as it is capable of being occupied and is of the yearly value of 5*l.* As to the meaning of "dwelling-house," see pp. 41—45, *supra*.

⁹ See sect. 3, pp. 33—34, *supra*.

¹⁰ Set out at pp. 81—82, *infra*.

Sect. 4.

It is submitted, although it is a difficult point, that the expression **dwelling-house** in sect 4 (1) (c) does not include lodgings. As was pointed out on p. 41, *supra*, by sect. 41 (8) "the expression 'dwelling-house' includes any part of a house where that part is occupied separately as a dwelling-house," but a lodger does not, in the legal sense, occupy his lodgings.¹⁰ It would therefore appear, however unsatisfactory such a conclusion may be to many persons, that in order to qualify under sect. 4 (1) (c), a woman who is a lodger must have lodgings of a yearly value of not less than 5*l*.

As to the meaning of **yearly value**, see pp. 24—28, *supra*.

As to the alternative qualification mentioned under 3 (b) on p. 56, *supra*, in order to obtain this qualification, the husband of the woman to be registered must be qualified in the same way as a woman must be under 3 (a) on p. 56, *i.e.* as a local government elector in respect of the occupation in the constituency of land or premises (not being a dwelling-house) of a yearly value of not less than five pounds or of a dwelling-house.

As to the qualifying period applicable to the husband where he is a "naval or military voter," see pp. 80—81, *infra*.

It may be pointed out that it will not in every case be necessary for the husband himself to be in actual occupation of the premises in order that his wife should obtain the local government franchise, provided that he fulfils the conditions of constructive occupation.¹¹

It is also clear, from the express words of the section, that for the wife to be qualified, it is not necessary for the husband to be in fact registered, it is sufficient if he is *entitled* to be registered.

¹⁰ See *Kent v. Fittall*, (1906) 1 K. B. 60 (C. A.), and pp. 48—49, *supra*.

¹¹ See pp. 37—49, *supra*.

The meaning of the words **in that constituency** in sect. 4 (1) (c) raises a question of some difficulty. One of the requirements of the parliamentary franchise for women under sect. 4 (1) is that she must be "entitled to be registered as a local government elector in respect of the occupation *in that constituency* of land or premises" By sect. 4 (3), she "shall be entitled to be registered as a local government elector for any local government electoral area—

(a) where she would be entitled to be so registered if she were a man;"

By sect. 3 "a man shall be entitled to be registered as a local government elector for a local government electoral area if he

(b) has, during the whole of the qualifying period, so occupied (*i.e.*, as owner or tenant) any land or premises in that area, or if that area is not an administrative county or a county borough in any administrative county or county borough in which the area is wholly or partly situate:"

The question therefore arises whether the words "in that constituency" in sect. 4 (1) (c) limit the area within which the land or premises which qualify a woman for the parliamentary franchise must be, to the constituency for which she is to be registered, or whether the wider area described in the words quoted above from sect. 3 is to be taken as being referred to by implication in sect. 4. (1) (c) as the area within which the qualifying land or premises may be.

Although it would seem probable that the Legislature intended that the second of these interpretations should be given to the sections in question, it is submitted that sect. 4 (1) (c) should be construed according to the plain meaning of its express words, and that therefore the qualifying land or premises must be situated throughout

Sect. 4. the qualifying period, in the constituency for which the woman is seeking to be registered.

II. In the case of a university constituency—

Parliamentary franchise (women) in university constituencies.

(1) She must have attained the age of thirty years.— See pp. 3—4, *supra*. The remarks there made apply equally here, except that the age of thirty years must be substituted for that of twenty-one years or “full age.”

(2) She must (a) fulfil the conditions which if she were a man would entitle her to be registered as a parliamentary elector for a university constituency or (b) have been admitted to and passed the final examination, and kept under the conditions required of women by the university the period of residence, necessary for a man to obtain a degree at any university forming, or forming part of, a university constituency which did not at the time the examination was passed admit women to degrees.

As to (a) above, see s. 2, p. 32, *supra*. As to (b) above, the only university where women are not admitted at the present time to degrees is Cambridge.

Local government franchise (women).

As was pointed out on p. 54, *supra*, there are two alternative sets of conditions, there referred to under the headings A and B, one or other of which sets of conditions must be fulfilled in order to entitle a woman to be registered as a local government elector for a local government electoral area.

A.—

(1) She must be of full age.—See pp. 3—4, *supra*. The local government franchise *under this head* is given to women at the same age as to men, viz. at twenty-one years, and not at thirty, as in the case of the parliamentary franchise for women.

(2) She must not be subject to any legal incapacity.— See pp. 55—56, *supra*.

The nature of the incapacity is the same here as in the case of a parliamentary elector,¹² and what is said on pp. 55—56, *supra*, as to the legal incapacities of female parliamentary electors applies equally here, except that no question arises in regard to the position of peeresses, as peers are under no incapacity in respect of the local government franchise.¹

(3) She must on the last day of the qualifying period be occupying as owner or tenant any land or premises in the local government electoral area.—See pp. 36—50, *supra*, where everything that is said with regard to the local government franchise for men applies to women.

(4) She must during the whole of the qualifying period have occupied as owner or tenant any land or premises in the local government electoral area, or if that area is not an administrative county or a county borough, in any administrative county or county borough in which the area is wholly or partly situate. See pp. 50—51, *supra*. Everything there said applies here. It must be remembered that as in the case of a man, so in the case of a woman who is a “naval or military voter,” the qualifying period is one month instead of six months.²

The set of conditions under A above give the effect of sect. 4 (3) (a).

B.—

(1) She must have attained the age of thirty years.—As to this, see p. 55, *supra*.

It should be noticed that the necessary age here is thirty years, as in the case of the parliamentary franchise for women, in contradistinction to the alternative local government franchise under heading A above, in which case the necessary age is twenty-one years.

¹² See p. 34, *supra*.

¹ See p. 36, footnote ¹⁰, *supra*.

² See sect. 6, p. 78, and pp. 80—81, *infra*.

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(2) She must not be subject to any legal incapacity.—
See pp. 60—61, *supra*.

(3) She must be the wife of a man who is entitled to be registered as a local government elector in respect of premises in which they both reside.—This qualification enfranchises for local government purposes all married women who live with their husbands in premises in respect of which the husband is entitled to be registered as a local government elector.

As to the conditions which must be fulfilled in order to entitle a man to be so registered, see pp. 35—51, *supra*.

The words **premises in which they both reside** do not necessitate a joint “occupation” within the meaning of sect. 3 on the part of the husband and wife. All that is required is that they should both “reside” in the premises. As to the meaning of the word “reside,” see pp. 9—20, *supra*.

The following words at the end of sect. 4 should be noticed :—

For the purpose of this provision, a naval or military voter who is registered in respect of a residence qualification which he would have had but for his service, shall be deemed to be resident in accordance with the qualification.

This paragraph was inserted in the Act primarily in view of the special conditions brought about by the war, but it is still applicable, though to a very limited extent.

By sect. 5 (3) (i)³ members of the naval, military and air forces serving on full pay are “naval and military voters” within the above words irrespective of the existence of a state of war, so that if a member of His Majesty’s Forces serving on full pay would but for his service be residing with his wife and is in fact

³ See p. 64, *infra*.

registered in respect of a residence qualification (under the special provisions applicable to naval and military voters)⁴ for the premises in which she resides, he is deemed to be resident there.

Sect. 5.

5.—(1) A person to whom this section applies (in this Act referred to as “a naval or military voter”)⁵ shall be entitled to be registered as a parliamentary elector for any constituency for which he would have had the necessary qualification but for the service which brings him within the provisions of this section.⁶

Special provisions for persons serving on war service.

The right to be registered in pursuance of the foregoing provision shall be in addition to any other right to be registered, but a naval or military voter shall not be entitled to be registered for a constituency in respect of an actual residence qualification in the constituency except on making a claim for the purpose accompanied by a declaration in the prescribed form that he has taken reasonable steps to prevent his being registered under the foregoing provision for any other constituency.⁷

(2) The statement of any person, made in the prescribed form and verified in the prescribed manner, that he would have had the necessary qualification in any constituency but for the service which brings him within the provisions of this section, shall for all purposes of this section be sufficient if there is no evidence to the contrary.⁸

⁴ See sect. 5 (1) (2), below, and pp. 72—77, *infra*.

⁶ See pp. 70—78, *infra*.

⁷ See pp. 75—77, 78, *infra*.

⁵ See pp. 65—70, *infra*.

⁸ See pp. 73—74, *infra*.

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(3) This section applies to any person who is of the age required under this Act in the case of that person¹⁰ and is not subject to any legal incapacity,¹¹ and who—

- (i) is serving on full pay as a member of any of the naval, military or air forces of the Crown¹²; or
- (ii) is abroad or afloat in connection with any war in which His Majesty is engaged,¹ and is

(a) in service of a naval or military character for which payment is made out of moneys provided by Parliament, or (where the person serving was at the commencement of his service resident in the United Kingdom) out of the public funds of any part of His Majesty's Dominions, or in service as a merchant seaman, pilot, or fisherman, including the master of a merchant ship or fishing boat and an apprentice on such ship or boat²; or

(b) serving in any work of the British Red Cross Society, or the Order of St. John of Jerusalem in England, or any other body with a similar object;² or

(c) serving in any other work recognised by the Admiralty, Army Council, or Air Council, as work of national importance in connection with the war.²

¹⁰ See pp. 66—68, *infra*.

¹¹ See p. 68, *infra*.

¹² See pp. 68—69, *infra*.

¹ See p. 69, *infra*.

² See pp. 69—70, *infra*.

(4) A male naval or military voter who has served or hereafter serves in or in connection with the present war shall, notwithstanding anything in this or any other Act, be entitled to be registered as a parliamentary elector if that voter at the commencement of service had attained, or during service attains, the age of nineteen years, and is otherwise qualified.⁴

NOTE.—This section was primarily designed to confer the parliamentary franchise on the great body of persons who were serving during the war in the various branches of His Majesty's naval and military forces. With the re-establishment of peace and the legal termination of the war⁵ its importance is greatly diminished; but it should be borne in mind that the section operates, though to a limited extent, in time of peace and, with the exception of sub-section (4), would come into full operation in the event of a future war.

This section relates exclusively to the parliamentary franchise, and applies only to a person who comes within the provisions of sub-sect. (3) above. Such person is referred to in this Act as a **naval or military voter**. In order that a person should come within this description, the following conditions must be fulfilled:—

(1) If such person is a man, he must be of full age, or, under the temporary provisions of sect. 5 (4), younger; if such person is a woman,⁶ she must have attained the age of thirty years.

⁴ See pp. 67—68, *infra*.

⁵ See Termination of the Present War (Definition) Act, 1918 (8 & 9 Geo. 5, c. 59), and Order in Council thereunder dated Aug. 10, 1921 (S. R. O. 1921, No. 1276), fixing Aug. 31, 1921, as the termination of the war.

⁶ Sect. 5 is not confined to men in its application. The word "person" includes both men and women, and the use of the word "male" in sub-section (4) indicates that the use of the expression "naval or military voter"

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(2) Such person must not be subject to any legal incapacity.

(3) Such person must be (i) serving on full pay as a member of any of the naval, military or air forces of the Crown; or (ii) abroad or afloat in connection with any war in which His Majesty is engaged, and (a) in service of a naval or military character for which payment is made out of moneys provided by Parliament, or (where the person serving was at the commencement of his service resident in the United Kingdom) out of the public funds of any part of His Majesty's Dominions, or in service as a merchant seaman, pilot or fisherman, including the master of a merchant ship or fishing boat, and an apprentice on such ship or boat; or (b) serving in any work of the British Red Cross Society or the Order of St. John of Jerusalem in England, or any other body with a similar object; or (c) serving in any other work recognised by the Admiralty, Army Council or Air Council as work of national importance in connection with the war.

Age
required.

(1) If such person is a man he must be of full age, or, under the temporary provisions of sect. 5 (4), younger; if such person is a woman she must have attained the age of thirty years.

Sect. 5 (3) states that **this section (sect. 5) applies to any person who is of the age required under this Act in the case of that person.** The age required is in the case of a man, subject to the exception contained in sect. 5 (4), full age or twenty-one years, and in the case of a woman as regards the parliamentary franchise (to which the above section alone relates) thirty years. As to the meaning of "full age," see p. 3, *supra*. As to the meaning of "thirty years," see p. 55, *supra*.

is not confined to men. Moreover, the provisions of sub-sect. (3) (ii) (b) show beyond doubt that a woman can be a naval or military voter. See also Interpretation Act, 1889, s. 1 (1).

Sect. 5 (4) is as follows:—**A male naval or military voter who has served or hereafter serves in or in connection with the present war shall, notwithstanding anything in this or any other Act, be entitled to be registered as a parliamentary elector if that voter at the commencement of service had attained, or during service attains, the age of nineteen years, and is otherwise qualified.**

The limited time for which this sub-section will operate should be remembered. The date of the termination of the war is by law August 31st, 1921.⁷ It is, therefore, only a man who has by reason of service before that date become entitled to vote before attaining 21 who can obtain the benefit of the sub-section.

The words, **and is otherwise qualified**, at the end of the sub-section refer, of course, to the qualifications for the franchise required by sect. 5 (1).⁸

As to when a man will be held to have attained the age of nineteen years, see p. 3, *supra*.

It seems clear that, notwithstanding the language used in sect. 5 (4) set out above, as in the case of full age, so here the age of nineteen years must be attained not later than the last day of the qualifying period,⁹ *i.e.*, on January 15th or July 15th as the case may be.

The effect of sub-sect. (4) is to enfranchise all soldiers and sailors and other men who come within sect. 5 (3) (i) and (ii), provided they have served in connection with the war, at the age of nineteen, subject, of course, to their having the requisite qualifications.⁸

For the removal of doubts, the Representation of the People Act, 1920,¹⁰ has declared that a person who by

⁷ See Termination of Present War (Definition) Act, 1918 (8 & 9 Geo. 5, c. 59) and Order in Council thereunder dated Aug. 10, 1921 (S. R. O. 1921, No. 1276).

⁸ As to these qualifications, see pp. 70--77, *infra*.

⁹ See p. 3, *supra*.

¹⁰ Set out p. 355, *infra*.

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virtue of sect. 5 (4) has at any time become entitled to be registered as a parliamentary elector before attaining full age continues to be entitled, if otherwise qualified, to be registered before attaining full age, notwithstanding that the service which brings him within sect. 5 has ceased.

The same Act¹⁰ further declares the word **service** in sect. 5 (4) to mean "service in or in connection with the war," *i.e.*, the service which brings him within the subsection.

(2) **not subject to any legal incapacity.**—See pp. 4—7, 55, 56, *supra*.

Service
required.

(3) (i) **serving on full pay as a member of any of the naval, military or air forces of the Crown.**—Anyone coming within this description need not be abroad or afloat in order to qualify for the vote under this subsection.

It is believed that women are not officially recognised by the Admiralty, Army Council or Air Council as members of the naval, military or air forces of the Crown, but Form (6) in Part V. of Schedule I. to the Representation of the People Order, set out on p. 391, *infra*, is headed "Women serving with the Military Forces." Form (7),¹¹ on the other hand, is headed "Women on war service, abroad or afloat." In view of the fact that by sect. 5 (3) (i) it is only a person "serving on full pay as a member of any of the naval, military or air forces of the Crown" who obtains the franchise as a naval or military voter without being abroad or afloat, it would appear probable that women, *e.g.* members of the Women's Army Auxiliary Corps, or women serving with the Army Service Corps would fulfil the requirements of (3) (i) above.

¹⁰ See p. 355, *infra*.

¹¹ Set out on p. 392, *infra*.

The service required under (3) (i) above is in no way dependent on the existence of war.

Or (ii) abroad or afloat in connection with any war in which His Majesty is engaged and is (a) in service of a naval or military character for which payment is made out of moneys provided by Parliament or (where the person serving was at the commencement of his service resident in the United Kingdom) out of the public funds of any part of His Majesty's Dominions, or in service as a merchant seaman, pilot or fisherman including the master of a merchant ship or fishing boat and an apprentice on such ship or boat or (b) serving in any work of the British Red Cross Society or the Order of St. John of Jerusalem in England or any other body with a similar object or (c) serving in any other work recognised by the Admiralty, Army Council, or Air Council as work of national importance in connection with the war.

Abroad.—This means outside the United Kingdom of Great Britain and Ireland.

Afloat.—By sect. 41 (10)¹² of the present Act this word “shall be interpreted in accordance with rules¹ made for the purpose by the Admiralty.”

In connection with any war in which His Majesty is engaged.—The service required by sect. 5 (3) (ii) is not limited to the late war, but may be in connection with any future war. The word “war” here would, it is submitted, be interpreted as including only a state of hostilities between His Majesty on the one side and an independent sovereign State on the other.

In service of a naval or military character for which payment is made out of moneys provided by Parliament, or (where the person serving was at the commencement of his service resident in the United

¹² Set out at p. 247, *infra*.

¹ For these rules, see p. 459, *infra*.

Sect. 5. **Kingdom)** out of the public funds of any part of His Majesty's Dominions.—These words are wide and would apparently include persons who, being paid out of public moneys, are not in direct naval or military service, for instance, mine-sweepers and men engaged on labour or railway work connected with military operations. They would also, no doubt, include many women engaged in transport, clerical, and other work, directly connected with hostilities, as, for example, members of the Women's Army Auxiliary Corps. As to the meaning of the word "resident," see pp. 9—18, *supra*.

As to head (3) (ii) (e) above, this category of persons includes persons, abroad or afloat, serving in any work recognised by the Admiralty, Army Council, or Air Council as work of national importance in connection with the war, and, like heads 3 (ii) (a) and (b), women as well as men. The words, **work recognised by the Admiralty, Army Council or Air Council**, refer to the work mentioned on p. 460, *infra*. It should be noticed that the word **war** in the words **in connection with the war** at the end of (e) above, refer to the words in (ii), "any war in which His Majesty is engaged," and therefore not to the late war only.

Qualifications
of naval and
military
voters.

Having considered the question who is a naval or military voter, and bearing in mind the limited class of persons who come within this description in time of peace, it is now necessary to deal with the qualifications which entitle a naval or military voter (*i.e.*, a person to whom sect. 5 applies) to be registered.

These qualifications are as follows:—

A.—A male naval or military voter is entitled to be registered as a parliamentary elector for any constituency—

(1) If he would, but for the service which brings him

within the provisions of sect. 5, have had (a) the requisite residence qualification in the constituency: or (b) the requisite business premises qualification in the constituency: or (c) in the case of a university constituency the requisite qualification for such university constituency; or

(2) If he has the requisite business premises qualification in the constituency; or

(3) If he has the requisite residence qualification in the constituency, provided in this case that he makes a claim for the purpose, accompanied by a declaration in the prescribed form; or

(4) If, in the case of a university constituency, he has the requisite qualification for such constituency.

B.—A female naval or military voter is entitled to be registered as a parliamentary elector for any constituency—

(1) If she would, but for the service which brings her within the provisions of sect. 5, (a) have been entitled to be registered as a local government elector in respect of the occupation in that constituency of land or premises (not being a dwelling-house) of a yearly value of not less than 5*l.* or of a dwelling-house; or (b) if, in the case of a university constituency, she would but for such service have had the requisite qualification for such university constituency; or

(2) If she is entitled to be registered as a local government elector in respect of the occupation in that constituency of land or premises (not being a dwelling-house) of a yearly value of not less than 5*l.* or of a dwelling-house, or is the wife of a husband entitled to be so registered; or

(3) If in the case of a university constituency she has the requisite qualification in such constituency.

As to A.—A male naval or military voter is entitled

Qualifications
of male

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naval and
military
voters.

(1) If he would but for the service which brings him within the provisions of sect. 5 have had (a) the requisite residence qualification in the constituency, or (b) the requisite business premises qualification in the constituency, or (c) in the case of a university constituency the requisite qualification for such university constituency.

It is clear that this is the meaning of the first sentence of sect. 5 (1). The words in that sub-section, **the necessary qualification**, can only mean the requisite residence qualification or the requisite business premises qualification or the requisite university qualification.

The words, **the service which brings him within the provisions of this section**, refer, of course, to the various kinds of service mentioned in sect. 5 (3),² by virtue of which a person becomes a “naval or military voter.”

As to the meaning of the requisite residence qualification, see pp. 7—13, 20—21, *supra*. As to the meaning of the requisite business premises qualification, see pp. 21—31, *supra*.

An important point must be observed with regard to the residence and business premises qualifications in their application to naval and military voters. By the proviso in sect. 6 of the present Act,³ the qualifying period for a naval or military voter is one month, ending either on January 15th or July 15th, instead of the ordinary qualifying period of six months. In applying the observations as to the requisite residence qualification on pp. 7—13, 20—21, *supra*, and the requisite business premises qualification on pp. 21—31, *supra*, to naval and military voters, this difference in the qualifying period must be remembered. The difference in the length of the qualifying period also has the effect

² See pp. 68—70, *supra*.

³ See pp. 78—79, *infra*.

of rendering the provisions of sect. 7 (2) (dealt with on pp. 13—18, 23—24, *supra*) inapplicable to naval and military voters.⁴

It is impossible to understand fully the effect of the qualification conferred by the first sentence in sect. 5 (1), and stated under A (1) on p. 72 above, without referring shortly to the method and machinery of registration connected with it. By Rule 17 of the Registration Rules,⁵ it is the duty of the registration officer to place the names of all naval or military voters (subject to the three exceptions there mentioned)⁶ on the absent voters' list. By Rule 6 of the Registration Rules⁷ it is the duty of the registration officer "to cause a house-to-house or other sufficient inquiry to be made . . . of all persons appearing to be entitled to be registered as parliamentary . . . electors." In the course of this inquiry he may discover the existence of a number of persons absent on military or naval service in his registration area, and it will be his duty to ascertain whether they are entitled to be registered on the absent voters' list as naval or military voters.

By sect. 5 (2), the statement of any person, made in the prescribed form and verified in the prescribed manner, that he would have had the necessary qualification in any constituency but for the service which brings him within the provisions of this section, shall for all purposes of this section be sufficient if there is no evidence to the contrary.

For the "prescribed form" and the "prescribed manner" of verification, see Representation of the People Order, rule 1 (3), p. 363 and pp. 389—392, *infra*.

If the registration officer receives such a statement

⁴ See p. 81, *infra*.

⁵ First Schedule to the present Act, pp. 277—278, *infra*. See also sect. 13, pp. 108—109, *infra*.

⁶ First Schedule, rule 17 (a), (b) and (c), pp. 277—278, *infra*.

⁷ First Schedule, pp. 273—274, *infra*.

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from a naval or military voter in his registration area and there is no evidence to the contrary (which in the great majority of cases there will not be), he need inquire no further as to that person's qualifications. In the absence of such a statement, however, it becomes the duty of the registration officer to ascertain whether the naval or military voter would have had the requisite residence qualification or the requisite business premises qualification but for the service which makes him or her a military voter. By Rule 18 of the Registration Rules^s the Admiralty, Army Council and Air Council are to furnish to the registration officer such particulars concerning naval and military voters "as may be necessary for the purpose of their registration." Notwithstanding this assistance, however, inquiry as to whether or not a particular person is entitled to be registered will, as was pointed out in dealing with these qualifications under sect. 1,⁹ frequently raise questions of considerable difficulty and complexity, which, it is evident, it will often be impossible for the registration officer to investigate adequately and to decide in the case of an absent person. It seems certain, therefore, that in general the qualification of naval and military voters under head (1) above will be ascertained in a rough and ready manner by the registration officer, and probably, in the case of the requisite residence qualification, merely by learning that the person to be registered lived in a particular house before joining the forces or undertaking his service.

If the registration officer once places the name of any naval or military voter on the register, the register will be conclusive evidence of that person's right to vote.¹⁰

As to the qualification referred to under head (1) (c) on p. 72 above, viz., in the case of a university constitu-

^s First Schedule, p. 278, *infra*.

⁹ See pp. 9—13, 22—23, *supra*.

¹⁰ See pp. 85—90, *infra*. See, however, R. P. Order, rule 8 (c), p. 365, *infra*, and rule 11 (2), p. 366, *infra*.

ency the requisite qualification for such university constituency.—This case will arise very rarely, as it is only where the naval or military voter has passed the necessary examinations and kept the necessary residence for a degree but has not yet been admitted to such degree that he could, it is submitted, claim to be registered under this head.¹¹

(2) If he has the requisite business premises qualification in the constituency.—In sect. 5 (1) the following words appear:—**The right to be registered in pursuance of the foregoing provision** (*i.e.*, the first sentence in sect. 5 (1)) **shall be in addition to any other right to be registered.** It follows, therefore, that, if notwithstanding his service within the meaning of sect. 5 (3) a naval or military voter has in fact the requisite business premises qualification¹² in a constituency, he is entitled to be registered in such constituency by reason of that qualification, but such a case could hardly arise, in practice, except under war conditions.

In considering whether a naval or military voter has the requisite business premises qualification the modification in the length of the qualifying period should be noticed.¹³

(3) If he has the requisite residence qualification in the constituency, provided in this case that he makes a claim for the purpose, accompanied by a declaration in the prescribed form.

By sect. 5 (1) . . . **The right to be registered in pursuance of the foregoing provision** (*i.e.*, the provision contained in the first sentence in sect. 5) **shall be in addition to any other right to be registered, but a naval or military voter shall not be entitled to be registered**

¹¹ See sect. 2, p. 32, and cf. sect. 5 (1), first paragraph, *supra*.

¹² See pp. 21—31, *supra*, and particularly the remarks on constructive occupation on p. 23, *supra*.

¹³ See sect. 6, pp. 78—79, *infra*.

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for a constituency in respect of an actual residence qualification in the constituency except on making a claim for the purpose accompanied by a declaration in the prescribed form that he has taken reasonable steps to prevent his being registered under the foregoing provision for any other constituency.

Unlike the qualification noticed under (2) above, in order to be registered by virtue of an actual residence qualification, a naval or military voter must make a claim accompanied by the declaration¹ referred to in that part of sect. 5 (1) which is set out above.

The object of the requirement of the above provision is to prevent the registration of a naval or military voter in more than one constituency by virtue of a residence qualification. The case contemplated by the Act is, for example, that of a soldier whose home is in one constituency but who is quartered in another. If he desires to be registered for the constituency in which he is quartered by reason of his residence there, rather than for the constituency where his home is and where he would have resided but for his service, he must make the claim and declaration² required by sect. 5 (1).

It is submitted that the words **actual residence qualification** which occur here are, subject to the difference in the length of the qualifying period pointed out on p. 72, *supra*, equivalent to the words "requisite residence qualification"³ in sect. 1 of the Act, and that the word "actual" is used merely to distinguish this qualification from a residence qualification which a naval or military voter "would have had" "but for the service which brings him within the provisions" of sect. 5. It

¹ For form of claim and declaration, see R. P. Order, rule 1, p. 363, *infra*, and Sch. I. heading III., p. 386, *infra*.

² See R. P. Order, rule 1, p. 363, *infra*, and Sch. I. heading III., p. 386, *infra*.

³ As to the meaning of these words, see pp. 7—13, 20, 21, *supra*.

could not, it is suggested, be held that the "residence" here required must be actual as opposed to constructive residence. On the other hand, as absence caused by the performance of a binding obligation such as military service would interrupt residence,⁴ it is only when the voter is absent from the place where he resides for some other reason that he could obtain the benefit of a constructive residence.

In this connection it should be noticed that sect. 1 of the Representation of the People Act, 1921,⁵ which provides that absence on duty arising from service "during part of the qualifying period not exceeding four months at any one time" shall not break the residence, is inapplicable in the case of naval or military voters, owing to the fact that the qualifying period for such persons is a period of one month.⁶

(4) If in the case of a university constituency he has the requisite qualification for such constituency.—As to this, see pp. 32—33, *supra*.

As to B.—A female naval or military voter is entitled to be registered as a parliamentary elector for any constituency—

Qualifications
of female
naval and
military
voters.

(1) If she would, but for the service which brings her within the provisions of sect. 5, (a) have been entitled to be registered as a local government elector in respect of the occupation in that constituency of land or premises (not being a dwelling-house) of a yearly value of not less than five pounds, or of a dwelling-house, or (b) if, in the case of a university constituency, she would but for such service have had the requisite qualification for such university constituency.

As to the qualification mentioned under (1) (a) above, see pp. 56—58, *supra*. As to the qualifications men-

⁴ See p. 12, *supra*.

⁵ See p. 358, *infra*.

⁶ See pp. 80, 81, *infra*.

Sect. 5. tioned under (1) (b) above, see p. 60, *supra*. See also the observations as to registration on pp. 73—74, *supra*, which apply equally here with the obvious modifications.

It must be borne in mind that the qualifying period for naval or military voters is one month, instead of six months; see pp. 80, 81, *infra*.

(2) If she is entitled to be registered as a local government elector in respect of the occupation in that constituency of land or premises (not being a dwelling-house) of a yearly value of not less than five pounds, or of a dwelling-house, or is the wife of a husband entitled to be so registered.

In view of the words in the second sentence of sect. 5 (1), **the right to be registered in pursuance of the foregoing provision shall be in addition to any other right to be registered**, it is clear that a female naval or military voter is entitled to be registered by reason of a parliamentary qualification which she in fact has.

As to the qualifications here referred to, see pp. 56—59, *supra*. It must, of course, be remembered that the qualifying period for a naval or military voter is one month; see pp. 80, 81, *infra*.

(3) If in the case of a university constituency she has the requisite qualification for such constituency. See p. 60, *supra*.

Qualifying
period.

6.—The qualifying period shall be a period of six months ending either on the fifteenth day of January, or the fifteenth day of July, including in each case the fifteenth day :⁸

Provided that in the application of this section to a person who is a naval or military voter, or

⁸ See pp. 79, 80, *infra*.

who has been serving as a member of the naval, military, or air forces of the Crown at any time during the said six months and has ceased so to serve, one month shall be substituted for six months as the qualifying period.⁹

NOTE.—Sect. 6 defines the qualifying period, which is one of the elements of (1) the residence qualification,¹⁰ (2) the business premises qualification,¹¹ (3) the local government franchise for men,¹² (4) the franchises for women,¹ and (5) the franchise of naval and military voters.²

Sect. 6 in effect enacts that there shall be two kinds of qualifying periods; the one of general application, which is called in this Note the *ordinary qualifying period*, the other, which is called in this Note the *special qualifying period*, applying only to a certain class of persons, namely, naval and military voters, or persons who have been but are no longer soldiers, sailors or airmen within the proviso to sect. 6.

(1) *The ordinary qualifying period.*—This is a period of six months ending either on the 15th day of January or the 15th day of July, including in each case the fifteenth day, *i.e.*, there are in each twelve months two qualifying periods, the one from 16th July to 15th January (both dates inclusive), the other from 16th January to 15th July (both dates inclusive). As the law does not take notice of a part of a day,³ it would be sufficient in order to come within the words “during the whole of the qualifying period” if the residence or occupation required began on any part, however late, of the first day of the

⁹ See pp. 80, 81, *infra*.

¹⁰ See pp. 7—21, *supra*.

¹¹ See pp. 21—31, *supra*.

¹² See sect. 3, p. 33, *supra*.

¹ See sect. 3, p. 34, *supra*.

² See sect. 5, p. 63, *supra*.

³ 1 Bl. Com. 463; *Anon.* (1700), *Ld. Raym.* 480, 1096.

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period, and ended on any part, however early, of the last day of the period.

The Spring Register is made for the period ending on January 15th, and the Autumn Register is made for the period ending on July 15th.⁴ The ordinary qualifying period of six months is the one applicable to all persons claiming the franchise under sects. 1, 3, 4 (1), (3) and (5), subject to the exception mentioned in the proviso to sect. 6, and referred to below.

(2) *The special qualifying period.*—The effect of the proviso in sect. 6 is to create a special qualifying period of one month, ending either on the fifteenth day of January or the fifteenth day of July, including in each case the fifteenth day, *i.e.*, there are in each twelve months two such periods, the one from December 16th to January 15th (both dates inclusive), the other from June 16th to July 15th (both dates inclusive). What was said under (1), above, as to the sufficiency of part of a day applies equally here. This special qualifying period is, for a particular class of persons, treated as though it were the ordinary qualifying period. The persons to whom the special qualifying period is applicable are (a) a naval or military voter,⁵ and (b) any person claiming the franchise under sects. 1, 3, 4 (1) and (3), who at any time during the ordinary qualifying period⁶ has been serving as a member of the naval, military, or air forces of the Crown, and has during the same qualifying period ceased so to serve. For example, a soldier is serving in the army on 17th July in any year and is invalided out of the army on the 18th July; then, provided he fulfils the other conditions necessary to acquire the franchise, he need only reside in premises or occupy land or premises from December 16th to January 15th

⁴ Sect. 11, p. 104, *infra*.

⁵ See pp. 65—70, *supra*.

⁶ See p. 79, *supra*.

in order to be entitled to be registered for the qualifying period ending January 15th.

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The special qualifying period applies to local government electors as well as to parliamentary electors, as it is clear that although sect. 5 deals only with the parliamentary franchise, a "naval or military voter" as defined by that section can be a local government elector.

A curious point arises in connection with the special qualifying period with respect to the interpretation of sect. 7 (2) dealt with on pp. 12—18, 23—27, and 37—38, *supra*. Though doubtless contrary to the intention of those who framed the Act, it would appear that a person to whom the special qualifying period is applicable could not avail himself or herself of the provisions of sect. 7 (2), as the words therein, "for part of the qualifying period not exceeding four months in the whole," cannot apply to a qualifying period of one month.

For the same reason, sect. 1 of the Representation of the People Act, 1921,⁸ referred to on pp. 19—20 and 76, does not apply to naval or military voters, or the other persons who come within the proviso in sect. 6 of the present Act.

7.—(1) Where premises are in the joint occupation of two or more persons, each of the joint occupiers shall, for the purposes of this Part⁹ of this Act, be treated as occupying the premises, subject as follows :

Supplemental provisions as to residence and occupation.

- (a) In the case of the occupation of business premises the aggregate yearly value of the premises must for the purpose of the parliamentary franchise be not less than the amount produced by multiplying ten pounds by the number of the joint occupiers ; and

⁸ Set out at p. 358, *infra*.

⁹ *I.e.*, Part I., ss. 1—10.

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- (b) In the case of the occupation of land or premises (not being a dwelling-house) the aggregate yearly value thereof must for the purpose of the parliamentary franchise of women be not less than the amount produced by multiplying five pounds by the number of joint occupiers ; and
- (c) Not more than two joint occupiers shall be entitled to be registered in respect of the same land or premises, unless they are bonâ fide engaged as partners carrying on their profession, trade or business on the land or premises.

(2) Residence in a house or the occupation of a house shall not be deemed to be interrupted for the purposes of this Act by reason only of permission being given by letting or otherwise for the occupation of the house as a furnished house by some other person for part of the qualifying period not exceeding four months in the whole, or by reason only of notice to quit being served and possession being demanded by the landlord of the house ; but the express enactment of this provision shall not affect in any way the general principles governing the interpretation of the expression " residence " and cognate expressions.

(3) Notwithstanding anything in this Act, a man shall not be entitled to be registered as a parliamentary elector for a constituency in respect of a residence qualification though he may have been residing in premises in the constituency on the last day of the qualifying period, if he com-

menced to reside in the constituency within thirty days before the end of the qualifying period, and ceased to reside within thirty days after the time when he so commenced to reside.

(4) Notwithstanding anything in this Act, a person shall not be entitled to be registered as a local government elector for a local government electoral area though that person may have been occupying land or premises in the area on the last day of the qualifying period, if that person commenced to occupy the land or premises within thirty days before the end of the qualifying period, and ceased to occupy the land or premises within thirty days after the commencement of the occupation.

NOTE.—As to (1) (a), see pp. 21—31, *supra*. As to (1) (b), see pp. 56—58, *supra*. As to (1) (c), see pp. 21—31, and pp. 46—47, 49, 57, *supra*.

As to (2), as regards “**residence in a house**,” see pp. 13—18, *supra*, and as regards “**the occupation of a house**,” see pp. 23—24, 37—38, 49, *supra*. As to the provision at the end of (2), see p. 9, *supra*.

As to (3), see pp. 8—9, *supra*.

As to (4), see p. 36, *supra*.

8.—(1) Every person registered as a parliamentary elector for any constituency shall, while so registered (and in the case of a woman notwithstanding sex or marriage), be entitled to vote at an election of a member to serve in Parliament for that constituency¹⁰; but a man shall not vote at a general election for more than one constituency for which he is registered by virtue of a

Right of
person regis-
tered to vote.

¹⁰ See pp. 85—90, *infra*.
6 (2)

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residence qualification or for more than one constituency for which he is registered by virtue of other qualifications of whatever kind,¹¹ and a woman shall not vote at a general election for more than one constituency for which she is registered by virtue of her own or her husband's local government qualification, or for more than one constituency for which she is registered by virtue of any other qualification.¹²

(2) A person registered as a local government elector for any local government electoral area shall while so registered (and in the case of a woman notwithstanding sex or marriage) be entitled to vote at a local government election for that area, but where, for the purposes of election, any such area is divided into more than one ward or electoral division, by whatever name called, a person shall not be entitled to vote for more than one such ward or electoral division.¹

Notwithstanding anything in this provision a person may be registered for more than one such ward or division of a local government electoral area (not being a municipal borough), and may vote in any such ward or division for which he is registered at an election to fill a casual vacancy.²

(3) A naval or military voter who is registered in respect of a qualification which he would have had but for his service shall be deemed for the purpose of this section to be registered by virtue of that qualification.³

¹¹ See pp. 90—91, 92, *infra*.

¹² See pp. 91—92, *infra*.

¹ See pp. 92—93, *infra*.

² See p. 93, *infra*.

³ See p. 93, *infra*.

NOTE.—Sect. 8 deals with the rights of persons, both male and female, registered as parliamentary or local government electors, to vote.

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Sect. 8 (1) begins by stating the general principle that **every person registered as a parliamentary elector for any constituency shall, while so registered (and in the case of a woman notwithstanding sex or marriage), be entitled to vote at an election of a member to serve in Parliament for that constituency,** and then proceeds to limit the number of votes which a person may give.

The principle that registration entitles a person to vote must be read in conjunction with and subject to the qualifications contained in sect. 9 (3). Sect. 9 (3) is as follows:—“A person shall not be entitled to be registered or to vote as a parliamentary or local government elector if he is not a British subject,⁴ and nothing contained in this Act shall, except as expressly provided therein, confer on any person who is subject to any legal incapacity to be registered or to vote either as a parliamentary or local government elector any right to be so registered or to vote.”

Sect. 8 (1) and sect. 9 (3) just quoted are, as regards parliamentary electors, substantially to the same effect, except as to penalties, as sect. 7 of the Ballot Act, 1872, which stands unrepealed by the present Act. That section is as follows:—“At any election . . . a person shall not be entitled to vote unless his name is on the register for the time being in force and every person whose name is on such register shall be entitled to demand and receive a ballot paper and to vote: Provided that nothing in this section (sect. 7 of the Ballot Act, 1872) shall entitle any person to vote who is prohibited from voting by any statute, or by the common law of Parliament, or relieve such person from

⁴ See p. 101, *infra*.

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any penalties to which he may be liable for voting." The words "subject to any legal incapacity" in sect. 9 (3) of the present Act have the same effect as the words "prohibited . . . by any statute or by the common law of Parliament" in sect. 7 of the Ballot Act, 1872.

The position as regards voting of a person who is registered as a parliamentary elector is, therefore, as follows, bearing in mind, however, the limitation on the number of votes which one person is entitled to give, which is dealt with on pp. 91—93, *infra*.

The register at an election is conclusive evidence⁵ of the right of any person to vote whose name appears therein, and no one is entitled to vote unless his name is on the register of electors for the time being in force.

A point of difficulty arises in certain circumstances where an election is held about the date of the expiry of one register and the coming into force of the next. Suppose that the day for the nomination of candidates is a date before the expiry of the old register, but the day of the poll is after the coming into force of the new register, which register is to be used for the election? It can be contended that inasmuch as in the Ballot Act, the day of nomination is treated as the day of election⁶ and the poll as an adjournment of the election from that day, the election must be regarded as taking place on the day of nomination even when the election is contested and a poll taken. It is, however, submitted that this view is incorrect, and that the operative register is the one which is in force on the day of the poll. Sect. 8 (1) of the present Act provides that a person shall "*while so registered* be entitled to vote at an election," and sect. 7 of the Ballot Act enacts that "a

⁵ See pp. 87—90, *infra*.

⁶ Ballot Act, 1872, s. 1, and First Schedule, rules 1—14, *infra*. See also pp. 141—142, *infra*.

person shall not be entitled to vote unless his name is on the register *for the time being in force* and every person whose name is on *such register* shall be entitled to vote." It is submitted that if on the day of the poll a person registered on the register then in force but not on the expired register presents himself at the polling booth he is entitled to vote, whereas, conversely, a person registered on the old register but not on the new register is not.

The register is also conclusive evidence before any tribunal inquiring into any election except in the cases of voters to whom some personal disqualification attaches, *i.e.*, voters who are legally incapacitated.⁷

The remarks of the learned judges in the cases hereinafter cited, which were decided under the Ballot Act, 1872, apply equally under the present Act. In *Stowe v. Jolliffe*,⁸ Lord Coleridge, C.J., said:—

"I think the true construction of these sections⁹ . . . is to make the register conclusive not only on the returning officer, but also on any tribunal which has to inquire into elections, except in the case of persons ascertained by the proviso (at the end of sect. 7). These are 'persons prohibited from voting by any statute or by the common law of Parliament.'

"I do not think that these words are pointed at any of the cases which my brother Mellor has referred to us. . . . Non-residence within the proper distance of the borough; non-occupation; insufficient qualification—none of these things appear to satisfy the words of this proviso. It does not mean persons who from failure in the incidents or elements of the franchise could be

⁷ See pp. 4—7, 55—57, *supra*.

⁸ (1874), L. R. 9 C. P. 750.

⁹ Sect. 7 of the Ballot Act, 1872, and sect. 79 of the Parliamentary Voters Registration Act, 1843. The enacting part of sect. 79 (which was the only part of that section still in force at the time of the above decision) was to the same effect as sect. 7 of the Ballot Act. Sect. 79 is repealed by the present Act. See p. 318, *infra*.

Sect. 8. successfully objected to on the revision of the register; it means persons who from some inherent or for the time irremovable quality in themselves have not, either by prohibition of statutes or at common law, the status of parliamentary electors.¹ Such for example, are peers, whether of the United Kingdom or of Scotland, . . . persons holding certain offices or employments the subjects of statutory prohibitions, and persons convicted of crimes which disqualify them from voting. I do not say that this list is exhaustive. It is enough to give examples of the cases in which I think the register would still be open.”

The register, therefore, will not be conclusive at the trial of an election petition in the case of the persons mentioned on pp. 4—7 and 55—57, *supra*, whether the incapacity occurs before or after registration. But in none of these cases can a ballot paper be refused if the person's name is on the register, though if he votes his name may be struck off on a scrutiny.²

In all cases, however, where the disqualification is not of a personal nature, the register will be conclusive even at the trial.

“It seems to me,” said Channell, J., in *Pembroke*,³ “that the policy of the Legislature has from the time of the Reform Act of 1832 until the Ballot Act been to make it necessary to raise all questions as to rights to vote in the Registration Court,⁴ and to do this by preventing their being raised at any other time or in any other manner. . . . The 7th section of the Ballot Act, . . . as interpreted and explained in *Stowe v. Jolliffe*,

¹ See pp. 4—7, 55—57, *supra*.

² See p. 87, *supra*.

³ (1901), 5 O. & H. at p. 144.

⁴ Under the present Act the registration court is abolished, but the registration officer takes its place. See First Schedule, rules 20—26, pp. 279—281, and rule 39, p. 285, *infra*.

reads thus: 'At an election a person shall not be entitled to vote unless his name is on the register, even although he ought to be on, and every person whose name is on the register shall be entitled to vote, even if it ought not to be on.'"

The presiding officer is in no way concerned with persons who are prohibited from voting either by the common law of Parliament or by statute. If these persons are on the register their votes must, if tendered, be accepted, though they will be struck off on petition. "Now, the obvious intention of the proviso at the end of sect. 7," said Lush, J., in *Worcester*,⁵ "is *not* in order that any objection of the kind mentioned in that proviso may be taken in the polling booth, but the legislature put in this proviso lest the enacting part should be held to restore or make absolute the qualification of a man who really has no qualification. . . . The battle of qualification shall be fought either beforehand in the Registration Court, or after the election upon a scrutiny."

"When you say that the register is conclusive, as has often been said, what you mean is this—that it is conclusive that the people who are on it have the qualification which entitles them to be there. It may be that they are not to be entitled to vote by reason of the 7th section of the Ballot Act.⁶ . . . Until recent years there was no register, and the register was instituted, I think, for this purpose. There were ways of disputing who had a right to vote—cumbersome and expensive ways—and the register was instituted as a simple method of finding out, by means of the Revising Barrister,⁷ who should be put on the register. People could claim to be

⁵ (1880), 3 O. & H. at p. 186.

⁶ See p. 85, *supra*.

⁷ Under the present Act the office of revising barrister is abolished, but his place is taken by the registration officer. See footnote ⁴ on preceding page.

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put on, and people could object to others being put on, and the claims and objections could be investigated by the Revising Barrister. But in my judgment the intention of the Legislature . . . was this: to compile a list, which, except in special circumstances which are provided for, should be conclusive as showing those people had passed a test as to whether they were, to vote or not, and had been declared to have satisfied that test.”⁸

From what has been said above, it is clear that the general principle laid down in sect. 8 of the present Act is that a person who is registered has a right to vote, although in certain cases his vote may be invalid. But the second part of sect. 8 (1) introduces a limitation on the number of votes which a man or woman, although registered as a parliamentary elector in several constituencies, may give. This limitation is as follows:—

A man shall not vote at a general election for more than one constituency for which he is registered by virtue of a residence qualification or for more than one constituency for which he is registered by virtue of other qualifications of whatever kind, and a woman shall not vote at a general election for more than one constituency for which she is registered by virtue of her own or her husband's local government qualification, or for more than one constituency for which she is registered by virtue of any other qualification.

There is nothing in the Act to prevent a man or woman being registered as a parliamentary elector in several different constituencies provided he or she is qualified for registration in such constituencies. By the latter part of sect. 8 (1) just quoted, however, *a man* cannot, at a general election, have more than two votes notwithstanding that he is registered in more than two constituencies. He will have two votes if he is regis-

⁸ Per Darling, J., in *Pembroke* (1901), 5 O. & H. at pp. 137, 138.

tered in one constituency by virtue of a residence qualification,⁹ and in another constituency by virtue either of a business premises qualification¹⁰ or of a university qualification,¹¹ or as a freeman.¹²

It should be noticed, however, that if he is registered in more than one constituency by virtue of qualifications other than a residence qualification he will only have one vote; *e.g.*, a man may be registered in constituency X by virtue of a business premises qualification, and in the university constituencies Y and Z by virtue of a university qualification, yet he can only make use of one of these qualifications for the purpose of voting, as he would not come within the provisions of sect. 8 (1) relating to the double vote. As to the method by which it is secured that the provisions as to the limitation of votes shall be observed, see pp. 130—137, *infra*.

Similarly, a woman cannot, at a general election, have more than two votes, notwithstanding that she is registered in more than two constituencies. She will have two votes if she is registered in one constituency (other than a university constituency) by virtue of her own or her husband's qualification,¹ and in another, a university constituency, by virtue of a university qualification.²

A woman who is registered in more than one constituency by virtue only of her own or her husband's qualification, will only have one vote, and the same applies to a woman registered in more than one university constituency by virtue of a university qualification. As to the way in which the limitation on the number of votes is safeguarded from infringement, see pp. 130—137, *infra*.

⁹ See pp. 7—21, *supra*.

¹⁰ See pp. 21—31, *supra*.

¹¹ See pp. 32—33, *supra*.

¹² See pp. 117—118, *infra*.

¹ See pp. 56—59, *supra*.

² See p. 60, *supra*.

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It should be noticed that in the case both of men and women, this limitation imposed by sect. 8 (1) on the number of votes they may give applies only to a general election. There is nothing to prevent a person registered in a constituency by virtue of any qualification from making use of his or her vote at a bye-election in that constituency, and also at a bye-election in any other constituency or constituencies in which he or she is registered by virtue of any qualification.

Sect. 8 (2) like sect. 8 (1) begins by stating the general principle that **a person registered as a local government elector for any local government electoral area shall while so registered (and in the case of a woman notwithstanding sex or marriage) be entitled to vote at a local government election for that area.** This principle is subject to the same qualifications as were noticed on pp. 86—90, *supra*, in the case of parliamentary electors, and what was there said applies equally here.

But similarly to sect. 8 (1), sect. 8 (2) introduces a limitation on the number of votes which a man or woman may give, by providing that **where, for the purposes of election, any such area is divided into more than one ward or electoral division, by whatever name called, a person shall not be entitled to vote for more than one such ward or electoral division.**

The word **election** here means³ an election (other than an election to fill a casual vacancy) for any county council, municipal borough council, metropolitan borough council, district council, board of guardians, parish council, or any other body elected by persons on the local government register or on the register of parochial electors. At any such election, therefore, a local government elector, whether man or woman, may give

³ See sect. 41 (2), p. 245, *infra*.

one vote only for one ward or electoral division, and no more. Sect. 8.

Sect. 8 (2) further provides that :—

Notwithstanding anything in this provision a person may be registered for more than one such ward or division of a local government electoral area (not being a municipal borough), and may vote in any such ward or division for which he is registered at an election to fill a casual vacancy.

The words “election to fill a casual vacancy” mean in relation to local government elections what “bye-election” means in relation to parliamentary elections.

If a person is registered in respect of more than one ward or division of a local government electoral area (not being a municipal borough), such person may at an election other than an election to fill a casual vacancy select the ward or division for which he wishes to vote.

As will have been noticed, a person cannot be registered in more than one ward of a municipal borough.

(3) **A naval or military voter who is registered in respect of a qualification which he would have had but for his service shall be deemed for the purpose of this section to be registered by virtue of that qualification.**

As to “naval or military voter” and the qualification here referred to, see pp. 63—78, *supra*.

9.—(1) A person shall not be disqualified from being registered or from voting as a parliamentary or local government elector by reason that he or some person for whose maintenance he is responsible has received poor relief or other alms.⁵ Provision as to disqualifications.

(2) Any person, being a conscientious objector

⁵ See p. 97, *infra*.

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to whom this subsection applies,⁶ shall be disqualified during the continuance of the war and a period of five years thereafter⁷ from being registered or voting as a parliamentary or local government elector, unless, before the expiration of one year after the termination of the war, he proves to the central tribunal as established for the purposes of the Military Service Act, 1916⁸ :

- (a) that he has during the continuance of the war taken up and, so far as reasonably practicable, continued service which constitutes a person (other than a person serving on full pay as a member of any of the naval, military, or air forces of the Crown) a naval or military voter for the purposes of this Act⁹ ; or
- (b) that having been exempted from military service on condition of doing work of national importance he has done such work in accordance with the decision and to the satisfaction of the appropriate tribunal or authority¹⁰ ; or
- (c) that having obtained an absolute exemption from military service without any such condition, he has nevertheless (whether before or after the passing of this Act) been engaged in and, so far as reasonably practicable, continued some work of national importance ;

⁶ See pp. 97—98, *infra*.

⁷ See p. 98, *infra*.

⁸ See pp. 98, 99, *infra*.

⁹ See p. 99, *infra*.

¹⁰ See pp. 99—100, *infra*.

and obtains a certificate from the central tribunal to that effect.¹¹

This subsection shall apply to a conscientious objector who either—

- (i) has been exempted from all military service (including non-combatant service) on the ground of conscientious objection¹²; or
- (ii) having been convicted by court martial of an offence against military law, and having represented that the offence was the result of conscientious objection to military service, has been awarded imprisonment or detention.¹

The central tribunal established under the Military Service Act, 1916, shall be continued for the purpose of this subsection for a period of a year after the termination of the present war.²

If a person disqualified under this subsection would have been entitled to be registered as a parliamentary or local government elector but for that disqualification, the disqualification shall not extend so as to affect the right of the wife of that person to be registered or vote as a parliamentary or local government elector, as the case may be.³

(3) A person shall not be entitled to be registered or to vote as a parliamentary or local government elector if he is not a British subject, and nothing contained in this Act shall, except as expressly provided therein, confer on any person who is subject to any legal incapacity to be regis-

¹¹ See p. 100, *infra*.

² See pp. 98—99, *infra*.

¹² See p. 97, *infra*.

³ See pp. 100—101, *infra*.

¹ See pp. 97—98, *infra*.

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tered or to vote either as a parliamentary or local government elector any right to be so registered or to vote.⁴

(4) A person shall not be disqualified from voting at any election as a parliamentary or local government elector by reason that he is employed for payment by or on behalf of a candidate at such election, so long as the employment is legal.⁵

(5) Any incapacity of a peer to vote at an election arising from the status of a peer shall not extend to peeresses in their own right.⁶

NOTE.—This section re-enacts certain existing disqualifications, imposes a new disqualification, and also removes certain previously existing disqualifications from being registered and from voting, as a parliamentary or local government elector.

The section falls under five heads. Sub-sect. (1) removes the existing disqualification arising from the receipt of poor relief or other alms in the case of parliamentary and local government electors.⁷ Sub-sect. (2) disqualifies conscientious objectors for a certain period and subject to certain conditions.⁸ Sub-sect. (3) re-affirms the disqualification arising from legal incapacity.⁹ Sub-sect. (4) removes the existing disqualification from voting of election agents, or other persons legally employed for payment by or on behalf of candidates.¹⁰ Sub-sect. (5) declares that peeresses in their own right are not disqualified from voting.¹¹

⁴ See p. 101, *infra*.

⁵ See pp. 101—102, *infra*.

⁶ See p. 102, *infra*.

⁷ See p. 97, *infra*.

⁸ See pp. 97—101, *infra*.

⁹ See p. 101, *infra*.

¹⁰ See pp. 101—102, *infra*.

¹¹ See p. 102, *infra*.

As to sub-sect. (1).—As was pointed out above, this sub-section removes the disqualification from being registered or from voting as a parliamentary or local government elector by reason of the receipt of poor relief or other alms, either by the elector or some other person for whose maintenance he is responsible. The only disqualification of this kind which exists under the present Act is that which arises in reference to the residence qualification by reason of sect. 41 (5), which provides that “a person who is an inmate or patient in any prison, lunatic asylum, workhouse, poorhouse, or any other similar institution shall not by reason thereof be treated as resident therein for any purpose of this Act.”¹²

As to sub-sect. (2).—This sub-section disqualifies certain persons who were conscientious objectors during the war for a period of five years after its termination.¹

Any person, being a conscientious objector to whom this sub-section applies.—In order to ascertain the meaning of these words it is necessary to consider the later words in sub-section (2) beginning, **This sub-section shall apply to a conscientious objector who either—(i) has been exempted from all military service (including non-combatant service) on the ground of conscientious objection ;**

The expression “a conscientious objector” cannot include a woman, as the Military Service Act, 1916, only applies to men. The exemption referred to in the sub-section was granted under that Act by the tribunals constituted thereunder.

or (ii) having been convicted by court-martial of an offence against military law and having represented that the offence was the result of conscientious objection to military service, has been awarded imprisonment or detention.

¹² See p. 13, *supra*.

¹ *I.e.*, five years after August 31, 1921. See pp. 98—99, *infra*.

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These words would include any man who, whether he claimed exemption or not on the ground of conscientious objection, had been engaged in military service, and on being convicted by court-martial of an offence against military law, had represented that the offence was the result of conscientious objection, and had been awarded imprisonment or detention.

Sub-section (2) enacts that a conscientious objector coming within the above description **shall be disqualified during the continuance of the war and a period of five years thereafter from being registered or voting as a parliamentary or local government elector.**

It is submitted that the effect of these words is to impose a legal incapacity to be registered or to vote as a parliamentary or local government elector on all persons coming within sect. 9 (2). As was pointed out above,¹ the expression "legal incapacity" means "some inherent or for the time irremovable quality in" a person "which either by prohibition of statutes or at common law" deprives such person of the status of a parliamentary elector.² It would seem clear that the disqualification imposed by sect. 9 (2) is of this nature. Moreover, if this sub-section is not intended to impose a legal incapacity, the words "from voting" would be of no effect, since it is only where an elector is legally incapacitated that his vote can be struck off on a scrutiny, notwithstanding the fact that he is registered.³

The "period of five years" referred to extends from August 31, 1921, to August 30, 1926."⁴

unless, before the expiration of one year after the termination of the war, he proves to the central tribunal

¹ See pp. 4-7, *supra*.

² *Stowe v. Jolliffe* (1874), L. R. 9 C. P. 750.

³ See pp. 85-90, *supra*.

⁴ See below.

as established for the purposes of the **Military Service Act, 1916**— Sect. 9.

The "termination of the war" was fixed by Order in Council dated August 10, 1921,⁵ made under the Termination of the Present War (Definition) Act, 1918, as Aug. 31, 1921.

The "central tribunal" is the highest of the three tribunals established under the Military Service Act, 1916, and by sect. 2 (7) thereof is constituted in accordance with the provisions of the Second Schedule to that Act. The present Act contains no provision as to the procedure to be adopted on an application to the central tribunal by any person who wishes to avail himself of the provisions of sect. 9 (2) (a), (b) and (c). By clause 5 of the Schedule to the Military Service Act, 1916, "His Majesty may by Order in Council make regulations with respect to the constitution, functions and procedure of the . . . central tribunal, and so far as provision is not made for procedure by those regulations, the procedure of the tribunal shall be such as may be determined by the tribunal." By sect. 9 (2) of the present Act⁶ the central tribunal is continued for a period of one year after the termination of the war to allow the application in question to be made.

(a) that he has during the continuance of the war taken up and so far as reasonably practicable continued service which constitutes a person (other than a person serving on full pay as a member of any of the naval, or military or air forces of the Crown) a naval or military voter for the purposes of this Act;

It should be noticed that although the application to a central tribunal, referred to above, may be made at any time up to the expiration of one year after the end of the

⁵ S. R. O. 1921. No. 1276.

⁶ See p. 95, *supra*.

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war, the service mentioned in sect. 9 (2) (a) must have been taken up during the continuance of the war.

See as to the "service which constitutes a person . . . a naval or military voter," pp. 69—70, *supra*.

or (b) that having been exempted from military service on condition of doing work of national importance he has done such work in accordance with the decision and to the satisfaction of the appropriate tribunal or authority.

This condition applies to those conscientious objectors who have not obtained a certificate of absolute exemption but have obtained under sect. 2 (3) of the Military Service Act, 1916, a certificate "conditional on the applicant being engaged in some work which in the opinion of the tribunal dealing with the case is of national importance."

"The appropriate tribunal" here referred to is of course the particular tribunal which granted the conditional certificate, and the "authority" means the authority in whose employment the work was done. The "satisfaction" required under sect. 9 (2) (a) of the present Act is either that of such "tribunal" or of such "authority."

Sub-section (2) (c) of sect. 9, which deals with conscientious objectors who have been absolutely exempted, needs no comment.

and obtains a certificate from the central tribunal to that effect.

The applicant must not only prove to the central tribunal the necessary facts in (a), (b) or (c), but must also obtain a certificate from the central tribunal to that effect. This will, of course, afford the necessary and conclusive proof to the registration officer that the applicant is not disqualified as a conscientious objector.

If a person disqualified under this sub-section would have been entitled to be registered as a parliamentary

or local government elector but for that disqualification, the disqualification shall not extend so as to affect the right of the wife of that person to be registered or vote as a parliamentary or local government elector as the case may be.

The effect of this provision is that when a woman would be entitled under sect. 4 (1) to be registered as a parliamentary elector, or under sect. 4 (3) (b) as a local government elector, by reason of the fact that her husband would, but that he is disqualified under sect. 9 (2), have the necessary qualification to be registered as a local government elector under sects. 4 (1) (c) or 4 (3) (b) respectively, she shall not lose her right to be registered or to vote in consequence of her husband being so disqualified.

As to sub-sect. (3).—The words **if he is not a British subject** would appear to be surplusage, as aliens are subject to a legal incapacity to be registered or to vote as parliamentary or local government electors.⁴ It could not be argued that these words impose an incapacity of a different kind to the one already attaching to aliens, and that the effect of the words **a person shall not be entitled . . . to vote as a parliamentary or local government elector** is to make it the duty of the returning officer to ascertain in the polling-booth whether the person seeking to vote is or is not a British subject, and in the latter case to refuse to allow him to vote. If this were the meaning of the words there would be a further question which the returning officer would be required to put to the voter in addition to those already authorised⁵ to be asked. The effect of this incapacity, like that of the other legal incapacities,⁶ is that the vote of the person who is subject to it can be struck off on a scrutiny.

⁴ See pp. 4, 35—36, 55, *supra*.

⁵ See pp. 133—137, *infra*.

⁶ See pp. 4—7, *supra*.

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It may, perhaps, be mentioned that a naturalized British subject enjoys the same rights in respect to the franchise as a natural-born British subject.⁷

As to the remaining words of sub-section (3), see pp. 4—7, 35—36, 55—56 and 85—90, *supra*.

As to sub-section (4).—This removes the previously existing disqualification from voting as a parliamentary elector attaching to an election-agent, sub-agent, polling-agent, clerk or messenger employed for payment by a candidate at a parliamentary election.⁸

As to sub-section (5).—It should be observed that peeresses by marriage, though not expressly mentioned, are not subject to any legal incapacity, as the reasons for which it has been held that peers are legally incapable of exercising the parliamentary franchise do not apply to peeresses by marriage.⁹ There is, of course, nothing to prevent either peers or peeresses from voting at a local government election.

Provision as to qualifications of councillors.

10.—A person shall, in addition to and without prejudice to any other qualification, be qualified to be elected a member of the local government authority for any local government electoral area¹⁰ if he is the owner of property held by freehold, copyhold, leasehold, or any other tenure within the area of that authority.

NOTE.—The effect of this section is to enlarge the qualifications for membership of local government authorities. There is no limit of value in regard to

⁷ See British Nationality and Status of Aliens Act, 1914 (4 & 5 Geo. 5, c. 17), sects. 3 and 27 (1).

⁸ See pp. 178—179, *infra*.

⁹ See *Charlton v. Lings* (1868), L. R. C. P. 374; *Beauchamp (Earl) v. Madresfield* (1872), L. R. S. C. P. 245.

¹⁰ See p. 103, *infra*.

the qualifying property, nor need the ownership have lasted for any particular period. The section also prevents the possible disqualification, by reason of the conditions of the local government or parliamentary franchise as laid down in the present Act, of any person from being elected a member of a local government authority, where such person would have been qualified for such election under the previously existing law; *e.g.*, by sect. 2 (2) (b) of the Local Government Act, 1888, "a person shall be qualified to be an alderman or councillor who, though not qualified in manner provided by the Municipal Corporations Act, 1882, as applied by this Act (*i.e.*, Local Government Act, 1888) . . . is registered as a parliamentary voter in respect of the ownership of property of whatsoever tenure situate in the county." Since the ownership qualification for the parliamentary franchise is abolished by the present Act, the case might arise where a person who would have been qualified under the above-quoted provision would, in the absence of sect. 10, set out above, not be so qualified under the present Act.

As to the words, **the local government authority for any local government electoral area.**

The words "local government authority" mean a county council, municipal borough council, metropolitan borough council, district council, board of guardians, parish council, or any other body elected at the time of the passing of this Act by persons on the local government register or on the register of parochial electors¹¹; and the expression "local government electoral area" means the area for which any of the bodies just mentioned is elected.¹¹

This section does not apply to Scotland.¹²

¹¹ See sect. 41 (2), p. 245, *infra*.

¹² See sect. 43 (7), p. 254, *infra*.

PART II.

REGISTRATION.

[Sections 11—19.]

Spring and
Autumn
registers.

11.—(1) Two registers of electors shall be prepared in every year, of which one (in this Act referred to as the spring register) shall be made for the qualifying period ending on the fifteenth day of January, and the other (in this Act referred to as the autumn register) shall be made for the qualifying period ending on the fifteenth day of July.¹

(2) The spring register shall come into force on the commencement of the fifteenth day of April and remain in force until the fifteenth day of October, and the autumn register shall come into force on the commencement of the fifteenth day of October and remain in force until the fifteenth day of April.²

(3) If for any reason the registration officer fails to compile a fresh spring or autumn register for his area or any part of his area, the register in force at the time when the fresh register should have come into force shall continue to operate as the register for the area or part of an area in respect of which default has been made.³

NOTE.—Sect. 11 deals with the registers of electors, which it defines, and also provides for the contingency of a failure to compile a fresh register.

¹ See p. 105, *infra*. ² See pp. 105—106, *infra*. ³ See p. 106, *infra*.

As to sub-section (1).—This provides that there shall be two registers in every twelve months, viz. (a) the Spring register, on which are to be placed the names of the men and women who are entitled to be registered as parliamentary or local government electors by reason of their having fulfilled the conditions of the franchise during the qualifying period ending on January 15th, and (b) the Autumn register, on which are to be placed the names of the men and women who are entitled to be registered as parliamentary or local government electors by reason of their having fulfilled the conditions of the franchise during the qualifying period ending on July 15th.

It is submitted that the above is the meaning of sect. 11 (1). The words in that sub-section “(. . . the spring register) shall be made for the qualifying period ending on the fifteenth day of January” and the corresponding words relating to the Autumn register can only mean that the Spring and Autumn registers respectively shall contain the names of the persons entitled to be registered by reason of their having fulfilled the conditions of the franchise during the qualifying periods ending January 15th and July 15th respectively.

As to the conditions of the franchise, see sections 1, 3, 4, 5, *supra*. As to the qualifying period, see pp. 78—81, *supra*.

As to sub-section (2).—The Spring register is valid only from midnight, April 14th, until midnight, October 14th, and the Autumn register from midnight, October 14th, until midnight, April 14th. As was noted above, the Spring register contains the names of the persons who are entitled to be registered by reason of their having fulfilled the conditions of the franchise during the qualifying period ending on January 15th, and such persons accordingly only obtain the rights which registration confers¹ during the time when the Spring register

¹ See pp. 85—93, *supra*.

Sect. 11.

is in force, viz. from April 15th to October 15th. Similarly, the Autumn register contains the names of the persons who are entitled to be registered by reason of their having fulfilled the conditions of the franchise during the qualifying period ending on July 15th, and accordingly such persons only obtain the rights which registration confers⁷ during the time when the Autumn register is in force, viz. from October 15th to April 15th. In other words, for a person to enjoy the rights which registration confers⁷ during the whole twelve months, the name of such person must appear on both registers.

As to sub-section (3).—The word “area” here means “registration area.” By sect. 12 (1) “each parliamentary borough and each parliamentary county shall be a registration area.”

Registration
officers and
areas.

12.—(1) Each parliamentary borough and each parliamentary county⁸ shall be a registration area, and there shall be a registration officer for each registration area.

(2) Where the registration area is a parliamentary county and is coterminous with, or wholly contained in, one administrative county, the clerk of the county council, and where the registration area is a parliamentary borough and is coterminous with, or wholly contained in, one municipal borough, the town clerk of the borough shall be the registration officer for the area.

In any other case such clerk of the county council, or town clerk, shall be registration officer for the area as the Local Government Board⁹ may

⁷ See pp. 85—93, *supra*.

⁸ See p. 107, *infra*.

⁹ The words “Secretary of State” must now be substituted for the words “Local Government Board.” See Order in Council dated May 27, 1921 (S. R. O. 1921, No. 959), set out at pp. 439—441, *infra*.

by Order direct, subject to any conditions which may be made by the Order as to the appointment of deputies for any part of the area.

(3) Any of the duties and powers of the registration officer¹⁰ may be performed and exercised by any deputy for the time being approved by the Local Government Board,¹¹ and the provisions of this Act shall apply to any such deputy so far as respects any duties or powers to be performed or exercised by him as it applies to the registration officer.

(4) In the event of any vacancy in the office of any clerk of the county council or town clerk who is a registration officer, or in the event of his incapacity to act, any acts authorised or required to be done by or with respect to the registration officer may be done by or with respect to any person temporarily appointed in that behalf by the chairman of the county council or the mayor as the case may be.

NOTE.—Each parliamentary borough and each parliamentary county. A list of these in England and Wales is given in the Ninth Schedule to this Act. See pp. 327—338, 340—346, *infra*.

Any of the duties and powers of the registration officer.—As to what these are, see sect. 13, pp. 108—109, *infra*, and First Schedule, pp. 272—288, *infra*.

This section does not apply to Scotland, but by section 43, sub-section (8), the provisions of that sub-section are substituted for those of section 12. The provisions of section 43, sub-section (8), will be found set out on pp. 254—255, *infra*.

Application
to Scotland.

¹⁰ See below.

¹¹ See footnote ⁹ previous page.

Sect. 12.
Registration
duties.

13.—(1) It shall be the duty of the registration officer to compile the spring and autumn register, and to place, or cause to be placed, on the register in accordance with the rules set out in the First Schedule to this Act¹¹ the names of those entitled to vote as parliamentary electors or local government electors in his registration area, and to comply with any general or special directions¹² which may be given by the Local Government Board¹³ with respect to the arrangements to be made by the registration officer for carrying out his duties as to registration.

If a registration officer refuses, neglects or fails without reasonable cause to perform any of his duties in connection with registration, he shall be liable on summary conviction to a fine not exceeding one hundred pounds.¹

(2) His Majesty may by Order in Council prescribe the forms² to be used for registration purposes and any fees² to be taken in connection therewith, and alter the rules contained in the First Schedule to this Act for the purpose of carrying this Act into full effect,³ or for carrying into effect any Act for the time being in force amending or affecting this Act.

The rules contained in the First Schedule to this Act and any Order so made shall have effect as if enacted in this Act.

¹¹ See pp. 272—288.

¹² See p. 109, *infra*.

¹³ The words "Secretary of State" must now be substituted for the words "Local Government Board." See Order in Council dated May 27, 1921 (S. R. O. 1921, No. 959), set out at pp. 439—441, *infra*.

¹ See p. 109, *infra*.

² See p. 109, *infra*.

³ See p. 109, *infra*.

NOTE.—This section imposes upon the registration officer the duty of ascertaining what persons in the area for which he is registration officer are entitled to be registered as parliamentary and as local government electors and to place their names, or cause them to be placed, on the register.

the rules set out in the First Schedule to this Act.—

For these rules, see pp. 272—288, *infra*.

and to comply with any general or special directions which may be given by the Local Government Board.

—The functions of the Local Government Board under the present Act have been transferred to the “Secretary of State,”¹² *i.e.*, the Home Secretary. These directions are given from time to time as occasion arises.

shall be liable on summary conviction to a fine not exceeding one hundred pounds.—If a registration officer refuses, neglects or fails without reasonable cause to perform any of his duties in connection with registration, such refusal, neglect or failure renders the registration officer liable to be prosecuted and punished under the Summary Jurisdiction Acts.

The **forms** and **fees** referred to in sub-section (2) above are prescribed by the Representation of the People Order, as to forms by rules 1 and 2 (pp. 363—364, *infra*) and Schedules I. and II. (pp. 375—402, *infra*), and as to fees by r. 36 (p. 373, *infra*) and Schedule VII. (p. 408, *infra*).

The same Order also contains provisions **altering the rules contained in the First Schedule to this Act for the purpose of carrying this Act into full effect** under sub-section (2) above.¹

14.—(1) An appeal² shall lie to the county court. Appeals.
as defined by rules of court,³ from any decision of

¹² See Order in Council dated May 27, 1921 (S. R. O. 1921, No. 959), set out at pp. 439—441, *infra*.

¹ See Representation of the People Order, rules 2—13.

² See p. 112, *infra*.

³ See p. 463, *infra* (rule 2) and p. 483, *infra* (Order I.).

Sect. 14.

the registration officer on any claim or objection³ which has been considered by him under this Act, or the placing of or refusal to place any mark against any name on the register,⁴ and rules of court⁵ shall be made for the purpose of determining the procedure on any such appeals and for applying and adapting thereto any enactments relating to county courts and the procedure therein :

Provided that an appeal shall not lie where a claimant or objector has not availed himself of his opportunity, as provided in the First Schedule to this Act, of being heard by the registration officer⁶ on the claim or objection, or as to the placing of or refusing to place any such mark as aforesaid.

(2) An appeal shall lie on any point of law from any decision of the county court⁷ on any such appeal from the registration officer in accordance with rules of the Supreme Court⁸ to the Court of Appeal, but no appeal shall lie from the decision of the Court of Appeal.

(3) The right of voting of any person whose name is for the time being on the register shall not be prejudiced by any appeal pending under this section, and any vote given in pursuance of that right shall be as good as if no such appeal were pending, and shall not be affected by the subsequent decision of the appeal.

(4) Notice shall be sent to the registration officer in manner provided by rules of court⁹ of

³ See pp. 279—280, *infra*.

⁴ See pp. 280—281, *infra*.

⁵ See pp. 461—488, 491, *infra*.

⁶ See pp. 279—286 and p. 285 (rule 39).

⁷ See p. 112, *infra*.

⁸ See pp. 489—490, *infra*.

⁹ See p. 466, *infra* (rule 18) and pp. 474—475, and p. 490, *infra* (par. (16)).

the decision of the county court or of the Court of Appeal on any appeal under this section, and the registration officer shall make such alterations in the electors lists or register as may be required to give effect to the decision. Sect. 14.

(5) On any appeal under this section the registration officer shall be deemed to be a party to the proceedings.

(6) If the Lord Chancellor is satisfied on the representation of the judge of any county court that the judge is unable, owing to the necessity of dealing with appeals under this Act, to transact the business of the court with proper despatch, the Lord Chancellor may appoint a barrister of at least seven years' standing to act as assistant judge for such time as the Lord Chancellor may direct, and subject to any conditions which he may impose.

Any assistant judge so appointed shall have all the powers and privileges and may perform any of the duties of the judge, whether under this Act or otherwise, to whom he has been appointed assistant.

An assistant judge shall be paid out of moneys provided by Parliament such remuneration and travelling allowances as may be allowed by the Treasury.

In the application of this provision to a county court district the whole of which is within the Duchy of Lancaster, the Chancellor of the Duchy shall be substituted for the Lord Chancellor.

Sect. 14.

NOTE.—An appeal.—Anyone who is entitled to make and has made a claim or objection can appeal to the county court from the decision of the registration officer, whether such decision be on a question of fact or a point of law, as to which see below.

For the **rules of court** referred to in sub-sections (1), (2) and (4), see pp. 461—491, *infra*.

on any claim or objection.—See pp. 275—276, and 279—281, *infra*.

any mark against any name on the register.—See Rule 2, p. 272. *infra*, and pp. 279—281, *infra*.

where a claimant or objector has not availed himself of his opportunity, as provided in the First Schedule to this Act, of being heard by the registration officer.—See Rules 20, 21, p. 279, and Rule 39, p. 285, *infra*.

An appeal shall lie on any point of law from any decision of the county court.—It will be noticed that an appeal from the decision of the county court will only lie on a point of law. Where it is clear that the findings of fact by the registration officer are dependent on an erroneous view of the law,² or where there is no evidence to support such findings, an appeal will lie.³

Application
to Scotland.

In Scotland the reference to the county court in the above section shall be construed as a reference to the sheriff court, and reference to the Supreme Court shall be construed as a reference to the Court of Session, and a reference to the Court of Appeal shall be construed as a reference to the Court of three judges of the Court of Session constituted by sect. 23 of the Representation of the People (Scotland) Act, 1868.⁴ Moreover, sect.

² *Carrick v. Furnell* (1851), 12 C. B. 291; *Cuthbertson v. Parsons* (1852), 12 C. B. 304.

³ *G. N. R. Co. v. Rimel* (1856), 18 C. B. 575; *British Industry Life Ass. Co. v. Ward* (1856), 17 C. B. 644.

⁴ See sect. 43 (1), (h), (f), (g) of the present Act, p. 248, *infra*.

43 (9)⁵ of the present Act enacts that "the provisions regarding the appointment of an assistant judge (in sect. 14 above) shall not apply" to Scotland. ~

Sect. 14.

15.—(1) Any expenses properly incurred by a registration officer in the performance of his duties⁶ in relation to registration, including all proper and reasonable charges for trouble, care and attention in the performance of those duties, and any costs incurred by him as party to an appeal⁶ (in this Act referred to as "registration expenses") shall be paid by the council whose clerk the registration officer is, or by whom he is appointed, subject, in cases where the registration area⁶ is not coterminous with or wholly contained in the area of that council, to such contributions by the council of any other county or borough as the Local Government Board⁷ may direct.

Expenses of registration.

Any such expenses shall be paid in the case of the council of a county out of the county fund, and if the case requires as expenses for special county purposes, and in the case of a council of a borough out of the borough fund or borough rate, or, where there is no borough fund or borough rate, out of the fund or rate out of which the ordinary expenses of the council of the borough are paid.

(2) The Treasury may frame a scale of registration expenses⁸ applicable to all or any class or

⁵ See pp. 255—256, *infra*.

⁶ See p. 115, *infra*.

⁷ The words "Secretary of State" must now be substituted for the words "Local Government Board." See Order in Council dated May 27, 1921 (S.R.O. 1921, No. 959), set out at pp. 439—441, *infra*.

⁸ Set out at pp. 442—446, *infra*.

Sect. 15. classes of those expenses, and may alter the scale as and when they think fit.

Any expenses incurred by the registration officer of a class to which the scale⁵ is applicable shall be taken to be properly incurred if they do not exceed the maximum amount determined by or in accordance with the scale,⁵ and so far as they do exceed that amount shall be taken not to have been properly incurred unless the excess is specially sanctioned by the council and the Treasury either before or after the expenses have been incurred.

If any question arises whether any expenses incurred by the registration officer of a class to which the scale⁵ is not applicable have been properly incurred or not, that question shall be referred to the Local Government Board,⁶ and the decision of the Board on the question shall be final.

(3) Any fees or other sum received by the registration officer in respect of his duties as such officer, other than sums paid to that officer in respect of his registration expenses,⁷ shall be accounted for by that officer and paid to the credit of the fund or rate out of which the expenses of that officer are paid.

(4) There shall be paid out of moneys provided by Parliament to the council of any county or borough in aid of the fund or rate out of which any registration expenses are paid by the council, in accordance with this Act, one half of the amount so paid by the council.

⁵ This scale is set out at pp. 442—446, *infra*.

⁶ The words "Secretary of State" must now be substituted for the words "Local Government Board." See Order in Council, 1921, No. 959, set out at pp. 439—441, *infra*.

⁷ See p. 115, *infra*.

(5) On the request of the registration officer of any registration area for an advance on account of registration expenses, the council whose clerk the registration officer is may, if they think fit, make such an advance to him of such amount and subject to such conditions as the council may approve.

in the performance of his duties.—As to what are the duties of the registration officer, see sect. 13, pp. 108—109, *supra*, and First Schedule, pp. 272—286, *infra*.

as party to an appeal.—See sect. 14 (5), p. 111, and p. 112, *supra*.

registration area.—See sect. 12 (1), p. 106, *supra*.

For the **scale of registration expenses** mentioned in sub-section (2), see pp. 442—446, *infra*.

As to the words in sub-section (3) above, **any fees or other sum received by the registration officer in respect of his duties as such officer, other than sums paid to that officer in respect of his registration expenses**, the fees here referred to are those mentioned in Rules 28 and 33 of the First Schedule⁸ and Rule 8 of the Third Schedule.⁹ For the amount of such fees, see Representation of the People Order, rule 36 and Schedule VII, pp. 373, 408, *infra*.

The first sub-section of sect. 15 does not apply to Scotland, and in lieu thereof the provisions of sect. 43 (11)¹⁰ are applicable.

Application to Scotland.

16.—(1) Where an urban district is coterminous with a registration area which is a parliamentary borough or is wholly contained in such area, this

Special provisions with respect to urban districts and London.

⁸ See pp. 282, 283, *infra*.

⁹ See p. 291, *infra*.

¹⁰ See pp. 256—257, *infra*.

Sect. 16. Part of this Act shall apply to that district as it applies to a municipal borough, with the substitution of the clerk of the urban district council for the town clerk, of the urban district council for the council of the borough, of the general district rate for the borough fund or borough rate, and of the chairman of the council for the mayor.

(2) Any reference to a municipal borough in this Part of this Act shall include a reference to a metropolitan borough and the City of London, with the substitution, as respects a metropolitan borough, of the clerk of the metropolitan borough council for the town clerk, and of the metropolitan borough council for the council of the municipal borough, and as respects the City of London, of the Secondary for the town clerk and of the common council for the council of the municipal borough.

Any registration expenses of a metropolitan borough council shall be paid as general expenses of the council, and any expenses of the common council shall be paid out of the general rate.

NOTE.—**registration area.**—This is defined in sect. 12 (1), p. 106, *supra*.

The effect of sub-section (1) above is as follows:—The registration officer for the registration area contemplated by such sub-section is the clerk of the urban district council.¹¹

The registration expenses of the registration officer shall be paid by the urban district council out of the general district rate.¹²

¹¹ See sect. 12 (2), p. 106, *supra*.

¹² See sect. 15 (1), p. 113, *supra*.

In the event of any vacancy in the office of any clerk of the urban district council who is registration officer, or in the event of his incapacity to act, any acts authorised or required to be done by or with respect to the registration officer may be done by or with respect to any person temporarily appointed in that behalf by the chairman of the council.¹

Sect. 16.

As to sub-section (2), see sect. 12 (2), p. 106, *supra*.

17.—(1) A freeman of the City of London, being a liveryman of one of the several companies who is entitled to be registered as a parliamentary elector in respect of a business premises qualification within the city, shall be entitled, if he thinks fit, to be entered in a separate list of liverymen in the register of parliamentary electors, and to record his vote for Parliament as a liveryman.

Special provision as to registration of freemen, &c.

(2) The foregoing provision shall apply to the freemen of any borough if the council of the borough so resolve, and the expression "freemen" shall include any persons by whatever name called enjoying in that borough rights similar to those enjoyed by freemen of the city of London in that city.

NOTE.—It will be observed that the right of a freeman of the City of London to be registered and to vote is limited to such freemen as are liverymen of one of the several companies and are entitled to be registered as parliamentary electors in respect of a business premises qualification² within the City.

It is evident, therefore, that no freeman who is not entitled to be registered as a parliamentary elector in

¹ See sect. 12 (4), p. 107, *supra*.

² See pp. 21—31, *supra*.

Sect. 17. respect of a business premises qualification within the City is entitled to be registered or vote as a liveryman. The same observation is applicable to freemen of any borough under sect. 17 (2).

The right to vote as a freeman is alternative to that of voting in respect of a business premises qualification.¹³

Compensa-
tion to exist-
ing officers.

18. Every person who is an assistant overseer at the time of the passing of this Act, and who suffers any direct pecuniary loss¹ in consequence of this Act, shall be entitled to have compensation paid to him as registration expenses by the council responsible for the payment of registration expenses, and in determining such compensation—

- (a) regard shall be had to the conditions and other circumstances required by sub-section (1) of section one hundred and twenty of the Local Government Act, 1888,² in regard to cases of compensation under that section; and
- (b) the compensation shall not exceed the limit therein mentioned; and
- (c) the expression in sub-section (1) of that section "The Acts and rules relating to Her Majesty's Civil Service" shall mean the Acts and rules relating to His Majesty's Civil Service which were in operation at the date of the passing of the Local Government Act, 1888;³ and
- (d) the provisions of sub-sections (2) to (7)⁴ of

51 & 52 Vict.
c. 41.

¹³ See sect. 8 (1) pp. 83—84, 90—91, *supra*.

¹ See p. 119, *infra*.

² See pp. 119—120, *infra*.

³ See p. 122, *infra*.

⁴ See pp. 120—121, *infra*.

the same section shall apply with such modifications (including the substitution of the "Local Government Board"⁵ for the "Treasury") as may be required, and including in sub-section (2) the substitution of the words "next before the thirtieth day of September, nineteen hundred and fourteen" for the words "next before the passing of this Act."

In this section the expression "assistant overseer" includes any person executing any of the duties of overseer, and receiving payment therefor.

NOTE.—**direct pecuniary loss.**—In interpreting these words, in view of the later language of this section, regard must be had to the **conditions and other circumstances required by sub-section (1) of sect. 120 of the Local Government Act, 1888.** Sub-section (1) of sect. 120 of the last-mentioned Act, together with **sub-sections (2) to (7)** of sect. 120, which are referred to in sect. 18 of the present Act in connection with the compensation payable under this section, are as follows:—

"(1) Every existing officer declared by this Act to be entitled to compensation, and every other existing officer, whether before mentioned in this Act or not, who by virtue of this Act, or anything done in pursuance of or in consequence of this Act, suffers any direct pecuniary loss by abolition of office or by diminution or loss of fees or salary, shall be entitled to have compensation paid to him for such pecuniary loss by the county council, to whom the powers of the authority,

⁵ The words "Secretary of State" must now be substituted for the words "Local Government Board." See Order in Council dated May 27, 1921 (S. R. O. 1921, No. 959), set out at pp. 439—441, *infra*.

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whose officer he was, are transferred under this Act, regard being had to the conditions on which his appointment was made, to the nature of his office or employment, to the duration of his service, to any additional emoluments which he acquires by virtue of this Act or of anything done in pursuance of or in consequence of this Act, and to the emoluments which he might have acquired if he had not refused to accept any office offered by any council or other body acting under this Act, and to all the other circumstances of the case, and the compensation shall not exceed the amount which, under the Acts and rules relating to Her Majesty's Civil Service,⁴ is paid to a person on abolition of office.

“(2) Every person who is entitled to compensation, as above mentioned, shall deliver to the county council a claim under his hand setting forth the whole amount received and expended by him or his predecessors in office, in every year during the period of five years *next before the thirtieth day of September, 1914*,⁵ on account of the emoluments for which he claims compensation, distinguishing the offices in respect of which the same have been received, and accompanied by a statutory declaration under the Statutory Declaration Act, 1835, that the same is a true statement according to the best of his knowledge, information, and belief.

“(3) Such statement shall be submitted to the county council, who shall forthwith take the same into consideration, and assess the just amount of compensation (if any), and shall forthwith inform the claimant of their decision.

“(4) If a claimant is aggrieved by the refusal of the county council to grant any compensation, or by the amount of the compensation assessed, or if not less than

⁴ See p. 122, *infra*.

⁵ These words are substituted for the words “next before the passing of this Act” by sect. 18 (d) of the present Act.

one-third of the members of such council subscribe a protest against the amount of the compensation as being excessive, the claimant or any subscriber to such protest (as the case may be) may, within three months after the decision of the council, appeal to the *Secretary of State*,⁶ who shall consider the case and determine whenever any compensation, and, if so, what amount ought to be granted to the claimant, and such determination shall be final.

“(5) Any claimant under this section, if so required by any member of the county council, shall attend at a meeting of the council and answer upon oath, which any justice present may administer, all questions asked by any member of the council touching the matters set forth in his claim, and shall further produce all books, papers, and documents in his possession or under his control relating to such claim.

“(6) The sum payable as compensation to any person in pursuance of this section shall commence to be payable at the date fixed by the council on granting compensation, or, in case of appeal, by the *Secretary of State*,⁶ and shall be a specialty debt due to him from the county council, and may be enforced accordingly in like manner as if the council had entered into a bond to pay the same.

“(7) If a person receiving compensation in pursuance of this section is appointed to any office under the same or any other county council, or by virtue of this Act, or anything done in pursuance of or in consequence of this Act, receives any increase of emoluments of the office held by him, he shall not, while receiving the emoluments of that office, receive any greater amount of his compensation, if any, than, with the emoluments

⁶ These words are substituted for the word “Treasury” by sect. 18 (d) of the present Act as modified by the Order in Council dated May 27, 1921 (S. R. O. 1921, No. 959), set out at pp. 439—441, *infra*.

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of the said office, is equal to the emoluments for which compensation was granted to him, and if the emoluments of the office he holds are equal to or greater than the emoluments for which compensation was granted, his compensation shall be suspended while he holds such office."

The words in sub-sect. (1) of sect. 120 set out above, "the Acts and rules relating to Her Majesty's Civil Service," are, by sect. 18 (c) of the present Act, to be read as **the Acts and rules relating to His Majesty's Civil Service which were in operation at the date of the passing of the Local Government Act, 1888.** These Acts are the Superannuation Act, 1859, and the Superannuation Act, 1884.

rules relating to **His Majesty's Civil Service.**—It would seem that these words must refer to the practice of the Treasury⁵ in awarding compensation in cases of abolition of office, as there is no express power given by any statute for the making of such rules.

Register for
university
constitu-
encies.

19. The foregoing provisions of this Part⁶ of this Act shall not apply to university constituencies,⁷ but the governing body of every university forming, or forming part of, a university constituency shall cause a register to be kept in such form and made up, if desired, to such dates as they may direct, of persons entitled to vote in respect of a qualification at their university,⁷ and shall make the register available for the purpose of university elections for the constituency, and shall on the application of any person allow that

⁵ As to this practice, and the principles governing the grant of compensation, see *Encyclopedia of Local Government Law*, edited by Joshua Scholefield, vol. II., pp. 304—308 (Butterworth & Co., 1906).

⁶ *I.e.*, Part II., ss. 11—19.

⁷ See p. 123, *infra*.

person at all reasonable times to inspect and take extracts from the said register :

Provided that the governing body may direct that a person who before the passing of this Act has received a degree, but was not entitled to vote in respect thereof, shall have no right to be registered unless he makes a claim for the purpose.

The governing body of any such university may charge such fee as they think fit, not exceeding one pound, in respect of registration to any person who receives a degree at their university after the passing of this Act, or who has received a degree before the passing of this Act but was not entitled to vote in respect thereof.

NOTE.—**University constituencies.**—A list of university constituencies in Great Britain is given in the Ninth Schedule, Part III. See p. 349, *infra*.

persons entitled to vote in respect of a qualification at their university.—See pp. 32—33, 52, 60, *supra*.

The last paragraph of this section does not apply to Scotland, but by sect. 43 (15) other provisions are substituted for it.⁸

PART III.

METHOD AND COSTS OF ELECTIONS.

[Sections 20—36.]

20.—(1) At a contested election for a university constituency,⁹ where there are two or more members to be elected, any election of the full number of members shall be according to the

Proportional representation in certain university constituencies, and certain other

⁸ See p. 258, *infra*.

⁹ See pp. 125—126, *infra*.

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constituencies
if scheme for
selection is
approved.

principle of proportional representation,⁹ each elector having one transferable vote⁹ as defined by this Act.

(2)—(a) His Majesty may appoint Commissioners to prepare as soon as may be after the passing of this Act a scheme under which as nearly as possible one hundred members shall be elected to the House of Commons at a general election on the principle of proportional representation for constituencies in Great Britain returning three or more members.

(b) The number of members of the House of Commons as fixed under this Act shall not be increased by any such scheme. For the purpose of such scheme the Commissioners shall (after holding such local inquiries as they may deem necessary) combine into single constituencies, returning not less than three nor more than seven members, such of the areas fixed as constituencies in the Ninth Schedule to this Act as they may select, but in selecting those areas they shall have regard to the advisability of applying the principle of proportional representation both to town and country.

(c) The scheme so prepared by the Commissioners shall be laid before both Houses of Parliament, and if both Houses by resolution adopt the scheme, the scheme shall, with any modifications or additions which may be agreed to by both Houses, take effect as if it were enacted in this Act, and the constituencies fixed under the

⁹ See pp. 126—127, *infra*.

scheme shall be substituted, so far as necessary, for the constituencies fixed under the Ninth Schedule to this Act.

(d) In any such constituency any contested election of the full number of members shall be according to the principle of proportional representation, each elector having one transferable vote as defined by this Act.

(e) His Majesty may by Order in Council make any adaptation of the provisions of this Act as to the machinery of registration or election which may appear to him to be necessary in consequence of the adoption of the scheme.¹⁰

(3) His Majesty may by Order in Council¹¹ frame regulations prescribing the method of voting, and transferring and counting votes, at any election, according to the principle of the transferable vote and for adapting the provisions of the Ballot Act, 1872, and any other Act relating to parliamentary elections thereto, and with respect to the duties of returning officers in connection therewith; and any such regulations shall have effect as if they were enacted in this Act. 35 & 36 Vict.
c. 33.

(4) Nothing contained in this Act shall, except as expressly provided therein, affect the method of conducting parliamentary elections in force at the time of the passing of this Act.

NOTE.—As to sub-section (1)—**university constituency.**
—A list of university constituencies, together with the

¹⁰ The provisions of this sub-section (2) have not been acted upon. See pp. 127—128, *infra*.

¹¹ This Order in Council is set out at pp. 411—430, *infra*.

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number of members returned by each, is given in the Ninth Schedule, Part III., p. 349, *infra*.

the principle of proportional representation.—The object of proportional representation is to effect the representation of parties in proportion to their strength at the polls and to secure the adequate representation of minorities. Of the many existing systems devised to achieve this result that known as the **transferable vote** has been adopted in the present Act.

The “transferable vote” is defined by sect. 41 (6) as “a vote (a) capable of being given so as to indicate the voter’s preference for the candidates in order; and (b) capable of being transferred to the next choice when the vote is not required to give a prior choice the necessary quota of votes, or when, owing to the deficiency in the number of the votes given for a prior choice, that choice is eliminated from the list of candidates.”

The transferable vote system is shortly explained in the Report of the Royal Commission on Systems of Election (published in 1910) as follows:—

“Constituencies return several members.

“The elector votes by placing the figure 1 opposite the name of the candidate he likes best, and is invited to place the number 2 opposite the name of his second choice, the number 3 opposite his third choice, and so on, numbering as many candidates as he pleases.

“The Returning Officer ascertains the result of the election as follows:—

“(1) He counts each ballot paper as one vote to the candidate marked 1 thereon; he also counts the total number of votes.

“(2) He ascertains the quota. The quota is the smallest number which will ensure the return of a candidate, whatever combination be made of the other votes given in the election. This

figure will be obtained by dividing the votes cast by the number of seats to be filled plus one, and adding one to the result." For example, in a constituency with 100 electors returning two members the quota will be $\frac{100}{2+1} + 1 = 34$, a number which can only be obtained by two candidates.

- "(3) He declares elected the candidates who have received the quota.
- "(4) He transfers in strict proportions the surplus votes of those candidates who have received more than the quota, and credits them to the unelected candidates indicated by the figures 2, 3, and so on, as the next preferences of the electors whose votes are transferred.
- "(5) He declares elected those candidates who, after the transfer of surplus votes, have obtained the quota.
- "(6) He eliminates the candidates lowest on the poll one after another by transferring their votes in accordance with the wishes of their supporters to the candidates indicated as next preferences. This process is continued until the required number of candidates, having each obtained the quota, have been declared elected, or the number of candidates not eliminated is reduced to the number of seats still vacant, in which event the candidates not eliminated are declared elected."

As to sub-section (2).—The scheme mentioned in sub-section (2) (a), (b) and (c), was in accordance with the provisions of sub-section (2) (c) laid before Parliament, but was, on May 13th, 1918, rejected by the House of Commons. With the exception, therefore, of contested elections for university constituencies, no elections

Sect. 20. will be held according to the principle of proportional representation.

As to sub-section (3).—The Order in Council framing regulations applying to university elections is set out on pp. 411—430, *infra*.

Polls to be held on one day at a general election, &c.

21.—(1) At a general election all polls shall be held on one day, and the day fixed for receiving nominations⁷ shall be the same in all constituencies, and accordingly the First Schedule to the Ballot Act, 1872, shall be modified as shown in Part I. of the Second Schedule to this Act.⁸

In the case of a bye-election, the poll shall take place on such day as the returning officer may appoint, not being less than *six*⁹ or more than eight clear days after the day fixed for nomination, and the First Schedule to the Ballot Act, 1872, shall be modified accordingly.¹⁰

(2) Official telegraphic information of the writ having been issued for a parliamentary election may be given in such cases and by such persons as may be directed by His Majesty in Council, and any steps for holding an election which may be taken on or after the receipt of the writ may be taken on or after the receipt of an official telegraphic intimation of the writ having been issued.¹¹

(3) The time appointed for the meeting of the Parliament may be any time not less than twenty clear days after the proclamation summoning the Parliament; and the Meeting of Parliament Act, 1852, is hereby repealed.

⁷ See p. 129, *infra*.

⁸ *Ibid*.

⁹ "Six" is substituted for "four" in the Act as originally enacted by virtue of the Representation of the People (No. 2) Act, 1920, s. 3, set out at p. 357, *infra*.

¹⁰ See p. 130, *infra*.

¹¹ *Ibid*.

(4) Nothing in this section shall—

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- (a) affect the provisions of section one of the Ballot Act, 1872, relating to the commencement afresh of the proceedings with relation to the election on the death of a candidate,¹² or apply to proceedings so commenced afresh; or
- (b) apply to a university election.

NOTE.—the day fixed for receiving nominations.—These words are used to describe what, in the Ballot Act, is called “the day of election.” See pp. 141—142, *infra*.

the **First Schedule to the Ballot Act, 1872, shall be modified as shown in Part I. of the Second Schedule to this Act.**—The First Schedule to the Ballot Act is set out on pp. 502—512, *infra*. Part I. of the Second Schedule to the present Act is as follows:—

“The following provisions shall be inserted in the First Schedule to the Ballot Act, 1872, after Rules 2 and 14 respectively, that is to say:—

‘2A. In an election of members to serve in a new Parliament of the United Kingdom the day fixed by the returning officer for the election [*i.e.*, the day fixed for receiving nominations²] shall in all cases be the eighth day after the date of His Majesty’s gracious Proclamation declaring the calling of the Parliament.’

‘14A. In an election of members to serve in a new Parliament of the United Kingdom, the day appointed by the returning officer for the poll³ shall in all cases be the ninth day after the day fixed for the election.’”⁴

¹² See p. 130, *infra*.

¹ *Ibid*.

² As to this, see pp. 141—142, *infra*.

³ As to “the day appointed for the poll,” see *ibid*.

⁴ See pp. 141—142, *infra*.

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As to the second paragraph of sub-section (1) of sect. 21 set out above, the part of the First Schedule to the Ballot Act, 1872, which is modified by such second paragraph is Rule 14² of Part I. of such Schedule, which deals with the day on which the poll shall take place.

*As to sub-section (2), for the directions by His Majesty in Council referred to, see Representation of the People Order, r. 44, p. 374, *infra*.*

*As to the words, any steps for holding an election which may be taken on or after the receipt of the writ, see pp. 141—142, *infra*, and Ballot Act, First Schedule, Rules 1—13.³*

*As to the words in sub-section (4), the provisions of section one of the Ballot Act, 1872, relating to the commencement afresh of the proceedings with relation to the election on the death of a candidate, see pp. 492—493, *infra*, where sect. 1 of the Ballot Act is set out.*

*As to a university election, see sect. 36, pp. 222—225, *infra*.*

Penalty for voting at a general election in more constituencies than allowed. 46 & 47 Vict. c. 51.

22.—(1) If any person at a general election votes for more constituencies than he is entitled to vote for in accordance with this Act,⁴ or asks for a ballot or voting paper for the purpose of so voting, he shall be guilty of an illegal practice within the meaning of the Corrupt and Illegal Practices Prevention Act, 1883; and the expression “illegal practice” shall be construed accordingly: Provided that—

(a) the court before whom a person is convicted under this section may, if they think it just in the special circumstances of the

² Set out (as modified) on p. 504, *infra*.

³ Set out on pp. 502—504, *infra*.

⁴ See p. 132, *infra*.

⁵ *Ibid*.

case, mitigate or entirely remit any incapacity imposed by section ten of the Corrupt and Illegal Practices Prevention Act, 1883;⁶ and

(b) the fact that any person has asked for a ballot paper in a constituency in circumstances which entitle him only to mark a tendered ballot paper in pursuance of Rule 27 of the First Part of the First Schedule to the Ballot Act, 1872,⁷ shall not, if he does not exercise that right,⁸ prevent his voting or asking for a ballot or voting paper in another constituency; and

(c) the giving of a vote by a returning officer in pursuance of section 2 of the Ballot Act, 1872,⁹ in the case of an equality of votes, or the asking for a ballot paper for the purpose of so voting, shall not, for the purposes of this section, be deemed to be the giving of a vote as a parliamentary elector, or the asking for a ballot paper for the purpose of so voting.

(2) The questions set out in Part II. of the Second Schedule to this Act may be asked of any voter at a poll at a general election in addition to those authorised already to be asked;¹ and unless there is an answer given in the negative, that person (except as provided in that Schedule) shall not vote.¹¹

⁶ See p. 132, *infra*.

⁷ *Ibid.*

⁸ *Ibid.*

⁹ See pp. 132—133, *infra*.

¹⁰ See pp. 133—136, *infra*.

¹¹ See pp. 136—137, *infra*.

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NOTE.—*As to the words in sub-section (1), if any person at a general election votes for more constituencies than he is entitled to vote for in accordance with this Act.*—As to the number of votes which a person is entitled to give at a general election, see pp. 90—92, *supra*.

an illegal practice within the meaning of the Corrupt and Illegal Practices Prevention Act, 1883.—Under the last-mentioned Act the effect of the commission by any person of an illegal practice is that such person is, on summary conviction, liable to a fine not exceeding 100*l.*, and is incapable during a period of five years from the date of his conviction of being registered as a parliamentary or local government elector, or of voting at any parliamentary or local government election held for or within the county or borough in which the illegal practice was committed.¹²

As to the words in sub-section (1) (a), any incapacity imposed by section ten of the Corrupt and Illegal Practices Prevention Act, 1883.—The incapacity here referred to is that just mentioned.

As to the words in sub-section (1) (b), circumstances which entitle him only to mark a tendered ballot paper in pursuance of Rule 27 of the First Part of the First Schedule to the Ballot Act, 1872.—As to this, see Rule 27 set out at p. 506, *infra*.

if he does not exercise that right—i.e., if being entitled only to mark a tendered ballot paper he (or she) does not mark it or give it to the presiding officer.

As to the words in sub-section (1) (c), the giving of a vote by a returning officer in pursuance of section two of the Ballot Act, 1872.—That part of sect. 2 of the Ballot Act which deals with this matter is as follows:—

“Where an equality of votes is found to exist between any candidates at an election for a county or borough,

¹² Corrupt and Illegal Practices Prevention Act, 1883, ss. 10, 64, set out at pp. 530, 554, *infra*.

and the addition of a vote would entitle any of such candidates to be declared elected, the returning officer, if a registered elector of such county or borough, may give such additional vote, but shall not in any other case be entitled to vote at an election for which he is returning officer."

As to the words in sub-section (2), **The questions set out in Part II. of the Second Schedule to this Act may be asked of any voter at a poll at a general election in addition to those already authorised to be asked.**—The following are the questions set out in Part II. of the Second Schedule¹ to the present Act:—

"1. In the case of a man voting in respect of a residence qualification—

Have you already voted at this general election in respect of a residence qualification?

"2. In the case of a man voting in respect of a qualification other than a residence qualification—

Have you already voted at this general election in respect of a qualification other than a residence qualification?

"3. In the case of a woman voting at an election other than a university election—

Have you already voted at this general election?

[NOTE.—Unless the answer to the question is in the negative the woman shall not vote unless she satisfies the presiding officer that her previous vote was given at a university election.]"

The questions "already authorised to be asked" are as follows:—

"1. Are you the same person whose name appears as A. B. on the register of electors now in force for the parliamentary county of [or for the division of the parliamentary county of], or for the parliamentary borough of [or for the

¹ See p. 289, *infra*.

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“2. Have you already voted, either here or elsewhere, at this election for the parliamentary county of _____ [*or for the* _____ division of the parliamentary county of _____], *or for the* parliamentary borough of _____ [*or for the* _____ division of the parliamentary borough of _____], [*as the case may be*]?”²

If any person wilfully makes a false answer to either of these last two questions he is guilty of a misdemeanour, and shall and may be indicted and punished accordingly³: and the returning officer or his deputy shall, if required on behalf of any candidate at the time of polling, administer an oath to any voter in the following form²:—

“I swear by Almighty God [*or I do solemnly, sincerely and truly declare and affirm, as the case may be*], that I am the same person whose name appears as A. B. on the register of electors now in force for the parliamentary county of _____ [*or for the* _____ division of the parliamentary county of _____] *or for the* parliamentary borough of _____ [*or for the* _____ division of the parliamentary borough of _____] [*as the case may be*], and that I have not before voted, either here or elsewhere, at the present election for the parliamentary county of _____ [*or for the* _____ division of the parliamentary county of _____] [*or for the* _____ division of the parliamentary borough of _____] [*or for the* _____ division of the parliamentary borough of _____] [*as the case may be*].”

The present Act does not provide for any penalty in the case of a false answer to any of the questions set out in Part II. of the Second Schedule to the present Act or for any oath to be administered by the returning officer, but any person who answered these questions

² Parliamentary Voters Registration Act, 1843, s. 81, as adapted by the Representation of the People (Adaptation of Acts, No. 2) Order, 1918, p. 458, *infra*.

³ Parliamentary Voters Registration Act, 1843, s. 81.

falsely and proceeded to vote would come within sect. 22 (1) of the present Act and would therefore be guilty of an illegal practice.

The meaning of the first of the above questions under the heading of questions "already authorised to be asked," and of the corresponding clause in the oath, is not whether the person tendering his vote is rightly named in the register as A. B., but whether he is the person whom the name A. B. was intended to designate there, so that George Jones, if entered in the register as John Jones, would be entitled to answer "Yes" to the question, whilst anyone else, though actually named John Jones, if he did so, would be guilty of a misdemeanour.⁴

Thus in *New Sarum*,⁵ William Morris was entered on the register as John Morris. He stated at the poll that his name was William Morris, and the returning officer rejected his vote on the ground that his name was not on the register, but on appeal the Committee directed it to be added to the poll.

The questions must be put precisely in the form prescribed and no vote can be rejected unless they have been so put.⁶

The answers must be positive and unequivocal. Therefore, if a voter, instead of answering "I am," or "I have not," or words to the same effect, should say to the first question, "I think so," or "I should say I am"; or to the second question "I don't think I have," or "If I did I should not come here," or give any similarly evasive answer, the presiding officer would be justified in refusing to give him a ballot paper.⁷

⁴ *R. v. Thwaites* (1853), 1 E. & B. 704. See also First Schedule, Rule 41, p. 285, *infra*.

⁵ (1833), P. & K. 261; see also *Oldham* (1869), 1 O. & H. 152, 153.

⁶ *Canterbury* (1835), K. & O. 323, 326, 327.

⁷ *Moumouth*, K. & O. 414; *Taunton*, Falc. & Fitzh. 503.

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Where a voter to whom the questions, with or without the oath, are put, then declines to answer, but subsequently presents himself to vote and offers to answer the questions and take the oath if required, the better opinion seems to be that the presiding officer ought to repeat the questions, or administer the oath, with a view to allowing him to vote.⁹

Although they relate only to the questions "already authorised to be asked," it is submitted that the decisions just referred to as to the necessity for the questions being put precisely and for the answers to be positive, and as to the repetition of the questions at a later time when the voter in the first instance declines to answer, would be held to apply equally with respect to the questions¹⁰ set out in Part II. of the Second Schedule to the present Act.

There is no duty laid on the presiding officer to put any of the questions under discussion to every voter who presents himself in the polling-booth, but by sect. 81 of the Parliamentary Voters Registration Act, 1843, "the returning officer or his respective deputy shall, if required on behalf of any candidate, put to any voter at the time of his tendering his vote, and not afterwards," the questions set out above¹⁰ under the head of questions "already authorised to be asked" or either of them. It is clear from the language of sect. 22 (2) of the present Act that this provision in sect. 81 of the Parliamentary Voters Registration Act, 1843, is intended to apply to the additional questions set out in Part II. of the Second Schedule to the present Act. The putting of these questions is the only inquiry permitted at the time of polling as to the right of any person to vote.¹¹

⁹ *Gloucestershire (1777)*, *Male on Elections*, 113.

¹⁰ See p. 133, *supra*.

¹¹ *Parliamentary Voters Registration Act, 1843*, s. 81.

and unless there is an answer given in the negative, that person (except as provided in that Schedule) shall not vote.—As to the necessity for the answer being positive and unequivocal, see the observations just made on p. 135, *supra*. The words “except as provided in that Schedule” refer to the “Note” to question 3, which is set out on p. 133, *supra*.

Sect. 22 applies to university elections,¹² with the modifications required by sect. 36 (3) (a).¹ But the provisions of sect. 22 (2) as to “the questions authorised already to be asked” have no application to university elections, as those questions relate only to county or borough elections.² Further, by sect. 36 (1) the provisions contained in the Fifth Schedule to the present Act apply to university elections, and by such Schedule,³ the voting paper is to be in a specified form, which contains the declarations set out in Part II. of the Second Schedule,⁴ such declaration being equivalent, in the case of university elections, to the questions set out in Part II. of the Second Schedule.⁴

23.—(1) For the purpose of giving persons whose names are entered on the absent voters list⁵ an opportunity of voting at a parliamentary election (other than a university election), the

Voting by
absent voters.

¹² See sect. 36 (2), p. 222, *infra*.

¹ See pp. 223, 225, *infra*.

² It is submitted that the words “city” or “borough” in the questions prescribed by the Parliamentary Voters Registration Act, 1843 (set out under the heading of questions already authorized to be asked at pp. 133—134, *supra*), do not include a university constituency, more especially as sect. 101 of that Act, which defines “city or borough” as “any city, borough, town corporate, cinque port, district or place . . .,” is repealed by the present Act.

³ See Fifth Schedule, Part I., cl. 11, set out at p. 295, *infra*, and form of voting paper set out at pp. 300—301, *infra*; as to Scottish universities, see Part II. of the same Schedule, cl. 17, set out at pp. 303—304, *infra*, and form of voting paper set out at pp. 309—312, *infra*.

⁴ See p. 133, *supra*.

⁵ See p. 141, *infra*.

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returning officer shall, where an election is contested, as soon as practicable after the adjournment of the election,⁶ send a ballot paper to each such person at the address recorded by the registration officer,⁷ together with a declaration of identity in the prescribed form.⁸

(2) The ballot paper marked by the absent voter and accompanied by the declaration of identity duly signed and authenticated⁹ shall, if it is received by the returning officer before the close of the poll, be counted by him and treated for all purposes in the same manner as a ballot paper placed in the ballot box in the ordinary manner.¹⁰

(3) *Repealed by sect. 1 of the Representation of the People (No. 2) Act, 1920.*¹¹

(4)¹² *Any person whose name is entered on the absent voters list, and who makes a statement in the prescribed form¹³ that there is a probability that he will at the time of a parliamentary election be at sea or out of the United Kingdom, and satisfies the registration officer as to the bonâ fides of such statement, shall be entitled if he so desires to appoint a proxy, and having appointed a proxy to vote by proxy in accordance with and subject to the provisions of this Act.*

No ballot paper shall be sent for the purpose of voting by post to a person who has appointed a proxy

⁶ See pp. 141—143, *infra*.

⁷ See pp. 143—144, *infra*.

⁸ See pp. 144—145, *infra*.

⁹ See p. 367, *infra* (rule 15), and p. 403, *infra*.

¹⁰ See pp. 145—160, *infra*.

¹¹ Set out at p. 356, *infra*.

¹² This sub-section (4) was substituted for sub-section (4) as originally enacted by the Representation of the People (No. 2) Act, 1920, s. 2 (1), set out at p. 356, *infra*.

¹³ For this form see p. 405, *infra*.

under this provision while the appointment is in force,¹ or to any person unless the address of that person recorded by the registration officer is an address in the United Kingdom.

The provisions set out in the Third Schedule² to this Act shall have effect with respect to voting by proxy.³

(5) A person whose name is entered on the absent voters list shall not be entitled to vote except as an absent voter in pursuance of this section.⁴

(6) His Majesty may by Order in Council⁵ prescribe the forms to be used for the purposes of this section, and make regulations as to the mode in which proxy papers may be issued and cancelled and in which ballot papers are to be sent to the voter for the purpose of voting by post and as to the authentication of any marked ballot papers, and generally for the purpose of carrying this section into effect and for preserving the secrecy of voting in pursuance thereof.⁶

NOTE.—This section provides for the method of voting by absent voters at parliamentary elections other than university elections.⁷

The general scheme of the section is to enable voters,

¹ See rule 1 and rule 4 of the Third Schedule to the present Act, p. 290, *infra*.

² Set out at pp. 290—293, *infra*.

³ The above sub-section (4) was substituted for sub-section (4) as originally enacted, by the Representation of the People (No. 2) Act, 1920, s. 2 (1), set out at p. 356, *infra*. For the notes dealing with sub-section (4), see pp. 160—161, *infra*.

⁴ See pp. 161—162, *infra*.

⁵ See Representation of the People Order, Parts II., III. and IV., set out at pp. 364—374, *infra*.

⁶ See p. 162, *infra*.

⁷ As to voting by absent voters at university elections other than Scottish university elections, see sect. 36 (1) and (3) (b), and Fifth Schedule, Part I., cl. 12; as to such voting at Scottish university elections, see sect. 36 (1) and (3) (b) and Fifth Schedule, Part II., cl. 17—23.

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who by reason of the nature of their occupation, service or employment are unable to vote in the constituency for which they are registered, to vote (1) in the case of persons in the United Kingdom, by post, and (2) in the case of persons who are abroad, by proxy.

As to sub-section (1).—By sect. 13 (1) of the present Act “it shall be the duty of the registration officer . . . to place or cause to be placed on the register in accordance with the rules set out in the First Schedule to this Act the names of those entitled to vote as parliamentary electors . . . in his registration area.”

The rules in the First Schedule bearing directly⁷ on the provisions of sect. 23 (1) are rules 16 and 17, which are as follows:—

“16. Any person entitled to be registered as a parliamentary elector may, not later than the eighteenth day of February where the claim is for the spring register,⁸ and the eighteenth day of August where the claim is for the autumn register,⁸ claim to be placed on the absent voters list; and the registration officer, if satisfied that there is a probability that the claimant, by reason of the nature of his occupation, service, or employment, may be debarred from voting at a poll at parliamentary elections held during the time the register is in force, shall place the claimant (if registered) on the absent voters list.

“17. It shall be the duty of the registration officer, without any claim being made for the purpose, to place on the absent voters list any naval or military voter,⁹ unless—

- (a) that person, not later than the eighteenth day of February as respects the spring register, and the eighteenth day of August as respects the autumn register, gives notice to the registra-

⁷ See also rules 18 and 19 set out on pp. 278—279, *infra*.

⁸ See pp. 104—106, *supra*.

⁹ As to naval or military voters, see pp. 63—78, *supra*.

tion officer that he does not desire to be placed upon that list; or

- (b) that person is registered, in pursuance of a claim¹⁰ for the purpose, for the constituency in which he has an actual residence qualification;¹¹
- (c) that person is serving for a temporary period during an emergency, or for purposes of annual training either in His Majesty's naval, army or air-force reserves, or in the territorial force."¹²

It will be seen from the above rules that the **persons whose names are entered on the absent voters list** will be (i) any person entitled to be registered as a parliamentary elector who claims to be placed on the absent voters list and whose claim the registration officer allows; and (ii) any person who being a naval or military voter does not fall within the exceptions mentioned in rule 17 (a), (b) and (c).

As to the words in sub-section (1), **where an election is contested, as soon as practicable after the adjournment of the election.**—It is of course only where an election is contested that sect. 23 is applicable; but in order to render the meaning of this sub-section clear it is thought desirable to state shortly the duty of the returning officer with respect to the fixing of the day of election, and, if the election be contested, the day of taking the poll.

The expression "day of election" in the Ballot Act, 1872, really means the day fixed for receiving the nominations of candidates.¹ In the event of there not being more candidates than there are vacancies, such candidates are on such day declared elected.² If, on the other hand, there are more candidates than there are vacancies, *i.e.*

¹⁰ For form of claim see p. 386, *infra*.

¹¹ See pp. 75—77, *supra*.

¹² See pp. 277—278, *infra*.

¹ Ballot Act, 1872, s. 1 (p. 492, *infra*), and First Schedule, Part I., rr. 1, 2 (p. 502, *infra*); and see sect. 21 (1) of the present Act (pp. 128—129, *supra*), where what is called in the Ballot Act "day of election" is described as above.

² Ballot Act, 1872, s. 1, set out at p. 492, *infra*.

Sect. 23. if the election is contested, it is the duty of the returning officer to adjourn the election for the purpose of taking a poll.⁶ The day of election in its popular sense is therefore the day upon which the poll is taken (which in this Note is hereafter called the day of the poll), and not "the day of election" as used in the Ballot Act.

The "day of election" in the sense which it bears in the Ballot Act (*i.e.*, the day fixed for receiving nominations) is now, at a general election, in all constituencies other than university constituencies, the eighth day after the date of the proclamation declaring the calling of the new Parliament. The day of the poll is now, at a general election, the ninth day after the "day of election."⁷

At a bye-election, the "day of election" is, in the case of an election for a county, such day as the returning officer may fix, not later than the ninth day after the day on which he receives the writ, and, in the case of an election for a borough, not later than the seventh day after the day on which he receives the writ,⁸ and the day of the poll is such day as the returning officer may appoint,⁹ not being less than six or more than eight clear days after the day fixed as "the day of election."⁹

It follows from what is said above that the period which elapses between the adjournment of the election and the day of the poll is, in the case of a general election, nine days, and, in the case of a bye-election, not less than six or more than eight days. The returning officer must send the ballot paper to the absent voter as soon as practicable after the commencement of this period.

A question of difficulty arises in connection with the

⁶ Ballot Act, 1872, s. 1 (p. 492, *infra*), and First Schedule, Part I., r. 9 (p. 503, *infra*).

⁷ See sect. 21, pp. 128—129, *supra*.

⁸ Ballot Act, 1872 First Schedule, Part I., r. 2, set out at p. 502, *infra*.

⁹ See sect. 21 (1), pp. 128—130, *supra*, also Ballot Act, 1872, First Schedule, Part I., r. 14, set out at p. 509, *infra*.

sending of ballot papers to absent voters if the view expressed on p. 86, *supra*, that the new register is the operative register when the day of the poll is a date after such register comes into force, even if the day of nomination is a date before such register comes into force, is correct. In such a case, the absent voters list which is in force at the "adjournment of the election" is the absent voters list of the old register, and yet if the returning officer is, in the language of sect. 23 (1), to give the absent voter "an opportunity of voting" at the election he can only do so by sending the ballot paper to absent voters whose names are on the operative register, viz. the new register. Though the matter is not free from doubt, it is submitted that the duty of the returning officer under sect. 23 (1) is fulfilled by sending the ballot papers to the persons whose names are entered on the absent voters list of the register in force at the date of the poll, notwithstanding that such register may not yet have come into force at the date when he is required to send the ballot papers.

As to the words in sect. 23 (1), **send a ballot paper to each such person at the address recorded by the registration officer**, rule 19 of the First Schedule¹⁰ provides that—

"The registration officer shall keep a record of any address which may be furnished to him by any person placed on the absent voters list, or by the Admiralty, Army Council, Air Council or Board of Trade, as the address which is to be for the time being the address of the voter for the purpose of the provisions relating to voting by absent voters and, as soon as practicable, shall cause instructions¹¹ to be sent to the voter as to the mode of voting under those provisions.

¹⁰ See pp. 278—279, *infra*.

¹¹ These instructions are set out on the back of the "declaration of identity" mentioned on the next page. See Representation of the People Order, r. 15 (2) (p. 367, *infra*), and Schedule IV. (p. 403, *infra*).

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“ Provided that in the case of an absent voter serving in His Majesty’s Forces, other than an officer in the Army or Air Force, any address furnished by the voter or by the Admiralty, Army Council or Air Council more than thirty days before the nomination of a candidate at an election shall not be deemed to be the recorded address of the absent voter.¹¹

“ The record of addresses shall be open to inspection under the same conditions that govern the register.”¹²

It should be observed that by the new sub-section (4) of sect. 23 (set out on p. 138, *supra*) which is now in force by the Representation of the People (No. 2) Act, 1920,¹ the ambit of voting by post is very substantially diminished, as it is there enacted that “ no ballot paper shall be sent for the purpose of voting by post to a person who has appointed a proxy . . . while the appointment is in force, or to any person unless the address of that person recorded by the registration officer is an address in the United Kingdom.”

The substantial effect of this provision is to confine voting by post to persons who, being in the United Kingdom, are likely to be debarred by reason of their occupation, service or employment from voting in the constituency for which they are registered.² As will be seen below,³ provision is now made in the case of all absent voters who anticipate that they will be *abroad* at the time of the election enabling them to vote by proxy and not by post.

As to the words **a declaration of identity in the prescribed form**, the form is prescribed by the Repe-

¹¹ This proviso is added to the rule by the Representation of the People Order, r. 13 (p. 366, *infra*), under the powers conferred by sects. 13 (2) and 23 (6) of the Act.

¹² See rule 27, pp. 281—282, *infra*.

¹ See sect. 2 (1), p. 356, *infra*.

² See First Schedule, rule 16, set out at p. 277, *supra*.

³ See pp. 160—161, *infra*.

resentation of the People Order, rule 15 (2) and Schedule IV., pp. 367 and 403, *infra*.

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It should be observed that important supplemental provisions are made in connection with the sending of ballot papers to absent voters for the purpose of voting by post by rules 7 to 19 of the Representation of the People Order which are set out on pp. 365—368, *infra*.

As to sub-section (2).—This sub-section provides, in substance, that the absent voter's ballot paper, if it is received by the returning officer before the close of the poll, shall be counted and treated for all purposes in the same way as a ballot paper placed in the ballot box in the ordinary manner.

Elaborate provisions are made by the Representation of the People Order (see rules 14 to 25, pp. 367—370, *infra*) in connection with the procedure to be followed, and as these provisions come within the wide terms of sect. 23(6),⁴ they have statutory effect by virtue of sect. 40 (1).⁵

It seems clear, however, having regard to the words in sub-section (2) of sect. 23, **The ballot paper marked by the absent voter . . . shall . . . be counted by him (the registration officer) and treated for all purposes in the same manner as a ballot paper placed in the ballot box in the ordinary manner**, that any provision of the Ballot Act relating to the counting and treatment of ballot papers which is applicable and not superseded by a corresponding provision in the above-mentioned rules, is binding in addition to those rules.

It would appear that the rules referred to above deal exhaustively with the procedure to be followed in counting and treating absent voters' ballot papers, applying the principles of the Ballot Act to the novel system of voting by post, with a single exception, viz., the *rejection* of ballot papers. Rules 22 (5) (7) (9), 23,

⁴ Set out at p. 139, *supra*.

⁵ Set out at p. 244, *infra*.

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and 24 of the Representation of the People Order,² lay down new grounds for rejecting ballot papers, but the grounds dealt with by rule 36 in Part I. of the First Schedule to the Ballot Act³ are not mentioned in the Representation of the People Order, and should be noticed as being applicable to absent voters' ballot papers.

This rule 36 (of the Ballot Act), which appears to call for special consideration in view of the difficult questions to which it has given rise, is as follows:—

“The returning officer shall endorse ‘rejected’ on any ballot paper which he may reject as invalid, and shall add to the endorsement ‘rejection objected to,’ if an objection be in fact made by any agent to his decision. The returning officer shall report to the Clerk of the Crown in Chancery the number of ballot papers rejected and not counted by him under the several heads of,—

“(1) Want of official mark ;

“(2) Voting for more candidates than entitled to ;

“(3) Writing or mark by which voter could be identified ;

“(4) Unmarked or void for uncertainty ;

and shall on request allow any agents of the candidates, before such report is sent, to copy it.”

“The questions here raised,” said Lord Neaves in *Wigtown*,⁴ “are important and delicate on this account in particular, viz., that while a certain form of exercising the franchise is pointed out in the statute on the subject, some deviations from the strict letter of the directions therein contained may be so trifling as to be immaterial, while others may be more serious, and thus may be fatal. The merits of each vote, therefore, may turn on questions of degree, which it is always difficult to distinguish, as the one class may run almost imperceptibly

² Set out at pp. 369—370, *infra*.

³ Set out at p. 507, *infra*.

⁴ (1874), 2 O. & H. 220, 221.

into the other. This is the old puzzle as to how many grains of corn make a heap, or at what stage a little thing grows into a big one.

“In this state of matters the important point is to look to the great objects and principles of the statute, and to take care that we do everything necessary to follow these out, and nothing that can defeat or endanger them.

“The great object in view, I take it, in the Ballot Act is the double result of facility in the exercise of the franchise and perfect secrecy as to the vote of individual voters. This double purpose is by the Act sought to be accomplished by not allowing a vote to be given *viva voce*, as it used to be, nor in writing (properly speaking), in either of which cases secrecy would be impossible, or would be imperilled, for by writing, though not setting forth the writer’s name, yet through the *comparatio litterarum* the writer might be discovered. Nor would it have done, perhaps, to leave the voter to put any mark he pleased to show the candidate for whom he voted. A mark has been pointed out and represented in the statutory directions, that of a cross, thus, X. It is, I think, a mark well devised for the purpose, easy of execution by men of the most moderate intelligence, and at the same time perfectly neutral in its character, so as to be practically incapable of betraying its authorship by its appearance. I think it is scarcely possible that a ballot paper strictly in terms of the statute should lead to the voter’s identification, one man’s cross being in general indistinguishable from another man’s.”

It is important to notice, as was pointed out in the considered judgment of the Court in the case of *Woodward v. Sarsons*,⁵ that “the rules in the 1st Schedule of the Ballot Act and the forms in the 2nd Schedule are

⁵ (1875), L. R. 10 C. P. at pp. 746, 747, 748.

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directory enactments, as distinguished from the absolute enactments in the section in the body of the Act, and that, while the general rule is that an absolute enactment must be obeyed or fulfilled exactly, it is sufficient if a directory enactment be obeyed or fulfilled substantially. The second section enacts, as to what the voter shall do, that 'the voter, having secretly marked his vote on the paper, and folded it up so as to conceal his vote, shall place it in an enclosed box.' This is all that is said in the body of the Act about what the voter shall do with the ballot paper. That which is absolute, therefore, is that the voter shall mark his paper secretly.⁶ How he shall mark it is in the directory part of the statute. . . . The result seems to be, as to writing or mark on the ballot paper, that if there be substantially a want of any mark, or a mark which leaves it uncertain whether the voter intended to vote at all or for which candidate he intended to vote, or if there be marks indicating that the voter has voted for too many candidates, or a writing or a mark by which the voter can be identified, then the ballot paper is void, and is not to be counted; or, to put the matter affirmatively, the paper must be marked so as to show that the voter intended to vote for someone, and so as to show for which of the candidates he intended to vote. It must not be marked so as to show that he intended to vote for more candidates than he is entitled to vote for, nor so as to leave it uncertain whether he intended to vote at all or for which candidate he intended to vote, nor so as to make it possible, by seeing the paper itself, or by reference to other available facts, to identify

⁶ If this provision is infringed, the vote will be void, and a similarly strict compliance with all the other requirements of sect. 2 is necessary. Thus a vote will be void if the ballot paper has no official mark on it (*Wigtown* (1874), 2 O. & H. 215) or if it is filled up in such a way as to lead to the identification of the voter. See sect. 2 of the Ballot Act, 1872, and Sched. 2, which is made part of such Act by sect. 28: *Woodward v. Sarsons* (1875), L. R. 10 C. P. 747.

the way in which he has voted.⁷ If these requirements are not substantially fulfilled the ballot paper is void, and should not be counted; and if it is counted, it should be struck out on a scrutiny. 'The decision in each case is upon a point of fact, to be decided first by the returning officer, and afterwards by the election tribunal, on petition.'

1. *Want of official mark.*

"It is quite sufficient if there is such evidence of the official mark, whether it is perforated through the paper, whether the ink is caused to run through the paper so as to indicate the official mark, or whether the stamp is applied, but fails to make a perfect mark. In all such cases, if there be evidence that the presiding officer has intended to make, and has in fact made, what, fairly looked at, indicates that a recognisable official mark is upon the back of the ballot paper, votes marked upon such papers ought to be held good votes in the absence of any other substantial objection."⁸

2. *Voting for more candidates than entitled to.*

"If there be marks indicating that the voter has voted for too many candidates . . . then the ballot paper is void and is not to be counted. . . . 'The paper must not be marked so as to show that he intended to vote for more candidates than he is entitled to vote for.'"⁹

If it is so marked "the ballot paper is void and should not be counted; and if it is counted, it should be struck off on a scrutiny."⁹

3. *Writing or mark by which the voter could be identified.*

The fact that the marks are such as *might* lead to

⁷ See also the observations of Channell, J., in *Exeter* (1911), 6 O. & H. at p. 232.

⁸ Per Hawkins, J., in *Cirencester* (1893), 4 O. & H. at p. 196.

⁹ *Per curiam* in *Woodward v. Sarsons* (1875), L. R. 10 C. P. at p. 748. See also *Phillips v. Goff* (1886), 17 Q. B. D. 814. But see as to a university election held according to the principle of proportional representation, pp. 123—127, *supra*.

Sect. 23. the identification of the voter is not sufficient to vitiate and render void the vote. The mark must be a mark by which the voter *can* (not *might possibly*) be identified. Whether the mark is such is a matter of fact. It is an insufficient objection that the marks referred to might possibly afford a clue to the identification of the voter."¹⁰

4. *Unmarked or void for uncertainty.*—[The Courts appear to have placed a more rigid and technical interpretation on the language of the statute in the earlier than in the later cases. Thus in *Wigtown*,¹¹ Lord Neaves said:—

“I think it is essential to a good vote that the voter should make the cross thus pointed out, and that any mark materially different would be a deviation from what is prescribed, and a failure to fulfil the requirements of the statute. For anyone to put, instead of a cross, a circle or an oval, or any other geometrical or anomalous figure, would not be a compliance with the law, independently of the consideration that such a plain and wilful departure from what was intended would suggest strongly the suspicion that some sinister purpose was intended.”

Again, in *Stepney Division*,¹² counsel objected to a vote on the ground that the voter had put a circle instead of a cross and that by this it might be identified; he cited *Wigtown*.¹ Denman, J., said²:—

“The question here is whether a ballot paper is good in which the voter, instead of making a cross or a mark of the ordinary kind straight with his pen, deliberately makes a circle. If a man does that, he

¹⁰ See the observations of Hawkins, J., in *Cirrucester* (1893), 4 O. & H. at p. 198.

¹¹ (1874), 2 O. & H. at pp. 220, 221.

¹² (1886), 4 O. & H. at p. 37.

¹ (1874), 2 O. & H. 215.

² *Stepney Division* (1886), 4 O. & H. at pp. 37, 38.

really must do it either with some sinister object, or it is so perversely and absurdly in deviation from the directions of the Ballot Act as to make it a case in which he ought really to be held to have thrown away his vote. If he does it with the sinister object of having his vote known, then he has forfeited his vote because he has violated the Ballot Act. If he does it purposely—and one cannot understand a man supposing that a cross is a circle—he has done it perversely, and done it in such a way as again to legitimately forfeit his vote. If he does it purposely, knowing that his vote may be thrown away, then he really has not indicated his intention to vote for the candidate against whose name he has placed the mark; so that in any case there is no good ground for holding that a circle is a cross within the meaning of the Ballot Act.”

The vote was struck off.

The attention of the Court in this case does not appear to have been drawn to the important decision of the Court of Common Pleas in *Woodward v. Sarsons*,³ but having regard to that case and to later decisions, it is respectfully submitted that the observations of Lord Neaves cited above do not correctly state the law, and that the decision of the Court in *Stepney Division* must now be regarded as overruled.

In *Woodward v. Sarsons*⁴ it was laid down that any mark which sufficiently indicates for whom the vote is given, so long as it is not such as to enable the voter to be identified, is good. The following modes of marking were held good⁵ in the absence of evidence of connivance or pre-arrangement:—

- (a) Two or three crosses instead of one.
- (b) A straight vertical line instead of a cross.

³ (1875), L. R. 10 C. P. 733.

⁴ *Ibid.* at p. 748.

⁵ (1875), L. R. 10 C. P. at p. 749.

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- (c) A straight stroke in addition to a cross.
- (d) A letter P in addition to a cross.
- (e) An oblique line instead of a cross.
- (f) A star instead of a cross.
- (g) A pencil line drawn through the name of one candidate and a cross opposite that of another.
- (h) A cross placed on the left instead of the right-hand side of the candidate's name.

Some of these decisions are in conflict with some of the decisions of the majority of the judges in the Scottish Court of Session in *Wigtown*,⁶ and in regard to this Lord Coleridge, C.J., in delivering the considered judgment of the Court in *Woodward v. Sarsons*⁷ said:—

“We are aware that, in so applying the principles which we have deduced from the statute, we are acting apparently in opposition to some of the decisions in the *Wigtown* case⁸; but there may have been evidence in that case which does not exist in the present case, and which made many of the marks there marks of identification, which the mere presence of such marks here does not do. If this was not so, we respectfully differ from the strict view taken by the majority of the learned judges who decided that case, and adhere to the view of Lord Benholme given in that case.”

In 1876 a Select Committee of the House of Commons, appointed to inquire into the working of the Ballot Act, reported that in their opinion “no ballot paper should be rejected unless it appears clearly to the returning officer that the obligatory portion of the Act has not been complied with; and that the marking of the ballot paper in a manner not in accordance with the ‘directions’ should not cause its rejection,

⁶ (1874), 2 O. & H. 215.

⁷ (1875), L. R. 10 C. P. at p. 750.

⁸ (1874), 2 O. & H. 215, 227; 1 Court of Sess. Cases, 4th Series, 926, 231, *sub nom. Haswell v. Stewart*.

unless it appears to the returning officer that such departure from the directions has been for the purpose of identification, or would necessarily afford an opportunity for such identification being effected, or unless the returning officer is unable to determine for whom the voter intended to vote." The Committee further suggested that the Home Office should forward to every returning officer the case and judgment in *Woodward v. Sarsons*.⁹ Sect. 23.

In the later case of *Buckrose*,¹⁰ where a vote was objected to on the ground that the ballot paper had been marked with a circle instead of a cross, the vote was allowed. Pollock, B., said¹¹:—

"I should have myself no doubt about this case but for the remarks of my brother Denman,¹² which one must take to have been entirely assented to by my brother Field, inasmuch as he did not dissent from them, but we have not before us the precise character of the circle in that case. It may have been something very accurate as a circle, and it may have indicated more education and mental power than is indicated by such figures as we find here, and therefore I cannot consider that that case is a binding authority upon us with reference to this particular ballot paper. So far as the Scotch authority goes it is not binding upon us. But now let us look at the plain intention which is indicated by the statute itself." After referring to the 2nd section of the Ballot Act, 1872, and the 2nd Schedule to that Act, the learned Baron continued: "It is in the schedule that for the first time you have an indication that it shall be by a cross. When you get to the form the same thing is indicated, and the only

⁹ Par. Pap. 162 of 1876, p. iv.

¹⁰ (1886), 4 O. & H. 110.

¹¹ *Ibid.* at p. 112.

¹² In *Stepney Division* (1886), 4 O. & H. at pp. 37, 38.

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question is whether that cross, in the form of a cross substantially, is essential to a good vote. It has been already held that if it be a cross with a mark across it like an X, or like a Winchester cross, and a good many figures of that kind, then it would be perfectly good. This is not a cross; but is it such a departure from a cross as to indicate any intention on the part of the voter otherwise than to record his vote for the person whose name is opposite the bad cross? I cannot myself think that that is so. For my part, I think this is a good vote."

Smith, J., concurred, holding that the case came within the principle of *Woodward v. Sarsons*,¹ and that the ballot paper was marked in such a way as to show that the voter intended to vote for the candidate opposite whose name he had placed the mark in question.

In *Buckrose*² counsel objected to a vote on the ground that the only mark on the paper was a cross made upon the name of Mr. S., in such a way as to make it appear possible that he intended to strike the name out. The vote was disallowed.

In the same case² a vote was objected to on the ground that the cross had been put, not opposite to either of the candidates' names, but in the right-hand top corner of the ballot paper above the line. The Court, following the opinion of Hawkins, J., in *Berwick*³ and of the Court in *Stepney Division*,⁴ held that the vote was void for uncertainty.

A vote was also objected to by counsel on the ground that the figure 33 had been written upon the back of the ballot paper. The Court, in the absence of any evidence showing that the voter could be identified by the

¹ (1875), L. R. 10 C. P. 733.

² (1886), 4 O. & H. at p. 112.

³ (1880), 3 O. & H. at p. 182.

⁴ (1886), 4 O. & H. at p. 111.

writing, allowed the vote,⁴ following the decision of Field, J., in *Stepney Division*.⁵ Sect. 23.

In *Buckrose*, the same case,⁴ a ballot paper had been rejected by the returning officer which had been marked upon the back opposite the name of one of the candidates, and it was contended that, inasmuch as the mark could be seen through the paper without turning it over, it was a good vote. Pollock, B., said⁶: "I have a very clear opinion that that will not do. If you take the whole context of the Act and read the direction, the voter is to place a cross on the right-hand side opposite the name of each candidate for whom he votes, and that together with the other provision with regard to the returning officer clearly indicates that it must be upon the face of the paper. We think that the vote was properly rejected on the ground that a cross upon the back is not a compliance with the Act."

In the same case a ballot paper marked in the usual way on the face opposite the name of one candidate but with a cross on the back opposite the name of the other candidate was allowed for the former candidate.⁶

Where a ballot paper was marked with a cross on the left-hand side of the respondent's name, and with a straight line on the right-hand side of the petitioner's name, and the vote was objected to on the ground of uncertainty, Pollock, B., said:⁷ "I think the cross in one case and the line in the other make it doubtful, and we must reject the vote."

In *Stepney Division*,⁸ where the cross had been put on the top of the voting paper opposite the words "Ballot

⁴ (1886), 4 O. & H. at p. 111.

⁵ (1886), 4 O. & H. 40.

⁶ (1886), 4 O. & H. at p. 111.

⁷ *Ibid.* See also *Exeter* (1911), 6 O. & H. at p. 229.

⁸ (1886), 4 O. & H. 37.

Sect. 23. paper," the vote was struck off on the ground of uncertainty.

In the same case the Court was divided in opinion as to whether a name and a cross on the back of a ballot paper invalidated the vote.⁹

In *Cirencester*,¹⁰ Hawkins, J., thus explained the principles by which the Court would be guided in dealing with cases of this kind:—

“ With regard to those votes as to which objections have been raised to the mode in which they were marked by the voters, we have proceeded upon what we think was the true intention of the Legislature in framing the Act of Parliament. We have, first of all, asked ourselves whether the voter received his paper with the intention to vote. The mere fact that he has applied for and received a voting paper affords abundant evidence that such was his intention. Then we have looked at the face of the paper itself, with a view to see whether or not the voter has by any mark clearly indicated the person for whom he wished and intended to vote; and if we have found such a mark we have upheld the vote, regardless of the very technical, and as we think unsubstantial, objections which have been allowed in some of the earlier cases to be found in the reports of election cases, our view being that we ought to interpret the Ballot Act liberally, and, subject to other objections, to give effect to any mark on the face of the paper which in our opinion clearly indicated the intention of the voter, whether such mark were in the shape of a cross, or a straight line, or in any other form, and whether made with pen and ink, pencil, or even an indentation made on the paper, and whether on the right or the left hand of the candidate's name, or elsewhere within his

⁹ The decision on this point in *Wigtown* (1874), 2 O. & H. 216, was, however, not mentioned to the Court.

¹⁰ (1893), 4 O. & H. at pp. 196, 197.

compartment on the voting paper. Of course, every deviation from the course pointed out in the rule tends to create difficulties which may be avoided by a rigid observance of it. It is highly prudent therefore to adhere to it, though we do not think it essential. . . . There were some marks and blotches of a very irregular character (on the voting paper), which might well be mistaken as indications of temporary unsteadiness in the voters, who by their unsteadiness imperil their votes. In such cases we have done our best to discover whether, although obscured by the blots, blurs, and other marks, there existed positive indications on the part of the voter of an intention to vote without a thought of leaving behind a trace to enable him to be identified. . . . Of course, if it is upon the face of the ballot paper left in doubt whether the man intended to vote for one candidate or the other, the weight of the objection that the vote is uncertain is obvious, for the simple reason that one candidate has just as much right to claim the vote as the other, and so it ought not to be counted for either, and the statute so enacts."

"It has been held,¹¹ said Hawkins, J., in *Berwick-upon-Tweed*,¹² "that it is not necessary that this mark should be made with the pencil provided in the compartment, or with a pencil at all. A mark made with ink or with a piece of burnt stick is just as good as a mark made with pencil, and I cannot see any reason why a mark made in any other way is not just as good."

In the same case one of the ballot papers had been marked with a long cross, one part of which extended into the space opposite the name of the respondent, although the actual intersection of the cross was in the space opposite the petitioner's name. It was held that this was a good vote for the petitioner. "If," said

¹¹ In *Wigtown* (1874), 2 O. & H. 219.

¹² (1880), 3 O. & H. at p. 180.

Sect. 23.

Lopes, J.,¹ “you strike out the upper part of the cross, that is, the part opposite the name of the respondent, you will still have a perfect cross opposite the petitioner’s name. On the other hand, if you strike off what is opposite to the petitioner’s name, you will have no cross at all.”

In *Pontardawe Rural District Council Election Petition*,² certain doubtful ballot papers were reserved for the consideration of the Court, among which were three papers in which the marks made by the voters were outside the compartments or ruled spaces on the ballot papers. The marks, however, although outside the compartments, were placed directly opposite the names of certain of the candidates, so as to leave no doubt for whom the voters intended to vote. Ridley, J., said:—“I think that as long as the mark is opposite the name of the candidate, so as to make it clear that the voter intended to vote for him, the vote is good. If the mark were above or below the name it would not be clear, and the paper would be void for uncertainty.”

Phillimore, J., said:—“I agree. The effect of placing the mark outside the printed space may be to make it more difficult to decide for whom the vote was given. But here there is no difficulty in so deciding. A mark put directly opposite the name of a particular candidate is to my mind a good vote.”

Where the voter writes his own name instead of a cross, as directed, opposite the candidate’s name,³ or where he writes any name,⁴ or initials,⁵ even though they are not those of the voter or candidate, the vote

¹ (1880), 3 O. & H. at p. 181.

² (1907) 2 K. B. 313.

³ *Woodward v. Sarsons* (1874), L. R. 10 C. P. at pp. 737, 749.

⁴ *Ibid.* at pp. 736, 749; *Wigtown* (1874), 2 O. & H. at pp. 216, 217; *Exeter* (1911), 6 O. & H. at pp. 229—231.

⁵ Ballot Act, 1872, s. 2.

will be rejected on the ground that the voter could be identified by his handwriting. Sect. 23.

In *West Bromwich*,⁶ various ballot papers were considered on a scrutiny by Ridley and Bucknill, JJ., and it may be useful to refer to the following decisions of the Court:—

Crosses outside the proper vote-space, but well opposite the candidate's name, were allowed to him.

A cross in the margin altogether underneath the candidate's name-space was disallowed to him, but one in the right-hand margin altogether outside that space and the proper vote-space, but partly parallel with them and partly beneath them, was allowed to him.

A very faint cross in the candidate's name-space was allowed to the candidate.⁷

A cross immediately under the space for the 2 in the number column (*i.e.* the candidate's number), wholly in the bottom margin, was disallowed to the candidate, but a cross slightly within that space was allowed to him.

All crosses opposite the words "Ballot Paper," which were printed in the top margin, immediately over all the spaces where the crosses were wholly outside those spaces, were disallowed, but where part of the cross extended into the proper vote-space for the candidate it was allowed.

A cross in the top margin, but extending slightly into the candidate's number-space (*i.e.*, 1), was allowed to him.

A confused mark in the proper vote-space for the candidate was allowed to the candidate.⁸

A faint mark (not a cross) against the candidate's name was allowed to him.

A cross across the dividing line between the candi-

⁶ (1911), 6 O. & H. at pp. 256, 257.

⁷ See also *Exeter* (1911), 6 O. & H. at p. 228.

⁸ *Ibid.* at p. 229.

Sect. 23.

dates' name-spaces, but mostly in the upper space, was allowed to the candidate whose name was in the upper space.

A cross across the dividing line between the spaces in the number column, but mostly in the upper space (*i.e.*, 1), was disallowed to the candidate whose name was in the upper space.

The whole of the paper and print relating to one candidate had been torn off and missing, but there was a cross in the proper vote-space for the other candidate—disallowed.

A cross on the left-hand margin opposite, but wholly outside of, the candidate's number-space was allowed to him.

A cross on the right-hand margin opposite, but wholly outside of, the candidate's proper voting-space was allowed to him.

The decision of the returning officer as to any question arising in respect of any ballot paper is final, subject to reversal on petition questioning the election or return.⁹

As to sub-section (4).—This sub-section, which was introduced into the Act by sect. 2 (1) of the Representation of the People (No. 2) Act, 1920,¹⁰ in substitution for sub-section (4) as originally enacted, makes voting by proxy the predominant method of voting by absent voters. The sub-section, shortly, provides (1) That any person on the absent voters list who makes a statement¹¹ that there is a probability that he will at the time of the election be at sea or out of the United Kingdom and satisfies the registration officer as to the good faith of such statement may, if he so desires, vote by proxy.

(2) That no ballot paper shall be sent for the purpose

⁹ Ballot Act, 1872, s. 2.

¹⁰ Set out at p. 356, *infra*.

¹¹ For form of statement, see R. P. Order, r. 26, p. 371, *infra*; Sched. V. Form No. 1, p. 405, *infra*.

To face p. 161.

On page 161, line 4, substitute for the word
“whose” the words “unless his.”

of voting by post to any person who has appointed a proxy while the appointment is in force.¹¹

(3) That no ballot paper shall be sent for the purpose of voting by post to any person whose recorded address is an address in the United Kingdom.¹²

The sub-section is not limited in its application to naval or military voters, but extends to all persons whose names are entered on the absent voters list.¹

It will be observed that in order to be entitled to vote by proxy it is not necessary for the voter to be *in fact* out of the United Kingdom or at sea at the time of the election. If he anticipates a probability of this occurring and satisfies the registration officer that his statement to that effect is *bonâ fide*, he may vote by proxy notwithstanding that his anticipation turns out to have been incorrect.

The statement must be in the form prescribed by rule 26 and Schedule V. of the Representation of the People Order (see pp. 371, 405—406, *infra*).

The Third Schedule to the present Act, which is referred to in the last paragraph of sub-section (4) and which makes provisions as to voting by proxy, is set out at pp. 290—293, *infra*.

Regulations as to the issue and cancellation of proxy papers, prescribing forms, and also making noteworthy supplemental provisions in respect of voting by proxy are contained in the Representation of the People Order, rules 26 to 35 (set out at pp. 371—372, *infra*). These rules are authorized by sect. 23 (6)² and given statutory force by sect. 40 (1).³

As to voting by proxy at university elections, see sect. 36 (3) (b), p. 223, and the Proxy Paper (Universities) Order, 1921, pp. 433—437, *infra*.

¹¹ See r. 1, and r. 4 of the Third Schedule to the Act as amended by sect. 2 (2) of the Representation of the People (No. 2) Act, 1920, set out at p. 290, *infra*.

¹² See pp. 143—144, *supra*.

¹ See pp. 140—141, *supra*.

² See p. 139, *supra*.

³ See p. 244, *infra*.

Sect. 23.

As to sub-section (5).—This sub-section provides that a person whose name is entered on the absent voters list shall not be entitled to vote except under sect. 23 (1), (2) by post, or under sect. 23 (4) by proxy; in other words, a person on the absent voters list is not allowed to vote by placing the ballot paper in the ballot box in the ordinary manner.

There appears to be nothing in the Act to prevent a person being placed on the absent voters list in respect of his qualification in two or more constituencies. An absent voter registered in more than one constituency can exercise his right to vote in each such constituency provided that he does not vote for more constituencies than he is entitled to vote for under sect. 8 (1).⁴

As to sub-section (6).—The matters referred to in this sub-section are dealt with in the Representation of the People Order, Parts II., III. and IV., pp. 364—372, *infra*.

Voting by persons in the employment of returning officers.

24. Where an elector for any constituency (other than a university constituency) is employed by the returning officer for that constituency for any purpose in connection with an election for that constituency, and the circumstances of that elector's employment are, in the opinion of the returning officer, such as to prevent him from voting at the polling station at which the elector would otherwise be entitled to vote, the returning officer may authorise the elector, by a certificate given in the prescribed form, to vote at any other polling station in the constituency, and that polling station shall, for the purpose of Rule 18 of Part I. of the First Schedule to the Ballot Act,

⁴ See pp. 83, 90—92, *supra*. See also Third Schedule, r. 11, p. 292, and R. P. Order, r. 32, p. 372, *infra*.

1872, be deemed to be the polling station allotted to that elector. Sect. 24.

NOTE.—in the opinion of the returning officer.—It would appear that the opinion of the returning officer would be conclusive on the matter in question.

at the polling station at which the elector would otherwise be entitled to vote.—By Rule 15 of the First Schedule to the Ballot Act, 1872, “at every polling place the returning officer shall provide a sufficient number of polling stations for the accommodation of the electors entitled to vote at such polling place, and shall distribute the polling stations amongst those electors in such manner as he thinks most convenient. . . .”

a certificate given in the prescribed form.—The form of certificate is prescribed by Rule 37 and Schedule VIII. of the Representation of the People Order (pp. 373, 408, *infra*).

that polling station shall for the purpose of Rule 18 of Part I. of the First Schedule to the Ballot Act, 1872, be deemed to be the polling station allotted to that elector.—Rule 18 here referred to is as follows:—“No person shall be admitted to vote at any polling station except the one allotted to him.”

25.—(1) A candidate at a parliamentary election⁵ (other than a university election) shall be entitled, for the purpose of holding a public meeting in furtherance of his candidature, to the use at reasonable times between the receipt of a writ for the election and the day of the poll,⁶ of a suitable room in any public elementary school situated within the constituency for which he is a candidate:

Right to the use of elementary schools.

Provided that this enactment shall not authorise the use of any room used as part of a private dwelling-house nor authorise any interference

⁵ See p. 164, *infra*.

⁶ See pp. 128—130, 141—142, *supra*.

Sect. 25.

with the school hours of an elementary day or evening school.

(2) A charge³ may be made to cover any actual and necessary expenses incurred by the local education authority, or by the managers of the school, in respect of the preparation of the room before the meeting for the purposes of the meeting, and after the meeting for school purposes, and for warming, lighting, and cleaning the room.

(3) If by reason of the use of any room under this Act any damage is done to the school-house, or to the furniture, fittings, or apparatus, the damage shall be defrayed by the person by whom, or on whose behalf, the meeting is convened.⁴

NOTE.—**A candidate at a parliamentary election.**—It is submitted that although the context of these words in the above section is different to that of the similar words in sect. 34 (1) of the present Act, the meaning of these words is the same as that which they bear in the latter section.⁵

between the receipt of a writ for the election and the day of the poll.—See pp. 128—130, 141—142, *supra*.

As to sub-section (2), the charge referred to must be included in the candidate's election expenses. See below.

As to the words in sub-section (3), the damage shall be defrayed by the person by whom, or on whose behalf, the meeting is convened.—It is submitted that “the person . . . on whose behalf the meeting is convened,” can only mean the candidate. By sect. 34 (1):—“A person other than the election agent of a candidate shall not incur any expenses on account of holding public meetings . . . for the purpose of pro-

³ See below.

⁴ See below.

⁵ See pp. 216—218, *infra*.

moting or procuring the election of any candidate at a parliamentary election unless he is authorised in writing to do so by such election agent"; and by sect. 34 (3), "any expenses incurred on account of any such purpose as aforesaid and authorised by the election agent of the candidate shall be duly returned as part of the candidate's election expenses." Although the point is not free from doubt it is submitted that the "damage" mentioned in sect. 25 (3) does not come within sect. 34 (3), and need not be returned as part of the candidate's election expenses,⁶ as such damage does not fall under "expenses incurred on account of . . . such purpose."

As regards Scotland, the expression **any public elementary school**, in sect. 25 of the present Act, means "any school in receipt of a parliamentary grant."⁷

26.—(1) A candidate at a parliamentary election, or someone on his behalf, shall deposit, or cause to be deposited, with the returning officer, during the time appointed for the election,⁸ the sum of one hundred and fifty pounds, and, if he fails to do so, he shall be deemed to be withdrawn within the provisions of the Ballot Act, 1872.⁹

Deposit by candidates at parliamentary elections.

(2) The deposit may be made by the deposit of any legal tender or, with the consent of the returning officer, in any other manner.

(3) If after the deposit is made the candidate is withdrawn in pursuance of the provisions of the Ballot Act, 1872,¹⁰ the deposit shall be returned to the person by whom the deposit is made; and if the candidate dies after the deposit is made, and before the poll is commenced, the deposit, if made by him, shall be returned to his legal personal

⁶ See p. 210, *infra*.

⁷ Sect. 43 (10), p. 256, *infra*.

⁸ See p. 166, *infra*.

⁹ *Ibid*.

¹⁰ *Ibid*.

Sect. 25.

representative, or, if not made by him, shall be returned to the person by whom the deposit was made.

NOTE.—*As to the words in sub-section (1), during the time appointed for the election.*—By rule 4 of Part I. of the First Schedule to the Ballot Act, 1872, “the time appointed for the election shall be such two hours between the hours of ten in the forenoon and three in the afternoon as may be appointed by the returning officer, and the returning officer shall attend during those two hours and for one hour after.” The hours here referred to are hours of the day which is called in the Ballot Act “the day of election,” *i.e.*, the day fixed for receiving nominations.⁸

shall be deemed to be withdrawn within the provisions of the Ballot Act, 1872.—The provisions here referred to are the following, contained in sect. 1 of the Ballot Act, 1872:—

“A candidate may, during the time appointed for the election, but not afterwards, withdraw from his candidature by giving a notice to that effect, signed by him, to the returning officer: Provided that the proposer of a candidate nominated in his absence out of the United Kingdom may withdraw such candidate by a written notice signed by him and delivered to the returning officer, together with a written declaration of such absence of the candidate.”

As to the words in sub-section (3), If after the deposit is made the candidate is withdrawn in pursuance of the provisions of the Ballot Act, 1872.—These provisions are those set out immediately above.

It should be observed that sect. 26 applies to a university election,⁹ subject to the modification contained in

⁸ See Ballot Act, 1872, s. 1, First Schedule, Part I., r. 2, and pp. 141—142, *supra*.

⁹ See sect. 36 (2), p. 222, *infra*.

rules 1 and 3 of the University Elections (Miscellaneous Provisions) Order, 1918, set out at p. 431, *infra*.

Sect. 26.

27.—(1) If a candidate who has made the required deposit¹⁰ is not elected, and the number of votes polled by him does not exceed, in the case of a constituency returning one or two members, one-eighth of the total number of votes polled, or in the case of a constituency returning more than two members one-eighth of the number of votes polled divided by the number of members to be elected, the amount deposited shall be forfeited to His Majesty;¹¹ but in any other case that amount shall be returned to the candidate, where the candidate is elected, as soon as he has taken the oath as a member,¹² and, where the candidate is not elected, as soon as practicable after the result of the election is declared :

Forfeiture of deposit in certain cases.

Provided that where a candidate is nominated at a general election in more than one constituency he shall in no case recover his deposit more than once, and in such case the deposits shall be forfeited to His Majesty except such one as the Treasury direct to be returned to the candidate.

(2) For the purposes of this section the number of votes polled shall be deemed to be the number of ballot papers (other than spoilt ballot papers) counted;¹ and where the election is held under the system of the transferable vote the number of votes polled by a candidate shall be the number of votes polled by him as first preferences.²

NOTE.—As to the words in sub-section (1), the required

¹⁰ See sect. 26, p. 165, *supra*.

¹¹ See p. 168, *infra*.

¹² *Ibid.*

¹ See p. 168, *infra*.

² See pp. 168—169, *infra*.

Sect. 27. **deposit.**—As to this, see the preceding section set out on p. 165, *supra*.

the amount deposited shall be forfeited to His Majesty.—It should be noticed that by sect. 36 (3) (c) the deposit of a candidate for a university constituency when forfeited is to be retained by the university.¹⁰

but in any other case that amount shall be returned to the candidate, where the candidate is elected, as soon as he has taken the oath as a member.

These words give rise to a curious point in regard to elected candidates who do not take the oath as members. This has occurred in the case of the Sinn Féin candidates elected at the last general election, and may also happen where a candidate is raised to the peerage after his election but before he has taken his seat, and the oath, in the House of Commons. In these cases there is no provision authorizing the forfeiture of the deposit, and it is submitted that although the condition laid down by the section as to the time when the deposit is to be returned (*viz.*, as soon as the oath has been taken) is not fulfilled, it is nevertheless the duty of the returning officer to return the deposit, in the case of a candidate raised to the peerage, at the time when this takes place, and in the case of other candidates who have not taken the oath, at the end of the Parliament.

As to the words in sub-section (2), the number of votes polled shall be deemed to be the number of ballot papers (other than spoilt ballot papers) counted.—As to counting ballot papers, see Ballot Act, First Schedule, rules 31—37, set out at pp. 506—507, *infra*, and pp. 145—160, *supra*. As to spoilt ballot papers, see Ballot Act, 1872, First Schedule, rule 28, p. 506, *infra*.

where the election is held under the system of the transferable vote the number of votes polled by a candidate shall be the number of votes polled by him as first

¹⁰ See p. 223, *infra*.

preferences.—The elections here referred to are contested elections for university constituencies where there are two or more members to be elected.¹¹

As to “the system of the transferable vote” and “first preferences,” see pp. 126—127, *supra*.

Sect. 27.

28. The returning officer at a parliamentary election (other than a university election)¹² shall, notwithstanding anything in any other Act, be:—

Returning officers.

- (1) In the case of a parliamentary county which is coterminous with, or wholly contained in, one administrative county, the sheriff;
- (2) In the case of a parliamentary borough which is coterminous with, or wholly contained in, a county of a city or town having a sheriff, the sheriff, and in the case of the City of London, the sheriffs;
- (3) In the case of a parliamentary borough which is coterminous with, or wholly contained in, one municipal borough (not being a county of a city or town having a sheriff), or one metropolitan borough, or one urban district, the mayor or chairman of the council, as the case requires; and
- (4) In any other case, such sheriff, mayor, or chairman, as may be designated¹³ for the purpose by the Local Government Board.¹

¹¹ See sect. 20, p. 123, and pp. 127—128, *supra*.

¹² For the returning officers designated under this sub-section, see Returning Officers Order, 1918, pp. 452—454, *infra*.

¹³ See p. 170, *infra*.

¹ The words “Secretary of State” must, as from May 27, 1921, be substituted for the words “Local Government Board.” See Order in Council dated May 27, 1921 (S. R. O. 1921, No. 959), set out at pp. 439—441, *infra*.

Sect. 28.

NOTE.—(other than a university election).—As to the returning officer at a university election, see pp. 294—312, *infra*.

By sect 43 (13)¹ of the Act it is provided that sect. 28, set out above, shall not apply to Scotland, and in lieu thereof other provisions are substituted.

Payment of
returning
officers'
expenses by
Treasury.

29.—(1) The returning officer² at a parliamentary election (other than a university election)³ shall be entitled to his reasonable charges, not exceeding the sums specified in the scale of maximum charges⁴ framed under this section, in respect of services and expenses of the several kinds mentioned in the said scale which have been properly rendered or incurred by him⁵ for the purposes of or in connexion with the election.

(2) The amount of any such charges *shall be charged on and paid out of the consolidated fund or the growing produce thereof*⁶ on an account being submitted to the Treasury in accordance with regulations made under this section;⁷ but the Treasury may, if they think fit, before payment apply to the court as defined by this section⁸ for the taxation of the account, and the court shall have jurisdiction to tax the account in such manner and at such time and place as the court thinks fit, and finally to determine the amount payable to the returning officer.

On the request of the returning officer for an

¹ Set out at p. 257, *infra*.

² See p. 171—172, *infra*. ³ See p. 172, *infra*. ⁴ *Ibid*. ⁵ *Ibid*.

⁶ These words were substituted for the words "shall be paid by the Treasury out of moneys provided by Parliament," by the Representation of the People (Returning Officers Expenses) Act, 1919, s. 1, set out at p. 354, *infra*.

⁷ See p. 172, *infra*.

⁸ See sub-section (5) on next page.

advance on account of his charges, the Treasury may, if they think fit, make such an advance.

(3) Where an application is made for the taxation⁹ of a returning officer's account, the returning officer may apply to the court¹⁰ to examine⁹ any claim made by any person against him in respect of matters charged in the account; and the court,¹⁰ after notice given to the claimant and after giving him an opportunity to be heard and to tender any evidence, may allow or disallow or reduce the claim objected to, with or without costs; and the determination of the court¹⁰ shall be final for all purposes and as against all persons.

(4) The Treasury shall prescribe a scale of maximum charges¹¹ for the purposes of this section and may revise the scale as and when they think fit, and may also make regulations¹² as to the time when and manner and form in which accounts are to be rendered to them for the purpose of the payment of the charges.

(5) The court for the purposes of this section shall be, as respects an election in the City of London, the Mayor's Court; and elsewhere in England and in Ireland the county court having jurisdiction at the place of nomination¹ for the election to which the proceedings relate; and as regards Scotland "the court" shall mean the Auditor of the Court of Session.

NOTE.—As to the words in sub-section (1), **The returning officer.**—As to who are to be returning officers in

⁹ For rules of Court as to taxation of accounts and examination of claims, see pp. 484—487, *infra*.

¹⁰ See sub-section (5) below.

¹¹ This scale is set out at pp. 447—480, *infra*.

¹² These regulations are set out at p. 451, *infra*.

¹ See p. 172, *infra*.

Sect. 29. England, see the preceding section, p. 169, *supra*, and in Scotland, sect. 43 (13), p. 257, *infra*.

It should be observed that by sect. 30 the provisions of sect. 29 apply equally to the acting returning officer.³

(other than a university election).—As to the expenses of the returning officer at university elections, see Fifth Schedule, Part I., rule 26, p. 299, Part II., rule 24, p. 308, *infra*.

scale of maximum charges.—This is the scale referred to in sect. 29 (4), and is set out at pp. 447—450, *infra*.

properly rendered or incurred by him.—Services would be properly rendered and expenses properly incurred by a returning officer if they were rendered or incurred in the fulfilment or course of his duties as returning officer.

As to the words in sub-section (2), regulations made under this section.—By sect. 29 (4) the Treasury is empowered to make these regulations, which are set out at p. 451, *infra*.

the Court as defined by this section.—See sub-section (5) of this section.

As to sub-section (3), for Rules of Court concerning the taxation of accounts and the examination of claims, see pp. 484—487, infra.

As to the words in sub-section (5), the place of nomination.—As to this, see Ballot Act, 1872, First Schedule, rule 1, p. 502, *infra*, and sect. 32 of the present Act, pp. 176—177, *infra*.

Discharge of
returning
officers' duties
by an acting
returning
officer.

30. Except as herein provided⁴ the duties of returning officer at parliamentary elections (other than a university election)⁵ shall be discharged by the registration officer⁶ as acting returning officer, and the acting returning officer shall have all the powers, duties, rights and liabilities of the re-

³ See pp. 172—173, *infra*.

⁴ See p. 173, *infra*.

⁵ *Ibid.*

⁶ *Ibid.*

turning officer under any enactments relating to parliamentary elections, and those enactments (including this Act) shall have effect accordingly and the acting returning officer shall have power to appoint deputies.

This section shall not apply to any duties which the returning officer reserves to himself and undertakes to perform in person.⁷

Any appointment of a deputy by the acting returning officer shall be subject to the approval of the Local Government Board.⁸

A returning officer at a parliamentary election shall not, if all his duties are discharged by the acting returning officer, be disqualified by reason of being returning officer for being a candidate at the election.⁹

NOTE.—**Except as herein provided.**—These words refer to the second paragraph of this section, *i.e.* to the case where a returning officer reserves to himself and undertakes to perform in person the duties of returning officer.

(**other than a university election**).—As to the duties of returning officers at university elections, see Fifth Schedule, pp. 294—312, *infra*.

the registration officer.—See sect. 12, pp. 106—108, and sect. 16, pp. 115—117, *supra*.

This section shall not apply to any duties which the returning officer reserves to himself and undertakes to perform in person.—The effect of these words is to give the returning officer the right to reserve to himself and undertake to perform in person all or some of the duties

⁷ See below.

⁸ The words "Secretary of State" must now be substituted for the words "Local Government Board." See Order in Council dated May 27, 1921 (S. R. O. 1921, No. 959), set out at pp. 439—441, *infra*.

⁹ See p. 174, *infra*.

Sect. 30.

of a returning officer, and in the event of his exercising such right, the provisions of this section as to the discharge of the returning officer's duties by the acting returning officer have no application to the duties so reserved.

A returning officer at a parliamentary election shall not, if all his duties are discharged by the acting returning officer, be disqualified by reason of being returning officer for being a candidate at the election.

—These words remove from a returning officer, all of whose duties are discharged by the acting returning officer, the disqualification which previous to the passing of this Act⁴ attached to a returning officer by reason of his office. They also remove the disqualification which formerly attached to a sheriff from being a candidate for the county or borough of which he was sheriff, as this disqualification was the consequence, not of his being sheriff, but returning officer.⁵

Sect. 30 does not apply to Scotland, and in lieu thereof sect. 43 (13)⁶ makes special provision as to Scotland, where the existing disqualification of returning officers from being candidates at parliamentary elections⁷ is unaffected as regards Scotland.

Division of constituency into polling districts, and appointment of polling places.

31.—(1) It shall be the duty of the council whose clerk is the registration officer for any constituency or by whom the registration officer is appointed,⁸ as occasion requires, to divide the constituency into polling districts, and to appoint polling places for the polling districts, in such manner as to give to all electors in the consti-

⁴ *Thetford*, 9 Journal, 725; *Wakefield*, B. & Aust. 295.

⁵ *Rutland* (1601), Dalton, 332; *Coke's Case* (1625), 2 Whitelocke, 357; *R. v. Owens* (1859), 2 E. & E. 91; *Trucee*, 28 L. R. Ir. 10.

⁶ See pp. 257—258, *infra*.

⁷ *Thetford*, 9 Journal, 725; *Wakefield*, B. & Aust. 295.

⁸ See p. 176, *infra*.

tuency such reasonable facilities for voting as are practicable in the circumstances :

Provided that, before dividing any constituency in the administrative county of London into polling districts, the authority therefor shall send a draft of any scheme for that purpose to the London County Council, and shall take into consideration any representations made to them by that Council.

(2) If a local authority, or not less than thirty electors, in a constituency make a representation to the Local Government Board⁹ that the polling districts or polling places do not meet the reasonable requirements of the electors in the constituency, or any body of electors, the Local Government Board⁹ shall consider the representation, and may, if they think fit, direct the council whose duty it is to divide the constituency into polling districts to make such alterations as the Board⁹ think necessary in the circumstances, and if the council fail to make those alterations within a month after the direction is given may themselves make the alterations, and any alterations so made shall have effect as if they had been made by the council.

In this provision the expression "local authority" means as respects any constituency the council of any county, borough, urban or rural district, or parish wholly or partly situate in the constituency, or the parish meeting of any parish so situate where there is no parish council.

⁹ The words "Secretary of State" must now be substituted for the words "Local Government Board." See Order in Council dated May 27, 1921 (S. R. O. 1921, No. 959), set out at pp. 439—441, *infra*.

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(3) On the exercise of any powers given by this section the council by whom the powers are exercised shall send to the Local Government Board⁹ a report, and publish in the constituency a notice, showing the boundaries of any polling districts or the situation of any polling places constituted as a result of the exercise of the power.

(4) An election shall not be questioned by reason of any non-compliance with the provisions of this section or any informality relative to polling districts or polling places.

(5) This section shall not apply to university constituencies.

(6) Nothing in this section shall affect any polling districts or polling places constituted before the passing of this Act until occasion arises for the exercise of the powers given by this section.

NOTE.—As to the words in sub-section (1), **the council whose clerk is the registration officer for any constituency or by whom the registration officer is appointed**, see sect. 12 (2) and (4), pp. 106, 107, *supra*.

In its application to Scotland, sect. 31 is subject to the provisions of sect. 43 (17), which is set out at p. 259, *infra*.

Place of
election.

32. The place of election¹⁰ shall be fixed for each constituency (other than a university constituency) by the returning officer, and shall be—

(a) if the constituency is a parliamentary

⁹ The words "Secretary of State" must now be substituted for the words "Local Government Board." See Order in Council dated May 27, 1921 (S. R. O. 1921, No. 959), set out at pp. 439—441, *infra*.

¹⁰ See p. 177, *infra*.

borough, or a division of a parliamentary borough, some place within the borough; and

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- (b) if the constituency is a parliamentary county, or a division of a parliamentary county, some place within the county or within a parliamentary borough adjoining the county.

NOTE.—**The place of election.** These words are used in this section in the sense which they bear in the Ballot Act,¹¹ *i.e.*, as meaning “the place of nomination.”¹²

This section does not apply to Scotland, but by sect. 43 (16), set out at p. 259, *infra*, the provisions of that sub-section are substituted for sect. 32.

33.—(1) The provisions set out in the Fourth Schedule to this Act shall be substituted for Part IV. and paragraph (3) of Part V. of the First Schedule to the Corrupt and Illegal Practices Prevention Act, 1883 (which relate to the maximum scale of election expenses), and that Act shall have effect accordingly.¹

Scale of election expenses.

(2) Any candidate at a parliamentary election² shall, subject to regulations of the Postmaster-General,² be entitled to send, free of any charge for postage, to each registered elector for the constituency, one postal communication containing matter relating to the election only, and not exceeding two ounces in weight :

Provided that a candidate shall not be entitled to exercise the right of free postage conferred by

¹¹ See First Schedule to that Act, r. 1, p. 502, *infra*, and pp. 141—142, *supra*.

¹² Cf. sect. 29 (5), pp. 171 and 172, *supra*.

¹ See pp. 178—210, *infra*.

² See p. 211, *infra*.

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this provision before he is duly nominated,¹² unless he has given such security as may be required by the Postmaster-General for the payment of postage in case he does not eventually become nominated.

For the purpose of this provision candidates who are, under paragraph (4) of Part V. of the First Schedule to the Corrupt and Illegal Practices Prevention Act, 1883,¹ deemed to be joint candidates at an election shall be treated as a single candidate.

NOTE.—The First Schedule to the Corrupt and Illegal Practices Act, 1883, with the substitutions in Parts IV. and V. required by sub-sect. (1) above, is as follows (the provisions set out in the Fourth Schedule to this Act, which contain these substitutions, being printed in italics):—

“PART I.—PERSONS LEGALLY EMPLOYED FOR PAYMENT.

“(1.) One election agent and no more.

“(2.) In counties one deputy election agent (in this Act referred to as a sub-agent) to act within each polling district and no more.

“(3.) One polling agent in each polling station and no more.

“(4.) In a borough one clerk and one messenger, or if the number of electors in the borough exceeds five hundred, a number of clerks and messengers not exceeding in number one clerk and one messenger for every complete five hundred electors in the borough, and if there is a number of electors over and above any complete five hundred or complete five hundreds of electors, then one clerk and one messenger may be employed for such number, although not amounting to a complete five hundred.

¹² See pp. 211—214, *infra*.

¹ Set out at pp. 182—183, *infra*.

“(5.) In a county for the central committee room one clerk and one messenger, or if the number of electors in the county exceeds five thousand, then a number of clerks and messengers not exceeding in number one clerk and one messenger for every complete five thousand electors in the county; and if there is a number of electors over and above any complete five thousand or complete five thousands of electors, then one clerk and one messenger may be employed for such number, although not amounting to a complete five thousand.

“(6.) In a county a number of clerks and messengers not exceeding in number one clerk and one messenger for each polling district in the county, or where the number of electors in a polling district exceeds five hundred one clerk and one messenger for every complete five hundred electors in the polling district, and if there is a number of electors over and above any complete five hundred or complete five hundreds of electors, then one clerk and one messenger may be employed for such number, although not amounting to a complete five hundred: Provided always, that the number of clerks and messengers so allowed in any county may be employed in any polling district where their services may be required.

[“(7.) Any such paid election agent, sub-agent, polling agent, clerk and messenger may or may not be an elector, but may not vote.²]

“(8.) In the case of the boroughs of East Retford, Shoreham, Cricklade, Much Wenlock, and Aylesbury, the provisions of this part of this schedule shall apply as if such borough were a county.³

² This paragraph is repealed by sect. 9 (4) (p. 96, *supra*), sect. 47 (1) (p. 271, *infra*), and the Eighth Schedule (p. 322, *infra*) of the present Act.

³ By virtue of the Redistribution of Seats Act, 1885, s. 2 and First Schedule, Part I., these boroughs have ceased to exist, and although that Act has been repealed by the present Act, these boroughs have not been granted separate representation under the redistribution effected by the present Act.

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“PART II.—LEGAL EXPENSES IN ADDITION TO
EXPENSES UNDER PART I.

[“(1.) Sums paid to the returning officer for his charges not exceeding the amount authorised by the Act 38 & 39 Vict. c. 84.⁴]

“(2.) The personal expenses of the candidate.

“(3.) The expenses of printing, the expenses of advertising, and the expenses of publishing, issuing, and distributing addresses and notices.

“(4.) The expenses of stationery, messages, postage, and telegrams.

“(5.) The expenses of holding public meetings.

“(6.) In a borough the expenses of one committee room, and if the number of electors in the borough exceeds five hundred then of a number of committee rooms not exceeding the number of one committee room for every complete five hundred electors in the borough, and if there is a number of electors over and above any complete five hundred or complete five hundreds of electors, then of one committee room for such number, although not amounting to a complete five hundred.

“(7.) In a county the expenses of a central committee room, and in addition of a number of committee rooms not exceeding in number one committee room for each polling district in the county, and where the number of electors in a polling district exceeds five hundred one additional committee room may be hired for every complete five hundred electors in such polling district over and above the first five hundred.

⁴ This paragraph is repealed by the present Act. See sect. 47 (1), p. 271, and Eighth Schedule, p. 322, *infra*.

“PART III.—MAXIMUM FOR MISCELLANEOUS MATTERS.

“Expenses in respect of miscellaneous matters other than those mentioned in Part I. and Part II. of this schedule not exceeding in the whole the maximum amount of two hundred pounds, so nevertheless that such expenses are not incurred in respect of any matter or in any manner constituting an offence under this or any other Act, or in respect of any matter or thing, payment for which is expressly prohibited by this or any other Act.

“PART IV.—MAXIMUM SCALE.

“The expenses mentioned above in Parts I., II., and III. of this schedule, other than personal expenses and the fee, if any, paid to the election agent (not exceeding in the case of a county election seventy-five pounds and in the case of a borough election⁵ fifty pounds, without reckoning for the purposes of that limit any part of the fee which may have been included in the expenses first above mentioned) shall not exceed an amount equal—

in the case of a county election, to sevenpence for each elector on the register ;

in the case of an election for a borough, to fivepence for each elector on the register.⁶

“PART V.—GENERAL.

“(1) In the case of the boroughs of East Retford, Shoreham, Cricklade, Much Wenlock, and Aylesbury, the provisions of Parts II., III. and IV. of this schedule shall apply as if such borough were a county.⁷

⁵ The words “borough election” would appear to include an election for a university constituency. See pp. 224—225, *infra*.

⁶ These words in italics are part of the Fourth Schedule to the present Act, set out at p. 293, *infra*, and are substituted here by sect. 33 (1) of the present Act set out at p. 177, *supra*.

⁷ See footnote ³ on p. 179, *supra*.

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“(2.) For the purposes of this schedule the number of electors shall be taken according to the enumeration of the electors in the register of electors.

“(3.) *Where there are two or more joint candidates at an election the maximum amount of expenses mentioned in Parts III. and IV. of this Schedule shall, for each of the joint candidates, be the amount produced by multiplying a single candidate's maximum by one-and-a-half and dividing the result by the number of joint candidates.*⁸

“(4.) Where the same election agent is appointed by or on behalf of two or more candidates at an election, or where two or more candidates, by themselves or any agent or agents, hire or use the same committee rooms for such election, or employ or use the services of the same sub-agents, clerks, messengers, or polling agents at such election, or publish a joint address or joint circular or notice at such election, those candidates shall be deemed for the purposes of this enactment to be joint candidates at such election.

“Provided that—

“(a) The employment and use of the same committee room, sub-agent, clerk, messenger, or polling agent, if accidental or casual, or of a trivial and unimportant character, shall not be deemed of itself to constitute persons joint candidates.

“(b) Nothing in this enactment shall prevent candidates from ceasing to be joint candidates.

“(c) Where any excess of expenses above the maximum allowed for one of two or more joint candidates has arisen owing to his having ceased to be a joint candidate, or to his having become a joint candidate after having begun to conduct his election as

⁸ See footnote ⁶ on preceding page.

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a separate candidate, and such ceasing or beginning was in good faith, and such excess is not more than under the circumstances is reasonable, and the total expenses of such candidate do not exceed the maximum amount allowed for a separate candidate, such excess shall be deemed to have arisen from a reasonable cause within the meaning of the enactments respecting the allowance by the High Court or election court of an exception⁹ from the provisions of this Act which would otherwise make an act an illegal practice, and the candidate and his election agent may be relieved accordingly from the consequences of having incurred such excess of expenses.”

In order to understand the meaning and effect of sect. 33 of the present Act and the First Schedule to the Corrupt and Illegal Practices Act, 1883, as altered by such section, it is necessary to notice sect. 8 of the Corrupt and Illegal Practices Act, 1883, which is as follows:—

“(1.) Subject to such exception⁹ as may be allowed in pursuance of this Act, no sum shall be paid and no expense shall be incurred by a candidate at an election or his election agent, whether before, during, or after an election, on account of or in respect of the conduct or management of such election, in excess of any maximum amount in that behalf specified in the First Schedule to this Act.

“(2.) Any candidate or election agent who knowingly acts in contravention of this section shall be guilty of an illegal practice.”

⁹ See sect. 23 of the Corrupt and Illegal Practices Act, 1883 (set out at pp. 534—535, *infra*), under which the Court has power to except an expenditure in excess of the maximum from being an illegal practice.

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Sect. 33 of the present Act deals with the maximum amount which a candidate is allowed to spend on election expenses by referring to the First Schedule to the Corrupt and Illegal Practices Act, 1883, and incorporating in that Schedule certain new provisions in substitution for existing provisions therein. For the sake of completeness and clearness it may be useful to deal generally in the present Note with the subject-matter of that Schedule.

The maximum amount which a candidate at a parliamentary election can legally spend must be calculated according to the scale set forth in Part IV. (as altered¹¹ by the present Act) of the First Schedule to the Corrupt Practices Act, 1883, which is set out on p. 181 above.

The expenses in respect of which this maximum amount can be legally incurred are those mentioned in Parts I., II. and III.,¹² excluding from such maximum amount personal expenses,¹ the additional fee if any paid to the election agent,² and the expenses of conveying voters by sea in order to reach the polling place if such conveyance is necessary.³

It should be remembered that the amount not exceeding 200*l.* allowed under the heading of miscellaneous expenses in Part III.⁴ of the First Schedule to the Corrupt Practices Act, 1883, must be reckoned as part of the maximum amount calculated according to the scale in Part IV.⁵

The personal expenses which are allowed to be excluded from the maximum amount are "personal

¹¹ See sect. 33(1) of the present Act, p. 171, *supra*.

¹² Set out on pp. 178—181, *supra*.

¹ Part II. (2) and Part IV. of First Schedule to Corrupt Practices Act, 1883, set out on pp. 180 and 181, *supra*, respectively.

² Part IV., p. 181, *supra*.

³ Corrupt Practices Act, 1883, s. 48, set out at pp. 548—549, *infra*.

⁴ Set out on p. 181, *supra*.

⁵ See Part IV. set out at p. 181, *supra*.

expenses incurred by him (the candidate) on account of or in connexion with or incidental to (the) election to an amount not exceeding one hundred pounds.”⁶

The additional fee, if any, paid to the election agent, apart from any fee included in the expenses mentioned in Parts I., II. and III.⁷ of the First Schedule, must not exceed in the case of a county election 75*l.*, and in the case of a borough election 50*l.*⁸

As to Part I. of the First Schedule to the *Corrupt Practices Act, 1883* (set out at pp. 178—179, *supra*), “Persons legally employed for payment.”—In addition to the persons here referred to, a candidate may legally employ any person whose employment arises in consequence of the candidate incurring any of the expenses authorised (1) under Part II.⁹ of the First Schedule to the *Corrupt Practices Act, 1883*, unless such employment is otherwise prohibited, or (2) under sect. 48 of that Act in the conveyance of voters by sea in the cases specified in such section.¹⁰

Where a county or borough is divided, each division is considered a separate constituency.¹¹

If the candidate employs any person for payment other than those mentioned above, he is guilty of an illegal practice,¹² and if elected his election will be void.¹ Further, on summary conviction he is liable to a fine of 100*l.*,² and if reported guilty by an election court is incapable for seven years of being elected to or sitting in the House of Commons for the county or borough within which the illegal practice has been committed,¹

⁶ *Corrupt Practices Act, 1883*, s. 31 (1), set out at p. 537, *infra*; see also *ibid.* s. 64, p. 553, *infra*.

⁷ Set out on pp. 178—181, *supra*.

⁸ See Part IV., p. 181, *supra*.

⁹ Set out at p. 180, *supra*.

¹⁰ Set out at pp. 548—549, *infra*.

¹¹ See Sect. 41 (1) of the present Act, p. 244, *infra*; also sect. 37 (1) (2), p. 225, and Ninth Schedule, p. 326, *infra*.

¹² *Corrupt Practices Act, 1883*, s. 21 (2), set out at p. 534, *infra*.

¹ *Ibid.* s. 11, set out at p. 531, *infra*.

² *Ibid.* ss. 10, 43 (4), set out at pp. 530—546, *infra*.

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and in both cases ¹¹ he is also incapable for five years of being registered as an elector, or voting at any parliamentary election, or election for a public office,¹² held for or within the county or borough within which the illegal practice has been committed.

Where a person is primarily employed in one capacity he is not prohibited from doing work in another capacity, provided that the employment is not a device for evading the Corrupt Practices Act. Thus, in *Elgin and Nairn*¹ it was proved that M. had been appointed one of the respondent's polling agents, and had been paid seventeen guineas for his services. M. was acquainted with most of the voters in the district, and he admitted that both on the polling day and previous to it he had urged voters to vote. Counsel contended that M. was substantially a sub-agent, and that his appointment was a breach of sect. 17 of the Act of 1883. The Court decided against this contention, and in giving judgment Lord McLaren said² : "The objection is, not that the total number of salaried agents authorised by the statute was exceeded, but that while, *ex facie* of the letters of appointment, Mr. G. had no more agents of the various classes than the statute authorised, yet the persons were employed and payed nominally in one capacity, but with the intention, and, I suppose, under contract, that they should render services in another capacity. Now, the enactment that is said to have been violated is sect. 17 of the Act of 1883, and that section prohibits the engagement or the employment for payment for any purpose or in any capacity, except for any purposes or capacities mentioned in the First and Second Schedules thereof; the persons who may be employed as enumerated in the Schedule are an election agent,

¹¹ Corrupt Practices Act, 1883, s. 11, set out at p. 531, *infra*.

¹² *Ibid.* s. 64, set out at p. 551, *infra*.

¹ (1895), 5 O. & H. 13, 14.

² *Ibid.* at pp. 13, 14, 15.

who has the supervision of the candidate's affairs generally, and then for each district there may be a sub-agent, a polling agent, a clerk, and a messenger. The duties of these officers are not very strictly defined. I do not think there is any definition of the duties of a sub-agent, but it sufficiently appears that he is a person through whom payments may be made at the request of the principal agent. In all other respects his agency seems to be perfectly general . . . a polling agent is a person who is to represent a candidate in the polling booth to detect personation. . . . The general and leading purpose, I think, of sect. 17 is to keep down expenditure by prohibiting the employment of a larger number of persons than are mentioned in the Schedule. It may very well be that the clause would also prohibit the employment for money of an agent to perform additional duties to those which are indicated by his name or by his description; but in order to invalidate an election because an agent has performed duties additional to those for which he is expressly engaged, it would be necessary, at least, that we should have a case very clearly proved; and it is evident that it would always be extremely difficult to establish a case of that description of colourable employment of a man in one capacity, in order that he might perform duties in another capacity . . . as I read the Election Acts, the employé is in no way inhibited from using his personal exertions as an elector to influence the votes of other electors; nor, so far as I see, is there any restriction on the right of a paid agent or officer to render services to the candidate such as he may think fitting, except that he cannot be employed in the payment of election expenses unless he is the sub-agent."

In *Lichfield*³ Pollock, B., said: "It was fairly admitted by counsel that some of the persons who were

³ (1895), 5 O. & H. at pp. 28, 29.

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employed as clerks had acted as canvassers. The question, therefore, is whether that was done honestly or was culpable. It is not because a man, who is employed to act as clerk for only part of the day, or for some possibly trivial or small matters, such as the directing of envelopes, or what-not; it is not because he occupies that time which is his own that he is to be robbed of the ordinary right of a citizen to go about and take an interest in an election where he cares for the politics involved, and to canvass. The question, therefore, in this case, as in others, is: Was there a canvassing either by the direct direction of the sitting member or his agent, or by their knowledge, in the sense that they not merely knew that there was canvassing done, in fact, . . . but that the canvassing was such that the fair assumption would be that it was illegal? As to that I entirely agree with the judgment in the *Elgin* case.”⁴

Where persons are bonâ fide employed in a manner not forbidden by the law, *e.g.*, to take out and deliver bills, this will not make them messengers. On the other hand, if their employment in regard to the bills is a mere device to evade the provisions of the Corrupt Practices Act as to the number of messengers who may be employed, the employment would be illegal. The same observations apply to the employment of persons who are legally employed for any purpose, and who happen to be employed to do the copying work. This does not make them clerks unless the employment is colourable, and for the purpose of evading the Act.

In the words of Cave, J., in *Pontefract*⁵: “The number of clerks, that is to say, the persons who attend upon the committee, is limited. The number of messengers who are supposed to go on messages from one

⁴ (1895), 5 O. & H. at p. 13.

⁵ (1893), Day’s Election Cases, pp. 129, 130.

committee room to another, or to fetch a particular individual who happens to be wanted, is also limited. Sect. 33.
 On the other hand, mere clerical work has not in every case to be done by clerks; but obviously, if they have other duties, you may employ persons who give themselves out for doing clerical work to do it, and the mere fact that they are employed to do clerical work, writing addresses, copying out documents, or things of that kind, does not at all, in my judgment, necessarily make them clerks; nor again, if other persons are employed to take out and deliver bills, does that make them, in my judgment, messengers. In both these cases, no doubt, if there is only colourable employment of these people, if there is an intention of evading the Act, it would bring the offender at once within its provisions."

In *Stepney Division*,⁶ in the recriminatory case, it was proved that about twenty men were employed by the petitioner's agent to distribute on the polling day in the neighbourhood of the polling stations handbills, twelve inches long by eight inches broad, headed, "Stepney Election, Thursday, November 26. From 8 a.m. to 8 p.m. Facts worth remembering at the poll." Then followed six paragraphs concerning certain statements about the qualifications of the petitioner to be elected, and concluding thus: "Mr. I. will be the winning candidate if his friends will poll early and mark their voting papers thus." Then followed a copy of the ballot paper with the respondent's name in very small letters, and the petitioner's name in very large letters, with a X after it. Denman, J., said that these bills would be most appropriately described as "canvassing handbills," but the judges were divided in opinion as to whether it was an illegal practice or expense to distribute bills of this kind. Canvassing,
handbills,
addresses,
and notices.

In *Barrow-in-Furness*,⁷ the respondent and his agent

⁶ (1886), 4 O. & H. 52.

⁷ *Ibid.*, 76.

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had incurred expense and employed people in distributing, posting, or printing documents, which included a letter written by a distinguished statesman to an alderman of the borough, and notices "Vote for Duncan": and the Court, having regard to other parts of the Corrupt Practices Act, 1883, such as sect. 18, held that such expense was not illegal, and that such documents were "addresses and notices" under Part II. of the First Schedule. The Court intimated, however, that offensive pictures and statements might be illegal.

Bill posters.

In *Finsbury*⁸ counsel for the petitioner objected to the votes of two persons as having been employed by the respondent as bill-posters. It appeared that the men carried on business as bill-posters, and contracted with the respondent to post bills on his behalf. Cave, J., said⁹: "If the work is of a kind which can be done for both parties it does not disqualify. These men were not engaged in an employment requiring personal service, and which, therefore, could not be rendered to both sides at the same time. They were bill-posters, and were not bound to go and post bills with their own hands. They might post them themselves if they liked, or might employ men, as they in fact did, to post them. It is all a question for the contractor how he will fulfil his contract, and he is not bound to abstain from posting the bills himself if he likes to do so." Vaughan Williams, J., said¹⁰: "In 30 & 31 Vict. c. 102, s. 11, the disqualifying words are 'agent, canvasser, clerk, messenger, or other like employment.' That means an employment *ejusdem generis*, and I do not think these gentlemen were employed in any employment of that kind."

Payment of
canvassers.

The payment of canvassers is an illegal payment, and

⁸ (1892), 4 O. & H. 176.

⁹ *Ibid.* 177.

¹⁰ *Ibid.*

if, under the guise of canvassing for registration, men are sent out by the candidate, his election agent, or sub-agent, to canvass for the election and are paid for such canvassing, this would be an illegal practice, which would consequently make the election void.¹¹

In *Rochester*¹² Cave, J., said: "No less than 300 persons of the lower class of voters have been employed going about with what purports to be a canvassing book, but which appears to have been employed for registration purposes. If they were all paid at 5s., as, admittedly, the man Knight was paid, if they did no more work than Knight did, I should have very little hesitation in coming to the conclusion that the whole of that employment was collusive, and that that was a case of bribery on a very extensive scale. Fortunately for the respondent, that is not the way in which it was put before us in the particulars."

No illegal act is committed, however, if there is only that species of canvassing which is connected with registration, and not that kind of canvassing which attends upon an election.¹

In *Ipswich*² it was held illegal to hire persons to keep order at meetings. On the other hand, "there can be no objection to the employment of unpaid volunteers to put down disturbances, and where any serious disorder is apprehended it may be a wise proceeding to swear in such volunteers as special constables."³

Employment
of persons to
keep order.

"If a man were so obnoxious to his fellows that they could not resist the desire to fall upon him and do him an injury whenever they met him, even if it were at a public meeting at which they would otherwise have

¹¹ Per Cave, J., in *Stepney (Borough)* (1892), Day's Election Cases, 119. See also p. 188, *supra*.

¹² (1892), Day's Election Cases, 102—103.

¹ Per Cave, J., in *Stepney (Borough)* (1892), Day's Election Cases, 119.

² (1886), 4 O. & H. 72.

³ *Ibid.* per Cave, J. at p. 74.

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behaved themselves in an orderly manner, he would not be guilty of an illegal practice if he were to pay men to protect him.”⁴

Payment may
be in kind.

In *Barrow-in-Furness*⁵ it was proved that at a meeting summoned by the election agent for the respondent, at which about 400 persons were present, it was agreed, with the sanction of the respondent and the election agent, to provide refreshments on the polling day, at the expense of the respondent, to 441 persons who were designated “workers,” and who were to take an active part in the election on behalf of the respondent. Of the persons who partook of the refreshment 226 were voters. The refreshments consisted of a pork pie, a sandwich, and a cup of coffee for each person, and were distributed in the various committee rooms.

The Court held that there had been illegal payment within the meaning of sect. 17 of the Corrupt Practices Act, and, as the employment was by the respondent and his election agent, that there had been an illegal practice, and the election was therefore declared void.

As to Parts II. and III.⁶ of the First Schedule to the Corrupt Practices Act, 1883, and the general principles as to what constitute election expenses.—As was indicated above,⁷ the First Schedule to the Corrupt and Illegal Practices Act, 1883, must be read with sect. 8 of that Act. In that section occur the words, “expenses incurred on account of or in respect of the conduct or management of such election.”

What, then, do these words include? First, in order to understand their meaning, it is necessary to know when the election begins and when it ends.

As to the question When does the election begin? the Courts have consistently refused to lay down any definite

⁴ (1886), 4 O. & H. 72, 73.

⁵ *Ibid.* 78, 79.

⁶ Set out on pp. 180—181, *supra*.

⁷ See p. 183, *supra*.

rule on the point. Each case must be considered with reference to its particular circumstances.⁹ The Court will take into consideration the whole of the facts, the nature, extent, and amount of the work done, and of the expenses incurred; the question how far the operations of the candidate were continuous up to the election or were intermittent; and, above all, whether the evidence goes to show that everything has been done in good faith, or whether, on the other hand, it shows an attempt to evade the Corrupt Practices Act.

“It is impossible to say that only those expenses are to be returned which are incurred after the writ is issued. The time which elapses in many cases between the issue of the writ and the date of the election¹⁰ is too short to admit of the necessary preparations being made for conducting the election, and it is absolutely essential that preparations of that kind should be begun and expenses should be incurred in anticipation of the issue of the writ. There is nothing in the Act which forbids expenses being incurred before the issue of the writ; there is nothing in the Act which forbids the candidate to incur such expenses. The Act, no doubt, requires that they should be paid by the election agent, and so long as they are paid by the election agent it does not require that they should in all cases be incurred by him.”¹¹

“For some reason, good or bad,” said Lord Kyllachy in *Elgin and Nairn*,¹² “the Legislature has confined the enactment to expenses which can be attributed to the ‘conduct and management of the election’; and these words, as it seems to me, at least suggest and contemplate an election, which is not *in nubibus*, but is reasonably

⁹ See the observations of Lawrance, J., and Pickford, J., in *East Dorset* (1910), 6 O. & H. at pp. 39, 40, and pp. 49, 50, respectively.

¹⁰ See sect. 21, pp. 128—130, and pp. 141—142, *supra*.

¹¹ Per Cave, J., in *Rochester* (1892), 5 O. & H. at p. 159.

¹² (1895), 5 O. & H. at pp. 10, 12.

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imminent. . . . Accordingly, while I think that the Act indicates plainly enough the kind of period which it contemplates, it contains nothing in the shape of hard-and-fast definition; and, that being so, I apprehend the result is that it is left to us, as election judges, and it becomes our duty, to consider each case with respect to its own facts, and to say in each case whether or not special circumstances exist requiring us to hold that the election began prior to what I may call the normal period. In considering that question I apprehend we are to have regard to the whole facts—the nature of the work done, and of the expenses incurred; the extent and amount of that work, and of those expenses; the question how far the operations of the candidate were continuous up to the election or were intermittent, taking the shape merely of periodical visits to the constituency. Above all, we are, I apprehend, to have regard to this, whether we have before us evidence of any attempt to evade the Act—evidence, for example, of profuse expenditure purposely antedated, so as to escape the Act; or whether, on the other hand, everything appears to have been done in good faith, and in ordinary course, the pre-election operations and pre-election expenditure being on the whole fair and reasonable—that is to say, fair and reasonable, having regard to the position of the candidate and the character of the constituency.”

In the same case, Lord McLaren said¹ :—

“ ‘Conduct or management of such election’ means a definite election within the knowledge and contemplation of the parties who are engaged in conducting and managing it. . . . Again, there may be a case of an unexpected death vacancy, where an election could not be in the thoughts of the people, until the vacancy occurred; but there may be intermediate cases, and the late

¹ (1895), 5 O. & H. at pp. 5, 6.

general election sufficiently illustrates my meaning—the case where there is a vote in the House of Commons adverse to the Ministry, and where from the moment when that vote is announced everyone is looking forward to a dissolution of Parliament, with a view to determining whether the Government of the day is to continue to enjoy the confidence of the country. I should certainly hold that from that time the election had begun in the sense of the sections we are considering. I do not say that it may not be begun at an even earlier period. If, for example, a candidate, not proceeding upon any public and patent facts, but trusting to his own political sagacity and looking round the political horizon, thinks that an election is imminent, and proceeds to institute what is called a canvass of the constituency, which he continues without intermission down to the election, it may very well be that in such a case his own judgment as to when it is necessary to attend to his electoral interests shall be taken as fixing the commencement of that particular election. I think I have said enough to indicate that in the view of the statute which I adopt, it is impossible to lay down any definite term or to deal with this otherwise than as a question of fact in which the general political history of the period and the conduct of the individual candidate are both to be taken into account.”

In a subsequent case, Pollock, B., said,² after referring to this judgment:—“I entirely agree with Lord McLaren when he said that what is meant by an election is a definite election within the knowledge and contemplation of the parties. . . .”

“I think,” said Hawkins, J., in *Walsall*,³ “the limit of time to which we ought to apply our minds is a

² *Lichfield* (1895), 5 O. & H. at p. 35.

³ (1892), 4 O. & H. at p. 125; approved by Pollock, B., in *Lichfield* (1895), 5 O. & H. p. 36.

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period commencing from the time when it was first known that the respondent announced his intention to present himself as a candidate for election at the next ensuing election.”

“As soon as a candidate begins to hold meetings in the constituency to advance his candidature—in other words, as soon as he begins to take measures to promote the election—the election commences. . . . I therefore hold,” said Bruce, J., in *Lichfield*.⁴ “that the expenses of that meeting, and the expenses incurred after that date to promote Mr. F.’s candidature, were election expenses, and that there was a neglect to comply with the requirements of the statute in not returning those expenses.”

In *Lancaster*,⁵ a year later, Pollock, B., said:—

“I must say, with all who have gone before me, in giving judgment upon this point, the statute does not state when the election begins. It says many things as to the appointment of an agent and the incurring of election expenses, which might point, with the words ‘or management of the election,’ to this meaning—that the election did not commence until there was an actual election, and an election agent actually appointed; but the judges have not accepted that construction. The judges have very properly rejected it, and they have said, ‘We can go behind that and start from an earlier date’; but still it is entirely a matter, I will not say of discretion, but of sound judgment, to say how far you may go back. . . . Now, I want to say one word about the case we had before us the other day at Lichfield, because we found there that the election had commenced at some period many weeks, at any rate, before the election itself. But we found that fact because a person who was an absolute stranger to the district, who lived at a distance, but who had a considerable command of

⁴ (1895), 5 O. & H. at pp. 37, 38.

⁵ (1896), 5 O. & H. at pp. 45, 46.

money, commenced his connection with the district by sending forward an agent, by providing large inordinate sums of money to one or two political institutions and clubs, by running a newspaper, and more than one newspaper, at his own expense, and then, when that had been so for a certain time, coming himself and saying, 'I am your candidate.' I hold, and I should always hold, when a man puts himself in that position, although it may be some time before the election, that he cannot be heard to say that the election has not begun."

In the same case⁶ Bruce, J., laid down the law as follows:—

"No definition and no definite rule can be laid down as to the time when an election begins. The Legislature has not fixed any definite period, and I think it is not for the judges to attempt to lay down a general definition which the Legislature has carefully avoided doing. I conceive that Lord Kyllachy, in the late Scotch case, *Elgin and Nairn*,⁷ laid down the true rule when he said, 'I apprehend that the result is that it is left to us as election judges, and it becomes our duty, to consider each case with respect to its own facts, and to say in case whether or not special circumstances exist requiring us to hold that the election began prior to what I may call the normal period'; and so Lord McLaren says, 'It is impossible to lay down any definite term or to deal with this otherwise than as a question of fact, in which the general political history of the period and the conduct of the individual candidate are both to be taken into account.' And so Hawkins, J., in the *Walsall* case,⁸ 'The commencement of agency must be determined in each case by the particular circumstances of

⁶ (1896), 5 O. & H. at pp. 50, 51.

⁷ (1895), 5 O. & H. at p. 12.

⁸ (1892), 4 O. & H. at p. 125.

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the case.' . . . But the limit of time is not the only question to be considered. Even after a person has become a candidate, he is only liable to return expenses incurred in the conduct or management of the election. The question of the time of the commencement of the candidature is only one element to be considered."

In *East Dorset*,⁹ Pickford, J., when dealing with the question of election expenses, said:—"That depends upon when did the election begin, and what was the nature of the expenses? I have done my best . . . to find some principle that could be laid down; but I do not think it is possible to find one, and I find myself bound to say, as the other judges have said in many other cases, that we must look to the facts of the particular case. When you once get beyond what was suggested by a learned judge,¹⁰ that you must look at the date of the issue of the writ and the appointment of the election agent—when you once get past that (and that has been rejected over and over again) it must be a question of fact and degree in every case."

"To my mind," said Cave, J., in *Norwich*,¹¹ "there is a great distinction between the expenses of getting a candidate and the expense of promoting his election after you have got him. If the primary and direct and real object is to get a candidate, I think that the expenses incurred in so doing are not within the Act, although indirectly they may promote the interests of the party. If the nominal object is to get a candidate, but the real object is to promote the election of the individual candidate, then I should say it would be within the Act."

⁹ (1910), 6 O. & H. at p. 49.

¹⁰ See the observations of Grantham, J., in *Great Yarmouth* (1906), 5 O. & H. at p. 193.

¹¹ *Norwich* (1886), 4 O. & H. at p. 85.

In the same case, Denman, J., said:¹² "According to my view, these expenses for the meeting were not really in substance expenses incurred in the conduct or management of that election; they were expenses incurred in order to induce a particular person to become a candidate, and the two things are, in my judgment, totally distinct. I think, therefore, that, until the respondent had consented to become a candidate, the payment was not a payment on his behalf."

As to the question whether the expenses of public meetings¹ and political lectures are election expenses, and therefore ought to be included in the return, the judgment of the Court in *Haggerston*² showed that this is a question of fact which must always depend on the particular circumstances of each case. If the meeting in question was called with the direct object of advancing the election of the candidate, and not merely for the purpose of advancing political principles, then the expenses of the meeting would be election expenses.

In the case just mentioned³ the election took place on July 17th, 1895. The respondent admitted that he became a candidate on November 17th, 1892. The legal maximum of expenses was £500, and the respondent returned an expenditure of £319. Expenses had been incurred between 1892 and the date of the election by the Haggerston Unionist Council, of which the respondent was president, in organising meetings and lectures, the payment of officers, and payments on account of illustrated almanacs containing matter in support of the respondent's candidature, pamphlets con-

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Whether expenses of public meetings and political lectures are election expenses.

¹² *Norwich* (1886), 4 O. & H. at p. 86.

¹ By sect. 34 of the present Act (see pp. 214—221, *infra*), expenses of public meetings for the purpose of promoting or procuring the election of a candidate must be authorised in writing by the election agent and returned as election expenses.

² (1896), 5 O. & H. at p. 72.

³ *Ibid.* at p. 69.

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taining his speeches, pledge cards and portrait cards, &c. It was contended that these expenses were election expenses, and that they would make the respondent's election expenses above the legal maximum.

As to the expense in respect of the public meetings, Bruce, J.,⁴ said :—

“ Of course, public meetings cannot be held without expense, but in my opinion the expenses of such meetings are not election expenses, unless the meetings are in some way connected with the election of the candidate. A meeting that is called for general political purposes does not, I think, become an election meeting, merely because a candidate attends it, nor even because some allusions are made to his candidature. Every meeting of any kind that a candidate attends may have the effect of increasing his popularity and making him better known to the electors, but incidental matters of that kind do not alter the character as regards the expense of the meetings. In each case it must be a question of fact whether the main object of the meeting is to promote the election of the candidate. The lectures in 1893, about which we have heard so much, were, no doubt, of a political character, but they were lectures to advance political principles; and I think it would be most mischievous to hold that the expenses of such lectures should be regarded as election expenses. If a candidate opens a bazaar, or lays a foundation stone, or takes the chair at a charity meeting, he may by so doing indirectly tend to promote his election, but the expenses attending such meetings, or the expenses of the candidate attending them, are not to be considered as election expenses. The line must be drawn between meetings called with the direct object of advancing the election of the candidate and meetings called for another

⁴ (1896) 5 O. & H. at p. 72.

object, from attendance at which the candidate only derives some indirect or remote advantage.” Sect. 33.

In the same case⁵ Wright, J., laid down the law as follows:—

“The giving of lectures for what has here been called the education of the constituency is not at all necessarily an expense on account of the election, or an election expense. We think it would be unduly confining the methods of political work and political enlightenment in this country, if we were to attempt to lay down any such general rule as that lectures, even though given with a view of advancing the prospects of a particular candidate, are necessarily election expenses. We think that must depend upon the circumstances in each case.”

As regards the other matters in question, Wright, J., said⁶:—

“The illustrated almanacs containing the matters which they did in support of Mr. L. (the candidate) personally, the pamphlets containing his speeches, certainly the pledge cards, and I think the portrait cards and to some extent the boards, were all matters which were expenditure on account of the election, and, in so far as they ought in law to have been held to be expenditure made by Mr. L. (the candidate), ought to have been included in his return.”

In *Great Yarmouth*⁷ Chamell, J., said:—

“Now it seems to me that there are two classes of expenditure which a candidate almost invariably does incur, and which he begins to incur from the time, at any rate, when he is announced as a candidate. First of all there is a class of expenses incurred in promoting and disseminating the political opinions of the party to which he belongs, and in holding meetings for the

⁵ *Haggerston* (1896), 5 O & H. at p. 70.

⁶ *Ibid.*

⁷ (1906), 5 O & H. at p. 189.

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purpose of delivering speeches upon this or that subject which the party politicians have taken up, or which they take up in answer to what their opponents are taking up. Expenses must be incurred in that way by an intending candidate, and a candidate who comes down and makes speeches in support of what are supposed to be the principles of his party is incurring expenses and incurring those expenses with reference to his future election, because he hopes if he can establish the principles of his party to be in a majority in the constituency, so that when he comes to be the actual candidate he will get elected, and so of course he is doing it with reference to his own position as candidate, and in reference to his own election. But in my opinion those expenses, if they can be identified as being in reference to the political views of his party, are not expenses 'in respect of the conduct and management of his election.'"

Expenses of
"nursing the
constitu-
ency."

In the case last cited Channell, J., after dealing with the class of expenses referred to in the passage quoted above, said⁸:—

"Then there is another class of expenses which is much more doubtful but which always occurs, and that is this, the expenses which a candidate incurs for the purpose of making himself personally popular. There is an expression which is sometimes used in these cases—and one has to use the slang expressions in these cases—and that is 'nursing a constituency.' Now that class of expenses is not, I think, necessarily part of the conduct and management of an election. You have to look carefully at each expense to see whether it is identified with the particular election in prospect, but speaking generally, expenses of that character would not in my opinion come within 'expenses in respect of the conduct and management of the election,' which

⁸ (1906), 5 O. & H. at p. 190.

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have to be paid through the election agent, and which have to be kept within a definite maximum. At the same time it is obvious that the very things which are done for the purpose of what I referred to as 'nursing the constituency,' or for promoting the personal popularity of the candidate, would require very careful consideration as to whether or not they come within the corrupt practices, either of bribing or treating. Now it is in that light that we have to consider the matters charged here, and we commence with the various meetings, which were mostly, but not entirely, ward meetings. For the reasons I have already given I do not think that the expenses of those meetings would be expenses in the conduct and management of the election. They no doubt had a slight bearing upon it, for Mr. F. (the candidate) came to address the meetings upon political subjects, but so far as they were 'political' meetings they do not come within the section. So far as they were municipal meetings of course they do not do so either, therefore I do not think they were election expenses."

In *St. George's*⁹ a question arose as to whether the expenses of using a certain room as a committee room should be included under the head of election expenses. It was proved that the petitioner had taken a house in the constituency. He had built at the further end of the yard a room which he had furnished as a club room, and which he had allowed the Radical Association to use as a club for its meetings, and during the election it was used as a committee room. The petitioner paid all the expenses in connection with the room, and did not include any of them in his return of his election expenses. In giving judgment, Pollock, B., said¹⁰:—

Expenses of committee room.

"When an election is taking place there must be a

⁹ (1895), 5 O. & H. at p. 114.

¹⁰ (1895), 5 O. & H. at p. 115.

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Registration expenses are not election expenses.

Willes, J., in dealing with the question of registration expenses under the old statute (Corrupt Practices Act, 1863, s. 4) in 1869 in *Penryn*,¹¹ went no further than to say:—"These are expenses which could not, as I read the Act, probably come into a properly framed account, though I should not like to advise anyone to leave them out who was anxious to avoid the penalties of not accounting."

In more recent years, however, the Court has held that such expenses may be lawfully paid. But if the candidate does expend money in this way, he should be careful to do it in such a way that it cannot be suggested against him that it was really a payment for the purpose of promoting his election.

"It seems to me," said Vaughan Williams, J., in *Stepney*,¹² "that although registration expenses may lawfully be paid for by the candidate, the candidate is doing a very imprudent and unwise thing, if he chooses to pay

¹¹ (1869), 1 O. & H. at p. 132.

¹² (1892), Day's Election Cases, at p. 123.

those expenses by way of a subscription to an association like this Stepney Conservative Association. It did not confine its operations to registration. . . . They concerned themselves with all sorts of matters other than registration."

In the same case, Cave, J., said :¹ " Unless an election agent can make it quite clear that he has not been doing election work under the guise of registration work, he must not be surprised, when his accounts are brought before the election court, if the judges take the view that he has been purposely muddling the two accounts up together, in order that he may escape from the fetters of the Act of Parliament."

In *Kennington* ² it was proved that the respondent, who was accepted as a candidate for the constituency about eight months before the election, paid almost all the expenses connected with improving the registration of the borough in the interest of himself and his party, the amount being 145*l.* It was also proved that in August, three months before the election, the respondent started a newspaper called the *South London Standard*, which advocated his own political views. The paper was discontinued in January as it did not pay. The respondent paid 500*l.* in respect of this paper, and it was argued on behalf of the petitioner that these sums of 145*l.* and 500*l.* were in reality expenses incurred " in the conduct and management of the election."

Moneys paid in improving the registration of the constituency and in publishing a newspaper are not election expenses.

In giving judgment for the respondent, Field, J., said :³ " The legislature leaves to the different parties in the country to follow their own interests in ascertaining, and inducing a revising barrister⁴ to say, who are and

¹ *Ibid.* at p. 118.

² (1886), 4 O. & H. at pp. 93, 94.

³ *Ibid.* at p. 94.

⁴ It is submitted that the principle here laid down as to expenditure in

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who are not qualified to vote, and I must confess that merely because a person, who is a candidate, looks after his interests to ascertain that no persons but those who are favourable to him are upon the register and are qualified to be upon the register, I am quite unable to come to the conclusion that that is an expense on account of the election, or on account of the conduct or management of the election. It is simply a question for me as a juryman to decide, and in this case I shall certainly come to that conclusion. The same observations apply to the *South London Standard*. I have no doubt whatever that the respondent would not have published this paper at all, unless he had thought it would assist him. Whether he thought it would be a good speculation pecuniarily, I do not know, but the question is whether it is an expense of conducting or managing the election. It is not for me to say what difficulties might arise if we were to hold that. I have simply to decide whether the case falls within the language and spirit and intention of the Act, and I am very clearly of opinion that in neither of these cases was the respondent guilty of an illegal practice.”⁵

Expenses
of conver-
sazione.

In *Rochester*⁶ the respondent had paid for certain expenses in connection with a conversazione given by the Constitutional Association of the borough, and the question for the Court was, inter alia, whether these expenses were election expenses, and therefore expenses which ought to have been included in the return. The facts were as follows:—In May, 1892, it was suggested to the respondent by the Constitutional Association that it would be desirable to give a con-

improving the registration of the constituency would be held applicable under the present Act, substituting, of course, “registration officer” for “revising barrister.”

⁵ (1886), 4 O. & H. 94, 95; referred to with approval by Pollock, B., in *Litchfield* (1895), 5 O. & H. 33, 34.

⁶ (1892), 4 O. & H. 158.

versazione. The respondent assented; a conversazione was held on May 4th and 5th, refreshments were provided at a nominal price, and the extra expenses were borne by the Association. The election took place two months later, on July 4th, 1892, and none of these expenses were returned in the respondent's return of expenses. In the result the Court held the election void on the ground of corrupt treating and illegal practices by the respondent's agents.

Cave, J., said⁷:—"With reference to the conversazione, looking at the time at which it was held, and that it was the obvious intention of those who took part in it to promote the return of the respondent, it seems to me that, if it had been innocent throughout, nevertheless it must necessarily have been returned as a portion of the election expenses of the candidate."

It is sometimes a difficult question to say whether expense incurred by an association or individual which undoubtedly is an assistance to the candidate is or is not an election expense. The test appears to be this: Was the expense incurred by the association or individual an expense incurred for their own ends and their own purposes, or was it one of the ordinary expenses of the candidate? In the former case it would not be, in the latter it would be, an election expense.

Expense
incurred
by associa-
tion, &c.

This question arose in *Stepney*⁸ in regard to payments made by the Licensed Victuallers' Association, and again in *Cockermouth*⁹ in regard to the expenses of a tea meeting given by the Liberal Unionist Association. In both cases the payments in question were held not to be election expenses. In the former Cave, J., said⁸:—"With regard to the Licensed Victuallers' Association, I see no ground at all for saying that those

⁷ (1892), 4 O. & H. at p. 159.

⁸ (1892), Day's Election Cases, at pp. 118, 119.

⁹ (1901), 5 O. & H. at p. 156.

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were election expenses. They appear to have been expenses incurred by them for their own purposes. No doubt they were desirous to assist Mr. Isaacson, whom they preferred as a candidate to Mr. Thompson, but it does not follow that because they were desirous of doing that, every expense that they chose to run into would become an election expense. They may have made themselves agents for Mr. Isaacson, so that any corrupt practice traced to them might unseat him; I do not say that it would, because it has not been necessary for us to direct our attention specially to that point; but it does not follow that, because that is so, every expense that they resort to thereby becomes an election expense which must be paid by Mr. Isaacson. If that were so, the fate of a candidate would be very deplorable. He would have no control over persons who chose to say that they were acting in his interest and for his benefit, and would be compelled to pay every expense that they might think fit to incur. No such liability exists, and I do not think the Licensed Victuallers' case was one in which it can be said that the expenses were expenses of conducting the election, and not expenses rather incurred by the association for their own ends, and for their own purposes, quite distinct from Mr. Isaacson's election, although undoubtedly his election was one of the things which they were anxious to secure."

In *Cockermouth*, Channell, J., said ¹⁰:—

"The difference between an act done in the conduct and management of the election and a thing done merely for the promotion of the success of a particular candidate seems to be this: if any person pays an expense and that expense is one of the ordinary expenses of the candidate, so that the doing of that by the third person relieves the candidate from part of his

¹⁰ (1901), 5 O. & H. at p. 156.

election expenses, then the candidate must treat that assistance as given to him in respect of his election expenses, and must treat the expenses as part of his expenses . . . if he, being merely a person interested for some reason, as a Liberal Unionist, or any other reason, in the success of a particular candidate, chooses to do things on his own account, which do not go to relieve the candidate from any portion of his election expenses, that is not doing anything in reference to 'the conduct or management of the election.' . . ."

As to the expenses of printing and advertising, and the expenses of publishing, issuing and distributing addresses and notices, referred to in Part II. (3)¹¹ of the First Schedule to the Corrupt Practices Act, 1883; it was held in *Barrow-in-Furness*¹² that addresses and notices cover bills.

Expenses of
printing, &c.,
and of
publishing
addresses, &c.

In the case of the expenses last mentioned, as well as those of stationery, messages, postage and telegrams, and of holding meetings, referred to on p. 180, *supra*, it should be observed that by sect. 34 of the present Act:—

“(1) A person other than the election agent of a candidate shall not incur any expenses on account of holding public meetings or issuing advertisements, circulars or publications for the purpose of promoting or procuring the election of any candidate at a parliamentary election, unless he is authorised in writing to do so by such election agent.

“(2) If any person acts in contravention of this section, he shall be guilty of a corrupt practice other than personation within the meaning of the Corrupt and Illegal Practices Prevention Act, 1883, and the

¹¹ Set out at p. 180, *supra*.

¹² (1886), 4 O. & H. 78; cf. *Stepney, ibid.* 52, 54, 55, where the members of the Court differed on this question.

Sect. 33. expression 'corrupt practice' shall be construed accordingly :

" Provided that the court before whom a person is convicted under this section may, if they think it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by section six of the Corrupt and Illegal Practices Prevention Act, 1883.

" (3) Any expenses incurred on account of any such purpose as aforesaid and authorised by the election agent of the candidate shall be duly returned as part of the candidate's election expenses."

As to the effect of these provisions, see pp. 215—221, *infra*.

Return of
election
expenses.

The election agent of every candidate must, within thirty-five days after the result of the election is declared, transmit to the returning officer a true return of election expenses.² This return must be in the form contained in the Second Schedule to the Corrupt Practices Act, 1883, or in a similar form,² and must be accompanied by a declaration made by the election agent before a justice of the peace in the form required by that Act.³

At the same time that the election agent transmits the return or within seven days afterwards, the candidate must transmit to the returning officer a declaration made by him before a justice of the peace verifying his election agent's return.⁴

As to *sub-sect. (2) of sect. 33.* This sub-section is as follows :—

Any candidate at a parliamentary election shall, subject to regulations of the Postmaster-General, be entitled to send, free of any charge for postage, to each registered elector for the constituency, one postal communication containing matter relating to the election only, and not exceeding two ounces in weight :

² Corrupt Practices Act, 1883, s. 33 (1), set out at p. 538, *infra*.

³ *Ibid.* s. 33 (2).

⁴ *Ibid.* s. 33 (1).

Provided that a candidate shall not be entitled to exercise the right of free postage conferred by this provision before he is duly nominated, unless he has given such security as may be required by the Postmaster-General for the payment of postage in case he does not eventually become nominated.

For the purpose of this provision candidates who are under paragraph (4) of Part V. of the First Schedule to the Corrupt and Illegal Practices Prevention Act, 1883,⁵ deemed to be joint candidates at an election shall be treated as a single candidate.

Any candidate at a parliamentary election.—As to the meaning of these words, see pp. 216—218, *infra*.

before he is duly nominated.—With regard to a candidate for election to serve in Parliament for a county or borough, the law as to nomination is as follows:—

He must be nominated in writing.⁶ The writing must be subscribed by two registered electors of such county or borough as proposer and seconder, and by eight other registered electors of the same county or borough as assenting to the nomination, and must be delivered during the time appointed for the election to the returning officer by the candidate himself, or his proposer or seconder.⁷

Each candidate must be nominated by a separate nomination paper, but the same electors or any of them may subscribe as many nomination papers as there are vacancies to be filled, but no more.⁸

The nomination paper must be fully filled in before it is subscribed by anyone.⁹

⁵ The paragraph here referred to is set out on pp. 182—183, *supra*.

⁶ Ballot Act, 1872, s. 1, set out at p. 492, *infra*.

⁷ Ballot Act, 1872, s. 1. See also *Monks v. Jackson* (1876), 1 C. P. D. 683, where it was held that a nomination paper delivered by a person who was not the candidate, nor his proposer, nor seconder, was void.

⁸ Ballot Act, 1872, First Schedule, Part I., r. 5, set out at p. 503, *infra*.

⁹ *Harmon v. Park* (1881), 7 Q. B. D. 369; but see *Cox v. Davies*, [1898] 2 Q. B. 202.

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Where there were four vacancies to be filled, and an elector subscribed four nomination papers, which were duly delivered to the returning officer, and then a fifth, which was also duly delivered to him, the court held that the first four nomination papers were valid, but that the fifth was not.¹⁰

Each candidate must be described in the nomination paper in such manner as in the opinion of the returning officer is calculated sufficiently to identify such candidate; the description must include his names, his abode, and his rank, profession, or calling, and his surname must come first in the list of his names.¹¹ No objection to a nomination paper on the ground of the description of the candidate therein being insufficient, or not being in compliance with this rule, shall be allowed or deemed valid, unless such objection is made by the returning officer, or by some other person, at or immediately after the time of the delivery of the nomination paper.¹²

The returning officer must supply a form of nomination paper to any registered elector requiring the same during such two hours as the returning officer may fix, between the hours of ten in the morning and two in the afternoon on each day intervening between the day on which notice of the election was given and the day of election,¹ and during the time appointed for the election²; but provided that the nomination paper is in the form

¹⁰ *Burgoyne v. Collins* (1882), 8 Q. B. D. 450.

¹¹ Ballot Act, 1872, First Schedule, Part I., r. 6, set out at p. 503, *infra*. There have been numerous decisions on the meaning of words similar to but not exactly the same as these in other Acts; see *Bowden v. Besley* (1888), 21 Q. B. D. 309; *Gledhill v. Crowther* (1889), 23 Q. B. D. 136; *Marton v. Gorrill*, *ibid.*, 139, and cases there cited.

¹² Ballot Act, 1872, First Schedule, Part I., r. 6.

¹ As to the meaning of "day of election," see pp. 141—142, *supra*.

² See Ballot Act, First Schedule, r. 4, pp. 502—503, *infra*, and see p. 166, *supra*.

prescribed by the Ballot Act, 1872, it need not be a nomination paper supplied by the returning officer.³

The nomination papers must be delivered to the returning officer, at the place of election⁴ during the time appointed for the election⁵; and the candidate nominated by each nomination paper, and his proposer and seconder, and one other person selected by the candidate, and no person other than aforesaid shall, except for the purpose of assisting the returning officer, be entitled to attend the proceedings during the time appointed for the election.⁶

The returning officer must on the nomination paper being delivered to him, forthwith publish notice of the name of the person nominated as a candidate, and of the names of his proposer and seconder, by placarding or causing to be placarded the names of the candidate and his proposer and seconder in a conspicuous position outside the building in which the room appointed for the election is situate.⁷

A person is not entitled to have his name inserted in any ballot paper as a candidate unless he has been nominated in the manner above described, and every person whose nomination paper has been delivered to the returning officer during the time appointed for the election⁴ is deemed to have been nominated in manner above described, unless objection be made to his nomination paper by the returning officer, or some other person, before the expiration of the time appointed for the election⁴ or within one hour afterwards.⁸

³ Ballot Act, 1872, First Schedule, Part I., r. 7, set out at p. 503, *infra*.

⁴ See sect. 32, pp. 176—177, *supra*.

⁵ See Ballot Act, First Schedule, r. 4, pp. 502—503, *infra*, and see p. 166, *supra*.

⁶ Ballot Act, 1872, First Schedule, Part I., r. 8, set out at p. 503, *infra*, and see p. 166, *supra*.

⁷ *Ibid.* r. 11, set out at p. 504, *infra*, and see p. 166, *supra*.

⁸ Ballot Act, 1872, First Schedule, r. 12, set out at p. 504, *infra*.

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The returning officer decides on the validity of every objection made to a nomination paper, and his decision, if disallowing the objection, shall be final; but, if allowing the same, is subject to reversal on petition questioning the election or return.⁹

The returning officer's duty in this matter is limited to objections made to the nomination paper; thus, he has no jurisdiction to entertain an objection that the nomination paper has not been delivered in time,¹⁰ and he has no power to deal with an objection to the qualification of the candidate.¹¹ But if a nomination paper appears on the face of it to be an abuse of the right of nomination or an obvious unreality, *e.g.*, if it purports to nominate a deceased sovereign, the returning officer should reject it.¹²

When the returning officer has considered the objection to the nomination paper, and decided that such objection is invalid, the candidate is duly nominated, though he be disqualified and may be unseated on petition.¹

Expenses
incurred by
unauthorised
persons.

34.—(1) A person other than the election agent² of a candidate shall not incur any expenses on account of holding public meetings or issuing advertisements, circulars or publications³ for the purpose of promoting or procuring the election of any candidate at a parliamentary election,⁴ unless he is authorised in writing to do so by such election agent.

(2) If any person acts in contravention of this

⁹ Ballot Act, 1872, First Schedule, r. 13, set out at p. 504, *infra*.

¹⁰ *Howes v. Turner* (1876), 1 C. P. D. 671; cf. *Monks v. Jackson*, *ibid.* 683.

¹¹ *Pritchard v. Mayor of Bangor* (1888), 13 A. C. 251, 257 (H. L.).

¹² *Horford v. Linskey*, [1899] 1 Q. B. at p. 862.

¹ *Pritchard v. Mayor of Bangor* (1888), 13 A. C. 241 (H. L.).

² See pp. 215—216, *infra*.

³ See p. 216, *infra*.

⁴ See pp. 216—218, *infra*.

section, he shall be guilty of a corrupt practice other than personation within the meaning of the Corrupt and Illegal Practices Prevention Act, 1883,⁴ and the expression "corrupt practice" shall be construed accordingly :

Provided that the court before whom a person is convicted under this section may, if they think it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by section six of the Corrupt and Illegal Practices Prevention Act, 1883.⁵

(3) Any expenses incurred on account of any such purpose as aforesaid and authorised by the election agent of the candidate shall be duly returned as part of the candidate's election expenses.⁶

NOTE.—The object of this section is to prevent expenses of the nature indicated in sub-sect. (1) being incurred otherwise than as part of a candidate's election expenses. If any person other than the election agent incurs expenses of this kind, he must be authorised to do so in writing by the election agent, and the expenses in question must be duly returned as part of the candidate's election expenses.

the election agent.—Every candidate must appoint an election agent, but may not appoint more than one. Such election agent must be named by or on behalf of the candidate on or before the day of nomination.⁷ The name and address of such agent must be declared in writing by a candidate or by some other person on

⁴ See pp. 218—219, *infra*.

⁵ See pp. 219—220, *infra*.

⁶ See pp. 220—221, *infra*.

⁷ Corrupt Practices Act, 1883, s. 24 (1) (4), set out at p. 535, *infra*: as to "day of nomination," see pp. 141—142, *supra*.

Sect. 34. his behalf to the returning officer on or before nomination day.⁸ A candidate can if he wishes appoint himself as his election agent.⁹

advertisements, circulars, or publications.—In accordance with the ordinary rule as to the construction of a statute, the word “publications” must be construed *ejusdem generis* with “advertisements” and “circulars”—in other words, in order that the publication should fall within the meaning of the section it must be an advertisement or circular, or a publication of the nature of an advertisement or circular.

The question whether any particular publication is within the meaning of the section would of course depend upon the circumstances of each case.

for the purpose of promoting or procuring the election of any candidate at a parliamentary election.—It is necessary to deal first with the meaning of the words, **candidate at a parliamentary election.**

The present Act does not contain a definition of the word “candidate.” It is submitted, however, in view of the subject dealt with in this section, its close relation to the Corrupt and Illegal Practices Prevention Act, 1883, and the fact that that Act is expressly referred to in sub-sect. (2), that the word “candidate” would be construed in the same meaning as that expressly given to it in sect. 63 of the Corrupt Practices Act, 1883, namely:—“Any person elected to serve in Parliament at such election, and any person who is nominated as a candidate at such election, or is declared by himself or by others to be a candidate, on or after the day of the issue of the writ for such election, or after the dissolution or vacancy in consequence of which such writ is issued.”

⁸ Corrupt Practices Act, 1883, s. 24 (3), set out at p. 535, *infra*.

⁹ *Ibid.*, s. 24 (2).

In *Rochester*,¹⁰ counsel contended that under sect. 63 of the Corrupt Practices Act, 1883, the respondent was not a "candidate" until after the dissolution and the issue of the writ, and that the expenses incurred by him before that time could not be included in the election expenses.

In declining to accept this contention, Cave, J., said:—

"When a man begins to incur expenses with regard to an election, there is nothing to prevent his appointing an election agent. In some cases canvassers are set to work, and committees are formed, long before the dissolution, or the issue of the writ. If those expenses are not to be returned as election expenses, the words of the Act as to the maximum amount of expenditure are set at nought." The law has been repeatedly laid down in similar terms by other judges,¹¹ and in *Great Yarmouth*¹² Channell, J., said: "I quite adopt the view which has been put forward by other judges that the time when the election is supposed to commence . . . certainly is not limited to the commencement of the active part of the election by the occurrence of a vacancy or by the issue of a writ." The same view of the law was expressed by Lawrance, J., in *Maidstone*¹ and *Bodmin*.² In each of the three last-mentioned cases, Grantham, J., differed,³ but in *East Dorset*,⁴ Lawrance and Pickford, JJ., stated that the law is correctly laid down in the numerous decisions to the contrary which are referred to above.

The cases just referred to and the judgments cited on

¹⁰ (1892), 4 O. & H. at p. 157.

¹¹ See extracts from judgments cited at pp. 193—198, *supra*.

¹² 5 O. & H. 188.

¹ *Ibid.* 209, 210.

² *Ibid.* 228.

³ *Ibid.* 191—193, 208, 209, 227, 228.

⁴ (1910), 6 O. & H. at pp. 39, 40, 49, 50.

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pp. 193—198, *supra*, show that the fact of an election having begun presupposes the existence of a candidate at such election, so that a person may become a “candidate at a parliamentary election” and incur election expenses long before the dissolution and the issue of the writ. As to the words **for the purpose of promoting or procuring the election**, these are identical with the words in sect. 17 of the Corrupt Practices Act, 1883, which have been held to have the same meaning as the words “on account of or in respect of the conduct or management of the election.”⁴

As to when expenses for public meetings, &c. are incurred “in the conduct or management of the election,” see pp. 199—203, *supra*.

From the cases there cited, it will be seen that it is a question of fact in each case whether the meeting, &c. is “on account of or in respect of the conduct or management of the election,” and therefore an election expense.⁵ In theory, it is quite possible for meetings to be held by an individual or association for the purpose of advocating a cause such as temperance or even political principles, which are not within those words, or “for the purpose of promoting or procuring the election” of a candidate; but in practice there is the greatest risk⁶ of such meetings being held to come within the present section.

As to sub-sect. (2)—a corrupt practice other than personation within the meaning of the Corrupt and Illegal Practices Prevention Act, 1883.

By sect. 6 (1) of that Act, “a person who commits any corrupt practice other than personation . . . shall be guilty of a misdemeanour, and on conviction on

⁴ *Ipswich*, 31st March, 1886 (unreported). See also *Ipswich* (1886), 4 O. & H. at p. 74; 54 L. T. 619.

⁵ See the judgment of Channell, J., in *Cockermouth* (1901), 5 O. & H. at p. 158.

⁶ See *Recheester* (1892), 4 O. & H. 158, and pp. 206, 207, *supra*.

indictment shall be liable to be imprisoned with or without hard labour for a term not exceeding one year, or to be fined any sum not exceeding 200*l*.” Sect. 34.

By sect. 6 (3) of the same Act, “a person who is convicted on indictment of any corrupt practice shall, in addition to any punishment as above provided, be incapable during a period of seven years from the date of his conviction (a) of being registered as an elector or voting at any election in the United Kingdom, whether it be a parliamentary election or an election for any public office⁷ within the meaning of the Corrupt Practices Act, 1883; or (b) of holding any public⁷ or judicial⁸ office, and if he holds any such office the office shall be vacated.”

By sect. 6 (4) of the same Act, “any person so convicted of a corrupt practice shall be incapable of being elected to and of sitting in the House of Commons during the term of seven years next after the date of his conviction, and if at that date he has been elected to the House of Commons his election shall be vacated from the time of such conviction.”

By sect. 43 (4) of the same Act, a person who is summarily convicted by an election court of any corrupt practice (which cannot occur unless such person declines to be tried by a jury), shall be subject to the same incapacities as if he had been convicted on indictment, and further, may be imprisoned with or without hard labour for a term not exceeding six months, or ordered to pay a fine not exceeding 200*l*.

any incapacity imposed by section six of the Corrupt and Illegal Practices Prevention Act, 1883.—These words, which occur in the proviso in sect. 34 (2) of the

⁷ As to the meaning of the expression “public office” in the sub-section just cited, see sect. 64 of the Corrupt Practices Act, 1883, p. 554, *infra*.

⁸ The expression “judicial office” in such sub-section includes the office of justice of the peace. See sect. 64, p. 555, *infra*.

Sect. 34. present Act, refer to the incapacities mentioned in sect. 6 (3), (4), of the Corrupt Practices Act, set out above.

As to sub-section (3).—any expenses incurred on account of any such purpose as aforesaid and authorised by the election agent of the candidate shall be duly returned as part of the candidate's election expenses.

The purpose here mentioned is of course that of promoting or procuring the election of any candidate at a parliamentary election by holding public meetings or issuing advertisements, circulars, or publications. This subject is dealt with on pp. 216—218, *supra*.

authorised by the election agent of the candidate.—Such authorisation must by sect. 34 (1) be in writing by the election agent.⁹

shall be duly returned as part of the candidate's election expenses.—As to this, see p. 210, *supra*.

Practical
effect of
sect. 34.

It would seem, having regard to the provisions of this section, that it will be more necessary even than it has been hitherto for a candidate to appoint an election agent immediately that he becomes a candidate. In the absence of his doing so he will be prohibited by this section from incurring any of the expenses mentioned therein.¹⁰

It is probable that the effect of this section, as given above, will be used as an argument for interpreting the word "candidate" in the present Act in the narrow sense of "duly nominated candidate" because of the hardship which, it will be urged, would result to persons who desire to stand for election, and to the public, from the broader interpretation of the word "candidate" in this section. It is submitted, however, that the meaning of the section is that given to it in this Note, and that the answer to such an argument is as was pointed out by Cave, J., in *Rochester*,¹¹ and by Lawrance, J., in *East*

⁹ See sect. 34 (1), p. 214, *supra*.

¹⁰ *Ibid.*

¹¹ (1892), 4 O. & H. at p. 157.

Dorset,¹² that there is nothing to prevent a "candidate" Sect. 34. appointing an election agent as soon as he becomes a candidate, no matter how long that may be before the day of nomination.

It may be well to draw attention to the danger to which members of the public may be exposed if they are ignorant of, or neglect to observe, the provisions of sect. 34. Owing to the wide scope of the words "for the purpose of promoting or procuring the election of any candidate," it will be of the utmost importance for any person who intends to hold a public meeting, or to issue literature, of a political character to consider very carefully whether such meeting or literature is directly or indirectly for the "purpose" referred to, and, if so, to obtain the requisite authorisation.

35. The following Acts, that is to say,—

The Ballot Act, 1872¹ ;

The Parliamentary Elections (Returning Officers) Act, 1875² ;

The Parliamentary Elections Returning Officers Expenses (Scotland) Act, 1878³ ;

The Parliamentary Elections and Corrupt Practices Act, 1880⁴ ;

The Corrupt and Illegal Practices Prevention Act, 1883⁵ ;

The Municipal Elections (Corrupt and Illegal Practices) Act, 1884⁶ ;

The Local Government (Elections) Act, 1896⁷ ;
shall become permanent Acts, and any provision

Certain Acts
to have per-
manent effect.

¹² (1910), 6 O. & H. at p. 40.

² Set out at pp. 518—524, *infra*.

⁴ Set out at pp. 526—527, *infra*.

⁶ Set out at pp. 571—592, *infra*.

¹ Set out at pp. 492—517, *infra*.

³ Set out at p. 525, *infra*.

⁵ Set out at pp. 528—570, *infra*.

⁷ Set out at p. 593, *infra*.

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in any Act in force at the date of the passing of this Act which limits the period for which any of those Acts are to remain in operation shall cease to have effect.

NOTE.—The Acts mentioned in this section, which are now made permanent, were originally passed as temporary measures only, and continued from year to year by the annual Expiring Laws Continuance Act. They are set out in Appendix IV., pp. 492—593, *supra*.

Conduct of
elections for
university
constitu-
encies.

36.—(1) The provisions contained in Part I. of the Fifth Schedule to this Act¹ shall have effect with respect to elections for university constituencies other than the Scottish university constituency,² and the provisions contained in Part II. of that Schedule³ shall have effect with respect to elections for the Scottish university constituency, and his Majesty may, by Order in Council, make such regulations⁴ as appear necessary or desirable for giving full effect to those provisions and for the effective and proper conduct of those elections.

Any such regulations may be made so as to be applicable generally to elections for university constituencies or specially to elections for any particular university constituency.

(2) This Part of this Act shall, except as expressly provided, apply to university constituencies and university elections.⁵

(3) In the application of the provisions of this Act which are applicable to university constituencies and university elections to those consti-

¹ Set out at pp. 294—301, *infra*.

² See p. 223, *infra*.

³ Set out at pp. 301—312, *infra*.

⁴ See p. 224, *infra*.

⁵ See pp. 224—225, *infra*.

tuencies and elections the following modifications shall have effect :—

- (a) “ Voting paper ” shall be substituted for “ ballot paper,” and for any reference to the Ballot Act, 1872, there shall be substituted a reference to the corresponding provision of this Act, or regulations made thereunder in relation to university constituencies or university elections :⁶
- (b) It shall not be necessary to prepare an absent voters list, but the right to vote by proxy may be exercised by any person who would be entitled to exercise such right if his name were entered on an absent voters list, so long as all other conditions enabling him to vote by proxy are fulfilled :⁷
- (c) Where a candidate’s deposit is forfeited the deposit shall be retained by the university.⁸

NOTE.—*As to sub-sect. (1).* The provisions contained in Part I. of the Fifth Schedule to this Act.—These provisions are set out on pp. 294—301, *infra*.

university constituencies other than the Scottish university constituency.—Part III. of the Ninth Schedule to this Act, set out on p. 349, *infra*, contains a list of university constituencies in Great Britain, together with the number of members returnable by each constituency.

the provisions contained in Part II. of that Schedule.—These provisions are set out on pp. 301—312, *infra*.

⁶ See p. 225, *infra*.

⁷ *Ibid.*

⁸ See sect. 27, p. 167, *supra*.

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such regulations as appear necessary or desirable.—These regulations are set out at pp. 411—438, *infra*.

As to sub-section (2), This Part of this Act shall, except as expressly provided, apply to university constituencies and university elections.—Part III. of this Act consists of sections 20 to 36. Of these sections those which apply to university constituencies and university elections are 20, 22, 23 (4), 26, 27, 33, 34, 35 and 36.

It will be remembered that by sect. 20 (1) contested university elections where there are two or more members to be elected,⁷ are to be held according to the principle of proportional representation. The Order in Council framing regulations in this connection is set out at pp. 411—430, *infra*.

In considering the application of sect. 33 to university elections, it would seem that the maximum scale of election expenses (set out on p. 181, *supra*) applies to university elections. The words “borough election” in Part IV.⁸ of the First Schedule to the Corrupt Practices Act, 1883, apparently include an election for a university constituency. In sect. 61 of the Representation of the People Act, 1867 (which section is expressly left un-repealed by the present Act⁹), the term “borough” is defined as “any borough, city, place, or combination of places, not being a county as hereinbefore defined, returning a member or members to serve in Parliament.” By sect. 65 (1) of the Act of 1883, the words “the Corrupt Practices Prevention Acts” wherever used in the Act of 1883 include sects. 11, 49 and 50 of the Act of 1867. Further, the Act of 1883 contains no definition

⁷ See p. 123, *supra*.

⁸ Both as Part IV. originally stood and as altered by the present Act. See sect. 33 (1), p. 177, *supra*.

⁹ See Sixth Schedule, p. 319, *infra*.

of "borough," so that the word "borough" when used in the Act of 1883 must, it is submitted, bear the meaning given to it by sect. 61 of the Act of 1867.

As to sub-section (3) (a), the provisions of this Act, here referred to in which the word **ballot-paper**, or a reference to the **Ballot Act, 1872**, occur, are sects. 22, 23 (4), 26 and 27.

Corresponding provisions of this Act or regulations made thereunder in relation to university constituencies or university elections. See Fifth Schedule, pp. 294—312, University Elections Regulations, 1918, pp. 411—430; University Elections (Miscellaneous Provisions) Order, 1918, pp. 431—432, and Proxy Paper (Universities) Order, 1921, pp. 433—437, *infra*.

As to sub-section (3) (b), see sect. 23 (4), pp. 138—139 and pp. 160—161, *supra*, and the Proxy Paper (Universities) Order, 1918, pp. 433—437, *infra*.

As to sub-section (3) (c), see sect. 27, pp. 167—169, *supra*.

PART IV.

REDISTRIBUTION OF SEATS.

37.—(1) Each of the areas mentioned in the first column of the First Part of the Ninth Schedule¹ to this Act shall be a parliamentary borough returning the number of members specified opposite thereto in the said Schedule, and where so provided in the Schedule shall be divided into the divisions specified therein, and each such division shall return one member.

Redistrib-
tion of seats.

(2) Each of the areas mentioned in the first column of the Second Part of the Ninth Schedule² to this Act shall be a parliamentary county

¹ Set out at pp. 327—339, *infra*.

² Set out at pp. 340—349, *infra*.

Sect. 37. returning the number of members specified opposite thereto in the said Schedule, and where so provided in the Schedule shall be divided into the divisions specified therein, and each such division shall return one member.

(3) Each of the universities and combinations of universities mentioned in the Third Part of the Ninth Schedule³ to this Act shall be a constituency returning the number of members specified opposite thereto in the said Schedule.

(4) The distribution of seats in Great Britain under this Part of this Act shall take the place of the distribution of seats existing at the time of the passing of this Act; and all writs for parliamentary elections and other documents consequent upon the writs or relating to parliamentary elections or the registration of electors shall be framed and expressed in such manner and form as may be necessary for carrying into effect the provisions of this Act.

NOTE.—The First, Second and Third Parts of the Ninth Schedule to this Act are set out at pp. 327—339, pp. 340—349, and p. 349, *infra*, respectively.

PART V.

[Sections 38—47.]

GENERAL.

38. Where any person commits out of the United Kingdom any act which if that act had been committed in the United Kingdom would have rendered that person liable to prosecution

³ Set out at p. 349, *infra*.

and punishment under the Ballot Act, 1872, or the Corrupt and Illegal Practices Prevention Act, 1883 (as amended by any subsequent Act), or under this Act,⁴ that person shall be liable to be proceeded against and punished as though the act had been committed in the United Kingdom at any place where that person may for the time being be.

For the purposes of any such prosecution any period prescribed as the period within which proceedings may be commenced⁵ shall be reckoned as from the date on which the person charged returned to the United Kingdom next after the commission of the offence.

NOTE.—It would appear that the main purpose of this section is to bring the absent voter⁶ within the operation of the Acts mentioned.

any act which if that act had been committed in the United Kingdom would have rendered that person liable to prosecution and punishment under the Ballot Act, 1872, or the Corrupt and Illegal Practices Prevention Act, 1883 (as amended by any subsequent Act), or under this Act.

On an examination of the offences which render a person liable to prosecution and punishment under the Acts mentioned in this section, it is clear that some of these offences cannot be committed out of the United Kingdom, and that in the case of some other of these offences it is improbable that they would be so committed.

It is, however, thought that it will be useful to give a

⁴ See pp. 227—242, *infra*.

⁵ See pp. 242—243, *infra*.

⁶ See sect. 23, pp. 137—139, and pp. 139—145, 160—162, *supra*.

Sect. 38.

list of the acts¹⁰ which render a person liable to prosecution and punishment under the statutes mentioned.

These acts and the punishment for the same are dealt with under the following twelve heads (pp. 227—242):—

I. *Offences in respect of nomination papers, ballot papers, and ballot boxes.*¹¹—(1) Forging or fraudulently defacing or fraudulently destroying any nomination paper, or delivering to the returning officer any nomination paper knowing the same to be forged; or

(2) Forging, counterfeiting, or fraudulently defacing or fraudulently destroying any ballot paper or the official mark on any ballot paper; or

(3) Without due authority supplying any ballot paper to any person; or

(4) Fraudulently putting into any ballot box any paper other than the ballot paper which he is authorised by law to put in; or

(5) Fraudulently taking out of the polling station any ballot paper; or

(6) Without due authority destroying, taking, opening, or otherwise interfering with any ballot box or packet of ballot papers then in use for the purposes of the election.¹²

Any person committing any of the offences set out above shall be guilty of a misdemeanour, and be liable, if he is a returning officer or an officer or clerk in attendance at a polling station, to imprisonment for any term not exceeding two years, with or without hard labour, and if he is any other person, to imprisonment for any term not exceeding six months, with or without hard labour.¹²

Any attempt to commit any of the offences set out above shall be punishable in the manner in which the offence itself is punishable.¹²

It is to be observed that the provisions above referred

¹⁰ For a discussion as to those acts which have been dealt with in the election courts, see pp. 90—178 of the Author's "Parliamentary Elections and Election Petitions," 2nd ed.

¹¹ Ballot Act, 1872, s. 3, p. 494, *infra*.

¹² Ballot Act, 1872, s. 3.

to with the necessary modifications are expressly made applicable to voting by post and by proxy. See rules 17 and 35 of the Representation of the People Order.¹

II. *Infringement of secrecy.*—No officer, clerk, or agent in attendance at a polling station shall communicate, except for some purpose authorised by law, before the poll is closed, to any person any information as to the name or number on the register of voters of any elector who has or has not applied for a ballot paper or voted at that station, or as to the official mark, and no such officer, clerk, or agent, or any person whosoever, shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain in the polling station information as to the candidate for whom any voter in such station is about to vote or has voted, or communicate at any time to any person any information obtained in a polling station as to the candidate for whom any voter in such station is about to vote or has voted, or as to the number on the back of the ballot paper given to any voter at such station.² No officer, clerk, or agent in attendance at the counting of the votes shall attempt to ascertain at such counting the number on the back of any ballot paper, or communicate any information obtained at such counting as to the candidate for whom any vote is given in any particular ballot paper. No person shall directly or indirectly induce any voter to display his ballot paper after he shall have marked the same, so as to make known to any person the name of the candidate for or against whom he has so marked his vote.²

Every person who infringes the secrecy of voting by committing any of the acts set out above shall be liable, on summary conviction before two justices of the peace, to imprisonment for any term not exceeding six months, with or without hard labour.²

¹ See out at pp. 367 and 372, *infra*.

² Ballot Act, 1872. s. 4, pp. 494—495, *infra*.

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The above provisions apply with the necessary modifications in the case of voting by post,—see rule 14 (2) of the Representation of the People Order.³

III. *Personation*.—Any person is guilty of the offence of personation who at an election for a county or borough or at a municipal election applies for a ballot paper in the name of some other person, whether that name be that of a person living or dead, or a fictitious person, or who having voted once at any such election applies at the same election for a ballot paper in his own name.⁴ This offence and that of aiding, abetting, counselling, or procuring its commission are felonies, and any person convicted of either of these offences on indictment shall be punished by imprisonment for a term not exceeding two years together with hard labour.⁵ These offences are also corrupt practices within the meaning of the Corrupt Practices Act, 1883.⁶

A person who is convicted on indictment of any corrupt practice shall, in addition to any punishment as above provided, be incapable during a period of seven years from the date of his conviction (a) of being registered as an elector or voting at any election in the United Kingdom, whether it be a parliamentary election or an election for any public office within the meaning of the Corrupt Practices Act, 1883; or (b) of holding any public or judicial office,⁷ and if he holds any such office the office shall be vacated.⁸

Any person so convicted of a corrupt practice shall

³ Set out at p. 367, *infra*.

⁴ Corrupt Practices Act, 1883, s. 3, pp. 528—529, *infra*; Ballot Act, 1872, s. 24, p. 500, *infra*. See also footnote ¹⁰ on p. 228, *supra*. For a modification of this provision in the case of persons voting by proxy, see R. P. Order, Sched. VI., p. 407, *infra*.

⁵ Corrupt Practices Act, 1883, s. 6 (2), p. 529, *infra*.

⁶ *Ibid.* s. 3, pp. 528—529, *infra*.

⁷ As to the meaning of “public office” and “judicial office,” see sect. 64 of the Corrupt Practices Act, 1883, pp. 554, 555, *infra*.

⁸ *Ibid.* s. 6 (3), p. 529, *infra*.

be incapable of being elected to and of sitting in the House of Commons during the term of seven years next after the date of his conviction, and if at that date he has been elected to the House of Commons his election shall be vacated from the time of such conviction.⁹

A person who is summarily convicted by an election court of any corrupt practice (which cannot occur unless such person declines to be tried by a jury), shall be subject to the same incapacities as if he had been convicted on indictment, and further, may be imprisoned with or without hard labour for a term not exceeding six months, or ordered to pay a fine not exceeding 200*l.*¹⁰

Every person guilty of a corrupt practice at an election is prohibited from voting at such election, and if any such person votes, his vote shall be void.¹¹

IV. *Bribery.*¹²—A person is guilty of bribery who:—

(1) Directly or indirectly by himself, or by any other person on his behalf, gives, lends, or agrees to give or lend, or offers, promises, or promises to procure or to endeavour to procure, any money or valuable consideration to or for any voter, or to or for any 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 corruptly does any such act as aforesaid on account of such voter having voted or refrained from voting at any election:¹

(2) Directly or indirectly by himself, or by any other person on his behalf, gives or procures or agrees to give or procure, or offers or promises, or promises to procure

⁹ Corrupt Practices Act, 1883, s. 6 (4), p. 529, *infra*.

¹⁰ *Ibid.* s. 43 (4), p. 546, *infra*.

¹¹ *Ibid.* s. 36, p. 541, *infra*. See also pp. 85—90, *supra*.

¹² As to the punishment for bribery, see pp. 234—235, *infra*.

¹ Corrupt Practices Act, 1883, s. 3, pp. 528—529, *infra*; Corrupt Practices Prevention Act, 1854, s. 2. See also footnote ¹⁰ on p. 228, *supra*.

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or to endeavour to procure any office, place, or employment to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in order to induce such voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any voter having voted or refrained from voting at any election :²

(3) Directly or indirectly, by himself, or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement, or agreement as aforesaid to or for any person, in order to induce such person to procure or endeavour to procure the return of any person to serve in Parliament, or the vote of any voter at any election :³

(4) Upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavours to procure, the return of any person to serve in Parliament, or the vote of any voter at any election :⁴

(5) Advances or pays, or causes to be paid, any money to or to the use of any other person with the intent that such money or any part thereof shall be expended in bribery at any election, or 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 ; but this has no application to any money paid or agreed to be paid for or on account of any legal expenses *bonâ fide* incurred at or concerning any election :⁵

(6) Being a voter, before or during any election directly or indirectly by himself, or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan, or valuable consideration, office, place

² Corrupt Practices Act, 1883, s. 3, pp. 528—529, *infra* ; Corrupt Practices Prevention Act, 1854, s. 2. See also footnote ¹⁰ on p. 228, *supra*.

³ *Ibid.*

⁴ *Ibid.*

⁵ *Ibid.*

or employment, for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election :⁶

(7) After any election, directly or indirectly by himself or by any other person on his 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 at any election.⁷

V. *Treating*.—Any person who corruptly by himself or by any other person, either 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 meat, drink, entertainment or provision to or for any person for the purpose of corruptly influencing that person or any other person to give or refrain from giving his vote at the election, or on account of such person or any other person having voted or refrained from voting or being about to vote or refrain from voting at such election, shall be guilty of treating.⁸

And every elector who corruptly accepts or takes any such meat, drink, entertainment or provision shall also be guilty of treating.⁸

VI. *Undue influence*.—Every person is guilty of undue influence who, directly or indirectly, by himself or by any other person on his behalf, makes use of, or threatens to make use of, any force, violence, or restraint, or inflicts, or threatens to inflict, by himself or by any other person, any temporal or spiritual injury, damage, harm, or loss, upon or against any person in order

⁶ Corrupt Practices Act, 1883, s. 3, pp. 528—529, *infra*; Corrupt Practices Prevention Act, 1854, s. 3.

⁷ *Ibid.*

⁸ Corrupt Practices Act, 1883, s. 1, p. 528, *infra*. See also footnote ¹⁰ on p. 228, *supra*.

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to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election, or who, by abduction, duress, or any fraudulent device or contrivance, impedes or prevents the free exercise of the franchise of any elector, or thereby compels, induces, or prevails upon any elector either to give or refrain from giving his vote at any election.⁹

VII. *Making knowingly a false declaration respecting election expenses.*¹⁰—The only persons who can commit this offence are a candidate and an election agent.¹¹

VIII. *Incurring expenses on account of public meetings or issuing advertisements, circulars, or publications by unauthorised persons.*—Any person other than an election agent who incurs any expenses on account of holding public meetings or issuing advertisements, circulars, or publications for the purpose of promoting or procuring the election of any candidate at a parliamentary election, unless he is authorised in writing to do so by such election agent, shall be guilty of a corrupt practice within the meaning of the Corrupt Practices Act, 1883.¹²

The offences of bribery,¹ treating,¹ undue influence,¹ making knowingly a false declaration respecting election expenses,² as well as that of incurring expenses on account of public meetings, &c. referred to above,³ are corrupt practices within the meaning of the Corrupt Practices Act, 1883.

A person who commits any of these corrupt practices shall be guilty of misdemeanour, and on conviction on

⁹ Corrupt Practices Act, 1883, s. 2, p. 528, *infra*. See also footnote ¹⁰ on p. 228, *supra*.

¹⁰ *Ibid.* s. 33, pp. 538—539, *infra*. See also footnote ¹⁰ on p. 228, *supra*.

¹¹ *Ibid.* s. 33 (7), p. 539, *infra*.

¹² See sect. 34 of the present Act, pp. 214—221, *supra*.

¹ Corrupt Practices Act, 1883, s. 3, pp. 528—529, *infra*.

² *Ibid.* s. 33 (7), p. 539, *infra*.

³ Sect. 34 of the present Act, pp. 214—221, *supra*.

indictment shall be liable to be imprisoned with or without hard labour for a term not exceeding one year, or to be fined a sum not exceeding 200*l.*⁴

Such person is also subject, on conviction, to the incapacities mentioned on pp. 230—231, *supra*.

Further, any person committing the offence of making knowingly a false declaration respecting election expenses is guilty of a misdemeanour, and is liable on conviction thereof on indictment to imprisonment with or without hard labour for any term not exceeding two years or to a fine, or to both such imprisonment and fine.

IX. *Illegal practices.*⁶—(1) Making or receiving payment or making a contract for payment for the purpose of promoting or procuring the election of a candidate at any election—(a) on account of the conveyance of the electors to or from the poll, whether for the hiring of horses or carriages, or for railway fares, or otherwise; or (b) to an elector on account of the use of any house, land, building, or premises, for the exhibition of any address, bill, or notice, or on account of the exhibition of any address, bill, or notice, unless it is the ordinary business of such elector as an advertising agent to exhibit for payment bills and advertisements, and such payment to or contract with such elector is made in the ordinary course of business; or (c) on account of any committee room in excess of the number allowed by the Corrupt Practices Act, 1883, Schedule I.⁷

(2) Payment of any sum or incurring any expense by a candidate at an election or his election agent, or sub-

⁴ Corrupt Practices Act, 1883, s. 6 (1), p. 529, *infra*.

⁵ Perjury Act, 1911, s. 5.

⁶ See footnote ¹⁰ on p. 228, *supra*.

⁷ Corrupt Practices Act, 1883, s. 7, p. 530, *infra*. See *Pontefract* (1893), *Day's Election Cases*, 62—63, and pp. 142—144 of the Author's *Parliamentary Elections and Election Petitions*, 2nd edition.

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agent within his district, whether before, during, or after an election, on account of or in respect of the conduct or management of such election, in excess of the maximum specified in the Fourth Schedule to the present Act.⁸

(3) Voting at an election by any person who knows that he is prohibited by statute from voting, or inducing or procuring any person to vote at an election knowing that such person is prohibited by statute from voting.⁹

(4) Knowingly publishing, before or during an election, a false statement of the withdrawal of a candidate at such election, for the purpose of promoting or procuring the election of another candidate.¹⁰

(5) In the case of a candidate, his election agent, or sub-agent within his district, printing, publishing or posting, or causing to be printed, published or posted, any bill, placard, or poster, having reference to an election, which fails to bear upon the face thereof the name and address of the printer and publisher.¹¹

(6) In the case of a candidate at an election or any agent of his or any other person making any payment, advance, or deposit before, during, or after, an election, in respect of any expenses incurred on account of or in respect of the conduct or management of such election otherwise than by or through the election agent acting in person, or by a sub-agent within his district, and in the case of any person, payment of any money provided by any person other than the candidate for any of the said expenses, whether as gift, loan, advance, or deposit, to any person other than the candidate or his election

⁸ See sect. 33 of the present Act and sects. 8, 25, of the Corrupt Practices Act, 1883 (pp. 530, 535, *infra*), and p. 181, *supra*.

⁹ Corrupt Practices Act, 1883, s. 9 (1), (3), p. 530, *infra*.

¹⁰ *Ibid.* s. 9 (2), (3), p. 530, *infra*.

¹¹ *Ibid.* ss. 18, 25, pp. 533, 535, *infra*.

agent.¹² This shall not, however, apply to—(i) a tender of security to or payment by the returning officer; or (ii) any sum disbursed by any person out of his own money for any small expense legally incurred by himself if such sum is not repaid to him; or (iii) payment by the candidate of any personal expenses incurred by him on account of or in connection with or incidental to the election, to an amount not exceeding 100*l.*;¹ or (iv) the payment by any person if authorised in writing by the election agent of any necessary expenses for stationery, postage, telegrams, and other petty expenses, to a total amount not exceeding that named in the authority.²

(7) In the case of an election agent, or sub-agent within his district, payment—(a) without a judgment or order of a competent Court, or leave of the High Court first obtained, of a claim against a candidate or his election agent in respect of any expenses incurred on account of or in respect of the conduct or management of such election, which is not sent in to the election agent within fourteen days after the day on which the candidates returned are declared elected;³ (b) without such leave, of any of the said expenses after twenty-eight days after the day on which the candidates returned are declared elected.⁴

(8) In the case of a candidate or his election agent, failure, without authorised excuse, to comply with the requirements of sect. 33 of the Corrupt Practices Act,

¹² Corrupt Practices Act, 1883, ss. 25, 28, pp. 535, 536, *infra*.

¹ *Ibid.* s. 31 (1), p. 537, *infra*.

² *Ibid.* s. 31 (3), p. 537, *infra*.

³ *Ibid.* s. 29 (2), (3), (8), (9); s. 25, pp. 536, 537, 535, *infra*.

⁴ *Ibid.* s. 29 (4), (5); s. 25. If, however, the election court reports that such payment was made without the sanction or connivance of the candidate, his election will not be void nor will he be subject to any incapacity by reason of such payment: *ibid.* s. 29 (6), p. 537, *infra*.

Sect. 38. 1883, as to the return and declaration respecting election expenses.⁵

(9) Making or publishing a false statement of fact in relation to the personal character or conduct of a candidate for the purpose of affecting his return, unless the person making or publishing such statement can show that he had reasonable grounds for believing and did believe the statement made by him to be true.⁶

(10) Any illegal payment, employment, or hiring by a candidate, his election agent, or sub-agent within his district, if personally guilty thereof.⁷

(11) Acting or inciting others to act at a political meeting in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together, provided that such meeting is a lawful public meeting held in a parliamentary constituency between the date of the issue of a writ for the return of a member of Parliament for such constituency and the date at which a return to such writ is made.

(12) Voting for more constituencies than the voter is entitled to vote for in accordance with the present Act,⁹ or asking for a ballot or voting paper for the purpose of so voting, provided that (a) the fact that any person has asked for a ballot paper in a constituency in circumstances which entitle him only to mark a tendered ballot paper in pursuance of Rule 27 of the First Part of the First Schedule to the Ballot Act, 1872, shall not, if he does not exercise that right, prevent his voting or asking for a ballot or voting paper in another con-

⁵ Corrupt Practices Act, 1883, s. 33 (6), p. 539, *infra*. As to the position of the sub-agent, see *ibid.* s. 25.

⁶ Corrupt Practices Act, 1895, s. 1.

⁷ Corrupt Practices Act, 1883, ss. 21 (2), 25, pp. 534, 535, *infra*.

⁸ Public Meeting Act, 1908, ss. 1, 2.

⁹ See sect. 8 (1), pp. 83—92, *supra*.

stituency;¹⁰ and (b) the giving of a vote by a returning officer in pursuance of sect. 2 of the Ballot Act, 1872, in the case of an equality of votes, or the asking for a ballot paper for the purpose of so voting, shall not, for the purposes of this section, be deemed to be the giving of a vote as a parliamentary elector, or the asking for a ballot paper for the purpose of so voting.¹⁰

(13) In the case of a person who is for the time being entitled to vote by proxy in a constituency under the present Act, himself voting or attempting to vote at any parliamentary election in that constituency otherwise than by means of the proxy paper, while the proxy paper is in force.¹¹

(14) Voting or attempting to vote as proxy on behalf of more than two absent voters at an election in any constituency unless such person is voting as the husband or wife, or the parent, brother or sister of the absent voter.¹¹

(15) Voting or attempting to vote at any election under the authority of a proxy paper when such person knows or has reasonable grounds for supposing that the proxy paper has been cancelled, or that the elector to whom or on whose behalf the proxy paper has been issued is dead or no longer entitled to vote at that election.¹¹

(16) For the purpose of enabling an elector to vote at a university election, corruptly paying on his behalf any fees which the elector is required to pay in order to be registered or entitled to vote.¹²

A person guilty of an illegal practice may be prosecuted in the manner provided by the Summary Jurisdiction Acts,¹ and is on summary conviction liable to a fine not exceeding 100*l.*,¹ and is incapable, during a

¹⁰ See sect. 22 of the present Act, pp. 130—137, *supra*.

¹¹ Rule (10) of the Third Schedule to the present Act, see p. 292, *infra*.

¹² See Fifth Schedule, Part I., r. 29, p. 299, *infra*. For similar illegal practice at Scottish University election, see Fifth Schedule, Part II., r. 35, p. 308, *infra*.

¹ Corrupt Practices Act, 1883, s. 54 (1), p. 550, *infra*.

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period of five years from the date of his conviction, of being registered as an elector, or of voting at any election (whether it be a parliamentary election or an election for a public office³), held for or within the county or borough in which the illegal practice was committed.⁴

Further, he is prohibited from voting at such election, and if he votes his vote shall be void.⁵

X. *Illegal payment.*⁶—A person is guilty of illegal payment who—

(1) Knowingly provides money for any payment contrary to the provisions of the Corrupt Practices Act, 1883, or for any expenses incurred in excess of any maximum amount allowed by the said Act, or for replacing any money expended in any such payment or expenses, except where the same may previously have been allowed as an exception:⁷

(2) 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, or so withdraws in pursuance of such inducement or procurement:⁸

(3) Pays or receives payment or contracts for payment, before, during, or after an election, for the purpose of promoting or procuring the election of a candidate at any election, on account of bands of music, torches, flags, banners, cockades, ribbons or other marks of distinction.⁹

XI. *Illegal employment.*¹⁰—A person is guilty of illegal

³ As to meaning of "public office," see sect. 63 of the Corrupt Practices Act, 1883, p. 554, *infra*.

⁴ *Ibid.* s. 10, p. 530, *infra*.

⁵ *Ibid.* s. 36, p. 541, *infra*, and see pp. 85—90, *supra*.

⁶ See footnote ¹⁰ on p. 228, *supra*.

⁷ Corrupt Practices Act, 1883, s. 13, p. 532, *infra*. See also sect. 33 (1) of the present Act, pp. 177—210, *supra*.

⁸ Corrupt Practices Act, 1883, s. 15, p. 532, *infra*.

⁹ *Ibid.* s. 16, p. 532, *infra*.

¹⁰ See footnote ¹⁰ on p. 228, *supra*.

employment who for the purpose of promoting or procuring the election of a candidate at any election engages or employs, or is for the said purpose engaged or employed by, any other person for payment or promise of payment for any purpose, or in any capacity whatever, except for any purposes or capacities mentioned in the first or second Parts of the First Schedule to the Corrupt Practices Act, 1883, or except so far as payment is authorised by the first or second Parts of the said Schedule or otherwise by the said Act.¹¹

XII. *Illegal hiring*.¹²—A person is guilty of illegal hiring who—

(1) Lets, lends, or employs, for the purpose of conveyance of electors to or from the poll, any public stage or hackney carriage, or any horse or other animal kept or used for drawing the same, or any carriage, horse, or other animal, which he keeps or uses for the purpose of letting out for hire, knowing that it is intended to be used for the purpose of the conveyance of electors to or from the poll; ¹ or

(2) Hires, borrows, or uses, for the purpose of the conveyance of electors to or from the poll, any carriage, horse, or other animal, knowing that the owner thereof is prohibited from letting, lending, or employing it for that purpose; ² or

(3) Hires or uses as a committee room, for the purpose of promoting or procuring the election of a candidate at an election, or lets, knowing it was intended to use the same as a committee room, any premises or part of any premises,—

(a) On which the sale by wholesale or retail of any intoxicating liquor is authorised by a

¹¹ Corrupt Practices Act, 1883, s. 17, p. 533, *infra*.

¹² See footnote ¹⁰ on p. 228, *supra*.

¹ Corrupt Practices Act, 1883, s. 14 (1), p. 532, *infra*.

² *Ibid.* s. 14 (2), p. 532, *infra*.

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licence (whether the licence be for consumption on or off the premises); or

(b) Where any intoxicating liquor is sold, or is supplied to members of a club, society, or association, other than a permanent political club; or

(c) Whereon refreshment of any kind, whether food or drink, is ordinarily sold for consumption on the premises; or

(d) Of any public elementary school in receipt of an annual parliamentary grant;

but the provisions of (3) (a), (b), (c), (d), above, do not apply to any part of such premises which is ordinarily let for the purpose of chambers or offices, or the holding of public meetings or of arbitrations, if such part has a separate entrance and no direct communication with any part of the premises on which any intoxicating liquor or refreshment is sold or supplied as aforesaid.³

A person guilty of an offence of illegal payment, employment, or hiring may be prosecuted in the manner provided by the Summary Jurisdiction Acts,⁴ and shall, on summary conviction, be liable to a fine not exceeding 100*l.*⁵

A candidate, or an election agent of a candidate, who is personally guilty of an offence of illegal payment, employment, or hiring, is guilty of an illegal practice, and is punishable accordingly.⁶

As to the words in the second paragraph of sect. 38, any period prescribed as the period within which proceedings may be commenced.—A proceeding against a person in respect of the offence of a corrupt or illegal practice, or any other offence under the Corrupt Practices

³ Corrupt Practices Act, 1883, s. 20, p. 533, *infra*.

⁴ *Ibid.* s. 54 (1), p. 550, *infra*.

⁵ *Ibid.* s. 21 (1), p. 533, *infra*.

⁶ *Ibid.* s. 21 (2), p. 534, *infra*, and see pp. 239—240, *supra*.

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Prevention Acts, must be commenced within one year after the offence was committed, or if it was committed in reference to an election with respect to which an inquiry is held by election commissioners shall be commenced within one year after the offence was committed, or within three months after the report of such commissioners is made, whichever period last expires, so that it be commenced within two years after the offence was committed.⁷ In the case of offences under the Ballot Act, 1872, dealt with under I. and II. on pp. 227—230, *supra*, there is no limit of time within which proceedings must be commenced.

By sect. 38 of the present Act, this period shall be reckoned as from the date on which the person charged returned to the United Kingdom next after the commission of the offence.

39. The council having power to divide a constituency into polling districts shall, not later than one month after the passing of this Act, take into consideration the division of the constituency into polling districts, and make any re-arrangements of those districts and of polling places which it appears necessary to make as a consequence of alterations effected by this Act.

Re-arrangement of polling districts to suit new constituencies.

NOTE.—The council having power here referred to is the County Council. See Local Government Act, 1888, s. 3 (xii.).

In the application of this section to Scotland, by sect. 43 (17) (p. 259, *infra*) the returning officer is substituted for the council.

⁷ Corrupt Practices Act, 1883, s. 51 (1), p. 549, *infra*.

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Regulations
to be laid
before
Parliament.

40.—(1) All rules, regulations, or provisions made by Order in Council under this Act shall be laid before each House of Parliament forthwith; and unless and until an address is presented to His Majesty by either House of Parliament within the next subsequent twenty-one days on which that House has sat next after any such rule, regulation, or provision is laid before it, praying that the rule, regulation, or provision may be annulled, the rule, regulation, or provision shall have effect as if enacted in this Act.

(2) Any Order in Council under this Act may be revoked or varied as occasion requires by any subsequent Order in Council.

NOTE.—The Orders in Council under this Act which, at the time of going to press, are in force will be found in Appendix II., pp. 359—438, *infra*.

Interpreta-
tion.

41. In this Act, unless the context otherwise requires,—

- (1) The expression “constituency” means any county, borough, or combination of places, or university or combination of universities, returning a member to serve in Parliament; and, where a county or borough is divided for the purpose of parliamentary elections, means a division of the county or borough so divided; and elections for any such division shall be held in the same manner and subject

to the same provisions as those for un- Sect. 41.
divided counties or boroughs :⁸

- (2) The expression “local government electoral area” means the area for which any county council, municipal borough council, metropolitan borough council, district council, board of guardians, parish council, or any other body elected at the time of the passing of this Act by persons on the local government register or on the register of parochial electors is elected; and the expression “local government election” means an election for any such council, board, or body :⁹
- (3) The expression “general election” means an election of members to serve in a new Parliament of the United Kingdom :
- (4) The expression “university constituency” means a constituency consisting of a university or a combination of universities; and the expression “university election” means an election of a member or members of Parliament for a university constituency :¹⁰
- (5) A person who is an inmate or patient in any prison, lunatic asylum, workhouse, poor-

⁸ For a list of counties, boroughs, combinations of places, and universities and combinations of universities returning members to serve in Parliament, see Ninth Schedule, pp. 327—349, *infra*.

⁹ See sect. 3, pp. 33—34, s. 4 (3), p. 53, and s. 8 (2), p. 84, *supra*.

¹⁰ For a list of university constituencies, see the Ninth Schedule to the present Act, Part III, p. 349, *infra*. As to university elections, see s. 36, pp. 222—223, *supra*.

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house, or any other similar institution shall not by reason thereof be treated as resident therein for any purpose of this Act: ¹²

(6) The expression "transferable vote" ¹ means a vote—

• (a) capable of being given so as to indicate the voter's preference for the candidates in order; and

(b) capable of being transferred to the next choice when the vote is not required to give a prior choice the necessary quota of votes, or when, owing to the deficiency in the number of the votes given for a prior choice, that choice is eliminated from the list of candidates: ¹

(7) For the purposes of registration a person's age shall be taken to be that person's age on the last day of the qualifying period: ²

(8) The expression "dwelling-house" includes any part of a house where that part is occupied separately as a dwelling-house: ³

(9) The yearly value of land or premises shall be taken to be the gross estimated rental, or in the metropolis the gross value, where those premises are separately assessed to rates, and in any other case shall be deemed to be the amount which

¹² See p. 13, *supra*.

¹ See sect. 20, pp. 123—125, and pp. 126—127, *supra*.

² See pp. 3—4, 55, and 67, *supra*.

³ See pp. 41—45 and 58, *supra*.

would in the opinion of the registration officer be the gross estimated rental or gross value, as the case requires if they were separately assessed :⁴

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- (10) The expression "afloat" and expressions relating to service afloat in connection with naval and military voters⁵ shall be interpreted in accordance with rules made for the purpose by the Admiralty :⁶
- (11) The expression "prescribed" means prescribed by His Majesty by Order in Council.

42. The parliamentary and the local government franchises enacted by this Act shall take the place of all parliamentary and, so far as respects local government elections within the meaning of this Act,⁷ of all local government franchises existing at the time of the passing of this Act; and the provisions set out in the Sixth Schedule to this Act with respect to the adaptation of Acts shall have effect for the purpose of adapting the law to the provisions of this Act.

Adaptation
of Acts.

NOTE.—For the Sixth Schedule to this Act, see pp. 312—315, *infra*.

43. This Act shall apply to Scotland, subject to the following modifications :—

Application
to Scotland.

- (1) Unless the context otherwise requires—
(a) The word "borough" except as

⁴ See pp. 24—28, 58, *supra*.

⁵ See sect. 5 (3) (ii), p. 64, *supra*.

⁶ Set out at p. 459, *infra*.

⁷ See sect. 41 (2), p. 245, *supra*.

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used in the expression “parliamentary borough” means “burgh”;

(b) The expression “local government electoral area” means the area for which any county council, town council, parish council, or school board, is elected, and “local government election” means an election for any such council or board;

(c) The expression “the Local Government Board” (except where otherwise expressly provided) means the Secretary for Scotland;

(d) The expression “Valuation Acts” means the Lands Valuation (Scotland) Act, 1854, and any Acts amending the same;

(e) The expression “governing body” used in relation to a university means the university court;

(f) A reference to the Supreme Court shall be construed as a reference to the Court of Session;

(g) A reference to the Court of Appeal shall be construed as a reference to the Court of three judges of the Court of Session constituted by the twenty-third section of the Representation of the People (Scotland) Act, 1868;

(h) A reference to the county court shall be construed as a reference to the sheriff court;

(2) The yearly value of any subjects shall be

taken to be the value appearing in the valuation roll where those subjects are separately valued in that roll, and in any other case shall be deemed to be the value which would in the opinion of the registration officer be entered therein if they were so valued :⁷

(3) The section⁸ of this Act relating to local government franchise (men) shall not apply, and in lieu thereof—

(a) A man who is of full age and not subject to any legal incapacity shall be entitled to be registered as a local government elector for a local government electoral area if he is on the last day of the qualifying period and has been during the whole of that period—

(i) the owner of lands and heritages within the area of the yearly value of not less than ten pounds: Where such lands and heritages are in the joint ownership of two or more persons and the aggregate yearly value of the lands and heritages is not less than the amount produced by multiplying ten pounds by the number of the joint owners, each of the joint owners shall be treated as owning lands and heritages of the yearly value of not less than ten pounds; or

(ii) the occupier as tenant of lands

⁷ See sect. 1 (3), p. 2, sect. 4 (1) (c), p. 52, and 7 (1) (b), p. 81. *supra*.

⁸ See sect. 3, pp. 33—34. *supra*.

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and heritages within the area of the yearly value of not less than ten pounds : Where such lands and heritages are in the joint occupation as tenants of two or more persons, and the aggregate yearly value of the lands and heritages is not less than the amount produced by multiplying ten pounds by the number of the joint occupiers, each of the joint occupiers shall be treated as occupying lands and heritages of the yearly value of not less than ten pounds : or

(iii) the inhabitant occupier as owner or tenant of a dwelling-house within the area ; or

(iv) the occupier of lodgings within the area of the yearly value if let unfurnished of not less than ten pounds : Where such lodgings are in the joint-occupation of not more than two persons and the aggregate yearly value as aforesaid of the lodgings is not less than twenty pounds, each of the joint lodgers shall be treated as occupying lodgings of the yearly value of not less than ten pounds : or

(v) the inhabitant occupier by virtue of any office, service, or employment of a dwelling-house within the area which is not inhabited by the person in whose service he is in such office, service, or employment :

(b) The ownership or occupation in immediate succession of different lands and heritages, dwelling-houses, or lodgings, as the case may be, in the same parliamentary county or in the same parliamentary borough shall have the like effect in qualifying a man to be registered as a local government elector for a local government electoral area therein, respectively, as the continued ownership or occupation of the same lands and heritages, dwelling-houses, or lodgings within that area :

(c) In this section "owner" shall include heir of entail in possession, life-renter, and beneficiary entitled under any trust to the rents and profits of lands and heritages and shall not include the fiar of lands and heritages subject to a life-rent, nor tutor, curator, judicial factor, nor commissioner ; "lands and heritages" has the same meaning as in the Valuation Acts, and "dwelling-house" means any house or part of a house occupied as a separate dwelling :

(4) Subsection (1) of the section⁹ of this Act relating to franchises (women) shall not apply, and in lieu thereof—

(a) A woman who is not subject to any legal incapacity shall be entitled to be registered as a parliamentary elector for

⁹ See sect. 4, p. 52, *supra*.

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a constituency (other than a university constituency) if she has attained the age of thirty years, and if either she or her husband is on the last day of the qualifying period occupying as owner or tenant any land or premises in the constituency (hereinafter in this subsection called "the qualifying premises"), and has during the whole of the qualifying period so occupied any land or premises in the county or county of a city in which the qualifying premises are situated :

(b) For the purposes of this subsection—

(i) the word "tenant" shall include a person who inhabits by virtue of any office, service, or employment any dwelling-house which is not inhabited by the person in whose service he or she is in such office, service, or employment :

(ii) the word "tenant" shall include a person who occupies a room or rooms as a lodger only where such room or rooms are let to him or her in an unfurnished state :

(iii) the expression "land or premises" means any land or premises (other than a dwelling-house) of the yearly value of not less than five pounds or any dwelling-house :

(iv) a woman, though she or her husband may have been occupying land

or premises in the constituency on the last day of the qualifying period, shall not be entitled to be so registered, if she or her husband, as the case may be, commenced to occupy the land or premises within thirty days before the end of the qualifying period and ceased to occupy them within thirty days after the commencement of such occupation ;

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(v) the word " county " means a county inclusive of all burghs therein except a county of a city, and the word " dwelling-house " means any house or part of a house occupied as a separate dwelling :

(vi) where land or premises are in the joint occupation of two or more persons, each of the joint occupiers shall be treated as occupying the same, provided that not more than two joint occupiers shall be so treated in respect of the same land or premises, unless they are bonâ fide engaged as partners, carrying on their profession, trade, or business on the land or premises, and provided further that in the case of land or premises other than a dwelling-house) the aggregate yearly value thereof must be not less than the amount produced by multiplying five pounds by the number of joint occupiers :

(c) A woman registered by virtue of this section shall be deemed to be

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registered by virtue of her own or her husband's local government qualification :

- (5) Subsection (1) of the section¹¹ of this Act relating to supplemental provisions as to residence and occupation shall not apply except in so far as that subsection relates to the parliamentary franchise for men, and subsection (4)¹² of the said section shall not apply :
- (6) The section¹ of this Act relating to provisions as to disqualifications shall have effect as if the following provision were enacted therein :
- A person shall not be disqualified from being registered or from voting as a parliamentary or local government elector by reason that he is the town clerk or depute town clerk of any burgh or the assessor under the Valuation Acts in any burgh or county :
- (7) The section² of this Act relating to provision as to qualification of councillor shall not apply :
- (8) The section³ of this Act relating to registration officers and areas shall not apply, and in lieu thereof—

Each burgh, the town council whereof was entitled under the law in force at

¹¹ See sect. 7, p. 81, *supra*.

¹² See p. 83, *supra*.

¹ See sect. 9, pp. 93—96, *supra*.

² See sect. 10, p. 102, *supra*.

³ See sect. 12, pp. 106—107, *supra*.

the passing of this Act to appoint an assessor for the purpose of parliamentary registration, and each county (exclusive of every such burgh), or, where any county is divided for the purpose of parliamentary elections, each part of the county (with the like exclusion) which lies within a separate parliamentary division, shall be a registration area; and the assessor of the burgh or county under the Valuation Acts, or where there are two or more such assessors, one of them appointed for the purpose of parliamentary registration by the town or county council, as the case may be, shall be the registration officer of that area, and all other assessors (if any) in that area shall, for the purpose of the registration of parliamentary and local government electors, be subject to the instructions of the registration officer and shall be bound to act on such instructions :

Provided that, from and after the date when the first register under this Act shall have been completed, an officer of Inland Revenue shall not be appointed or continue to act as assessor for any burgh or county under the Valuation Acts without the consent of the Treasury :

- (9) The provisions regarding the appointment of an assistant judge in the section⁴ of

⁴ See sect. 14 (6), p. 111, *supra*.

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this Act relating to appeals shall not apply :

- (10) In the application of the section ⁵ of this Act relating to right to the use of elementary schools the expression “any public elementary school” means “any school in receipt of a parliamentary grant” :
- (11) The first subsection of the section ⁶ of this Act relating to expenses of registration shall not apply, and in lieu thereof—

Any expenses properly incurred by any registration officer in the performance of his duties in relation to registration, including all proper and reasonable charges for trouble, care, and attention in the performance of those duties and any cost incurred by him as party to an appeal (in this Act referred to as “registration expenses” , shall be paid by the council appointing the registration officer : Provided that, where a burgh within the meaning of the Local Government (Scotland Act, 1889, is not a separate registration area, the council thereof shall pay to the council appointing the registration officer a contribution towards the registration expenses, and subsection (4) of section sixty and section sixty-six of that Act shall apply, with the necessary modifications, to such contribution. The

⁵ See sect. 25, pp. 163—164, *supra*.

⁶ See sect. 15, p. 113, *supra*.

amount necessary to defray any registration expenses or any contribution thereto, as the case may be, shall be assessed and levied in any one of the modes allowed by the Valuation Acts with respect to the costs and expenses of making up the valuation roll :

- (12) In subsection (5) of the section⁷ of this Act relating to expenses of registration the expression “ the council whose clerk “ the registration officer is ” means “ the “ council appointing the registration “ officer ” :
- (13) The sections⁸ of this Act relating to returning officers and to discharge of returning officers’ duties by an acting returning officer shall not apply, and in lieu thereof:—

The returning officer at parliamentary elections (other than a university election) shall as heretofore be the sheriff of the sheriffdom within which the constituency is wholly situated or, where the constituency is situated in more than one sheriffdom, the sheriff specified in the Seventh Schedule⁹ to the Act, and the power of appointing deputies conferred by section eight of the Ballot Act, 1872, on certain sheriffs shall be exercisable by any sheriff who is returning

⁷ See sect. 15 (5), p. 115, *supra*.

⁸ See sects. 28 and 30, pp. 169 and 172—173, *supra*.

⁹ Set out on p. 316, *infra*.

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officer for more than one constituency or who, by reason of sickness or unavoidable absence, is incapacitated from performing any of the duties devolving upon him as returning officer, and in the event of no such appointment being made by a sheriff so incapacitated or in the event of any vacancy in the office of sheriff at the time when any of such duties require to be performed, the sheriff substitute at the place at which the writ for the election is appointed to be received shall act as returning officer, and shall perform all the duties and have all the powers (including the powers of appointing deputies) of such returning officer :

- 14) Notwithstanding the provisions of subsection (1) of the section¹⁰ of this Act relating to polls to be held on one day at a general election, etc., the poll at any general or bye-election for the constituency for Orkney and Zetland shall remain open for two consecutive days as heretofore :
- (15) The provisions of the last paragraph of the section¹¹ of this Act relating to register for university constituencies shall not apply, and the said section shall have effect as if regulation sixteen of section two of the Universities Elections Amend-

¹⁰ See sect. 21, p. 128, *supra*.¹¹ See sect. 19, pp. 122—123, *supra*.

ment (Scotland) Act, 1881, were enacted Sect. 43.
therein in lieu of the said paragraph :

- (16) The section¹² of this Act relating to place of election shall not apply, and in lieu thereof:—

In the case of parliamentary elections (other than an election for a university constituency), the place of election shall be a convenient room situated in such place as the Secretary for Scotland may by order from time to time determine :

- (17) In the application of the section¹ of this Act relating to division of constituency into polling districts and appointment of polling places, and of the section² of this Act relating to re-arrangement of polling districts to suit new constituencies, the returning officer shall be substituted for the council having a power or duty under those sections to divide a constituency into polling districts, and the Lord Advocate shall be substituted for the Local Government Board :

- (18) Notwithstanding anything in this Act it shall not in the year nineteen hundred and nineteen and subsequent years be necessary—

(a) As regards any burgh or any registration unit therein, if the town council of the burgh so resolve, to show or

¹² See sect. 32, pp. 176—177, *supra*.

¹ See sect. 31, pp. 174—176, *supra*.

² See sect. 39, p. 243, *supra*.

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distinguish in any spring register the names of persons entitled to vote as local government electors; or

(b) As regards any county or any registration unit therein, if the county council of the county so resolve, to show or distinguish in any register other than the autumn register in those years in which county council elections fall to be held the names of persons entitled to vote as local government electors:

Provided that—

(i) a resolution under this section shall not have effect unless it is passed as respects the spring register in any year before the first day of January in that year, and as respects the autumn register in any year before the first day of July in that year;

(ii) for all the purposes of the registration of local government electors in any burgh or county or registration unit therein to which any such resolution applies, the last preceding local government register shall remain in force until a new local government register comes into force:

In this subsection “burgh” has the same meaning as in the Town Councils (Scotland) Act, 1900, and “county” means a county exclusive of any such burgh:

(19) Except as expressly provided in this Act— Sect. 43.

(a) Nothing in this Act shall take effect so as to deprive any royal or parliamentary burgh losing separate representation under this Act of any right privilege, or status, whether for purposes of local government or otherwise, hitherto enjoyed by such burgh as a royal or parliamentary burgh; and

(b) Nothing in this Act or in any Act in force at the passing of this Act as read with this Act shall take effect so as to confer upon any police burgh acquiring separate representation under this Act any rights, privileges, or status, whether for purposes of local government or otherwise, not enjoyed by other police burghs.

In this subsection the references to royal, parliamentary, or police burghs shall be deemed to include references to the magistrates, town councils, and officers thereof, respectively, and the expression “separate representation” shall be construed as meaning the right to return, or to contribute as a burgh to return, a member, or members to Parliament.

44. This Act shall apply to Ireland³ subject Application
to Ireland.
to the following modifications:—

(1) References to the Lord Chancellor shall

³ At the time of going to press, it is impossible to make any useful comments as to the application of this Act to Ireland.

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be construed as references to the Lord Chancellor of Ireland.

The Lord Chancellor shall not sit as a member of the Court of Appeal on the hearing of appeals from the county court under this Act.

In any county in which the jurisdiction of the county court is exercised for the time being by two or more county court judges, the appeals from the registration officer shall be dealt with by such one of those judges or his assistant judge as may be directed by the Lord Chancellor, or shall be distributed amongst those judges and their assistant judges according as may be so directed.

For the purposes of this Act, county court rules, orders, and scales of fees, costs, and charges may be made under sections seventy-nine, eighty-three, and eighty-four of the County Officers and Courts (Ireland) Act, 1877; but the provisions of those sections as to the concurrence of, or certification by, county court judges or the recorder shall not apply :

- (2) The reference to the Local Government Board in relation to the approval of a deputy for the execution of any of the powers and duties of a registration officer shall be construed as a reference to the Lord Lieutenant, and other references to that Board shall be construed as

references to the Local Government Board for Ireland : Sect. 44.

- (3)—(a) The clerk of the crown and peace for an administrative county, not being a county borough, shall be the registration officer for any parliamentary county which is coterminous with, or the whole or greater part of which is contained in, the administrative county, and for any parliamentary borough of which the whole or greater part is contained in the administrative county and no part is contained in a county borough, and the clerk of the crown and peace for a county borough shall be the registration officer for any parliamentary borough which is coterminous with, or the whole or any part of which is contained in, the county borough, and the council of that administrative county or county borough, as the case may be, shall be the council by which the registration expenses of that registration officer are to be paid, subject in cases where the parliamentary county or parliamentary borough is not coterminous with, or wholly contained in, the administrative county or county borough, as the case may be, to such contribution by the council of any other administrative county or county borough as the Local Government Board may direct : Provided that the registration expenses to be

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paid by a council shall not include any charges for trouble, care, and attention, in the performance of duties which are performed by the registration officer in person: Provided also that the persons who, at the passing of this Act, are town clerks for the county borough of Dublin and the county borough of Belfast, respectively, shall, so long as they hold their respective offices, be the registration officers for the parliamentary borough of Dublin and the parliamentary borough of Belfast, respectively, and that the last preceding proviso shall not apply in their case.

(b) The registration expenses shall be paid in the case of the council of a county borough, out of the rate or fund out of which the general expenses of the council are paid, or out of any other rate or fund which the Local Government Board may on the application of the council approve, and, in the case of a council of any other administrative county, out of the poor rate as a county at large charge, except in cases to which section twelve of the Parliamentary Registration (Ireland) Act, 1885, applies:

(c) In the event of any vacancy in the office of registration officer or in the event of the registration officer's

capacity to act, the powers and duties of the registration officer may be exercised and performed by any person temporarily appointed in that behalf by the Lord Chancellor. Sect. 44.

(d) The power of advancing sums to a registration officer on account of registration expenses shall be exercisable by the council by which those expenses are to be paid.

(e) This section, in its application to the county of Tipperary, shall have effect as if each parliamentary division of the county were a separate parliamentary county, and as if the clerk of the crown and peace for the entire county were clerk of the crown and peace for the administrative counties of the North Riding and the South Riding respectively :

(4) Where an administrative county is divided into ridings the Lord Lieutenant may, by order, divide the parliamentary county into a corresponding number of registration areas, and make any adaptations of this Act which may be necessary in consequence of the division, and the clerk of the crown and peace for any riding shall be registration officer for such of those areas as may be directed by the Lord Lieutenant :

(5) For the purposes of appeals from the regis-

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tration officer, and also for the purpose of the revision of jurors' lists, the powers and jurisdiction of the county court shall, unless and until the Lord Lieutenant otherwise direct, be exercised, as respects the parliamentary borough of Dublin, by the persons who are at the time of the passing of this Act Dublin revising barristers, and as respects the parliamentary county of Dublin by the person who is at the time of the passing of this Act revising barrister for that county; but while those powers are so exercised, the provisions of this Act as to county courts shall apply to those persons as they apply to county courts, with the necessary modifications, and in particular with the modification that assistant judges may be appointed to assist those persons if, in the opinion of the Lord Chancellor, such appointment is necessary in order to enable the appeals to be disposed of with proper dispatch:

- (6) The expenses of any printing required in connection with registration shall be treated as part of the expenses of the registration officer under this Act, notwithstanding that the printing is arranged for by the county council under section ninety-six of the Local Government (Ireland) Act, 1898:

- (7) The expression "assistant overseer" means

a town clerk, secretary of a county council, clerk of an urban district council, an existing clerk of the union, within the meaning of the Local Government (Ireland) Act, 1898, and a collector of poor rate : Sect. 44.

- (8) Notwithstanding the limit imposed in subsection (2) of section twenty-seven of the County Officers and Courts (Ireland) Act, 1877, the salaries of clerks of the crown and peace may be increased by orders made under that subsection to such extent as appears to the Lord Lieutenant and Council, with the concurrence of the Treasury, to be proper, having regard to the additional duties imposed on those officers by this Act: Provided that the liability of a clerk of the crown and peace to account for sums other than registration expenses received by him as registration officer shall not extend to any such increase of salary.
- (9) The provisions with respect to the division of constituency into polling districts and appointment of polling places shall have effect with the following modifications:—
- (a) A reference to the council by which the registration expenses of the registration officer for any constituency are to be paid shall be substituted for the reference to the council whose clerk the registration officer for any constituency

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is, or by whom the registration officer is appointed :

(b) The powers of a council under the said provisions shall be exercised in accordance with rules made by the Local Government Board, and any exercise of the powers shall be subject to confirmation by that Board who may confirm the proposed division, appointment or alteration either with or without modifications, or may withhold confirmation :

(c) The Board may cause a local inquiry to be held as respects any questions arising in connection with the said provisions, and article thirty-two of the schedule to the Local Government (Application of Enactments) Order, 1898, shall apply to any such inquiry :

(10) Part IV. of this Act, and the provisions with respect to an urban district which is coterminous with, or wholly contained in, a registration area, or with respect to the persons who are to be returning officers, or with respect to the discharge of returning officers' duties by an acting returning officer, or with respect to place of election, or with respect to the right to the use of elementary schools, shall not apply :

(11)—(a) The qualifying period shall be a period of six months ending on the

fifteenth day of July and including that day : Sect. 44.

Provided that one month shall be substituted for six months in the application of this provision to a person who is a naval or military voter or who has been serving as a member of the naval, military, or air forces of the Crown at any time during the said six months and has ceased so to serve ;

(b) One register of electors only shall be made in each year, and all provisions applicable to the autumn register shall apply as respects the yearly register (except that the yearly register shall remain in force until the fifteenth day of October in the next following year), and the provisions as to the preparation of two registers in each year and as to the spring register shall not apply :

- (12) The yearly value of premises shall be taken to be the rateable value where those premises are separately valued, and in any other case shall be deemed to be the amount which would, in the opinion of the registration officer, be the rateable value if they were separately valued :
- (13) A person shall not be entitled to be registered or vote for a parliamentary county constituency in respect of a qualification in a parliamentary borough constituency :
- (14) The following proviso shall be substituted

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for the proviso at the end of subsection (2) of section eight: "Nothing in this provision shall prevent a person voting at an election to fill a casual vacancy in a borough council in any ward for which he is registered."

Application
of Act to the
Isles of
Scilly.

45. The provisions of this Act shall apply to the Isles of Scilly as if those isles were an administrative county, and as if the council of those isles were a county council, and any expenses incurred by the council under this Act shall be paid as general expenses of the council.

Commence-
ment of Act
and first
register.

46.—(1) This Act shall come into operation on the passing thereof: Provided that nothing in this Act shall affect—

(a) any parliamentary register for the time being in force, or any parliamentary elections, or the constitution of the House of Commons, until Parliament is first dissolved or ceases to have continuance after the first register to be prepared under this Act comes into force: or

(b) any local government register for the time being in force, or any local government elections, until the first register to be prepared under this Act comes into force.

(2) Notwithstanding anything in this Act, the first register to be prepared under this Act shall come into force on, and remain in force until, such date as His Majesty may fix by Order in Council, and His Majesty may by any such Order alter, in

connection with the first register, any registration dates, including the dates governing the qualifying period, and direct that this Act shall have effect as so altered. Sect. 46.

(3) If any difficulty arises as to the preparation of the first register or the holding of the first elections after the commencement of this Act, the Local Government Board³ may by order do any matter or thing which appears to them necessary for the proper preparation of the register or the proper holding of the elections.

(4) This section shall apply to any new register to be prepared and to any elections held during the continuance of the present war⁴ and a period of twelve months thereafter, as it applies to the first register⁵ to be prepared under this Act and to the first elections⁶ held after the commencement of this Act, respectively.⁷

47.—(1) The enactments mentioned in the Eighth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.⁸ Repeal and short title.

(2) This Act may be cited as the Representation of the People Act, 1918.

³ The words "Secretary of State" must now be substituted for the words "Local Government Board." See Order in Council dated May 27th (S. R. O. 1921, No. 959), set out at pp. 433—441, *infra*.

⁴ By the Termination of the Present War (Definition) Act, 1918 (8 & 9 Geo. 5, c. 59), and an Order in Council (1921, No. 1,266), made thereunder, the date of the termination of the war was fixed at August 31, 1921.

⁵ See sect. 46 (2) and (3), above.

⁶ See sect. 46 (3), above.

⁷ As to dates in connection with the Spring Register, 1922, see pp. 409—410, *infra*.

⁸ See pp. 316—325, *infra*.

SCHEDULES.

Sched. I.

FIRST SCHEDULE.

REGISTRATION RULES.¹*Form of Register.*

1. The register shall be framed in separate parts for each registration unit in the registration area.

The registration unit shall be the parish where the parish is wholly contained in one voting area, and where a parish is contained in more than one voting area, shall be each part of the parish contained in a separate voting area; and for the purposes of this rule the expression "voting area" means any polling district, electoral division, borough, county district other than a borough, and any ward of a borough, county district, or parish, and any other area for which a separate election at which the register is to be used is held.

Separate part
of register
for each re-
gistration
unit.

2. The register shall, as respects each registration unit, contain the names of those who are entitled to vote as parliamentary electors and of those who are entitled to vote as local government electors, but shall be framed so as to show in separate divisions the names of those who are entitled to vote both as parliamentary and local government electors, the names of those who are entitled to vote as parliamentary electors but not as local government electors, and the names of those who are entitled to vote as local government electors but not as parliamentary electors.²

Separate
divisions for
parliamen-
tary and
local govern-
ment electors.

Where a person whose name is entered as a local government elector in any registration unit is not entitled to vote in respect of that entry at the local government elections for all the local government electoral areas which comprise that unit, the registration officer shall place a mark against his name, with a note to signify that the person against whose name the mark is placed

¹ See sect. 13, set out on pp. 108—109, and sect. 14 (1), p. 110, *supra*. It should be observed that important provisions as to registration, in addition to those contained in this Schedule, are made by the R. P. Order. Parts I., II., V., and VI., set out at pp. 363—367 and 373—375, *infra*, and that by Rule 39 of that Order (p. 373, *infra*), where any provisions of the Order are repugnant to or inconsistent with the Rules in the First Schedule, the former prevail.

² See Form of Register, R. P. Order, r. 1 and Sched. I., Form (11), pp. 363, 395, *infra*.

is not entitled to vote for the local government elections mentioned in the note, and any such note shall be deemed to be part of the register.

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3. The registration officer shall prepare and add as a supplement to the register a separate list⁴ for the whole registration area, or, where the area includes more than one constituency, for each constituency in the area, of persons entitled to vote as absent voters⁵ (in this Act referred to as the absent voters list) without, however, removing the names of those voters from any other part of the register. Every such list shall be made up according to polling districts.⁶

Absent voters list.

4. Where the registration unit is situated in a parliamentary borough, the names in the register shall be arranged in street order, unless the authority whose clerk the registration officer is or by whom he is appointed considers that, having regard to the general character of the area forming the registration unit, arrangement in street order is inapplicable; and where the registration unit is situated in a parliamentary county, the names in the register shall be arranged in alphabetical order, unless the said authority considers that, having regard to the general character of the area forming the registration unit, arrangement in street order is possible and convenient.

Register to be made up in street or alphabetical order.

5. The registers for the registration units making up any constituency, so far as they relate to parliamentary electors, shall together form the register of parliamentary electors for that constituency, and the registers of the registration units making up any local government electoral area, so far as they relate to local government electors, shall together form the register of local government electors for that area.

Effect of register.

Duty of Registration Officer to prepare and publish Lists.

6. It shall be the duty of the registration officer to cause a house to house or other sufficient inquiry to be made, and to prepare or cause to be prepared lists⁷ (in this Act referred to as electors lists) for each registration unit within his registration area of all persons

Duty of registration officer to prepare electors' lists.

⁴ For arrangement of names in and form of absent voters list, see R. P. Order, r. 6, p. 364, *infra*, and Sched. I., Form (XII.), p. 396, *infra*.

⁵ See rr. 16, 17, pp. 277—278, *infra*. See also sect. 23, pp. 137—139, and pp. 140—141, *supra*.

⁶ See sect. 31, pp. 174—175, *supra*.

⁷ See R. P. Order, r. 2, pp. 363—364, *infra*.

Sched. I.

appearing to be entitled to be registered⁸ as parliamentary or local government electors in the spring and autumn register respectively, and to publish⁹ those lists in the form¹⁰ in which the register is to be framed, as respects the lists for the spring register on or before the first day of February,¹¹ and as respects the lists for the autumn register on or before the first day of August.

The registration officer shall at the same time publish⁹ a notice specifying the mode in which, and the time within which, claims and objections are to be made under these rules.

Duty of overseers to prepare electors lists and furnish information if required.

7. The registration officer, where he does not himself perform the duties of overseers, may require the overseers of any parish which, or any part of which, forms a registration unit¹² within his registration area to make the necessary inquiries and to prepare the electors lists for that unit and publish¹ the lists in the unit on his behalf, and it shall be the duty of the overseers to furnish lists as so required, and also at any time, if required by the registration officer, to furnish that officer with information respecting any persons resident or occupying land or premises in their parish, or the removal of any person from the parish.

Any reasonable expenses incurred by the overseers in performing any duties required of them in pursuance of this rule (including reasonable remuneration where the duties are performed by an assistant overseer or other paid officer) shall be paid by the registration officer as part of his registration expenses.² In this rule the expression "overseers" includes any person for the time being executing any of the duties of overseers.

Corrupt and illegal practices list.

8. The registration officer shall publish,¹ together with the electors lists, the corrupt and illegal practices list (if any) made by him under section thirty-nine of the Corrupt and Illegal Practices Prevention Act, 1883,³ or made by or sent to him under

⁸ See sect. 13, pp. 108—109, *supra*, also sects. 1, 3, 4 and 5.

⁹ See rule 31, p. 283, *infra*.

¹⁰ As to the form of electors lists, see R. P. Order, r. 2, pp. 363—364, *infra*, and Sched. I., Form (XI.), p. 395, *infra*.

¹¹ See R. P. Order, Sched. X., Part I., p. 409, *infra*.

¹² See r. 1, p. 272, *supra*.

¹ See r. 31, p. 283, *infra*.

² See sect. 15, pp. 113—115, *supra*, and scale of registration expenses set out at pp. 442—444, *infra*.

³ Set out at pp. 543—544, *infra*.

section twenty-four of the Municipal Elections (Corrupt and Illegal Practices) Act, 1884.⁴ Sched. I.

Claims to be Registered.

9. Any person who claims to be entitled to be registered as a parliamentary or local government elector, and who is not entered, or who is entered in an incorrect place or manner or with incorrect particulars on the electors lists, may claim to be registered, or to be registered correctly, by sending⁵ to the registration officer a claim in the prescribed form⁶ not later than the eighteenth day of February⁷ where the claim is for the spring register, and the eighteenth day of August where the claim is for the autumn register. Claim to be sent to registration officer.

10. The form of claim for a person making a claim on his own behalf⁸ shall contain a declaration of the qualification of the claimant to be registered, including a declaration that the claimant has attained the required age, and is a British subject, and of the character in which the claimant desires to be registered, that is to say, either as a parliamentary elector, or as a local government elector, or as a local government elector who is not entitled to vote for all local government elections, and where the claimant claims in respect of a non-residential qualification a declaration of residence or, in case such person has no settled residence, an address to which communications may be sent. A note shall also be added to the form warning the claimant that any false declaration for the purpose of this provision will involve a penalty. Form of claim.

Where a claim is made on behalf of a claimant by another person,⁹ the registration officer shall not enter the name of the claimant on the register, unless the matters required to be stated in the declaration under the foregoing provision are proved to his satisfaction.

11. It shall be the duty of the registration officer to publish¹⁰ the lists of claimants, as respects the lists for the spring register Publication of lists of claimants.

⁴ Set out at pp. 578—579, *infra*.

⁵ See r. 34, p. 283, *infra*.

⁶ For forms, see R. P. Order, r. 1, p. 363, *infra*, and Sched. I., heading II., Nos. (1) to (9), pp. 379—386, *infra*.

⁷ See R. P. Order, Sched. X., Part I., p. 409, *infra*.

⁸ See R. P. Order, Sched. I., heading II., Nos. (1) to (6), pp. 379—384, *infra*.

⁹ *Ibid.*, Nos. (7) and (8), p. 385, *infra*.

¹⁰ See r. 31, p. 283, *infra*.

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Objections.

Notice of objections.

12. Any person whose name appears on the electors lists¹⁰ for a constituency or local government electoral area may object to the registration of any person whose name is included in the electors lists for the constituency or the local government electoral area, as the case may be, by sending notice of objection in the prescribed form¹¹ to the registration officer not later than the fifteenth day of February⁹ in the case of the spring register and the fifteenth day of August in the case of the autumn register, and may object to the registration of any person whose name is included in the list of claimants by sending¹² notice of objection in the prescribed form¹¹ to the registration officer not later than the seventh day of March⁹ in the case of the spring register and the fourth day of September in the case of the autumn register.

Notice to persons affected by objection.

13. The registration officer shall, as soon as practicable after receiving any notice of objection, send¹³ a copy of the notice to the person in respect of whose registration the notice of objection is given.

Publication of objections to lists.

14. It shall be the duty of the registration officer to publish¹ a list of the names of persons to whose registration notice of objection has been given not later than the twenty-first day of February⁹ in the case of the spring register and not later than the twenty-first day of August in the case of the autumn register.

Publication of objections to claims.

15. It shall be the duty of the registration officer to publish¹ a list of the names of persons included in the list of claimants to whose registration notice of objection has been given as soon as practicable after the seventh day of March⁹ in the case of the

⁹ See R. P. Order, Sched. X., Part I., p. 409, *infra*.

¹⁰ As to the meaning to be given to these words, see R. P. Order, r. 2 (second proviso), pp. 363—364, *infra*.

¹¹ For forms, see R. P. Order, r. 1, p. 363, *infra*, and Sched. 1., heading IV., pp. 387—388, *infra*.

¹² See r. 34, p. 283, *infra*.

¹³ The registration officer need not send a copy of the notice of objection where the person whose registration is objected to is a naval or military voter. See R. P. Order, r. 12, p. 366, *infra*.

¹ See r. 31, p. 283, *infra*.

spring register and the fourth day of September in the case of the autumn register.

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Absent Voters List.

16. Any person entitled to be registered as a parliamentary elector¹ may, not later than the eighteenth day of February² where the claim is for the spring register, and the eighteenth day of August where the claim is for the autumn register, claim³ to be placed on the absent voters list;⁴ and the registration officer, if satisfied that there is a probability that the claimant, by reason of the nature of his occupation, service, or employment, may be debarred from voting at a poll at parliamentary elections held during the time the register is in force, shall place the claimant (if registered) on the absent voters list.

Absent voters list.

17. It shall be the duty of the registration officer, without any claim being made for the purpose, to place on the absent voters list⁴ any naval or military voter,⁵ unless—

Obligation to place naval and military voter on absent voters list without claim.

- (a) that person, not later than the eighteenth day of February² as respects the spring register, and the eighteenth day of August as respects the autumn register, gives notice⁶ to the registration officer that he does not desire to be placed upon that list; or
- (b) that person is registered, in pursuance of a claim⁷ for the purpose, for the constituency in which he has an actual residence qualification.

¹ See sect. 1, pp. 1—3, and sect. 4 (1), p. 52, *supra*.

² See R. P. Order, Sched. X., Part I., 409, *infra*.

³ For form of claim, see R. P. Order, r. 1, p. 363, *infra*, and Sched. I., heading VI., p. 392, *infra*. As to the cases where statements relating to naval and military voters are to be treated as claims, see R. P. Order, r. 10, pp. 365—366, *infra*. See also R. P. Order, r. 11 (2), p. 366, *infra*.

⁴ For order of names in and form of absent voters list, see R. P. Order, r. 6, p. 364, *infra*, and Sched. I., heading XII., p. 396, *infra*.

⁵ See sect. 5, pp. 63—65, *supra*. As to the case where it is the duty of the registration officer to place on the absent voters list the name of a merchant seaman or fisherman not being a naval or military voter, without a claim being made, see R. P. Order, r. 9, p. 365, *infra*.

⁶ No form of notice is prescribed.

⁷ See sect. 5 (1), p. 63, *supra*. For form of claim, see R. P. Order, r. 1, p. 363, *infra*, and Sched. I., heading III., p. 386, *infra*. As to the case where a merchant seaman, pilot or fisherman who is a naval or military voter is to be placed on the absent voters list notwithstanding his having an actual residence qualification claim, see R. P. Order, r. 11 (1), p. 366, *infra*.

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(c) *that person is serving for a temporary period during an emergency, or for purposes of annual training either in His Majesty's naval, army or air-force reserves, or in the territorial force.*⁸

Information to registration officers by departments.

18. The Admiralty, the Army Council, and the Air Council, either directly or through officers appointed by them, shall in the prescribed manner furnish to the registration officers in the several constituencies such information⁹ as to the names and addresses¹⁰ of Naval and Military voters and such other particulars as may be necessary for the purpose of their registration and of their voting as such, and it shall be the duty of the Local Government Board¹¹ to render any assistance that may be required by the Admiralty, the Army Council, and the Air Council in conveying such information to the registration officers:

Provided that the Admiralty, Army Council, and Air Council shall not be required to supply any particulars which in their declared opinion would interfere with the proper conduct of the war.

Record of addresses to be kept.

19. The registration officer shall keep a record of any address¹² which may be furnished to him by any person placed on the absent voters list, or by the Admiralty, Army Council, Air Council or Board of Trade, as the address which is to be for the time being the address of the voter for the purpose of the provisions relating to voting by absent voters¹ and, as soon as practicable, shall cause instructions² to be sent to the voter as to the mode of voting under those provisions:

⁸ Inserted by R. P. Order, r. 13b, p. 367, *infra*.

⁹ As to the course to be adopted by the registration officer when he receives the information too late to include the naval or military voter in the electors lists, see R. P. Order, r. 10, pp. 365—366, *infra*.

¹⁰ As to the cases where notification of such addresses may be disregarded, see R. P. Order, r. 7, p. 365, *infra*.

¹¹ The words "Secretary of State" must now be substituted for the words "Local Government Board." See Order in Council dated May 27, 1921 (S. R. O. 1921, No. 959), set out at pp. 439—441, *infra*.

¹² As to the cases where an address may be disregarded, see R. P. Order, r. 7, p. 365, *infra*, and as to the cases where the registration officer is to record an address other than the one furnished to him, see R. P. Order, r. 8 (a) and (b), p. 365, *infra*.

¹ See sect. 23 (1), pp. 137—138, *supra*.

² See R. P. Order, r. 15 (2), p. 367, *infra*, and Sched. IV., Form No. (1), p. 403, *infra*.

Provided that in the case of an absent voter serving in His Majesty's Forces, other than an officer in the Army or Air Force, any address furnished by the voter or by the Admiralty, Army Council or Air Council more than thirty days before the nomination³ of candidates at an election shall not be deemed to be the recorded address of the absent voter.⁴ Sched. I.

The record of addresses shall be open to inspection under the same conditions⁵ that govern the register.

Preparation of the Register from the Lists.

20. The registration officer shall, as soon as practicable, consider all objections of which notice has been given to him in accordance with these rules,⁶ and for that purpose shall give at least five clear days' notice⁷ to the objector and to the person in respect of whose registration the notice of objection has been given, of the time and place at which the objection will be considered by him. Consideration of objections.

21. The registration officer shall also consider all claims of which notice is given to him in accordance with these rules,⁸ and in respect of which no notice of objection is given, and, if he considers that the claim may be allowed without further inquiry, shall give notice⁷ to the claimant that his claim is allowed. Consideration of claims.

If the registration officer is not satisfied that any such claim can be allowed without inquiry, he shall give at least five clear days' notice⁷ to the claimant of the time and place at which the claim will be considered by him.

22. If on the consideration of any claim or objection it appears to the registration officer that the claimant, or person in respect of whose name objection is taken, is not entitled to be entered on the register in the character in which he claims to be registered, or in which he is entered on the list, but is entitled to be entered on the register in another character or in another place on the Supplemental powers on consideration of claims and objections.

³ See pp. 141—142, *supra*.

⁴ This proviso is introduced by R. P. Order, r. 13, p. 366, *infra*.

⁵ See r. 27, pp. 281—282, *infra*.

⁶ See rr. 12—15, p. 276, *supra*.

⁷ The registration officer need not give this notice where the objector is a naval or military voter. See R. P. Order, r. 12, p. 366, *infra*.

⁸ See rr. 9—11, p. 275, *supra*.

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register, the registration officer may decide that the name of that person shall be so entered on the register.

Correction of lists.

23. The registration officer shall make such additions and corrections in the electors lists (including the absent voters list) as are required in order to carry out his decisions on any objections or claims, and shall also make any such corrections in those lists by way of the removal of duplicate entries (subject to any expression of choice by the person affected as to those entries), the expunging of the names of persons who are dead or subject to any legal incapacity,¹⁰ or the placing of marks¹¹ or the correction of marks placed against the name of an elector, or otherwise as he thinks necessary in order to secure that no person is registered as a parliamentary elector in respect of more than one qualification in the same constituency, or as a local government elector in respect of more than one qualification—

(a) in the same borough for the purpose of borough council elections; or

(b) in the same electoral division or ward for the purpose of county council, metropolitan borough council, and urban district council elections; or

(c) in the same parish or ward of a parish for the purpose of rural district council, guardians, or parish elections;

and otherwise to make those lists complete and accurate as a register.¹²

The registration officer shall expunge the name of any naval or military voter who has, under sub-section (1) of section five¹³ of this Act, taken steps to prevent his being registered in the constituency so as to enable him to be registered in respect of an actual residence qualification in another constituency.¹

Voting in different polling districts.

24. Any person whose name shall appear in the list of parliamentary voters of any registration unit in any county constituency or district of boroughs, and who resides outside the polling district² in which he is entitled to be registered, shall be at liberty to

¹⁰ See pp. 4—7, 35—36, 55—56, *supra*.

¹¹ See r. 2, pp. 272—273, *supra*.

¹² As to certain corrections required to be made even after publication of the register, see R. P. Order, r. 8 (c), p. 365, *infra*, and rr. 11 (2) and 8 (b), pp. 366 and 365, *infra*.

¹³ Set out at p. 63, *supra*.

¹ Added by R. P. Order, r. 13 (a), p. 366, *infra*.

² See sect. 31, pp. 174—176, *supra*.

make his claim³ before the registration officer to vote at any other polling place within the same constituency.⁴

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Any such person shall be admitted to vote at such polling place accordingly.

25. Where the registration officer makes any correction in the lists (including the absent voters list) otherwise than in pursuance of a claim or objection, or for the purposes of correcting a clerical error, he shall give notice⁵ to the person affected by the correction, and give that person an opportunity of objecting to the correction, and, if necessary, of being heard with respect thereto.

Objections to
corrections.

26. The registration officer shall make all the necessary corrections of the lists (including the absent voters list) and do everything necessary to form those lists into a register (with a separate letter and a separate series of numbers for each polling district⁶) in time to allow the publication of the lists so corrected as a register⁷ as required by these rules.⁸

Formation of
lists into
register.

Duty to publish and deliver Copies of the Register.

27. It shall be the duty of the registration officer to publish the spring register not later than the fifteenth day of April, and the autumn register not later than the fifteenth day of October in each year, by publishing⁹ a notice that a copy of the register is open to inspection at his office, and that copies of the part of the register relating to any registration unit are open to inspection during business hours in the registration unit at the place mentioned in the notice.

Publication of
register.

It shall be the duty of the registration officer to keep copies of the register for inspection in his office, and also to arrange for

³ For form of claim, see R. P. Order, r. 1, p. 363, *infra*, and Sched. I., heading IX., p. 394, *infra*.

⁴ See R. P. Order, r. 4, p. 364, *infra*, as to the list to be made of the persons here referred to.

⁵ For form of notice and power of registration officer in the absence of prompt objection, see R. P. Order, r. 3, p. 364, *infra*, and Sched. I., heading VIII., pp. 393—394, *infra*.

⁶ See Form of Register, p. 395, *infra*.

⁷ As to certain corrections required to be made even after publication of the register, see R. P. Order, r. 8 (c), p. 365, *infra*, and rr. 11 (2) and 8 (b), pp. 366 and 365, *infra*.

⁸ See r. 27.

⁹ See r. 31, p. 283, *infra*.

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copies of the part of the register relating to any registration unit being kept for inspection in that unit either in the principal post office (if the Postmaster General gives authority for the purpose) or at some other convenient place⁹ to which the public have access to be arranged by him.

It shall be the duty of the registration officer to transmit a copy of the register, as soon as may be after it is published, to the Local Government Board.¹⁰

Delivery of
copies of the
register.

28. It shall be the duty of the registration officer, on the application of any person during business hours and on payment of the prescribed fee,¹¹ to furnish copies to the applicant of the register or of so much of the register as relates to any registration unit.

Appeals from Registration Officer.

Notice of
appeal from
registration
officer.

29. A person desiring to appeal against the decision of a registration officer must give notice of appeal in the prescribed form¹² to the registration officer and to the opposite party, if any, when the decision is given or within five days thereafter, specifying the grounds of appeal.

The registration officer shall forward any such notices to the county court in manner directed by rules of court¹ together, in each case, with a statement of the material facts which, in his opinion, have been established in the case, and of his decision upon the whole case and on any point which may be specified as a ground of appeal, and shall also furnish to the court any further information which the court may require and which he is able to furnish.

Appeals
relating to
the same
point.

30. Where it appears to the registration officer that any notices of appeal given to him are based on similar grounds, he shall inform² the county court of the fact for the purpose of enabling the county court (if the court thinks fit) to consolidate the appeals, or select a case as a test case.

⁹ As to cases where there is no post office or other convenient place in the registration unit, see R. P. Order, r. 5, p. 364, *infra*.

¹⁰ "Secretary of State" (*i.e.*, the Home Secretary) must be substituted for "Local Government Board." See O. in C. dated May 27, 1921, clause 2 (2), p. 439, *infra*.

¹¹ See R. P. Order, r. 36, p. 373, *infra*, and Sched. VII., p. 408, *infra*.

¹² See R. P. Order, r. 1, p. 363, *infra*, and Sched. I., heading VII., p. 393, *infra*.

¹ See rule 4, p. 463, *infra*.

² See rule 5, p. 464, *infra*.

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31. Where the registration officer by these rules is required to publish any document, and no specific provision is made as to the mode of publication, he shall publish the document by making copies of the document available for inspection by the public in his office, and in the chief post office (if the Postmaster General gives authority for the purpose), or some other convenient place² in the area forming the registration unit to which the document relates and, if he thinks fit, in any other manner which is, in his opinion, desirable for the purpose of bringing the contents of the document to the notice of those interested.

Publication of documents.

Any document required to be published shall be kept published for the prescribed time.³

Any failure to publish a document in accordance with these rules shall not invalidate the document, but this provision shall not relieve the registration officer from any penalty⁴ for such a failure.

If any person without lawful authority destroys, mutilates, defaces or removes any notice published by the registration officer in connection with his registration duties, or any copies of a document which have been made available for inspection in pursuance of these rules, he shall be liable on summary conviction to a fine not exceeding five pounds.

32. The registration officer shall, without fee, on the application of any person, supply forms of claims and notices of objections.

Duty of registration officer to supply forms.

33. The registration officer shall, on the application of any person, allow that person to inspect, and take extracts from, or on payment of the prescribed fee,⁵ supply to that person copies of, the electors lists for any registration unit in his area and any claim or notice of objection made under these rules.

Supply of copies of claims, objections, &c.

34. Any claim or notice of objection which is under these rules to be sent to the registration officer may be sent to him by post addressed to him at his office.

Mode of sending notices, &c.

Any notice which is required to be sent by the registration officer under these rules to any person shall be sufficiently sent if

² As to cases where there is no post office or other convenient place in the registration unit, see R. P. Order, r. 5, p. 364, *infra*.

³ See R. P. Order, r. 47, p. 375, and Sched. X., Part II., p. 410, *infra*.

⁴ See sect. 13 (1), p. 108, *supra*.

⁵ See R. P. Order, r. 36, p. 373, *infra*, and Sched. VII., p. 408, *infra*.

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sent by post to the address of that person as given by him for the purpose, or as appearing on the lists, or if there is no such address, to his last known place of abode.

Information from householders.

35. The registration officer may require any householder or any person owning or occupying any land or premises within his area, or the agent or factor of such person, to give, in the prescribed form,⁶ any information in his possession which the registration officer may require for the purpose of his duties as registration officer; and if any person fails to give the required information, or gives false information, he shall be liable, on summary conviction, to a fine not exceeding twenty pounds. Any notice requiring information under this rule may be sent by post.

Access to national register.

36. The registration officer shall, subject to such directions as the Local Government Board may give, have access to the national register compiled under the National Registration Act, 1915.

Declaration as to age and nationality.

37. The registration officer, before registering any person as an elector, may, if he thinks it necessary—

- (a) require that person either to produce a certificate of birth or, if that is not practicable or convenient, to make a statutory declaration that such person has attained the required age, and
- (b) require that person to produce a certificate of naturalisation or to make a statutory declaration that he is a British subject.

Where a declaration is so required, any fee payable in connection therewith shall be paid by the registration officer as part of his registration expenses,⁷ and the declaration shall be exempt from stamp duty.

The registration officer shall during business hours allow any person to inspect and take a copy of any such declaration.

Power to obtain a certificate of birth at reduced fee.

38. Where for the purpose of the provisions of this Act any person requires a certificate of birth, that person shall on presenting a written requisition in the prescribed form⁸ and containing the prescribed particulars,⁹ and on payment of a fee of

⁶ See R. P. Order, r. 1, p. 363, *infra*, and Sched. I., heading I., pp. 375—379, *infra*.

⁷ See sect. 15, pp. 113—115, *supra*.

⁹ See R. P. Order, r. 1, p. 363, *infra*, and Sched. I., heading X., p. 394, *infra*.

sixpence, be entitled to obtain a certified copy of any entry of the birth of that person in the birth register under the hand of the registrar or the superintendent registrar having the custody thereof, and forms of requisition for the purpose shall on application be supplied without charge by every registrar of births and deaths and by every superintendent registrar. Sched. I.

39. On the consideration of any claim or objection or other matter by the registration officer, any person appearing to the registration officer to be interested may appear and be heard either in person or by any other person, other than counsel, on his behalf. Hearing of claims and objections.

40. The registration officer may at the request of any person interested, or if he thinks fit without such request, on the consideration of any claim or objection or other matter require that the evidence tendered by any person should be given on oath and may administer an oath for the purpose. Power to require evidence on oath.

41. No misnomer or inaccurate description of any person or place on any list or on the register or in any notice shall prejudice the operation of this Act or these rules as respects that person or place, provided that the person or place is so designated as to be commonly understood. Provisions as to misnomer or inaccurate description.

42. In reckoning time for the purpose of these rules, Sunday, Christmas Day, Good Friday, and any bank holiday or day set apart as a public holiday, or day of public fast, or public thanksgiving shall be excluded:⁹ and where anything is required by these rules to be done on any day falls to be done on any such day, that thing may be done on the next day not being one of any such days. Reckoning of time.

Application of Rules to Scotland and Ireland.

43. These rules shall apply to Scotland¹⁰ subject to the following modifications, namely:— Application to Scotland.

The Secretary for Scotland shall be substituted for the Local Government Board:

The provision for the transmission of a copy of the register to the Local Government Board shall not apply:

Rule 2 shall apply as if after the words "in separate divisions" there were inserted the words "or otherwise to distinguish:"

For the reference to section twenty-four of the Municipal Elec-

⁸ Cf. Ballot Act, First Schedule, r. 56, p. 510, *infra*.

¹⁰ For forms applicable to Scotland, see R. P. Order, r. 1 (2) and (3), p. 363, *infra*, and Sched. II., pp. 396—402, *infra*.

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Application
to Ireland.

tions (Corrupt and Illegal Practices) Act, 1884, there shall be substituted a reference to section twenty-nine of the Elections (Scotland) (Corrupt and Illegal Practices) Act, 1890.

44. These rules shall apply to Ireland¹ subject to the following modifications, namely:—

(1) References to the Local Government Board shall be construed as references to the Local Government Board for Ireland.

(2) The district electoral division as constituted under the Local Government (Ireland) Act, 1898, shall be the registration unit; but—

(a) where a district electoral division is divided into wards, each such ward shall be treated as a separate registration unit; and

(b) where a district electoral division is situate partly in one parliamentary polling district, partly in another, or partly within and partly without any town (within the meaning of the Local Government (Ireland) Act, 1898), or ward of a borough or town, each part shall be treated as a separate registration unit;

and references to parishes or parts of parishes shall not apply.

(3) References to the autumn register shall be construed as references to the yearly register, and references to the spring register shall not apply.

(4) The expression "overseers" includes town clerks, secretaries of county councils, clerks of urban district councils, existing clerks of the union within the meaning of the Local Government (Ireland) Act, 1898, and collectors of poor rate.

(5) The power of the registration officer in certain cases to require the overseers to perform duties in connection with registration under this Act shall be construed in all cases as an obligation upon him to require each person holding the office of overseer to perform duties analogous to the duties which, but for the passing of this Act, would have been performed by that person by virtue of his office under the enactments relative to registration in force at

At the time of going to press, it is impossible to make any useful comments as to the application of the Act to Ireland.

the commencement of this Act, and it shall be the duty of every such person to comply with those requirements. Sched. I.

In order to give full effect to the foregoing provision the clerk of the crown and peace for a county borough shall, as respects any parliamentary borough for which he is registration officer, appoint the town clerk of the county borough to act as his deputy for the purposes of Rules 9 to 15 and for the purpose of publishing the lists and notices to be published under Rules 6 and 8 of this Schedule if the town clerk so desires, and any town clerk so appointed shall, for the purposes aforesaid, have the like powers and duties and be subject to the like liabilities as if he were registration officer.

Any question which may arise as to what duties are analogous duties within the meaning of the provision aforesaid shall be determined by the Local Government Board, whose determination shall be final.

- (6) The overseers shall be entitled to payment for services performed and expenses incurred by them in the execution of any duties under these rules. The payments shall be made at such times as may be fixed by order of the Local Government Board for Ireland under this Schedule, and any sum payable to an overseer under this provision shall be treated for the purposes of this Act as part of the registration expenses of the registration officer on whose requisition the services were performed or the expenses were incurred.

This provision shall apply to any superintendent registrar of births and deaths or clerk of the union who is not an existing clerk of the union, so far as respects lists or information supplied by him on the requisition of the registration officer in connection with deaths in like manner as it applies to overseers.

- (7) The reference to the authority whose officer the registration officer is, or by whom he is appointed, shall be construed as a reference to the county borough council in the case of registration units in a county borough, and as a reference to the county council in the case of registration units in an administrative county, and the register for any registration unit in an administrative county shall be arranged alphabetically in townland order if the

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county council consider that such arrangement is more convenient than arrangement in alphabetical order of names or in street order.

- (8) Rule 2 of this Schedule shall be construed as if the words "or otherwise to distinguish" were inserted after the words "in separate divisions," and as if the direction as to placing marks against the names of local government electors were omitted.
- (9) For the direction to the registration officer in Rule 23 of this schedule to secure that no person is registered as a local government elector in respect of more than one qualification in the areas and for the purposes therein specified, there shall be substituted a direction to secure that no person is registered as a local government elector in respect of more than one qualification in the same district electoral division or ward.
- (10) *An objection under Rule 12 shall not be entertained unless, within the time limited for sending the notice of objection, a copy of the notice of objection sent to the registration officer is sent by the person objecting to the person in respect of whose registration the notice of objection is given. A copy of the notice may be sent by prepaid and registered post to the address of the person objected to as appearing on the lists or to his last known place of abode.*

*Rule 13 shall not apply.*¹²

Sched. II.

SECOND SCHEDULE.

Section 21 (1).

PART I.¹

MODIFICATIONS OF THE BALLOT ACT, 1872 (FIRST SCHEDULE).

The following provisions shall be inserted in the First Schedule to the Ballot Act, 1872, after Rules 2 and 14 respectively,² that is to say:—

"2A. In an election of members to serve in a new Parliament

¹² This rule is inserted by virtue of the R. P. Order, r. 40, p. 573, *infra*.

¹ See sect. 21 (1), set out on p. 128, *supra*.

² For rr. 2 and 14, see pp. 502 and 504 respectively.

of the United Kingdom the day fixed by the returning officer for the election shall in all cases be the eighth day after the date of His Majesty's gracious Proclamation declaring the calling of the Parliament." Sched. II.

"14A. In an election of members to serve in a new Parliament of the United Kingdom, the day appointed by the returning officer for the poll shall in all cases be the ninth day after the day fixed for the election."

PART II.³

Section 22 (2).

Questions.

1. In the case of a man voting in respect of a residence qualification—

Have you already voted at this general election in respect of a residence qualification?

2. In the case of a man voting in respect of a qualification other than a residence qualification—

Have you already voted at this general election in respect of a qualification other than a residence qualification?

3. In the case of a woman voting at an election other than a university election—

Have you already voted at this general election?

[NOTE.—Unless the answer to the question is in the negative the woman shall not vote unless she satisfies the presiding officer that her previous vote was given at a university election.]

*Declarations at University Election.*⁴

(*Applicable only at a General Election.*)

(*In the case of a man*)—"I have not voted at this general election in respect of any qualification other than a residence qualification."

(*In the case of a woman*)—"I have not voted at this general election for any other university constituency."

³ See sect. 22 (2), set out on p. 131, *supra*, and see also pp. 133–137, *supra*.

⁴ See p. 137, *supra*. See also pp. 300–301, 309–312, *infra*.

Sched. III.

THIRD SCHEDULE.

Section
23 (4).

PROVISIONS AS TO VOTING BY PROXY.⁵

1. A proxy must be appointed by means of a proxy paper issued to the elector, or to some person on behalf of the elector, or to the person appointed as proxy, by the registration officer of the constituency in which the elector is registered, on an application made or authorised by the elector in accordance with regulations⁶ under this Act.

2. After a proxy paper for any constituency has been issued in accordance with this Act, the elector shall, unless the proxy paper is cancelled⁷ in accordance with this Act,—

- (a) be entitled to vote by proxy in that constituency; and
- (b) be prohibited from voting otherwise than by proxy in that constituency;

until the time for which the proxy paper is in force has expired.

3. It shall be the duty of the registration officer, on any application for a proxy paper, to issue a proxy paper to the applicant, or to some person on his behalf, or to the person appointed as proxy, if he is satisfied that the applicant is registered on the parliamentary register of electors for the constituency in respect of which the application is made, and is, at the time of the application, entitled to appoint a proxy.⁸

4. *A proxy paper, unless cancelled, shall remain in force so long as the elector continues to be registered in respect of the same qualification, and to be on the absent voters list.*⁹

5. A person shall not be appointed as proxy under this Act, unless the person appointed is the wife, husband, parent, brother, or sister of the elector, or is registered as a parliamentary elector

⁵ See sect. 23 (4), set out on pp. 138—139, *supra*.

⁶ For these regulations, see R. P. Order, rr. 26—29, p. 371, *infra*.

⁷ See r. 13, p. 292, *infra*.

⁸ See sect. 23 (4), pp. 138—139, *supra*.

⁹ The above paragraph was substituted for that originally enacted, by the Representation of the People (No. 2) Act, 1920, s. 2 (2), set out at p. 356, *infra*.

for the constituency or one of the constituencies in which the elector is registered: Sched. III.

Provided that the brother or sister shall not be capable of being appointed proxy unless of full age.

6. An elector shall not appoint more than one person as proxy to vote on his behalf in the same constituency, and in any case not more than two persons.

7. A person shall not vote as proxy on behalf of more than two absent voters at an election in any constituency, unless that person is voting as the husband or wife, or the parent, brother, or sister of the absent voter.

8. A registration officer shall keep a list of absent voters entitled to vote by proxy in any constituency within his area, and of the persons entitled to vote as proxies, and that list shall be open to inspection during business hours at some convenient place named by the registration officer in the constituency.

A registration officer shall, on the application of any person, allow that person to take extracts from, or, on payment of the prescribed fee,¹⁰ supply to that person copies of the list.

9. The Ballot Act, 1872,¹¹ and any other Act regulating the holding of parliamentary elections,¹² including any provisions imposing penalties in connection with voting at those elections, shall apply to persons voting as proxies in pursuance of this Act as they apply to voters, however described in those Acts, with such modifications as may be prescribed¹ for the purpose of adapting the provisions of those Acts to voting by proxy; and any provisions of those Acts imposing penalties for offences in connection with ballot papers or the official mark on a ballot paper may be applied by the regulations² to proxy papers and any official mark on a proxy paper.

10. If any person—

(a) who is for the time being entitled to vote by proxy³ in

¹⁰ For this fee, see R. P. Order, r. 36, p. 373, and Sched. VII., p. 408, *infra*.

¹¹ Set out at pp. 492—517, *infra*.

¹² This would include the Corrupt and Illegal Practices (Prevention) Acts, 1883 and 1895, and the present Act.

¹ See R. P. Order, r. 34, and Sched. VI., pp. 372 and 407, *infra*.

² See *ibid.*, r. 35, p. 372, *infra*.

³ See sect. 23 (4), set out on pp. 138—139, *supra*.

Sched. III.

a constituency under this Act, himself votes or attempts to vote at any parliamentary election in that constituency otherwise than by means of the proxy paper, while the proxy paper is in force; or

- (b) votes or attempts to vote as proxy on behalf of more than two absent voters at an election in any constituency unless that person is voting as the husband or wife, or the parent, brother, or sister of the absent voter; or
- (c) votes or attempts to vote at any election under the authority of a proxy paper when he knows or has reasonable grounds for supposing that the proxy paper has been cancelled, or that the elector to whom or on whose behalf the proxy paper has been issued is dead or no longer entitled to vote at that election:

that person shall be guilty of an illegal practice⁶ within the meaning of the Corrupt and Illegal Practices Prevention Act, 1883, and the expression "illegal practice" shall be construed accordingly: Provided that the court before whom a person is convicted under this provision may, if they think it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by section ten of the Corrupt and Illegal Practices Prevention Act, 1883.⁷

11. A ballot paper shall not be delivered to a person who claims to vote as proxy for the purpose of so voting unless he produces the proxy paper to the presiding officer at the polling station, and such questions may be asked of any person at a parliamentary election who claims to vote as proxy for any elector (in addition to those already authorised to be asked⁸) as may be prescribed.⁹

12. Stamp duty shall not be chargeable on any proxy paper under this Act.

13. A proxy paper may be cancelled by an elector by giving notice to the registration officer in the prescribed form.¹⁰

⁶ See pp. 239—240, *supra*.

⁷ *Ibid.*

⁸ See pp. 133—134, *supra*.

⁹ For these questions and the corresponding oath, see R. P. Order, rr. 32, 33, p. 372, *infra*.

¹⁰ See R. P. Order, r. 30, p. 371, *infra*, and Sched. V., No. III., p. 406, *infra*; also r. 31, pp. 371—372, *infra*.

14. A notice cancelling a proxy paper shall not take effect as respects any election unless it is received by the registration officer before the day of nomination.¹¹ Sched. III.

15. In the application of this schedule to Scotland the expression "the registration officer of the constituency in which the elector is registered" means "the registration officer of the registration area in which the elector is registered."

FOURTH SCHEDULE.

Sched. IV.

PROVISIONS TO BE SUBSTITUTED FOR PART IV. OF THE FIRST SCHEDULE TO 46 & 47 VICT. C. 51, AND FOR PARAGRAPH (3) OF PART V. OF THE SAME SCHEDULE.¹²

Section 33 (1).

Maximum Scale.

The expenses mentioned above in Parts I., II., and III. of this schedule, other than personal expenses and the fee, if any, paid to the election agent (not exceeding in the case of a county election seventy-five pounds and of a borough election fifty pounds, without reckoning for the purposes of that limit any part of the fee which may have been included in the expenses first above mentioned) shall not exceed an amount equal—

in the case of a county election to sevenpence for each elector on the register;

in the case of an election for a borough to fivepence for each elector on the register.

Where there are two or more joint candidates at an election, the maximum amount of expenses mentioned in Parts III. and IV. of this schedule shall, for each of the joint candidates, be the amount produced by multiplying a single candidate's maximum by one-and-a-half and dividing the result by the number of joint candidates.

¹¹ See pp. 141—142, *supra*.

¹² See sect. 33 (1), set out on p. 177, *supra*.

Sched. V.

Section 36 (1).

FIFTH SCHEDULE.

PART I.—PROVISIONS AS TO UNIVERSITY ELECTIONS OTHER THAN SCOTTISH UNIVERSITY ELECTIONS.¹*Returning Officer.*

1. The returning officer shall be—

- (a) in the case of the Oxford, Cambridge, and London University constituencies respectively the Vice-Chancellor of the university;
- (b) in the case of the Dublin University Constituency, the Provost of Trinity College;
- (c) in the case of the combined English university constituency, the Vice-Chancellor, Principal, or Corresponding Officer of such university, being one of the combined universities as may be from time to time appointed by the Board of Education for that purpose; and
- (d) in the case of the constituency of the University of Wales, the Vice-Chancellor of the university;

and the writ for any election of a member or members for Parliament for a university constituency shall be directed to the returning officer of that constituency.

2. It shall be the duty of the returning officer to make all arrangements for the election, including arrangements for the nomination of candidates, and the poll and counting of votes, and to certify the result of the election in pursuance of the writ.

Nomination.

3. The nomination shall take place on such day and at such time and place as may be fixed by the returning officer, being not less than four days and not more than twelve days after the receipt of the writ, and the returning officer shall give public notice,² of the day, time, and place so fixed within two days after he receives the writ.

4. The candidate must be nominated in writing by two electors as proposer and seconder and by eight other electors as assenting

¹ See sect. 36 (1), set out on p. 222, *supra*.

² See clause 31, p. 300, *infra*.

to the nomination, and his nomination must be delivered to the returning officer by some elector. Sched. V.

5. If, at the expiration of the time fixed for nomination, no more candidates are nominated than there are vacancies to be filled up, the returning officer shall declare the candidates who stand nominated to be elected and certify the result of the election accordingly.

6. If, at the expiration of the time fixed for nomination, more candidates stand nominated than there are vacancies to be filled up, the returning officer shall arrange for a poll to be taken.

7. A candidate may be withdrawn in manner provided by regulations³ made under this Act, and if, owing to the withdrawal of a candidate after nomination, a poll becomes unnecessary, the returning officer shall countermand the poll and declare any candidate elected whose nomination remains standing.

8. If one of the candidates nominated dies after he has been nominated and before the commencement of the poll, the returning officer shall countermand the poll and other proceedings for the election and commence the same again as if the writ had been received by him on the day on which he is satisfied of the fact that the death took place.

No fresh nomination shall be required in the case of a candidate who stood nominated at the time the poll was countermanded.

Poll.

9. The poll shall remain open for five days, and shall take place on such days as may be fixed by the returning officer commencing not more than twelve and not less than three clear days after the day of nomination.⁴

10. The returning officer shall appoint such polling places as appear to him to allow reasonable facilities for voting, and may give special directions that certain electors shall be allotted to certain polling places.

11. An elector may vote at a poll by the delivery of a voting paper (signed by the voter at any time subsequent to the nomination) in the form⁵ appended to this part of this schedule or in a

³ See University Elections (Miscellaneous Provisions) Order, 1918, regulation 3, p. 431, *infra*.

⁴ See clause 3, p. 294, *infra*.

⁵ See pp. 300—301, *infra*.

Sched. V.

form to the same effect and accompanied with a like declaration, or, unless the returning officer directs to the contrary, in person, and may so vote at any polling place if he has not been allotted to any polling place, or, if he has been so allotted, at any polling place to which he has been so allotted.

The returning officer may give a special direction that votes shall not be given in person at the election, or that votes may be given in person on certain days of the poll only.

12. A voting paper may be delivered at a polling place on behalf of the voter by an elector, or by being sent to the presiding officer⁸ at the polling place by post, and any voting paper received by a presiding officer at a polling place at which the elector may vote before the close of the poll shall be counted, unless rejected as invalid.⁹

Voting papers may also be sent to the returning officer by post, and any voting papers so received by the returning officer shall be sent by him to the proper presiding officer.

13. The poll shall be open for such time between the hours of 8 a.m. in the morning and 8 p.m. in the evening, not being less than four hours, as the returning officer may direct, except that, if votes in person are received, but are not received on all the days of the poll, six hours shall be substituted for four as respects the days on which votes are so received as the minimum time under this provision.

14. The returning officer shall give public notice¹⁰ of the days and hours of poll and of the polling places appointed, and of any special directions given by him as to the days or hours of poll, or the allotment of electors to certain polling places, or as to voting in person.

15. The returning officer shall appoint a presiding officer for every polling place at which he does not act as a presiding officer himself and the presiding officer shall have general control over the arrangements for voting at the polling place and shall record the votes of electors voting in person and receive voting papers.

16. Each candidate may appoint a person to be the candidate's representative at each polling place, and a candidate's represen-

⁸ See clause 15 below.

⁹ See pp. 145-160, *supra*.

¹⁰ See clause 31, p. 390, *infra*.

tative may object to any voting paper¹¹ received at the polling place or to the vote of any person¹² claiming to vote in person at that place, and the presiding officer shall submit any such objection to the returning officer for decision.

17. The returning officer shall decide on the validity of any voting paper¹¹ to which objection is taken, or on the right of any person to vote¹² in person, if that right is questioned, and the decision of the returning officer, if the voting paper or the right to vote is allowed, shall be final, but, if the voting paper or the right to vote is disallowed, shall be subject to reversal on any proceeding questioning the election or return.

18. The register kept in pursuance of this Act shall be conclusive as to the right of any person to vote at the poll; but this provision shall not entitle any person to vote if that person is subject to any legal incapacity.¹

A person shall not be entitled to be placed on the register as a graduate until the university authorities are satisfied that the grant of the degree is complete.

Counting of Votes.

19. After the poll is closed all voting papers received at any polling place and a record of votes (if any) given by electors in person shall be placed in a proper receptacle and sealed up and delivered to the returning officer, and the returning officer shall, as soon as practicable after the receipt of the votes from all the polling places, count the votes and publish the result.

20. The voting papers counted, and the record of votes (if any) given by electors in person, and any papers which have been rejected as invalid² and a list of persons (if any) who have tendered their votes in person but who have not been allowed to vote,² shall be placed in separate packets, and shall be kept by the returning officer for a period of twelve months after the close of the poll.

21. The returning officer shall give notice to the candidates of

¹¹ See pp. 145—160, *supra*.

¹² See pp. 89—90, 133—137, *supra*.

¹ See pp. 4—7, 55—56, 85—90, *supra*.

² See clauses 16 and 17 above.

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the time and place for counting the votes, and shall permit any candidate and a representative authorised by the candidate for the purpose to be present at the count.

No person other than the returning officer, his assistants and clerks, and the candidates and representatives so authorised shall be entitled to be present at the count except with the sanction of the returning officer.

22. Where an equality of votes is found to exist between any candidates on a final count and the addition of a vote would entitle any of those candidates to be declared elected, the returning officer whether an elector or not may give a deciding vote, but the returning officer shall not be entitled to vote at the election in any other case.

*Special Provisions for a Combined University Constituency.*⁵

23. In a combined university constituency the Vice-Chancellor, or the person performing the duties of a Vice-Chancellor, at each university forming the combination, shall, for the purpose of making arrangements for the poll and the holding of the poll, have at the university the powers and perform the duties of the returning officer (including the power and duty of deciding upon the validity of voting papers⁶ and the right of a person to vote).⁷

24. Arrangements may be made for counting votes at an election for a combined university constituency⁵ at each of the universities forming the combination, if the transferable vote⁸ is not used at that election, and for a record of the votes counted at each university being sent to the returning officer for the combined constituency in order that he may ascertain and declare the result of the election.

General.

25. The returning officer shall appoint such deputies and clerks as he may think necessary for the proper holding of the election, and shall supply a form of voting paper⁹ to any elector applying for such a form, and shall supply forms of nomination papers.

⁵ See Ninth Schedule, Part III., p. 349, *infra*.

⁶ See pp. 145—160, *supra*.

⁷ See pp. 85—90, 133—137, *supra*.

⁸ See sect. 20 (1), p. 123, *supra*.

⁹ For form, see p. 300, *infra*.

The governing body of the University may designate an officer of the University to act temporarily as returning officer in the event of a vacancy in the office of returning officer or in the event of his incapacity to appoint a deputy.

26. Any expenses reasonably incurred by the returning officer in connection with the arrangements for a university election and the conduct thereof shall be repaid to the returning officer by the University.

In the case of a combined University constituency¹⁰ any such expenses incurred by the Vice-Chancellor or corresponding officer of each University shall be paid by the University whose Vice-Chancellor or officer has incurred the expenses, and any other such expenses shall be paid in equal shares by the Universities forming the combination.

In the case of a combined University constituency¹⁰ any candidate's deposit which is forfeited¹¹ to the University shall be retained by, or paid to, the University whose Vice-Chancellor or other officer is the returning officer of the combined constituency and applied by that University in the payment of the expenses which are under this provision to be paid in equal shares by the Universities forming the combination.

27. A voting paper shall be deemed to be a public document within the meaning of subsection (3) of section four of the Forgery Act, 1913, and section five of the Perjury Act, 1911, applies to any declaration or statement made in the voting paper.

28. A voting paper shall not be liable to stamp duty.

29. If any person, for the purpose of enabling an elector to vote at a university election, corruptly pays on his behalf any fees which the elector is required to pay in order to be registered or entitled to vote, he shall be guilty of an illegal practice¹² within the meaning of the Corrupt and Illegal Practices Prevention Act, 1883, and that Act shall apply accordingly.

30. In reckoning time for the purpose of the provisions in this Schedule, Sunday, Christmas Day, Good Friday, and any day set apart as a bank or public holiday or day of public fast or public thanksgiving shall be excluded; and where anything is re-

¹⁰ See Ninth Schedule, Part III., p. 349, *infra*.

¹¹ See sect. 27, p. 127. and sect. 36 (3) (c), p. 223, *supra*.

¹² See p. 239, *supra*.

Sched. V. quired by these provisions to be done on any day falls to be done on any such day that thing may be done on the next day not being one of any such days.

31. If regulations¹ are made under this Act as to the manner in which public notice is to be given under the provisions of this Schedule, public notice shall be given in manner directed under any such regulations for the time being in force, and if no such regulations are in force shall be given in such manner as the Returning Officer considers best fitted for giving notice to the persons concerned.

32. An election shall not be declared invalid by reason of non-compliance with these provisions if it appears to the tribunal cognisant of the case that the election was conducted in accordance with the principle of these provisions and that the non-compliance with these provisions did not affect the result of the election.

*Form of Voting Paper.*²

I, A. B. (here give the elector's name in full, with his university degree and college, if any), give my vote as indicated below:—

*Candidates.	Order of Preference.
A	
B	
C	
D	

I declare that I have signed no other voting paper and have not voted in person at this election for the university constituency of

‡ I also declare—

(*In the case of a man*) that I have not voted at this general

¹ No such regulations have been made up to the time of going to press.

² As to note to be appended to this form where election is held under the Transferable Vote System see regulation 4, p. 412, *infra*.

election in respect of any qualification other than a residence qualification; Sched. V.

(*In the case of a woman*) that I have not voted at this general election for any other university constituency.³

Signed A. B.

Address

The day of 19 .

I declare that this voting paper (the voting paper having been previously filled in), was signed in my presence by A. B., who is personally known to me, on the day of 19 .

Signed C. D.

Address

* This form will require modification where the transferable vote is not used at the election.

† This declaration is to be made only at a general election.

PART II.

PROVISIONS AS TO SCOTTISH UNIVERSITY ELECTIONS.⁴

Returning Officer.

1. The returning officer for the combined Scottish University constituency shall be the Vice-Chancellor of the University of Edinburgh, to whom the writ for any election of a member or members of Parliament for that constituency shall be directed.

2. It shall be the duty of the returning officer to make all arrangements for the election, including arrangements for the nomination of candidates, and (where a poll is necessary) for the poll and counting of votes, and to certify the result of the election in pursuance of the writ.

3. The returning officer shall give notice to the candidates of the days fixed for the poll and of the time and place for counting the votes, and any candidate and an agent appointed by any candidate for the purpose may be present at the poll and the count.

No person other than the returning officer, his assistants and

³ See Second Schedule, Part II., p. 289, *supra*.

⁴ See sect. 36 (1), set out on p. 222, *supra*.

Sched. V. clerks, and the candidates and their agents shall be entitled to be present at the count except with the sanction of the returning officer.

Nomination.

4. The nomination shall take place on such day and at such time and place as may be fixed by the returning officer, being not less than four days and not more than eight days after the receipt of the writ, and the returning officer shall give public notice⁷ of the day, time, and place so fixed within three days after he receives the writ.

5. The candidate must be nominated in writing by two electors as proposer and seconder and by eight other electors as assenting to the nomination, and his nomination must be delivered to the returning officer by some elector.

6. If, at the expiration of the time fixed for nomination, no more candidates are nominated than there are vacancies to be filled up, the returning officer shall declare the candidates who stand nominated to be elected and certify the result of the election accordingly.

7. If, at the expiration of the time fixed for nomination, more candidates stand nominated than there are vacancies to be filled up, the returning officer shall arrange for a poll to be taken.

8. A candidate may be withdrawn in manner provided by regulations⁸ made under this Act, and if, owing to the withdrawal of a candidate after nomination, a poll becomes unnecessary, the returning officer shall countermand the poll and declare any candidate elected whose nomination remains standing.

9. If one of the candidates nominated dies after he has been nominated and before the commencement of the poll, the returning officer shall countermand the poll and other proceedings for the election and commence the same again as if the writ had been received by him on the day on which he is satisfied of the fact that the death took place.

No fresh nomination shall be required in the case of a candidate who stood nominated at the time the poll was countermanded.

⁷ See clause 37, p. 309, *infra*.

⁸ See University Elections (Miscellaneous Provisions) Order, 1918, regulation 3, p. 431, *infra*.

Poll.

10. The poll shall remain open for not less than four days nor more than six days, and shall take place on such days as may be fixed by the returning officer, commencing not more than twenty and not less than twelve clear days after the day of nomination.

11. The poll at each University shall be open at such place and for such time each day between the hours of 8 a.m. and 8 p.m., not being less than four hours, as the Vice-Chancellor of the University may direct.

12. The Vice-Chancellor of each University shall give public notice⁹ of the days and hours of poll and of the polling place appointed.

13. The Vice-Chancellor of each University shall at the University act as presiding officer and shall have general control over the arrangements for the conduct of the poll at such University.

14. No person other than the Vice-Chancellor, the registrar, their assistants and clerks, and the candidates and their agents shall be entitled to be present at the poll except with the sanction of the Vice-Chancellor.

15. The Vice-Chancellor of each University shall as regards the voting papers relating to such University decide on the validity of any voting paper¹⁰ to which objection is taken, or on the right of any person to vote,¹¹ and the decision of the Vice-Chancellor, if the voting paper or the right to vote is allowed, shall be final, but, if the voting paper or the right to vote is disallowed, shall be subject to reversal on any proceeding questioning the election or return.

16. The register kept in pursuance of this Act by the University Court shall be conclusive as to the right of any person to vote at the poll; but this provision shall not entitle any person to vote if that person is subject to any legal incapacity.¹²

17. Votes shall be given by means of voting papers, and no elector shall be allowed to vote in person, or in any other way than is herein provided. Each voting paper shall be in the

⁹ See clause 37, p. 309, *infra*.

¹⁰ See pp. 145—160, *supra*.

¹¹ See pp. 85—90, 133—137, *supra*.

¹² See pp. 4—7, 55—56, 85—86, *supra*.

Sched. V. form (A) appended to this Schedule.¹ Each voting paper shall have a number printed or written on the back thereof, and shall have attached a counterfoil with the same number printed or written on the face. Before a voting paper is issued to an elector as hereinafter provided, it shall be marked with an official mark, either stamped or perforated, and the number of such elector, as stated on the register shall be marked on the counterfoil, and a mark shall be placed in the register or any copy thereof used for the purposes of the election against the number of the elector to denote that a voting paper has been issued to him.

18. The registrar of each University, as soon as he conveniently can after the day of nomination,² and not later than eight clear days thereafter, shall issue through the post a voting paper, in the form (A) appended to this Schedule,¹ to each elector to his address as entered on the register who shall appear from said address to be resident within the United Kingdom or the Channel Islands; and such voting paper (the Christian name, surname, designation, and residence of the elector as appearing on the register having previously been filled in by the registrar, or some one having his authority), contained in an envelope marked on the outside as sent by the registrar of the University, shall be accompanied by a letter of intimation in the form (B) appended to this schedule,³ and by a stamped envelope addressed to the registrar, for the return of the said voting paper; and each elector, upon receipt of his voting paper, if he desires to vote in the election, shall record his vote thereon, and the place and date of signature, and affix his subscription thereto, in the presence of one witness, who shall personally know the elector, and who shall attest the fact of such voting paper having been signed by the elector in his presence at the place therein mentioned, by signing his name at the foot thereof, and adding his designation and place of residence in the form or to the effect set forth in the form (A) appended to this schedule.¹

Provided that in the case of any such elector who is a naval or military voter and who has applied in writing to the registrar to send a voting paper to him at any address outwith⁴ the United

¹ For form, see pp. 309—310, *infra*.

² See clause 4, p. 302, *supra*.

³ For form, see pp. 310—311, *infra*.

⁴ This word, which is obviously a misprint for “without,” appears in the University Elections (Miscellaneous Provisions) Order, 1918, r. 6, as officially printed.

*Kingdom or the Channel Islands the registrar shall send the paper to that address.*⁵ Sched. V.

19. Thereafter the voting paper so signed and attested as aforesaid, shall, if the elector desires to vote in the election, be returned through the post to the registrar of the University by whom it was issued, so as to reach him not later than the time specified in the said letter of intimation for the return of the voting paper. Each voting paper, when received back by the registrar, shall be kept by him unopened in a fireproof safe, or other place of safety, until the poll begins.

20. If an elector, before or after he has received a voting paper, shall intimate or cause to be intimated in writing to the registrar that he is incapacitated from blindness or other physical cause to vote in the manner prescribed by this Act, it shall be lawful for the registrar, on getting back the voting paper from the elector, if such has been issued, to issue to the elector so incapacitated a voting paper in the form or to the effect set forth in the form (C) appended to this schedule;⁶ and on said voting paper being received by the elector, it shall be competent for him to record his vote by the hand of a justice of the peace in the manner therein directed; and the said justice of peace shall certify and attest the fact of his having been requested and authorised by the elector to sign said voting paper for him, and of its having been so signed by him in the presence of the elector by signing an attestation in the form (C) aforesaid; and such voting paper, when received by the registrar, shall have the same effect and be similarly dealt with as a voting paper signed by an elector in the form (A) appended to this schedule.⁷

21. An elector who has not received a voting paper sent by post as aforesaid to his address as appearing on the register, or who has before re-delivery thereof to the registrar, inadvertently spoilt his voting paper in such manner that it cannot be conveniently used as a voting paper, or who has lost his voting paper, may, on his transmitting to the registrar a declaration signed by himself before a justice of the peace setting forth the fact of the non-receipt, the inadvertent spoiling, or the loss of the voting paper,

⁵ Added by University Elections (Miscellaneous Provisions) Order, 1918, r. 6, p. 432, *infra*.

⁶ For form, see pp. 311—312, *infra*.

⁷ For form, see pp. 309—310, *infra*.

Sched. V. require the registrar to send him a new voting paper in place of the one not received, or spoilt, or lost; and in case the voting paper has been spoilt, the spoilt voting paper shall be returned to the registrar, and when received by him shall be immediately cancelled, and in every case where a new voting paper is issued a mark shall be placed opposite the number of the elector's name on the register, to denote that a new voting paper has been issued in place of the one not received, or spoilt, or lost.

22. An elector who does not appear from his address as entered on the register to be resident within the United Kingdom or the Channel Islands, may apply in writing to the registrar to send a voting paper to him to an address within the United Kingdom or the Channel Islands.

23. The registrar, upon receiving an application in terms of either of the two preceding provisions hereof at any time before the day on which the poll begins, shall forthwith transmit a new voting paper, or a voting paper, as the case may be, to the address as appearing on the register, or to the address within the United Kingdom or Channel Islands as the case may be: Provided that the registrar shall open all letters coming addressed to him from the Dead Letter Office after the date of his issuing the voting papers, in order to ascertain and make public the names and addresses of the electors whose voting papers have not reached them, which he shall do by exhibiting publicly at his office in the University as they reach him a list of the names and addresses of the electors whose letters have been returned to him from the Dead Letter Office, for the information of all concerned.

24. When the poll begins, the voting papers shall be opened and examined by the registrar in the presence of the Vice-Chancellor and any candidate or agent of a candidate who may attend, and the voting papers found to be marked with the official mark and the number on the back as appearing on the counterfoil, and otherwise regular, shall be put apart until the end of the poll. Any voting paper which has not the official mark and the number on the back as appearing on the counterfoil, or which is in the opinion of the Vice-Chancellor otherwise invalid, shall not be counted as a vote in the election, but shall be sealed up in a paper apart, marked on the back thereof with the words "voting papers received but disallowed," and initialled by the Vice-Chancellor.

25. It shall be lawful for any candidate or the agent of any

candidate who may be in attendance at the poll, to inspect any voting paper and to object to it on one or more of the following grounds:—

- (1) That the elector named in the voting paper has already voted at that election:
- (2) That the person giving a vote by the voting paper is not qualified to vote:
- (3) That the voting paper is forged or falsified:
- (4) That the voting paper is wanting in any of the essential conditions required by this Act:

Provided, that in case the objection offered to any voting paper shall be that it is forged or falsified, such voting paper shall not on that ground alone be disallowed by the Vice-Chancellor, but he shall write upon it, "objected to as forged," or, "objected to as falsified," together with the name of the person making such objection.

26. No voting paper shall be counted which does not reach the registrar before ten of the clock on the morning of the day on which the poll closes.

Counting of Votes.

27. After the poll is closed all voting papers received at any polling place shall be placed in a proper receptacle and sealed up and delivered to the returning officer, and the returning officer shall, as soon as practicable after the receipt of the votes from all the polling places, count the votes and publish the result.

28. Where an equality of votes is found to exist between any candidates on a final count and the addition of a vote would entitle any of those candidates to be declared elected, the returning officer may give a deciding vote, but the returning officer shall not be entitled to vote at the election in any other case.

General.

29. Arrangements may be made for counting votes at an election for the combined university constituency at each of the universities forming the combination, if the transferable vote⁹ is not used at that election, and for a record of the votes counted at each University being sent to the returning officer for the combined

⁹ See sect. 20 (1), p. 123, *supra*.

Sched. V. constituency in order that he may ascertain and declare the result of the election.

30. The returning officer shall appoint such deputies and clerks as he may think necessary for the proper holding of the election, and shall supply forms of nomination papers.

31. All voting papers received and counted at an election, and the counterfoils thereof, as well as any voting papers disallowed for informality, or on any other ground, and the counterfoils thereof, shall be filed, and, along with any copy of the register used for the purposes of said election, shall be kept by the returning officer for a period of twelve months after the closing of the poll.

32. Any person falsely or fraudulently signing any voting paper in the name of any other person, either as a voter or as a witness, and every person signing, certifying, attesting, or transmitting as genuine any false or falsified voting paper, knowing the same to be false or falsified, or with fraudulent intent altering, defacing, destroying, withholding, or obstructing any voting paper, shall be guilty of a crime and offence, and shall be punishable by fine or imprisonment for a term not exceeding one year.

33. No such voting paper as herein-before mentioned shall be liable to any stamp duty.

34. Any expenses reasonably incurred by the Vice-Chancellor of each University in connection with the arrangements for an election shall be repaid to him by that University: Provided that any expenses so incurred by the returning officer in connection with the nomination and the counting of votes shall be paid in equal shares by the four Universities forming the constituency.

35. If any person, for the purpose of enabling any other person to vote at a university election, corruptly pays on his behalf any fees which such other person is required to pay in order to be registered or entitled to vote, he shall be guilty of an illegal practice¹⁰ within the meaning of the Corrupt and Illegal Practices Prevention Act, 1883, and that Act shall apply accordingly.

36. In reckoning time for the purpose of the provisions in this Schedule, Sunday, Christmas Day, and any day set apart as a bank or public holiday or public fast or public thanksgiving shall be excluded; and where anything required by these provisions to be done on any day falls to be done on any such day it may be done on the next day not being one of any such days.

¹⁰ See p. 239, *supra*.

37. If regulations¹¹ are made under this Act as to the manner in which public notice is to be given under the provisions of this Schedule, public notice shall be given in manner directed under any such regulations for the time being in force, and if no such regulations are in force shall be given in such manner as the returning officer or the Vice-Chancellor as the case may be, considers best fitted for giving notice to the persons concerned.

38. An election shall not be declared invalid by reason of non-compliance with these provisions if it appears to the tribunal having jurisdiction that the election was conducted in accordance with the principle of these provisions and that the non-compliance with these provisions did not affect the result of the election.

39. Where the Vice-Chancellor or registrar of any University is absent, or is incapacitated by illness for discharging any duty required of him by this Act, or if the office of Vice-Chancellor or of registrar shall be vacant, the duties by this Act imposed on the Vice-Chancellor or registrar respectively shall be discharged by a person appointed for that purpose by the University Court of such University; and such person shall in that respect, but in no other, act for the time as and be deemed to be Vice-Chancellor or registrar of such University.

FORM A.

UNIVERSITY OF (*Name of University*) VOTING PAPER.¹²No. (*number of elector as on the register*).

I, A. B. (*here give the elector's name in full and his designation*), give my vote as indicated below:—

*Candidates.	Order of Preference.
A	
B	
C	
D	

¹¹ Up to the time of going to press no such regulations have been made.

¹² As to note to be appended to this form where the election is held under the transferable vote system, see regulation 4, p. 412, *infra*.

Sched. V. I declare that I have signed no other voting paper at this election for the combined university constituency of the University of St. Andrews, the University of Glasgow, the University of Aberdeen, and the University of Edinburgh.

† I also declare¹²—

(*In the case of a man*) that I have not voted at this general election in respect of any qualification other than a residence qualification;

(*In the case of a woman*) that I have not voted at this general election for any other university constituency.

Signed A. B.

Address

The day of 19 .

I declare that this voting paper (the vote having been previously recorded thereon), was signed in my presence by A. B., who is personally known to me, on the day of 19 .

Signed C. D.

Designation

Address

* This form will require modification where the transferable vote is not used at the election.

† This declaration is to be made only at a general election.

FORM B.

UNIVERSITY OF (*Name of University*) VOTING PAPER.¹

No. (*number of elector as on the register*).

Persons Nominated.	Proposed by	Seconded by
A	Name of Proposer	Name of Secunder
B	Do.	Do.
C	Do.	Do.
D	Do.	Do.

SIR,

I HAVE to intimate that the above-named persons have been nominated for the office of member of Parliament. Along with

¹² See Second Schedule, Part II., p. 289, *supra*.

¹ See footnote ¹² on preceding page.

this letter you will receive a voting paper, and, should you desire to vote at this election, I have to request that you will record your vote thereon and the place and date of your signing, and having signed your name thereto in presence of one witness, who will also sign his name as directed, you will return the voting paper by post to me at the University of _____, so as to reach me on or before 10 a.m. of (*insert the day on which the poll finally closes*).

Sched. V.

I am, &c.

(Signed) G. H., Registrar.

(Date.)

FORM C.

UNIVERSITY OF (*Name of University*) VOTING PAPER.²

INCAPACITATED ELECTOR.

No. (*number of elector as on the register*).

I, A. B. (*here give the elector's name in full and his designation*), give my vote as indicated below, and I have requested and authorised C. D., a justice of peace, to make the entries in this voting paper on my behalf and on my instructions, and to subscribe this voting paper and declaration(s) for me, as I am from (*state the incapacity*) unable to write:—

†Candidates.	Order of Preference.
A	
B	
C	
D	

I declare that I have signed no other voting paper at this election for the combined university constituency of the University of St. Andrews, the University of Glasgow, the University of Aberdeen, and the University of Edinburgh.

² See footnote ¹² on p. 309, *supra*.

Sched. V.

‡ I also declare¹—

(*In the case of a man*) that I have not voted at this general election in respect of any qualification other than a residence qualification;

(*In the case of a woman*) that I have not voted at this general election for any other university constituency.

Signed A. B.

Address

The day of 19 .

I, C. D., a justice of peace for , and residing at , hereby declare that A. B., before named, being personally known to me, did in my presence make the declaration(s) before mentioned, and did duly request and authorise me to make the entries in this voting paper on his behalf and on his instructions, and to subscribe this voting paper for him, which I did on day of 19 , in the presence of the said A. B.

(Signed) C. D., a justice of peace for , and residing at .

† This form will require modification where the transferable vote is not used at the election.

‡ This declaration is to be made only at a general election.

Sched VI.

SIXTH SCHEDULE.

Section 42.

ADAPTATION OF ACTS.²

1. A reference to parliamentary electors registered under this Act shall be substituted for any reference in any other Act to parliamentary electors, parliamentary voters, or persons entitled to vote at parliamentary elections, by whatever name called.

2. A reference to local government electors registered under this Act shall, so far as local government elections and the right to vote at any such elections are concerned, be substituted for any reference in any other Act to local government electors, county electors, burgesses, parochial electors, or other persons entitled to vote at a local government election, by whatever name called, and local government electors so registered shall for all purposes,

¹ See Second Schedule, Part II., p. 289, *supra*.

² See sect. 42, p. 247, *supra*.

whether statutory or not, be in the same position as any such local government electors, county electors, burgesses, parochial electors, or persons. Sched. VI.

3. A reference to the register kept in pursuance of this Act shall, so far as it relates to parliamentary electors, be substituted for any reference in any Act to the parliamentary register of electors or to the parliamentary register or to the register of parliamentary electors or to the register of persons entitled to vote at a parliamentary election, by whatever name called, and, so far as it relates to the local government register, shall be substituted for the local government register of electors, the burgess roll, the county register, the register of parochial electors, and for the register of persons entitled to vote at a local government election, by whatever name called.

4. The registration officer shall be substituted for the overseers in sections eleven and twelve of the Parliamentary and Municipal Registration Act, 1878, and in every other enactment dealing with the duties of the overseers in connection with the registration of electors; and in sections thirty-nine, sixty-eight and sixty-nine of the Corrupt and Illegal Practices Prevention Act, 1883, "registration officer" means the registration officer under this Act.

5. Subsection (4) of section forty of the Local Government Act, 1888, shall have effect as if the words "for the time being" were substituted for the words "at the passing of this Act"; and, in order to meet any difficulty (consequent on the change of boundaries under this provision) in filling casual vacancies by election in the London County Council, any such casual vacancy shall, until the first election of the whole number of councillors which takes place after the passing of this Act, be filled by means of the choice by the Council of a person to fill the vacancy, and the councillor so chosen shall hold office in such manner and in all respects as if he had been elected to fill the vacancy.

6. Sections eleven and thirteen and (so far as necessary) section twelve of the Parliamentary and Municipal Registration Act, 1878, shall be adapted so as to be applicable to parishes situated in any constituency or in any local government area, and for that purpose "constituency" shall be substituted in those sections for "parliamentary borough," "local government area" for "municipal borough," and "registered as a local government elector" for "enrolled as a burgess."

Sched. VI.

7. The Local Government Board³ may, by order,⁴ make such further adaptations in the provisions of any Act (including any local Act and any Act to confirm a Provisional Order and any scheme under the Municipal Corporations Act, 1882, as amended by any subsequent Act) as may seem to them necessary to make those provisions conform with the provisions of this Act; and any order⁴ so made shall operate as if enacted in this Act.

As respects Scotland the Secretary for Scotland, and as respects Ireland the Local Government Board for Ireland, shall be substituted for the Local Government Board in this schedule.

Special Adaptation of Acts for Scotland.

8. The Representation of the People (Scotland) Act, 1832 (2 & 3 Will. 4, c. 65):—

Section thirty-eight shall apply as if this Act were mentioned therein as well as the Act therein mentioned.

The Representation of the People (Scotland) Act, 1868 (31 & 32 Vict. c. 48):—

Section twenty-three shall apply as if appeals from the sheriff court under this Act were mentioned therein instead of the appeals therein mentioned.

The Ballot Act, 1872 (35 & 36 Vict. c. 33):—

In Rule 60 of Part I. of the First Schedule, a reference to Division (4) of Part I. of the Ninth Schedule to this Act shall be substituted for the reference to the Schedules in that Rule mentioned.

The Corrupt and Illegal Practices Prevention Act, 1883 (46 & 47 Vict. c. 51):—

In section sixty-eight in the definition of "revising barrister," for the word "sheriff" shall be substituted the words "registration officer."

The Registration Amendment (Scotland) Act, 1885 (48 & 49 Vict. c. 16):—

In section six, for the words "dwelling-house within the meaning of the Representation of the People Act, 1884,"

³ The words "Secretary of State" must now be substituted for the words "Local Government Board." See Order in Council dated May 27, 1921 (S. R. O. 1921, No. 959), set out at pp. 439—441, *infra*.

⁴ The Orders made under this clause, adopting Acts applicable to England, are set out at pp. 457—459, *infra*.

there shall be substituted the words, "house or part of a house occupied as a separate dwelling: Provided that no such entry shall render liable to be rated in respect of any such house or part of a house any person who occupies the same by virtue of any office, service, or employment."

The Local Government (Scotland) Act, 1889 (52 & 53 Vict. c. 50):—

In section six, the words "in the Representation of the People Act, 1918," shall be substituted for the word "hereinafter."

The Elections (Scotland) (Corrupt and Illegal Practices) Act, 1890 (53 & 54 Vict. c. 55):—

In section twenty-nine the words "registration officer" shall be substituted for "revising authority," and at the end of subsection (1) of the said section the following words shall be added, "and shall make out a list (which may be referred to as the corrupt and illegal practices list) containing the name and description of every person whose name has been so omitted, and shall state in that list the offence of which each such person has been convicted or found guilty."

The Town Councils (Scotland) Act, 1900 (63 & 64 Vict. c. 49):—

In subsection (1) of section twenty-three the words "registered as local government electors for the burgh in accordance with the provisions of the Representation of the People Act, 1918" shall be substituted for the words "entitled in respect of premises within the municipal boundary to vote in the election of a member of Parliament."

Special Adaptation of Acts for Ireland.

[9. The Juries Act (Ireland), 1871 (34 & 35 Vict. c. 65):—

In sections twelve and fourteen, a reference to the county court shall be substituted for a reference to the court at which the register of parliamentary voters is revised.

The Parliamentary Registration (Ireland) Act, 1885 (48 & 49 Vict. c. 17):—

In section sixteen the registration officer shall be substituted for the clerk of the union; "fifteenth of July" shall be substituted for "first of July" and the word "male" shall be omitted.]

Section 43
(13).

SEVENTH SCHEDULE.

RETURNING OFFICERS FOR SCOTTISH CONSTITUENCIES SITUATED IN
MORE THAN ONE SHERIFFDOM.⁶

Name of Parliamentary Borough or County.	Name of Division.	Returning Officer.
Montrose District of Burghs..	—	Sheriff of Forfar.
Ayr and Bute	Bute and Northern	Sheriff of Ayr.
Berwick and Haddington	—	Sheriff of the Lothians and Peebles.
Caithness and Sutherland	—	Sheriff of Caithness, Orkney, and Zetland.
Inverness and Ross and Cromarty	Western Isles	Sheriff of Ross, Cromarty, and Sutherland.
Perth and Kinross	Kinross and Western ..	Sheriff of Perth.
Renfrew	Eastern	Sheriff of Renfrew and Bute.

Section 47.

EIGHTH SCHEDULE.

ENACTMENTS REPEALED.⁷

Session and Chapter.	Title or Short Title.	Extent of Repeal.
8 Hen. 6, c. 7.	Electors of knights of the shires shall have 40s. a year freehold and be resident.	The whole Act so far as unrepealed.
10 Hen. 6, c. 2.	The Statute 8 Hen. 6, c. 7, as to freehold qualification of electors of knights of the shires; such freeholds shall be within the county.	The whole Act so far as unrepealed.

⁶ See sect. 43 (13), pp. 257—258, *supra*.⁷ See sect. 47 (1), p. 271, *supra*.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
7 & 8 Will. 3, c. 25.	An Act for the further regulating elections of members to serve in Parliament, and for the preventing irregular proceedings of sheriffs and other officers in the electing and returning such members.	Section six.
10 Anne, c. 31.	The Elections (Fraudulent Conveyances) Act, 1711.	The whole Act so far as unrepealed.
13 Geo. 2, c. 20.	The Parliamentary Elections (Fraudulent Conveyances) Act, 1739.	The whole Act so far as unrepealed.
18 Geo. 2, c. 18.	The Parliamentary Elections Act, 1744.	The whole Act so far as unrepealed.
19 Geo. 2, c. 28.	The Parliamentary Elections Act, 1745.	The whole Act so far as unrepealed.
3 Geo. 3, c. 15.	The Freeman (Admission) Act, 1763.	The whole Act so far as unrepealed.
20 Geo. 3, c. 17.	The Parliamentary Elections Act, 1780.	The whole Act so far as unrepealed.
25 Geo. 3, c. 84.	The Parliamentary Elections Act, 1785.	The whole Act so far as unrepealed.
33 Geo. 3, c. 64.	The Parliamentary Elections Act, 1793.	The whole Act.
53 Geo. 3, c. 49.	The Parliamentary Elections Act, 1813.	The whole Act so far as unrepealed.
4 Geo. 4, c. 36.	The Joint Tenancy (Ireland) Act, 1823.	The whole Act so far as unrepealed.
4 Geo. 4, c. 55.	The Parliamentary Elections (Ireland) Act, 1823.	Sections twenty-four, twenty-six, twenty-seven, and twenty-eight.
2 & 3 Will. 4, c. 45.	The Representation of the People Act, 1832.	The whole Act (except sections sixty-six, seventy, and seventy-six, and the definition of "returning officer" in section seventy-nine); the words "barrister, overseer," in section seventy-six wherever they occur.
2 & 3 Will. 4, c. 65.	The Representation of the People (Scotland) Act, 1832.	Sections two to four, six to thirteen; section twenty-seven; section twenty-eight; section thirty-five; section thirty-six, so far as relating to town clerks or deputy town clerks being entitled to vote; section thirty-seven; section forty; section forty-two, and the schedules so far as unrepealed.

REPRESENTATION OF THE PEOPLE ACT, 1918.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
2 & 3 Will. 4, c. 88.	The Representation of the People (Ireland) Act, 1832.	The whole Act so far as unrepealed except sections eleven and twelve.
5 & 6 Will. 4, c. 36.	The Parliamentary Elections Act, 1835.	Section seven.
& 6 Will. 4, c. 78.	The Representation of the People (Scotland) Act, 1835.	Sections three, four, nine, ten, and eleven.
3 & 4 Vict. c. 108.	The Municipal Corporations (Ireland) Act, 1840.	Sections six and eight to ten.
5 & 6 Vict. c. 74.	The University of Dublin Registration Act, 1842.	The whole Act so far as unrepealed.
6 & 7 Vict. c. 18.	The Parliamentary Voters Registration Act, 1843.	The whole Act (except sections eighty-one, eighty-two, eighty-five to ninety, ninety-three, and ninety-seven, and the definition of "returning officer" in section one hundred and one), the word "overseer" in section ninety-seven.
11 & 12 Vict. c. 90.	The Parliamentary Elections Act, 1848.	The whole Act.
12 & 13 Vict. c. 85.	The Dublin Corporation Act, 1849.	Sections two, three, five, six, seven, and ten to twelve.
13 & 14 Vict. c. 57.	The Vestries Act, 1850 . .	Section seven from "to give the notices for claims" to "for revising them, and," and the words "burgess lists and the".
13 & 14 Vict. c. 68.	The Parliamentary Elections (Ireland) Act, 1850.	Sections six to nine and section nineteen.
13 & 14 Vict. c. 69.	The Representation of the People (Ireland) Act, 1850.	The whole Act so far as unrepealed (except sections eighty-eight to ninety-seven and sections one hundred and three, one hundred and eight, and one hundred and eighteen).
14 & 15 Vict. c. 14.	The Compound Householders Act, 1851.	The whole Act.
14 & 15 Vict. c. 57.	The Civil Bill Courts (Ireland) Act, 1851.	Section one hundred and sixty-one.
16 & 17 Vict. c. 28.	The County Elections (Scotland) Act, 1853.	Sections two, three, five, six, and seven.
16 & 17 Vict. c. 58.	The Dublin Parliamentary Revising Act, 1853.	The whole Act so far as unrepealed.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
16 & 17 Vict. c. 68.	The Parliamentary Elections Act, 1853.	In section one the words "for the Universities of Oxford and Cambridge and" the words "to the Vice-Chancellors of the said Universities and" and the words "Vice-Chancellors and"; sections four and five.
17 & 18 Vict. c. 91.	The Lands Valuation (Scotland) Act, 1854.	Section thirty-four.
19 & 20 Vict. c. 58.	The Burgh Voters Registration (Scotland) Act, 1856.	The whole Act so far as unrepealed.
20 & 21 Vict. c. 68.	The Dublin Revising Barristers Act, 1857.	The whole Act so far as unrepealed except sections two and five.
24 & 25 Vict. c. 53.	The University Elections Act, 1861.	The whole Act so far as unrepealed.
24 & 25 Vict. c. 60.	The Representation of the People (Ireland) Act, 1861.	The whole Act.
24 & 25 Vict. c. 83.	The County Voters Registration (Scotland) Act, 1861.	The whole Act so far as unrepealed.
27 & 28 Vict. c. 22.	The Registration of County Voters (Ireland) Act, 1864.	The whole Act so far as unrepealed.
28 & 29 Vict. c. 36.	The County Voters Registration Act, 1865.	The whole Act so far as unrepealed.
29 & 30 Vict. c. 54.	The Revising Barristers Act, 1866.	The whole Act so far as unrepealed.
30 & 31 Vict. c. 102.	The Representation of the People Act, 1867.	The whole Act (except sections one, two, seven, thirty-seven, forty-nine to fifty-two, fifty-seven, fifty-nine, and sixty-one, and Schedule H.); section fifty-nine from "and in construing" to the end of the section.
31 & 32 Vict. c. 48.	The Representation of the People (Scotland) Act, 1868.	Sections three to six, sections eight to fourteen, sections sixteen to twenty, sections twenty-two, twenty-four, twenty-six, thirty-seven to forty-two, forty-five, forty-seven to fifty, fifty-three, fifty-five, fifty-six, and in section fifty-nine the definition of "premises," and Schedules A., B., C., D., and I.
31 & 32 Vict. c. 49.	The Representation of the People (Ireland) Act, 1868.	Sections three to seven, fourteen, sixteen, seventeen, and twenty-four.

REPRESENTATION OF THE PEOPLE ACT, 1918.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
31 & 32 Vict. c. 58.	The Parliamentary Electors Registration Act, 1868.	The whole Act (except sections one, two, three, and twenty-one).
31 & 32 Vict. c. 65.	The Universities Elections Act, 1868.	The whole Act.
• 31 & 32 Vict. c. 112.	The Registration Amendment(Ireland)Act, 1869.	The whole Act so far as unrepealed.
32 & 33 Vict. c. 41.	The Poor Rate Assessment and Collection Act, 1869.	Section seven so far as it relates to franchise and any disqualification which depends on franchise; section ten, and section nineteen so far as it relates to franchise and any disqualification which depends on franchise.
33 & 34 Vict. c. 11.	The Dublin Collector of Rates Act, 1870.	The whole Act.
35 & 36 Vict. c. 33.	The Ballot Act, 1872 . . .	Section five; section eight from "all expenses" to "by law payable," and (except as respects Scotland and Ireland) from "where the sheriff" to the end of the section; sub-section (5) of section sixteen, sub-section (4) of section seventeen, sections eighteen and nineteen, section twenty-five from "or where" to "is proved on such trial to have voted at such election" and from "or so retained" to end of the section; section thirty-three from "and shall continue in force" to the end of the section; rules 3 and 58 in the First Schedule.
36 & 37 Vict. c. 2.	The Polling Districts (Ireland) Act, 1873.	The whole Act so far as unrepealed.
36 & 37 Vict. c. 30.	The Registration of Voters (Ireland) Act, 1873.	The whole Act so far as unrepealed.
36 & 37 Vict. c. 70.	The Revising Barristers Act, 1873.	The whole Act so far as unrepealed.
37 & 38 Vict. c. 53.	The Revising Barristers Act, 1874.	The whole Act so far as unrepealed.
38 & 39 Vict. c. 77.	The Supreme Court of Judicature Act, 1875.	In section twenty-three, the words "or the distribution of revising barristers among the circuits," and from "and the senior judge" to "boroughs therein."
38 & 39 Vict. c. 84.	The Parliamentary Elections(Returning Officers) Act, 1875.	Sections two to five, and section seven, and the Schedules, except so far as those sections and schedules apply to elections other than parliamentary elections.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
39 & 40 Vict. c. 61.	The Divided Parishes and Poor Law Amendment Act, 1876.	Section fourteen.
40 & 41 Vict. c. 57.	The Supreme Court of Judicature Act (Ireland), 1877.	Sub-section (2) of section twenty-three from "including" to the end of the sub-section.
41 & 42 Vict. c. 3.	The House Occupiers Disqualification Removal Act, 1878.	The whole Act.
41 & 42 Vict. c. 5.	The House Occupiers Disqualification Removal (Scotland) Act, 1878.	The whole Act.
41 & 42 Vict. c. 26.	The Parliamentary and Municipal Registration Act, 1878.	The whole Act so far as unrepealed (except sections one, two, eleven, twelve, thirteen and fourteen).
41 & 42 Vict. c. 41.	The Parliamentary Elections Returning Officers' Expenses (Scotland) Act, 1878.	Section three and the Schedule.
41 & 42 Vict. c. 78.	The Education (Scotland) Act, 1878.	Section twenty-four.
42 & 43 Vict. c. 10.	The Assessed Rates Act, 1879.	The whole Act so far as it relates to franchise and any disqualification which depends on franchise.
42 & 43 Vict. c. 71.	The Registry Courts (Ireland) Amendment Act, 1879.	The whole Act so far as unrepealed.
43 & 44 Vict. c. 6.	The House Occupiers in Counties Disqualification Removal (Scotland) Act, 1880.	The whole Act.
44 & 45 Vict. c. 40.	The Universities Elections Amendment (Scotland) Act, 1881.	The whole Act.
44 & 45 Vict. c. 68.	The Supreme Court of Judicature Act, 1881.	Section fourteen as far as respects appeals in registration matters.
45 & 46 Vict. c. 50.	The Municipal Corporations Act, 1882.	Section nine; in sub-section (2) of section eleven the words from "or (b) Being entitled" to "to be made," and the words "In either of those cases"; sections thirty-two and thirty-three; sub-section (3) of section forty-two; section forty-four; paragraphs (1) to (7) of section forty-five; sections forty-six to forty-nine; in sub-section (2) of

Session and Chapter.	Title or Short Title.	Extent of Repeal.
45 & 46 Vict. c. 50— <i>contd.</i>		section fifty-one the words "or vote in more than one ward"; sections sixty-three, seventy-one, and seventy-six, sub-sections (1) and (3) of section two hundred and nine, section two hundred and forty-four, Part I. of the Third Schedule, in rule four of Part II. of the Third Schedule, the words "or entered in the separate non-resident list required by this Act to be made," Part IV. of the Third Schedule, rule one of Part II. of the Fifth Schedule so far as respects expenses incurred in relation to the enrolment of burgesses, and Forms C to G in Part II. of the Eighth Schedule.
46 & 47 Vict. c. 51.	The Corrupt and Illegal Practices Prevention Act, 1883.	Sub-section (2) of section thirty-two; paragraph (c) of sub-section (1) of section thirty-three; sub-section (1) of section thirty-five from "and may charge" to the end of the sub-section; sub-section (3) of section thirty-nine; section forty-seven; the definitions of "registration officer" in sections sixty-four and sixty-eight; sub-section (12) of section sixty-eight; sub-section (4) of section sixty-nine from "in the manner" to the end of the sub-section; sub-section (9) of section sixty-nine; paragraph (7) of Part I. of the First Schedule; paragraph (1) of Part II. of the First Schedule; in the "Form of Return of Election Expenses" in Part I. of the Second Schedule the first paragraph under the heading "Expenditure."
47 & 48 Vict. c. 35.	The County of Dublin Jurors' and Voters' Revision Act, 1884.	Section two, so far as respects the appointment of revising barristers and the registration of voters.
47 & 48 Vict. c. 70.	The Municipal Elections (Corrupt and Illegal Practices) Act, 1884.	Sub-section (3) of section thirteen.
48 & 49 Vict. c. 3.	The Representation of the People Act, 1884.	The whole Act so far as unrepealed.
48 & 49 Vict. c. 9.	The Municipal Voters Relief Act, 1885.	The whole Act so far as unrepealed.
48 & 49 Vict. c. 15.	The Registration Act, 1885.	The whole Act so far as unrepealed (except sections sixteen, nineteen, and twenty); the definitions of "ownership voter," "fifty pounds rental voter," and "occupation voter" in section nineteen.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
48 & 49 Vict. c. 16.	The Registration Amend- ment (Scotland) Act, 1885.	Section three, except so far as it relates to the valuation roll, sections four and five, sections seven to ten, thir- teen to fifteen, and section seventeen.
48 & 49 Vict. c. 17.	The Parliamentary Regis- tration (Ireland) Act, 1885.	Sections two to six, eight, nine, thir- teen, fifteen, seventeen to thirty, and the Second Schedule.
48 & 49 Vict. c. 23.	The Redistribution of Seats Act, 1885.	As respects England and Scotland the whole Act so far as unrepealed, and as respects Ireland, sub-sections (3) and (4) of section eight, sections ten to twelve, sub-sections (3), (4), and (5) of section thirteen, sections four- teen, fifteen, eighteen, and twenty, and in section twenty-six the words from "with the following" to the end of the section.
48 & 49 Vict. c. 46.	The Medical Relief Dis- qualification Removal Act, 1885.	The whole Act so far as unrepealed.
48 & 49 Vict. c. 62.	The Parliamentary Elec- tions (Returning Offi- cers) Act, 1885.	The whole Act so far as unrepealed, except so far as it applies to elec- tions other than parliamentary elec- tions.
49 & 50 Vict. c. 42.	The Revising Barristers Act, 1886.	The whole Act.
49 & 50 Vict. c. 43.	The Revising Barristers (Ireland) Act, 1886.	The whole Act.
49 & 50 Vict. c. 57.	The Parliamentary Elec- tions (Returning Offi- cers) Act (1875) Amend- ment Act, 1886.	The whole Act so far as unrepealed, except so far as it applies to elec- tions other than parliamentary elec- tions.
49 & 50 Vict. c. 58.	The Returning Officers (Scotland) Act, 1886.	The whole Act.
[50 & 51 Vict. c. 9]	[Police Disabilities Re- moval Act, 1887.]	[Section three.] ⁸
50 & 51 Vict. c. 55.	The Sheriffs Act, 1887.	Sub-section (2) of section eighteen, so far as respects sheriffs' courts re- quired for the purpose of elections.
51 & 52 Vict. c. 10.	The County Electors Act, 1888.	The whole Act so far as unrepealed.
51 & 52 Vict. c. 41.	The Local Government Act, 1888.	Paragraph (b) of sub-section (2) of section two from "or is registered" to the end of the paragraph; para- graph (xii) of section three; sub-

⁸ Repealed by Representation of the People Act, 1921, s. 1 (2), p. 358, *infra*.

REPRESENTATION OF THE PEOPLE ACT, 1918.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
51 & 52 Vict. c. 41— <i>contd.</i>		section (6) of section thirty-four; proviso twelve in section seventy-five; sections seventy-six and seventy-seven; in paragraph (6), of section eighty-three the words "registration of parliamentary voters or to the," the words "or to any registration matters," and the word "registration" where it lastly occurs; in sub-section (2) of section ninety-two the word "occupation" and the words "of making out and revising the lists of voters, of conducting any parliamentary election"; sub-section (3) of section ninety-two.
52 & 53 Vict. c. 50.	The Local Government (Scotland) Act, 1889.	Sub-section (4) of section eight, and sections twenty-eight and twenty-nine.
53 & 54 Vict. c. 55.	The Elections (Scotland) (Corrupt and Illegal Practices) Act, 1890.	In section one the definition of "revising authority"; sub-section (3) of section seventeen; sub-sections (7) and (8) of section twenty-nine.
53 & 54 Vict. c. 58.	The Parliamentary Registration Expenses (Ireland) Act, 1890.	The whole Act so far as unrepealed.
54 & 55 Vict. c. 11.	The Electoral Disabilities Removal Act, 1891.	The whole Act.
54 & 55 Vict. c. 18.	The Registration of Electors Act, 1891.	The whole Act.
54 & 55 Vict. c. 49.	The Returning Officers (Scotland) Act, 1891.	Section three and the Schedule.
54 & 55 Vict. c. 68.	The County Councils (Elections) Act, 1891.	Section two.
56 & 57 Vict. c. 73.	The Local Government Act, 1894.	Sections forty-three and forty-four.
57 & 58 Vict. c. 58.	The Local Government (Scotland) Act, 1894.	Sub-section (1) of section ten from "provided that" to the end of the sub-section; sections eleven and twelve.
59 & 60 Vict. c. 17.	The Glasgow Parliamentary Divisions Act, 1896.	The whole Act.
61 & 62 Vict. c. 2.	The Registration (Ireland) Act, 1898.	The whole Act.
61 & 62 Vict. c. 37.	The Local Government (Ireland) Act, 1898.	Section ninety-eight except sub-section (8); section one hundred and nine from "The expression 'revising barrister'" to "1885."

Session and Chapter.	Title or Short Title.	Extent of Repeal.
62 & 63 Vict. c. 14.	The London Government Act, 1899.	Sub-section (4) of section three; sub-section (1) of section four from "and shall be" to "electors"; and sub-section (2) of section twenty-seven.
63 & 64 Vict. c. 29.	The London County Council Electors Qualification Act, 1900.	The whole Act.
63 & 64 Vict. c. 49.	The Town Councils (Scotland) Act, 1900.	Section twenty-three from the words "all persons who would have been entitled" to the end of the section; and sections twenty-four to thirty-two.
3 Edw. 7, c. 34.	The Town Councils (Scotland) Act, 1903.	Sections two and four.
8 Edw. 7, c. 14.	The Polling Arrangements (Parliamentary Boroughs) Act, 1908.	The whole Act.
8 Edw. 7, c. 21.	The Registration Act, 1908.	The whole Act.
8 Edw. 7, c. 35.	The Polling Districts and Registration of Voters (Ireland) Act, 1908.	The whole Act.
8 Edw. 7, c. 48.	The Post Office Act, 1908.	Section eighty.
1 & 2 Geo. 5, c. 53.	The House Letting and Rating (Scotland) Act, 1911.	Section seven, proviso (3) from the words "Provided that for the purposes of any qualification or franchise" to end of that proviso; and section eight.
4 & 5 Geo. 5, c. 25.	The Electoral Disabilities (Naval and Military Service) Removal Act, 1914.	The whole Act.

Sections
20 (2), 37.

NINTH SCHEDULE.

REDISTRIBUTION OF SEATS.⁹

1. The names, contents, and boundaries of each parliamentary borough and county and division thereof¹⁰ shall be as specified in this schedule.

2. The areas mentioned in the second and last columns¹⁰ of this schedule shall be taken to be those areas as constituted on the first day of October nineteen hundred and seventeen: Provided that any misnomer or inaccurate description of any of those areas in those columns shall not in any way prevent or abridge the operation of this Act with respect to the subject of the description if it is so designated as to be commonly understood.

3. The wards mentioned in this schedule are, in relation to any borough in London, wards of the metropolitan borough; in relation to any municipal borough, wards of the municipal borough; and, in relation to any urban district, wards of the urban district.

4. The expression "burgh," when used in this schedule, means a burgh as bounded for police purposes on the first day of October nineteen hundred and seventeen.

5. If any doubt arises as to the constituency in which any parish, townland, ward, or other place, whether larger or smaller than a parish, townland, or ward, is intended by this schedule to be included, that doubt shall be determined by the Local Government Board,¹¹ or in Scotland by the Secretary for Scotland.

⁹ See sect. 37, pp. 225—226, *supra*.

¹⁰ See note on next page.

¹¹ The words "Secretary of State" must now be substituted for the words "Local Government Board." See Order in Council dated May 27, 1921 (S.R.O. 1921, No. 959), pp. 439—441, *infra*.

NOTE.—To save space printing in columns has been abandoned, and the “*Contents or Boundaries of Divisions*” have been omitted as being of little or no interest to the readers of this book.

The remaining contents of the Schedule are printed in the following order throughout:—

- (1) Name of Parliamentary Borough or County. (2) Contents of Borough or County. (3) Total number of Members. (4) Names of Divisions.

PART I.

PARLIAMENTARY BOROUGHS.

(1) LONDON.

- (1) BATTERSEA. (2) Metropolitan Borough of Battersea. (3) Two. (4) NORTH, SOUTH.

- (1) BERMONDSEY. (2) Metropolitan Borough of Bermondsey. (3) Two. (4) ROTHERHITHE, WEST BERMONDSEY.

- (1) BETHNAL GREEN. (2) Metropolitan Borough of Bethnal Green. (3) Two. (4) NORTH EAST, SOUTH WEST.

- (1) CAMBERWELL. (2) Metropolitan Borough of Camberwell. (3) Four. (4) DULWICH, NORTH, NORTH WEST, PECKHAM.

- (1) CHELSEA. (2) Metropolitan Borough of Chelsea. (3) One.

- (1) CITY OF LONDON. (2) City of London. (3) Two.

- (1) DEPTFORD. (2) Metropolitan Borough of Deptford. (3) One.

- (1) FINSBURY. (2) Metropolitan Borough of Finsbury. (3) One.

LONDON—*continued.*

(1) FULHAM. (2) Metropolitan Borough of Fulham.
(3) Two. (4) EAST, WEST.

(1) GREENWICH. (2) Metropolitan Borough of Greenwich.
(3) One.

(1) HACKNEY. (2) Metropolitan Borough of Hackney.
(3) Three. (4) CENTRAL, NORTH, SOUTH.

(1) HAMMERSMITH. (2) Metropolitan Borough of Hammersmith. (3) Two. (4) NORTH, SOUTH.

(1) HAMPSTEAD. (2) Metropolitan Borough of Hampstead. (3) One.

(1) HOLBORN. (2) Metropolitan Borough of Holborn.
(3) One.

(1) ISLINGTON. (2) Metropolitan Borough of Islington.
(3) Four. (4) EAST, NORTH, SOUTH, WEST.

(1) KENSINGTON. (2) Metropolitan Borough of Kensington. (3) Two. (4) NORTH, SOUTH.

(1) LAMBETH. (2) Metropolitan Borough of Lambeth.
(3) Four. (4) BRIXTON, KENNINGTON, NORTH, NORWOOD.

(1) LEWISHAM. (2) Metropolitan Borough of Lewisham.
(3) Two. (4) EAST, WEST.

(1) PADDINGTON. (2) Metropolitan Borough of Paddington. (3) Two. (4) NORTH, SOUTH.

(1) POPLAR. (2) Metropolitan Borough of Poplar.
(3) Two. (4) BOW AND BROMLEY, SOUTH POPLAR.

(1) ST. MARYLEBONE. (2) Metropolitan Borough of St. Marylebone. (3) One.

LONDON—*continued*.

(1) ST. PANCRAS. (2) Metropolitan Borough of St. Pancras. (3) Three. (4) NORTH, SOUTH EAST, SOUTH WEST.

(1) SHOREDITCH. (2) Metropolitan Borough of Shoreditch. (3) One.

(1) SOUTHWARK. (2) Metropolitan Borough of Southwark. (3) Three. (4) CENTRAL, NORTH, SOUTH EAST.

(1) STEPNEY. (2) Metropolitan Borough of Stepney. (3) Three. (4) LIMEHOUSE, MILE END, WHITECHAPEL AND ST. GEORGE'S.

(1) STOKE NEWINGTON. (2) Metropolitan Borough of Stoke Newington. (3) One.

(1) WANDSWORTH. (2) Metropolitan Borough of Wandsworth. (3) Five. (4) BALHAM AND TOOTING, CENTRAL, CLAPHAM, PUTNEY, STREATHAM.

(1) WESTMINSTER. (2) Metropolitan Borough of Westminster. (3) Two. (4) ABBEY, ST. GEORGE'S.

(1) WOOLWICH. (2) Metropolitan Borough of Woolwich. (3) Two. (4) EAST, WEST.

(2) ENGLAND, EXCLUDING LONDON AND MONMOUTHSHIRE.

(1) ACCRINGTON. (2) Municipal Borough of Accrington and Urban Districts of Church, Clayton-le-Moors, Oswaldtwistle and Rishton. (3) One.

(1) ASHTON-UNDER-LYNE. (2) Municipal Borough of Ashton-under-Lyne and Urban District of Hurst. (3) One.

(1) BARNESLEY. (2) County Borough of Barnsley and Urban Districts of Ardsley, Darton and Monk Bretton. (3) One.

ENGLAND, EXCLUDING LONDON AND MONMOUTHSHIRE—*continued*.

(1) BARROW-IN-FURNESS. (2) County Borough of Barrow-in-Furness. (3) One.

(1) BATH. (2) County Borough of Bath. (3) One.

(1) BATLEY AND MORLEY. (2) Municipal Boroughs of Batley, Morley and Ossett. (3) One.

(1) BIRKENHEAD. (2) County Borough of Birkenhead. (3) Two. (4) EAST, WEST.

(1) BIRMINGHAM. (2) County Borough of Birmingham. (3) Twelve. (4) ASTON, DERITEND, DUDDESTON, EDGBASTON, ERDINGTON, HANDSWORTH, KING'S NORTON, LADYWOOD, MOSELEY, SPARKBROOK, WEST BIRMINGHAM, YARDLEY.

(1) BLACKBURN. (2) County Borough of Blackburn. (3) Two.

(1) BLACKPOOL. (2) County Borough of Blackpool, Urban Districts of Bispham with Norbreck, Lytham and St. Anne's-on-the-Sea, and the part of the Civil Parish of Carleton which in pursuance of the Blackpool Improvement Act, 1917, becomes part of the County Borough of Blackpool on 1st April, 1918. (3) One.

(1) BOLTON. (2) County Borough of Bolton. (3) Two.

(1) BOOTLE. (2) County Borough of Bootle. (3) One.

(1) BOURNEMOUTH. (2) County Borough of Bournemouth. (3) One.

(1) BRADFORD. (2) County Borough of Bradford. (3) Four. (4) CENTRAL, EAST, NORTH, SOUTH.

(1) BRIGHTON. (2) County Borough of Brighton and Municipal Borough of Hove. (3) Two.

ENGLAND, EXCLUDING LONDON AND MONMOUTHSHIRE—*continued.*

(1) BRISTOL. (2) County Borough of Bristol. (3) Five.
(4) CENTRAL, EAST, NORTH, SOUTH, WEST.

(1) BROMLEY. (2) Municipal Borough of Bromley and Urban Districts of Beckenham and Penge. (3) One.

(1) BURNLEY. (2) County Borough of Burnley. (3) One.

(1) BURY. (2) County Borough of Bury and Urban District of Tottington. (3) One.

(1) CAMBRIDGE. (2) Municipal Borough of Cambridge.
(3) One.

(1) CARLISLE. (2) County Borough of Carlisle. (3) One.

(1) CHELTENHAM. (2) Municipal Borough of Cheltenham and Urban District of Charlton Kings. (3) One.

(1) COVENTRY. (2) County Borough of Coventry. (3) One.

(1) CROYDON. (2) County Borough of Croydon. (3) Two.
(4) NORTH, SOUTH.

(1) DARLINGTON. (2) County Borough of Darlington.
(3) One.

(1) DERBY. (2) County Borough of Derby. (3) Two.

(1) DEWSBURY. (2) County Borough of Dewsbury.
(3) One.

(1) DUDLEY. (2) County Borough of Dudley and Civil Parish of Dudley Castle Hill. (3) One.

(1) EALING. (2) Municipal Borough of Ealing. (3) One.

(1) EAST HAM. (2) County Borough of East Ham.
(3) Two. (4) NORTH, SOUTH.

ENGLAND, EXCLUDING LONDON AND MONMOUTHSHIRE—*continued*.

(1) ECCLES. (2) Municipal Borough of Eccles and Urban District of Swinton and Pendlebury. (3) One.

(1) EDMONTON. (2) Urban District of Edmonton. (3) One.

(1) EXETER. (2) County Borough of Exeter, including Exeter Castle Yard and Devon County Prison and Constabulary Barracks. (3) One.

(1) GATESHEAD. (2) County Borough of Gateshead. (3) One.

(1) GLOUCESTER. (2) County Borough of Gloucester. (3) One.

(1) GREAT YARMOUTH. (2) County Borough of Great Yarmouth. (3) One.

(1) GRIMSBY. (2) County Borough of Grimsby and Urban District of Cleethorpes. (3) One.

(1) HALIFAX. (2) County Borough of Halifax. (3) One.

(1) THE HARTLEPOOLS. (2) County Borough of West Hartlepool and Municipal Borough of Hartlepool. (3) One.

(1) HASTINGS. (2) County Borough of Hastings. (3) One.

(1) HORNSEY. (2) Municipal Borough of Hornsey. (3) One.

(1) HUDDERSFIELD. (2) County Borough of Huddersfield. (3) One.

(1) HYTHE. (2) Municipal Boroughs of Hythe and Folkestone, the Urban District of Cheriton and so much of the Urban District of Sandgate as is not comprised in the Municipal Borough of Folkestone. (3) One.

ENGLAND, EXCLUDING LONDON AND MONMOUTHSHIRE—*continued*.

(1) ILFORD. (2) Urban District of Ilford. (3) One.

(1) IPSWICH. (2) County Borough of Ipswich. (3) One.

(1) KINGSTON-UPON-HULL. (2) County Borough of Kingston-upon-Hull. (3) Four. (4) CENTRAL, EAST, NORTH WEST, SOUTH WEST.

(1) KINGSTON-UPON-THAMES. (2) Municipal Borough of Kingston-upon-Thames and Urban Districts of Surbiton, and The Maldens and Coombe. (3) One.

(1) LEEDS. (2) County Borough of Leeds. (3) Six. (4) CENTRAL, NORTH, NORTH EAST, SOUTH, SOUTH EAST, WEST.

(1) LEICESTER. (2) County Borough of Leicester. (3) Three. (4) EAST, SOUTH, WEST.

(1) LEIGH. (2) Municipal Borough of Leigh and Urban Districts of Atherton and Tyldesley-with-Shakerley. (3) One.

(1) LEYTON. (2) Urban District of Leyton. (3) Two. (4) EAST, WEST.

(1) LINCOLN. (2) County Borough of Lincoln and Urban District of Bracebridge. (3) One.

(1) LIVERPOOL. (2) County Borough of Liverpool. (3) Eleven. (4) EAST TOXTETH, EDGE HILL, EVERTON, EXCHANGE, FAIRFIELD, KIRKDALE, SCOTLAND, WALTON, WAVER-TREE, WEST DERBY, WEST TOXTETH.

(1) MANCHESTER. (2) County Borough of Manchester. (3) Ten. (4) ARDWICK, BLACKLEY, CLAYTON, EXCHANGE, GORTON, HULME, MOSS SIDE, PLATTING, RUSHOLME, WITHINGTON.

(1) MIDDLESBROUGH. (2) County Borough of Middles-brough. (3) Two. (4) EAST, WEST.

ENGLAND, EXCLUDING LONDON AND MONMOUTHSHIRE—*continued*.

(1) MORPETH. (2) Municipal Borough of Morpeth, Urban Districts of Ashington, Bedlingtonshire and Blyth, and Civil Parishes of Hepscoth, Morpeth Castle, Newminster and Tranwell. (3) One.

(1) NELSON AND COLNE. (2) Municipal Boroughs of Colne and Nelson, Urban Districts of Barrowford, Brierfield and Trawden, and the detached part of the Civil Parish of Foulridge which is bounded on the north, west, and south by the Municipal Borough of Colne. (3) One.

(1) NEWCASTLE-UNDER-LYME. (2) Municipal Borough of Newcastle-under-Lyme and Urban Districts of Audley and Wolstanton United. (3) One.

(1) NEWCASTLE-UPON-TYNE. (2) County Borough of Newcastle-upon-Tyne. (3) Four. (4) CENTRAL, EAST, NORTH, WEST.

(1) NORTHAMPTON. (2) County Borough of Northampton. (3) One.

(1) NORWICH. (2) County Borough of Norwich. (3) Two.

(1) NOTTINGHAM. (2) County Borough of Nottingham. (3) Four. (4) CENTRAL, EAST, SOUTH, WEST.

(1) OLDHAM. (2) County Borough of Oldham. (3) Two.

(1) OXFORD. (2) County Borough of Oxford. (3) One.

(1) PLYMOUTH. (2) County Borough of Plymouth. (3) Three. (4) DRAKE, DEVONPORT, SUTTON.

(1) PORTSMOUTH. (2) County Borough of Portsmouth. (3) Three. (4) CENTRAL, NORTH, SOUTH.

ENGLAND, EXCLUDING LONDON AND MONMOUTHSHIRE—*continued.*

(1) PRESTON. (2) County Borough of Preston and Urban District of Fulwood. (3) Two.

(1) READING. (2) County Borough of Reading. (3) One.

(1) RICHMOND. (2) Municipal Borough of Richmond and Urban Districts of Barnes and Ham. (3) One.

(1) ROCHDALE. (2) County Borough of Rochdale. (3) One.

(1) ROCHESTER. (2) Municipal Boroughs of Chatham, Gillingham and Rochester. (3) Two. (4) GILLINGHAM, CHATHAM.

(1) ROSSENDALE. (2) Municipal Boroughs of Bacup, Haslingden and Rawtenstall. (3) One.

(1) ROTHERHAM. (2) County Borough of Rotherham, and Urban Districts of Greasbrough and Rawmarsh. (3) One.

(1) ST. HELEN'S. (2) County Borough of St. Helen's. (3) One.

(1) SALFORD. (2) County Borough of Salford. (3) Three. (4) NORTH, SOUTH, WEST.

(1) SHEFFIELD. (2) County Borough of Sheffield. (3) Seven. (4) ATTERCLIFFE, BRIGHTSIDE, CENTRAL, ECCLESALL, HALLAM, HILLSBOROUGH, PARK.

(1) SMETHWICK. (2) County Borough of Smethwick. (3) One.

(1) SOUTHAMPTON. (2) County Borough of Southampton, Urban District of Itchen, and Civil Parish of Bitterne. (3) Two.

ENGLAND, EXCLUDING LONDON AND MONMOUTHSHIRE—*continued*.

(1) SOUTHEND-ON-SEA. (2) County Borough of Southend-on-Sea. (3) One.

(1) SOUTHPORT. (2) County Borough of Southport. (3) One.

(1) SOUTH SHIELDS. (2) County Borough of South Shields. (3) One.

(1) STOCKPORT. (2) County Borough of Stockport. (3) Two.

(1) STOCKTON-ON-TEES. (2) Municipal Boroughs of Stockton-on-Tees and Thornaby-on-Tees. (3) One.

(1) STOKE-ON-TRENT. (2) County Borough of Stoke-on-Trent. (3) Three. (4) BURSLEM, HANLEY, STOKE.

(1) SUNDERLAND. (2) County Borough of Sunderland and Urban District of Southwick-on-Wear. (3) Two.

(1) TOTTENHAM. (2) Urban District of Tottenham. (3) Two. (4) NORTH, SOUTH.

(1) TYNEMOUTH. (2) County Borough of Tynemouth. (3) One.

(1) WAKEFIELD. (2) County Borough of Wakefield. (3) One.

(1) WALLASEY. (2) County Borough of Wallasey. (3) One.

(1) WALLSEND. (2) Municipal Borough of Wallsend and Urban Districts of Gosforth, Longbenton and Weetslade. (3) One.

(1) WALLSALL. (2) County Borough of Walsall. (3) One.

ENGLAND, EXCLUDING LONDON AND MONMOUTHSHIRE—*continued.*

(1) WALTHAMSTOW. (2) Urban District of Walthamstow. (3) Two. (4) EAST, WEST.

(1) WARRINGTON. (2) County Borough of Warrington. (3) One.

(1) WEDNESBURY. (2) Municipal Borough of Wednesbury, and Urban Districts of Darlaston and Tipton. (3) One.

(1) WEST BROMWICH. (2) County Borough of West Bromwich. (3) One.

(1) WEST HAM. (2) County Borough of West Ham. (3) Four. (4) PLAISTOW, SILVERTOWN, STRATFORD, UPTON.

(1) WIGAN. (2) County Borough of Wigan. (3) One.

(1) WILLESDEN. (2) Urban District of Willesden. (3) Two. (4) EAST, WEST.

(1) WIMBLEDON. (2) Municipal Borough of Wimbledon, and Urban District of Merton and Morden. (3) One.

(1) WOLVERHAMPTON. (2) County Borough of Wolverhampton, and Urban Districts of Bilston, Coseley, Heath Town or Wednesfield Heath, Sedgley, Short Heath, Wednesfield and Willenhall. (3) Three. (4) BILSTON, EAST, WEST.

(1) WORCESTER. (2) County Borough of Worcester. (3) One.

(1) YORK. (2) County Borough of York (with York Castle). (3) One.

(3) WALES AND MONMOUTHSHIRE.

(1) CARDIFF. (2) County Borough of Cardiff, and Urban District of Penarth. (3) Three. (4) CENTRAL, EAST, SOUTH.

(1) CARNARVON DISTRICT OF BOROUGHS. (2) Municipal Boroughs of Bangor, Carnarvon, Conway and Pwllheli, Urban Districts of Criccieth, Llandudno, Llanfairfechan and Penmaenmawr, and Civil Parish of Nevin. (3) One.

(1) MERTHYR TYDFIL. (2) County Borough of Merthyr Tydfil, and Urban Districts of Aberdare and Mountain Ash. (3) Two. (4) ABERDARE, MERTHYR.

(1) NEWPORT. (2) County Borough of Newport. (3) One.

(1) RHONDDA. (2) Urban District of Rhondda. (3) Two. (4) EAST, WEST.

(1) SWANSEA. (2) County Borough of Swansea. (3) Two. (4) EAST, WEST.

(4) BOROUGHS IN SCOTLAND.

(1) ABERDEEN. (2) County of the City of Aberdeen. (3) Two. (4) NORTH, SOUTH.

(1) AYR DISTRICT OF BURGHS. (2) Burghs of Ayr, Ardrossan, Irvine, Prestwick, Saltcoats, and Troon. (3) One.

(1) DUMBARTON DISTRICT OF BURGHS. (2) Burghs of Dumbarton and Clydebank. (3) One.

(1) DUNDEE. (2) County of the City of Dundee. (3) Two.

BOROUGHS IN SCOTLAND—*continued.*

(1) DUNFERMLINE DISTRICT OF BURGHS.
 (2) Burghs of Dunfermline, Cowdenbeath, Inverkeithing, and
 Lochgelly. (3) One.

(1) EDINBURGH. (2) County of the City of Edinburgh
 and Burgh of Musselburgh. (3) Five. (4) CENTRAL, EAST,
 NORTH, SOUTH, WEST.

(1) GLASGOW. (2) County of the City of Glasgow.
 (3) Fifteen. (4) BRIDGETON, CAMLACHIE, CATHCART, CENTRAL,
 GORBALS, GOVAN, HILLHEAD, KELVINGROVE, MARYHILL, PARTICK,
 POLLOK, ST. ROLLOX, SHETTLESTON, SPRINGBURN, TRADESTON.

(1) GREENOCK. (2) Burgh of Greenock. (3) One.

(1) KIRKCALDY DISTRICT OF BURGHS. (2) Burghs
 of Kirkealdy, Buekhaven Methil and Innerleven, Burntisland,
 Dysart and Kinghorn. (4) One.

(1) LEITH. (2) Burgh of Leith. (3) One.

(1) MONTROSE DISTRICT OF BURGHS. (2) Burghs
 of Montrose, Arbroath, Breehin, Forfar and Inverbervie.
 (3) One.

(1) PAISLEY. (2) Burgh of Paisley. (3) One.

(1) STIRLING AND FALKIRK DISTRICT OF
 BURGHS. (2) Burghs of Stirling, Falkirk and Grangemouth.
 (3) One.

PART II.

PARLIAMENTARY COUNTIES.

(1) ENGLAND, EXCLUDING MONMOUTHSHIRE.

(1) BEDFORD. (2) The Administrative County of Bedford.
(3) Three. (4) BEDFORD, LUTON, MID.

(1) BERKS. (2) The Administrative County of Berks.
(3) Three. (4) ABINGDON, NEWBURY, WINDSOR.

(1) BUCKS. (2) The Administrative County of Bucks.
(3) Three. (4) AYLESBURY, BUCKINGHAM, WYCOMBE.

(1) CAMBRIDGE. (2) The Administrative County of Cambridge, exclusive of the part thereof comprised in the Parliamentary Borough of Cambridge. (4) One.

(1) CHESTER. (2) The Administrative County of Chester and the County Borough of Chester. (3) Nine. (4) ALTRINCHAM, CITY OF CHESTER, CREWE, EDDISBURY, KNUTSFORD, MACCLESFIELD, NORTHWICH, STALYBRIDGE AND HYDE, WIRRAL.

(1) CORNWALL. (2) The Administrative County of Cornwall and the Isles of Scilly. (3) Five. (4) BODMIN, CAMBORNE, NORTHERN, PENRYN AND FALMOUTH, ST. IVES.

(1) CUMBERLAND. (2) The Administrative County of Cumberland. (3) Four. (4) NORTHERN, PENRITH AND COCKERMOUTH, WHITEHAVEN, WORKINGTON.

(1) DERBY. (2) The Administrative County of Derby.
(3) Eight. (4) BELPER, CHESTERFIELD, CLAY CROSS, HIGH PEAK, ILKESTON, NORTH EASTERN, SOUTHERN, WESTERN.

ENGLAND, EXCLUDING MONMOUTHSHIRE—*continued*.

(1) DEVON. (2) The Administrative County of Devon.
 (3) Seven. (4) BARNSTAPLE, HONITON, SOUTH MOLTON,
 TAVISTOCK, TIVERTON, TORQUAY, TOTNES.

(1) DORSET. (2) The Administrative County of Dorset.
 (3) Four. (4) EASTERN, NORTHERN, SOUTHERN, WESTERN.

(1) DURHAM. (2) The Administrative County of Durham
 exclusive of the parts thereof comprised in Parliamentary
 Boroughs. (3) Eleven. (4) BARNARD CASTLE, BISHOP AUCK-
 LAND, BLAYDON, CHESTER-LE-STREET, CONSETT, DURHAM,
 HOUGHTON-LE-SPRING, JARROW, SEAHAM, SEDGEFIELD, SPENNY-
 MOOR.

(1) ESSEX. (2) The Administrative County of Essex exclu-
 sive of the parts thereof comprised in Parliamentary Boroughs.
 (3) Eight. (4) CHELMSFORD, COLCHESTER, EPPING, HARWICH,
 MALDON, ROMFORD, SAFFRON WALDEN, SOUTH EASTERN.

(1) GLOUCESTER. (2) The Administrative County of
 Gloucester exclusive of the parts thereof comprised in the Par-
 liamentary Borough of Cheltenham. (3) Four. (4) CIRENCESTER
 AND TEWKESBURY, FOREST OF DEAN, STROUD, THORNBURY.

(1) HANTS. (2) The Administrative County of Southampton,
 exclusive of the parts thereof comprised in the Parliamentary
 Borough of Southampton. (3) Six. (4) ALDERSHOT, BASING-
 STOKE, FAREHAM, NEW FOREST AND CHRISTCHURCH, PETERS-
 FIELD, WINCHESTER.

(1) HEREFORD. (2) The Administrative County of Here-
 ford. (3) Two. (4) HEREFORD, LEOMINSTER.

(1) HERTFORD. (2) The Administrative County of
 Hertford. (3) Five. (4) HEMEL HEMPSTED, HERTFORD,
 HITCHIN, ST. ALBANS, WATFORD.

ENGLAND, EXCLUDING MONMOUTHSHIRE—*continued*.

(1) HOLLAND WITH BOSTON. (2) The Administrative County of the Parts of Holland. (3) One.

(1) HUNTINGDON. (2) The Administrative County of Huntingdon. (3) One.

(1) ISLE OF ELY. (2) The Administrative County of the Isle of Ely. (3) One.

(1) ISLE OF WIGHT. (2) The Administrative County of the Isle of Wight. (3) One.

(1) KENT. (2) The Administrative County of Kent (exclusive of the parts thereof comprised in Parliamentary Boroughs) and the County Borough of Canterbury. (3) Eleven. (4) ASHFORD, CANTERBURY, CHISLEHURST, DARTFORD, DOVER, FAVERSHAM, GRAVESEND, ISLE OF THANET, MAIDSTONE, SEVENOAKS, TONBRIDGE.

(1) PARTS OF KESTEVEN, AND RUTLAND. (2) The Administrative County of the Parts of Kesteven (exclusive of the part thereof comprised in the Parliamentary Borough of Lincoln), and the Administrative County of Rutland. (3) Two. (4) GRANTHAM, RUTLAND AND STAMFORD.

(1) LANCASTER. (2) The Administrative County of Lancaster exclusive of the parts thereof comprised in Parliamentary Boroughs. (3) Eighteen. (4) CHORLEY, CLITHEROE, DARWEN, FARNWORTH, FYLDE, HEYWOOD AND RADCLIFFE, INCE, LANCASTER, LONSDALE, MIDDLETON AND PRESTWICH, MOSSLEY, NEWTON, ORMSKIRK, ROYTON, STRETFORD, WATERLOO, WESTHOUGHTON, WIDNES.

ENGLAND, EXCLUDING MONMOUTHSHIRE—*continued*.

(1) LEICESTER. (2) The Administrative County of Leicester. (3) Four. (4) BOSWORTH, HARBOROUGH, LOUGHBOROUGH, MELTON.

(1) PARTS OF LINDSEY. (2) The Administrative County of the parts of Lindsey exclusive of the part thereof comprised in the Parliamentary Borough of Grimsby. (3) Four. (4) BRIGG, GAINSBOROUGH, HORNCASTLE, LOUTH.

(1) MIDDLESEX. (2) The Administrative County of Middlesex exclusive of the parts thereof comprised in Parliamentary Boroughs. (3) Ten. (4) ACTON, BRENTFORD AND CHISWICK, ENFIELD, FINCHLEY, HARROW, HENDON, SPELTHORNE, TWICKENHAM, UXBRIDGE, WOOD GREEN.

(1) NORFOLK. (2) The Administrative County of Norfolk. (3) Five. (4) EASTERN, KING'S LYNN, NORTHERN, SOUTHERN, SOUTH WESTERN.

(1) NORTHAMPTON, WITH THE SOKE OF PETERBOROUGH. (2) The Administrative Counties of Northampton and the Soke of Peterborough. (3) Four. (4) DAVENTRY, KETTERING, PETERBOROUGH, WELLINGBOROUGH.

(1) NORTHUMBERLAND. (2) The Administrative County of Northumberland exclusive of the parts thereof comprised in Parliamentary Boroughs. (3) Three. (4) BERWICK-UPON-TWEED, HEXHAM, WANSBECK.

(1) NOTTINGHAM. (2) The Administrative County of Nottingham. (3) Five. (4) BASSETLAW, BROXTOWE, MANSFIELD, NEWARK, RUSHCLIFFE.

(1) OXFORD. (2) The Administrative County of Oxford. (3) Two. (4) BANBURY, HENLEY.

(1) SALOP. (2) The Administrative County of Salop. (3) Four. (4) LUDLOW, OSWESTRY, SHREWSBURY, THE WREKIN.

ENGLAND, EXCLUDING MONMOUTHSHIRE—*continued.*

(1) SOMERSET. (2) The Administrative County of Somerset. (3) Six. (4) BRIDGWATER, FROME, TAUNTON, WELLS, WESTON-SUPER-MARE, YEovil.

(1) STAFFORD. (2) The Administrative County of Stafford (exclusive of the parts thereof comprised in Parliamentary Boroughs) and the County Borough of Burton-upon-Trent. (3) Seven. (4) BURTON, CANNOCK, KINGSWINFORM, LEEK, LICHFIELD, STAFFORD, STONE.

(1) EAST SUFFOLK. (2) The Administrative County of East Suffolk. (3) Three. (4) EYE, LOWESTOFT, WOODBRIDGE.

(1) WEST SUFFOLK. (2) The Administrative County of West Suffolk. (3) Two. (4) BURY ST. EDMUNDS, SUDBURY.

(1) SURREY. (2) The Administrative County of Surrey exclusive of the parts thereof comprised in Parliamentary Boroughs. (3) Seven. (4) CHERTSEY, EASTERN, EPSOM, FARNHAM, GUILDFORD, MITCHAM, REIGATE.

(1) EAST SUSSEX. (2) The Administrative County of East Sussex (exclusive of the part thereof comprised in the Parliamentary Borough of Brighton) and the County Borough of Eastbourne. (3) Four. (4) EASTBOURNE, EAST GRINSTEAD, LEWES, RYE.

(1) WEST SUSSEX. (2) The Administrative County of West Sussex. (3) Two. (4) CHICHESTER, HORSHAM AND WORTHING.

(1) WARWICK. (2) The Administrative County of Warwick. (3) Four. (4) NUNEATON, RUGBY, TAMWORTH, WARWICK AND LEAMINGTON.

(1) WESTMORLAND. (2) The Administrative County of Westmorland. (3) One.

ENGLAND, EXCLUDING MONMOUTHSHIRE—*continued.*

(1) WILTS. (2) The Administrative County of Wilts. (3) Five. (4) CHIPPENHAM, DEVIZES, SALISBURY, SWINDON, WESTBURY.

(1) WORCESTER. (2) The Administrative County of Worcester. (3) Four. (4) BEWDLEY, EVESHAM, KIDDERMINSTER, STOURBRIDGE.

(1) YORK, EAST RIDING. (2) The Administrative County of York, East Riding. (3) Three. (4) BUCKROSE, HOLDERNESS, HOWDENSHERE.

(1) YORK, NORTH RIDING. (2) The Administrative County of York, North Riding, exclusive of the part thereof comprised in the Parliamentary Borough of Stockton-on-Tees. (3) Four. (4) CLEVELAND, RICHMOND, SCARBOROUGH AND WHITBY, THIRSK AND MALTON.

(1) YORK, WEST RIDING. (2) The Administrative County of York, West Riding, exclusive of the parts thereof comprised in Parliamentary Boroughs. (3) Nineteen. (4) BARKSTON ASH, COLNE VALLEY, DONCASTER, DON VALLEY, ELLAND, HEMSWORTH, KEIGHLEY, NORMANTON, PENISTONE, PONTEFRACT, PUDSEY AND OTLEY, RIPON, ROTHER VALLEY, ROTHWELL, SHIPLEY, SKIPTON, SOWERBY, SPEN VALLEY, WENTWORTH.

(2) WALES AND MONMOUTHSHIRE.

(1) ANGLESEY. (2) The Administrative County of Anglesey. (3) One.

(1) BRECON AND RADNOR. (2) The Administrative Counties of Brecon and Radnor. (3) One.

(1) CARDIGAN. (2) The Administrative County of Cardigan. (3) One.

WALES AND MONMOUTHSHIRE—*continued*.

(1) CARMARTHEN. (2) The Administrative County of Carmarthen. (3) Two. (4) CARMARTHEN, LLANELLY.

(1) CARNARVON. (2) The Administrative County of Carnarvon exclusive of the part thereof comprised in the Carnarvon District of Boroughs and inclusive of Bardsey Island. (3) One.

(1) DENBIGH. (2) The Administrative County of Denbigh. (3) Two. (4) DENBIGH, WREXHAM.

(1) FLINT. (2) The Administrative County of Flint. (3) One.

(1) GLAMORGAN. (2) The Administrative County of Glamorgan exclusive of the parts thereof comprised in Parliamentary Boroughs. (3) Seven. (4) ABERAVON, CAERPHILLY, GOWER, LLANDAFF AND BARRY, NEATH, OGMORE, PONTYPRIDD.

(1) MERIONETH. (2) The Administrative County of Merioneth. (3) One.

(1) MONMOUTH. (2) The Administrative County of Monmouth. (3) Five. (4) ABERTILLERY, BEDWELTY, EBBW VALE, MONMOUTH, PONTYPOOL.

(1) MONTGOMERY. (2) The Administrative County of Montgomery. (3) One.

(1) PEMBROKE. (2) The Administrative County of Pembroke. (3) One.

(3) SCOTLAND.

(1) ABERDEEN AND KINCARDINE. (2) The Counties of Aberdeen and Kincardine, inclusive of all Burghs situated therein except the County of the City of Aberdeen and the Burgh of Inverbervie. (3) Three. (4) CENTRAL, EASTERN, KINCARDINE AND WESTERN.

(1) ARGYLL. (2) The County of Argyll, inclusive of all Burghs situated therein. (3) One.

(1) AYR AND BUTE. (2) The Counties of Ayr and Bute, inclusive of all Burghs situated therein except the Burghs of Ayr, Ardrossan, Irvine, Prestwick, Salteats, and Troon. (3) Three. (4) BUTE AND NORTHERN, KILMARNOCK, SOUTH AyrSHIRE.

(1) BANFF. (2) The County of Banff, inclusive of all Burghs situated therein. (3) One.

(1) BERWICK AND HADDINGTON. (2) The Counties of Berwick and Haddington, inclusive of all Burghs situated therein. (3) One.

(1) CAITHNESS AND SUTHERLAND. (2) The Counties of Caithness and Sutherland, inclusive of all Burghs situated therein. (3) One.

(1) DUMBARTON. (2) The County of Dumbarton, inclusive of all Burghs situated therein except the Burghs of Dumbarton and Clydebank. (4) One.

(1) DUMFRIES. (2) The County of Dumfries, inclusive of all Burghs situated therein. (3) One.

(1) FIFE. (2) The County of Fife, inclusive of all Burghs situated therein except the Burghs of Dunfermline, Cowdenbeath, Inverkeithing, Lochgelly, Kirkealdy, Buckhaven Methil and Innerleven, Burntisland, Dysart, and Kinghorn. (3) Two. (4) EASTERN, WESTERN.

SCOTLAND—*continued.*

(1) FORFAR. (2) The County of Forfar, inclusive of all Burghs situated therein except the County of the City of Dundee and the Burghs of Montrose, Arbroath, Brechin, and Forfar. (3) One.

(1) GALLOWAY. (2) The Counties of Kirkcubright and Wigtown, inclusive of all Burghs situated therein. (3) One.

(1) INVERNESS AND ROSS AND CROMARTY. (2) The Counties of Inverness and Ross and Cromarty, inclusive of all Burghs situated therein. (3) Three. (4) INVERNESS, ROSS AND CROMARTY, WESTERN ISLES.

(1) LANARK. (2) The County of Lanark, inclusive of all Burghs situated therein except the County of the City of Glasgow and so much of the Burgh of Renfrew as is contained within the Parish of Govan. (3) Seven. (4) BOTHWELL, COATBRIDGE, HAMILTON, LANARK, MOTHERWELL, NORTHERN, RUTHERGLEN.

(1) LINLITHGOW. (2) The County of Linlithgow, inclusive of all Burghs situated therein. (3) One.

(1) MIDLOTHIAN AND PEEBLES. (2) The Counties of Midlothian and Peebles, inclusive of all Burghs situated therein, except the County of the City of Edinburgh and the Burghs of Leith and Musselburgh. (3) Two. (4) NORTHERN, PEEBLES AND SOUTHERN.

(1) MORAY AND NAIRN. (2) The Counties of Elgin and Nairn, inclusive of all Burghs situated therein. (3) One.

(1) ORKNEY AND ZETLAND. (2) The Counties of Orkney and Zetland, inclusive of all Burghs situated therein. (3) One.

(1) PERTH AND KINROSS. (2) The Counties of Perth and Kinross, inclusive of all Burghs situated therein. (3) Two. (4) KINROSS AND WESTERN, PERTH.

SCOTLAND—*continued*.

(1) RENFREW. (2) The County of Renfrew, inclusive of all Burghs situated therein, except the Burghs of Greenock and Paisley, together with so much of the Burgh of Renfrew as is contained within the parish of Govan in the County of Lanark. (3) Two. (4) EASTERN, WESTERN.

(1) ROXBURGH AND SELKIRK. (2) The Counties of Roxburgh and Selkirk, inclusive of all Burghs situated therein. (3) One.

(1) STIRLING AND CLACKMANNAN. (2) The Counties of Stirling and Clackmannan, inclusive of all Burghs situated therein, except the Burghs of Stirling, Falkirk and Grangemouth. (3) Two. (4) CLACKMANNAN AND EASTERN, WESTERN.

PART III.

UNIVERSITIES.

Description of University Constituency.	Number of Members.
England and Wales :—	
The University of Oxford	2
The University of Cambridge	2
The University of London	1
The University of Wales	1
The University of Durham, the Victoria University of Manchester, the University of Liverpool, the University of Leeds, the University of Sheffield, the University of Birmingham, and the University of Bristol	2
Scotland :—	
The University of St. Andrews, the University of Glasgow, the University of Aberdeen, and the University of Edinburgh..	3

APPENDICES.



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APPENDIX I.

ACTS AMENDING THE REPRESENTATION OF
THE PEOPLE ACT, 1918.

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No. 1.

REPRESENTATION OF THE PEOPLE
(AMENDMENT) ACT, 1918.

(8 & 9 GEO. 5, CH. 50.)

An Act to extend the maximum period which may be allowed to elapse at elections during the present war and a period of twelve months thereafter between the close of the poll and the counting of the votes, and to exclude from the operation of the Rules Publication Act, 1893, Orders in Council made under the Representation of the People Act, 1918. [21st November, 1918.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. [*Repealed by sect. 1 of the R. P. (No. 2) Act, 1920. p. 356, infra.*]

2. *Exclusion of s. 1 of Rules Publication Act (56 & 57 Vict. c. 66).*—Section one of the Rules Publication Act, 1893, shall not apply, and shall be deemed never to have applied, to Orders in Council made under the Representation of the People Act, 1918, and accordingly any such Orders which before the passing of this Act have taken effect provisionally in accordance with the Rules Publication Act, 1893, shall have effect as though they had been made as final Orders with full effect as from the date on which they were made.

3. *Short title.*—This Act may be cited as the Representation of the People (Amendment) Act, 1918, and the Representation of the People Act, 1918, and this Act may be cited together as the Representation of the People Acts, 1918.

No. 2.

REPRESENTATION OF THE PEOPLE (RETURNING OFFICERS' EXPENSES) ACT, 1919.

(9 GEO. 5, CH. 8.)

An Act to amend the Representation of the People Act, 1918, with respect to the mode of payment of the charges of returning officers.
[16th April, 1919.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 *Charges of returning officers' expenses on consolidated fund.*—The amount of the charges of returning officers at parliamentary elections (other than university elections) shall, instead of being paid out of moneys provided by Parliament, be charged on and paid out of the consolidated fund or the growing produce thereof; and accordingly sub-section (2) of section twenty-nine¹ of the Representation of the People Act, 1918 (8 Geo. 5, c. 64), shall have effect as though for the words "shall be paid by the Treasury out of moneys provided by Parliament" there were substituted the words "shall be charged on and paid out of the consolidated fund or the growing produce thereof."

2. *Short title and commencement.*—This Act may be cited as the Representation of the People (Returning Officers' Expenses) Act, 1919, and shall come into operation on the first day of April nineteen hundred and nineteen; and the Representation of the People Acts, 1918, and this Act may be cited together as the Representation of the People Acts, 1918 and 1919.

¹ See p. 170, *supra*.

No. 3.

REPRESENTATION OF THE PEOPLE ACT, 1920.

(10 & 11 GEO. 5, CH. 15.)

An Act to remove doubts as to the interpretation of sub-section (4) of section five of the Representation of the People Act, 1918.
[2nd July, 1920.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. *Interpretation of s. 5 (4) of 8 Geo. 5, c. 64.*—For the removal of doubts, it is hereby declared that—

- (a) a person who, by virtue of sub-section (4) of section five² of the Representation of the People Act, 1918, has at any time become entitled, as a male naval or military voter serving or having served in or in connection with the war, to be registered as a parliamentary elector before attaining full age, continues to be entitled, if otherwise qualified, to be registered as a parliamentary elector before attaining full age, notwithstanding that the service which brings him within the provisions of that section has ceased; and
- (b) the expression "service" in the said sub-section (4) means service in or in connection with the war.²

2. *Short title.*—This Act may be cited as the Representation of the People Act, 1920, and the Representation of the People Acts, 1918 and 1919, and this Act may be cited together as the Representation of the People Acts, 1918 to 1920.

² See pp. 65, 67—78, *supra*.

No. 4.

REPRESENTATION OF THE PEOPLE (No. 2) ACT,
1920.

(10 & 11 GEO. 5, CH. 35.)

An Act to make further provision with respect to the time for the counting of Votes at Parliamentary Elections, and to amend the Law with respect to the right of voting by proxy; and for purposes connected therewith. [16th August, 1920.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. *Time for counting votes at parliamentary elections.*—Sub-section (3) of section twenty-three¹ of the Representation of the People Act, 1918 (8 Geo. 5, c. 64) (hereinafter referred to as the principal Act), and section one² of the Representation of the People (Amendment) Act, 1918 (8 & 9 Geo. 5, c. 50) (which enable provision to be made temporarily for counting the votes at certain elections at a time after the close of the poll to be fixed by Order in Council), shall cease to have effect.

2. *Extension of right to vote by proxy.*—(1) Section twenty-three³ of the principal Act shall have effect as though the following sub-section were substituted for sub-section (4) thereof:—

“(4) Any person whose name is entered on the absent voters list, and who makes a statement in the prescribed form that there is a probability that he will at the time of a parliamentary election be at sea or out of the United Kingdom, and satisfies the registration officer as to the bona fides of such statement, shall be entitled if he so desires to appoint a proxy, and having appointed a proxy to vote by proxy in accordance with and subject to the provisions of this Act.

“No ballot paper shall be sent for the purpose of voting by post to a person who has appointed a proxy under this provision while the appointment is in force, or to any person unless the address of that person recorded by the registration officer is an address in the United Kingdom.

“The provisions set out in the Third Schedule to this Act shall have effect with respect to voting by proxy.”

(2) The Third Schedule to the principal Act shall have effect as though the following paragraph were substituted for paragraph 4.⁴

“4. A proxy paper, unless cancelled, shall remain in force so long as the elector continues to be registered in respect of the same qualification, and to be on the absent voters list.”

(3) Any proxy paper in force at the date of the commencement of this Act shall continue in force as though it had been issued under the principal Act as amended by this Act.

¹ See p. 138, *supra*.

² See p. 353, *supra*.

³ See pp. 138—139, *supra*.

⁴ See p. 290, *supra*.

3. *Day of poll at by-elections.*—In the case of a parliamentary by-election—

- (a) the day fixed for nomination in boroughs shall not be later than the seventh day after the returning officer receives the writ, with an interval of not less than two clear days between the day on which the returning officer gives the notice and the day of nomination; and
- (b) the poll shall take place on such day as the returning officer may appoint, not being less than six or more than eight clear days after the date fixed for nomination;

and the First Schedule⁵ to the Ballot Act, 1872 (35 & 36 Vict. c. 33), and sub-section (1) of section twenty-one⁶ of the principal Act shall be modified accordingly.

4. *Short title and commencement.*—(1) This Act may be cited as the Representation of the People (No. 2) Act, 1920, and shall be included among the Acts which may be cited as the Representation of the People Acts, 1918 to 1920.

(2) This Act shall come into operation at the expiration of two months from the passing thereof, but where at the date on which this Act comes into operation a writ has been issued in respect of any election, this Act shall not apply to that election.

⁵ See Rules 2 and 14, pp. 502 and 504, *infra*, and pp. 141—142, *supra*.

⁶ See p. 128, *supra*.

No. 5.

REPRESENTATION OF THE PEOPLE ACT, 1921.

(11 & 12 GEO. 5, CH. 34.)

An Act to amend the Representation of the People Acts, 1918 to 1920, with respect to interruptions of residence during the qualifying period. [4th August, 1921.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. *Interruption of residence by service.*—(1) The residence of a person in any premises shall not be deemed to have been interrupted for the purposes of the Representation of the People Acts, 1918 to 1920, by reason only of the fact that that person has been absent from the premises during part of the qualifying period, not exceeding four months at any one time, in the performance of any duty arising from or incidental to any office, service, or employment held or undertaken by him; but the express enactment of this provision shall not affect in any way the general principles governing the interpretation of the expression "residence" and cognate expressions.⁷

(2) Section three⁸ of the Police Disabilities Removal Act, 1887 (50 & 51 Vict. c. 9), is hereby repealed.

2. *Short title.*—This Act may be cited as the Representation of the People Act, 1921, and the Representation of the People Acts, 1918 to 1920, and this Act may be cited together as the Representation of the People Acts, 1918 to 1921.

⁷ See pp. 19—20, 77, 81, *supra*.

⁸ This section contains a similar exception applicable to police officers.

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No. 1.

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[*Omitted.*]

THE REPRESENTATION OF THE PEOPLE ORDER.¹

PART I.

REGISTRATION.

(See Act, ss. 5 (2), 13 (2), First Schedule, r. 31.)

1. *Registration forms.*—(1) The forms set out in Schedule I, to this Order, or forms to the like effect, shall be used in the cases to which they are expressed to be applicable, and shall for the purposes of the Act be deemed to be the prescribed forms for England and Wales.

(2) The forms set out or referred to in Schedules II. and III. to this Order, or forms to the like effect, shall be used in the cases to which they are expressed to be applicable, and shall for the purposes of the Act be deemed to be the prescribed forms for Scotland and Ireland² respectively.

(3) In particular the forms of statement set out or referred to under heading V., in each of those Schedules ("Forms of statement to be made under s. 5 (2) of Act"), or forms to the like effect, shall be deemed to be the prescribed forms of statement that a person would have had the necessary qualification but for the service which brings him within the provisions of section 5 of the Act, and shall be verified by being countersigned by an officer or other person in the manner shown in the forms.

2. *Form of electors lists.*³—The electors lists for a registration unit shall consist of—

List A.—A copy of the register in force for the unit.

List B.—A list of newly-qualified electors, *i.e.*, persons who are qualified for registration as parliamentary or as local government electors in respect of qualifying premises for which they are not registered in the register in force or for which they have become entitled to be registered in a different voting capacity.

List C.—A list of persons no longer qualified as electors, *i.e.*, persons who, being registered in respect of qualifying premises in the register in force, have ceased to be qualified for registration as parliamentary or as local government electors in respect of those premises or have become entitled to be registered in respect of those premises in a different voting capacity.

Provided that where since the publication of the register the area of a registration unit has been altered the register in force shall be deemed to be the register or registers for the unit or units any part of which is comprised in the new unit.

Provided also that a person whose name is contained in List C shall not, unless his name is contained also in List B, be deemed to be a person whose name appears on the electors lists so as to enable him to object to the registration of any person under Rule 12 in the First Schedule to the Act.

¹ See footnote ¹ on p. 359, *supra*.

² The forms for Ireland are omitted.

³ See First Schedule to Act, Rules 1—6, pp. 272—274, *supra*.

3. *Duplicate entries.*—Where the registration officer makes any correction in the electors lists by way of the removal of a duplicate entry or the placing of any mark⁴ against the name of a person, he shall send to the person affected a notice in the form set out or referred to under heading VIII. in Schedules I., II. and III. to this Order (“Form of notice as to the correction of electors lists by the removal of duplicate entries or placing of marks”), or in a form to the like effect, and unless within five clear days from the date of the notice he receives from the person affected an expression of choice as to the entry, or an objection to the placing of any mark, he may deal with the entry or mark in the manner specified in the notice.

Where a person is qualified for registration as a parliamentary elector in respect of more than one qualification and any entry in respect of him has been removed as a duplicate, the registration officer shall not be required to include in subsequent electors lists any entry which has been so removed if the elector remains qualified for registration as a parliamentary elector in respect of the qualification for which he is so registered in the register in force.

4. *List of out-voters.*—There shall be added as a supplement to that portion of the register which relates to any polling district a list, giving with respect to persons who, though not resident in that polling district, are entitled to vote at a polling place for that district under rule 24 of the First Schedule to the Act, the same particulars as are contained with respect to those persons in the register, including a reference to the polling district where any such person is registered: Provided that the names shall be numbered consecutively after the other names in the register for such first-mentioned polling district.

5. *Place for inspection of documents.*—As respects any registration unit in which there is no post office or other convenient place at which copies of documents relating to the unit can be made available for inspection as required by rules 27 and 31 of the First Schedule to the Act, it shall be sufficient compliance with that requirement if copies of the documents are made available for inspection by the public at some convenient place to which the public have access outside the registration unit, and accordingly those rules shall be amended so as to give effect to this provision.

PART II.

SPECIAL PROVISIONS AS TO REGISTRATION OF ABSENT VOTERS.

(See Act, ss. 13 (2), 23 (6).)

General.

6. *Numbering of names in absent voters list.*—(1) The names in the absent voters list shall be arranged in the same order as that in which those names appear in the register, and shall be numbered consecutively throughout the constituency, commencing with the number one.⁵

(2) The foregoing provisions of this rule shall not apply to Scotland, but the names in the absent voters list in Scotland shall be numbered either consecutively beginning with the number following the last number on the part of the register relating to the polling district, or by repeating as respects each absent voter the number appended to his name in the register, and the names of persons in the register whose names are included in the absent voters list shall be marked in the register with the letter “a.”

⁴ See First Schedule to Act, r. 2, p. 272, *supra*.

⁵ See *Ibid.*, r. 3, p. 273, *supra*.

7. *Late notifications of addresses.*—Any notification of an address or change of address of an absent voter received by the registration officer for the purpose of the record of addresses required to be kept under the Act⁶ may, if the notification is received too late for a ballot paper to be despatched to the voter at the time of the original issue of the ballot papers to absent voters at an election, be disregarded so far as regards that election, unless it appears to the returning officer that it is reasonably practicable to arrange for a subsequent issue of ballot papers to absent voters and that there is a reasonable probability that a ballot paper sent at such issue to the absent voter at the address furnished in the notification could be returned by the absent voter so as to reach the returning officer before the close of the poll.

8. *Special provisions as to absent voters.*—(a) Where no sufficient address in respect of an absent voter has been furnished to the registration officer for the purpose of the record of addresses required to be kept by him under rule 19 of the First Schedule to the Act the registration officer may record the qualifying premises in respect of which the absent voter is registered as the address of that voter for the purposes of the said rule, unless it appears to the registration officer that a ballot paper if sent to that address would reasonably be expected not to reach the voter; and

(b) Rule 11 (2) of this Order shall apply to persons who have ceased to be members of the naval, military or air forces of the Crown and are in hospitals or institutions or are otherwise away from their homes for the purpose of training or treatment, as it applies to members of the naval, military or air forces of the Crown; and

(c) Where the registration officer receives from a person whose name is on the absent voters list a duly authenticated application for his name to be removed from that list, that person shall, notwithstanding that the register has been published, be treated as though his name were not on the absent voters list, and the names of such persons shall be erased from each copy of the absent voters list to be used by the returning officer at an election, without, however, altering the number of any other name on the list. The registration officer shall cause any mark placed in the copies of the register to be used by the returning officer at the election against the name of any such person indicating that he will vote as an absent voter to be erased:

Provided that where any such application is received less than one clear day before the day of nomination of candidates for an election, the application may be disregarded for the purposes of that election.

9. *Merchant seamen and fishermen.*—Where the name of any merchant seaman or fisherman has been placed on the absent voters list in pursuance of a claim in that behalf, his name shall be placed on the absent voters list for each subsequent register, so long as he continues to be registered for the same qualifying premises and the registration officer is satisfied that he continues to be a merchant seaman or fisherman, as the case may be, unless he gives notice in writing to the registration officer that he does not wish his name to be placed on the list.

Naval or Military Voters.

10. *Statements to be treated as claims in certain cases.*—Where—

- (a) the statement of any naval or military voter made in the prescribed form that he would have had the necessary qualification in any constituency but for his service; or
- (b) (subject to verification by the registration officer) any statement containing similar particulars supplied by or on behalf of the Admiralty, Army Council, or Air Council,

⁶ See First Schedule, r. 19, pp. 278—279, *supra*.

is received by the registration officer too late for the purpose of the inclusion of the elector's name in the electors list, that statement may for all the purposes of the Act and rules⁷ thereunder be treated as a claim to be registered.

11. *Special provisions as to statements in certain cases.*—(1) A statement received from a merchant seaman, pilot, or fisherman who is a naval or military voter in the form prescribed under heading V. in Schedules I., II. and III. to this Order, or in a form to the like effect, shall, if it includes a statement of actual residence, be treated as a claim and declaration for the purposes of section 5 (1) of the Act, but the registration officer receiving any such statement shall nevertheless place the person from whom the statement is received on the absent voters list, unless that person gives notice that he does not so desire.

(2) Where the registration officer receives from a person whose name is on the register but not on the absent voters list, a statement indicating to his satisfaction that that person is a member of the naval, military or air forces of the Crown, and applying for his name to be placed on the absent voters list, that person shall, notwithstanding that the register has been published, be treated as an absent voter, and the names of such persons shall be added at the end of each copy of the absent voters list to be used by the returning officer at an election, and shall be numbered consecutively after the final name on that list according to the order in which they are inserted or, alternatively, as regards Scotland, by the repetition of the numbers appended to the names of such persons in the register. The registration officer shall cause the appropriate mark to be placed in the copies of the register used by the returning officer at the election against the name of each such person indicating that he will vote as an absent voter:

Provided that where any such statement and application is received less than one clear day before the day of nomination of candidates at an election, then the statement and application may be disregarded for the purposes of that election.

12. *Certain notices need not be sent to naval or military voters.*—The obligation imposed on a registration officer under rules 13, 20, and 21 of the First Schedule to the Act to send notices or copies of notices (as the case may be) shall not apply where the person to whom the notice or copy is required to be sent is a naval or military voter.

13. *Amendment of rule 19 of First Schedule to the Act.*—The following proviso shall be added to the first paragraph of rule 19 of the First Schedule to the Act (which provides for a record of addresses of absent voters to be kept by the registration officer):—

“Provided that in the case of an absent voter serving in His Majesty's Forces, other than an officer in the Army or Air Force, any address furnished by the voter or by the Admiralty, Army Council or Air Force more than thirty days before the nomination of candidates at an election shall not be deemed to be the recorded address of the absent voter.”

13A. *Amendment of rule 23 of First Schedule to the Act.*—The following paragraph shall be added to rule 23 of the First Schedule to the Act (which provides for the correction of lists):—

“The registration officer shall expunge the name of any naval or military voter who has, under sub-section (1) of section five of this Act, taken steps to prevent his being registered in the constituency so as to enable him to be registered in respect of an actual residence qualification in another constituency.”⁸

⁷ See First Schedule, r. 16, p. 277, *supra*.

⁸ Added by O. in C. dated May 27, 1921 (1921, No. 972).

13B. *Amendment of rule 17 of First Schedule to the Act.*—The following paragraph shall be added to rule 17 of the First Schedule to the Act as an additional exception to that rule (which provides that the registration officer shall place on the absent voters list any naval or military voter):—

“(c) that person is serving for a temporary period during an emergency or for purposes of annual training either in His Majesty’s Naval, Army or Air Force reserves, or in the Territorial Force.”⁹

PART III.

VOTING BY POST. (See Act, s. 23.)

General.

14. *Preliminary.*—(1) For the purposes of this Part of this Order the expression “agent” includes the election agent of a candidate and any person appointed by any such election agent to be present at the issue or opening of ballot papers.

(2) Sections 4 and 11 of the Ballot Act, 1872,¹⁰ shall apply with the necessary modifications to officers, assistants, clerks or agents in attendance at the proceedings on the issue of ballot papers, or at the proceedings on the receipt of ballot papers, as they apply to officers, assistants, clerks or agents in attendance at polling stations.

(3) In this Part of this Order, unless the context otherwise requires, the expression “issue” includes the original and any subsequent issue.

15. *Form of ballot paper and declaration of identity.*—(1) The ballot papers to be sent to absent voters shall be in the same form as, and indistinguishable from, the ballot papers delivered to other electors.

(2) The declaration of identity¹¹ sent with the ballot paper to absent voters shall be in form No. I. set out in Schedule IV. to this Order, or in a form to the like effect, and shall have printed on the back thereof the instructions to the voter set out in that Schedule, which instructions shall have effect as though they were contained in this Part of this Order.

16. *Presence of agents.*—(1) The returning officer, his assistants and clerks, the election agent of each candidate or some person appointed by such election agent, and no other person, may be present at the proceedings on the issue of ballot papers, and on the opening of the absent voters ballot boxes and the envelopes contained therein.

(2) Where the ballot papers are to be issued, or the envelopes contained in the absent voters ballot boxes are to be opened, simultaneously in two or more batches, the election agent of each candidate may appoint such number of persons as he may be authorised by the returning officer to appoint, not exceeding the number of such batches, to be present with him or on his behalf at such issue or opening:

Provided that no election agent shall be authorised by the returning officer to appoint a larger number of persons than any other election agent.

17. *Application of Ballot Act.*—The following provisions of the Ballot Act, 1872,¹² that is to say, section 3, and rules 39-42 inclusive, 48, 49, 51-55 inclusive, 59, and 62, in Part I. of the First Schedule, shall be deemed to be incorporated in this Part of this Order with such modifications as are necessary to make them applicable to the provisions thereof, and in particular with the substitution in rules 52 and 54 of the issue of the ballot papers or of the opening of the absent voters ballot boxes for the opening of the poll.

⁹ Added by the O. in C. dated July 14, 1921 (1921, No. 1224).

¹⁰ Set out at pp. 494-495, 496, *infra*.

¹¹ See sect. 23 (1), pp. 137-138, *supra*.

¹² Set out at pp. 492-517, *infra*.

18. *Number of absent voter.*—(1) The number of an elector in the absent voters list shall be his number within the meaning of section 2 of, and rule 24 in Part I. of the First Schedule to, the Ballot Act, 1872,¹ for the purpose of voting by post, but not for the purpose of voting by proxy.

(2) In the case of an absent voter voting by post the distinctive letter of the polling district shall not, except in Scotland, be deemed to be part of the number of the elector within the meaning of section 2 of, and rule 24 in Part I. of the First Schedule to, the Ballot Act, 1872.¹

Proceedings on issue of ballot papers.

19. *Issue of ballot papers.*—(1) The returning officer shall, not later than the day of nomination of candidates at an election, give the election agent of each candidate notice of the time and place at which he will issue the ballot papers, and of the number of persons each agent may appoint to attend the said issue.

Where any subsequent issue of ballot papers is made, the returning officer shall give the election agent of each candidate, as soon as practicable, notice of the time and place at which he will make such subsequent issue and of the number of persons each agent may appoint to attend such issue.

(2) Each ballot paper issued shall be marked on both sides with the official mark either stamped or perforated, and the number, name and description of the elector as stated in the absent voters list shall be called out, and such number shall be marked on the counterfoil, and a mark shall be placed in a copy of the absent voters list against the number of the elector to denote that a ballot paper has been issued to the elector, but without showing the particular ballot paper issued to him.

(3) The returning officer shall enter or cause to be marked upon the form of declaration of identity the number of the ballot paper.

(4) The returning officer shall place in an envelope addressed to the absent voter at the recorded address:—

- (a) the ballot paper;
- (b) the form of declaration of identity;
- (c) an envelope addressed to the returning officer (hereinafter referred to as a "covering envelope");
- (d) a smaller envelope marked "ballot paper envelope" bearing the number of the ballot paper;

and shall effectually close such first mentioned envelope.

The above mentioned envelopes shall be in the respective forms No. II., No. III., and No. IV. set out in Schedule IV. to this Order.

(5) Where a returning officer is satisfied that two or more entries in the absent voters list for a constituency relate to the same person, he shall not issue more than one ballot paper in respect of those entries.

(6) All envelopes addressed to the absent voters shall be counted and forthwith delivered by the returning officer to the nearest Head Post Office, or such other office as may be arranged with the Head Postmaster, and the Postmaster shall stamp with the Post Office date stamp a form of receipt to be presented by the returning officer stating the number of envelopes so delivered, and shall immediately forward such envelopes for delivery to the persons to whom they are addressed.

(7) Where an envelope containing a ballot paper and the other documents referred to in this rule is returned to the returning officer as not having been delivered to an absent voter, the returning officer may re-address the envelope to any address to which he could send a ballot paper for that voter if he were then sending it for the first time.

20. *Provision of absent voters ballot boxes.*—(1) The returning officer

¹ Set out at pp. 493, 505, *infra*.

shall provide a ballot box or ballot boxes for the reception of the covering envelopes when returned by the voters.

(2) Every such ballot box shall be shown open and empty to the agents present, and shall be sealed with the seal of the returning officer and the seals of such of the agents as desire to affix their seals, and shall be marked "absent voters ballot box" and with the name of the constituency, and the returning officer shall make provision for the safe custody of such ballot box.

Proceedings on receipt of ballot papers.²

21. *Envelopes to be placed in absent voters ballot boxes.*—The returning officer shall, immediately on receipt of covering envelopes, place them unopened in an absent voters ballot box.

22. *Opening of absent voters ballot boxes.*—(1) The absent voters ballot boxes shall be opened by the returning officer, in the presence of the agents, before the time fixed for the counting of the votes.

(2) The returning officer shall give the election agent of each candidate at least twenty-four hours' notice in writing of the time and place at which he will proceed to open the absent voters ballot boxes and the envelopes contained therein, and of the number of persons such agent may appoint to be present at the opening.

(3) When an absent voters ballot box has been opened, the returning officer shall count and note the number of envelopes, and shall then open each covering envelope separately, examine the declaration of identity, and compare the number thereon with the number on the ballot paper envelope.

(4) If the numbers agree and the declaration of identity is found to be duly signed and authenticated, he shall place the declaration of identity and the ballot paper envelope in separate receptacles.

(5) If he is not satisfied that the declaration of identity has been duly signed and authenticated he shall endorse the declaration of identity "vote rejected" and shall attach thereto the ballot paper envelope, without opening such envelope, or if there is no such envelope, the ballot paper.

(6) If he find that the numbers on the declaration of identity and on the ballot paper envelope do not agree, or if the envelope has no number on it, he shall open the envelope, and if the number on the ballot paper agrees with the number on the declaration of identity he shall place the ballot paper in the ballot box referred to in rule 24 (2) of this Order.

(7) In every case in which the number on the ballot paper does not agree with the number on the declaration of identity, he shall replace the ballot paper in its envelope (if any), attach such envelope or ballot paper as the case may be to the declaration of identity, and endorse the declaration of identity "vote rejected."

(8) Where a declaration of identity does not appear to accompany the ballot paper envelope, the returning officer shall open the envelope, and if it is found to contain the declaration of identity he shall deal with such declaration and ballot paper in accordance with the rules in this Part of this Order.

(9) Any declaration not accompanied by a ballot paper, and any ballot paper not accompanied by a declaration of identity, shall be marked "rejected."

(10) Where a ballot paper and declaration of identity are received together and the numbers thereon agree, the ballot paper shall not be rejected solely on the ground of non-compliance with paragraph 5 of the instructions to the voter set out in Schedule IV. to this Order.

23. *Rejected declarations of identity.*—(1) The returning officer shall show any declaration of identity which he proposes to reject on the

² See pp. 145–160, *supra*.

ground that it has not been properly signed and authenticated to the agents, and if an objection is made by any agent to his decision shall add to the endorsement the words "rejection objected to."

(2) The returning officer shall keep all rejected declarations, with the attached envelopes or ballot papers as the case may be, separate from other documents.

24. *Ballot papers to be placed in ballot boxes.*—(1) When the covering envelopes in any absent voters ballot box have been opened and their contents dealt with under the two preceding rules, the returning officer shall open each unopened ballot paper envelope and compare the number on the envelope with the number on the ballot paper.

(2) If the numbers agree he shall place the ballot paper in a ballot box previously shown and sealed in the manner provided in rule 20 of this Order which shall be subsequently treated as a ballot box for the purpose of rule 34 in Part I. of the First Schedule to the Ballot Act, 1872.³

(3) If the numbers do not agree he shall mark the ballot paper "rejected" and shall attach it to the envelope.

Documents to be sent to the Clerk of the Crown.

25. *Documents to be sent to Clerk of the Crown.*—(1) The returning officer, as soon as practicable after the completion of the issue of the ballot papers, and in the presence of the agents, shall make up in separate packets, sealed with his own seal and sealed by such of the agents as desire to affix their seals, the marked copy of the absent voters list and the counterfoils of the ballot papers:

Provided that where any subsequent issue of ballot papers is made the sealed packet containing the marked copy of the absent voters list may be opened by the returning officer for the purposes of that issue, and on completion of that issue the list and the counterfoils of the ballot papers at that issue shall be made up and sealed in accordance with this rule.

(2) The returning officer shall seal up in separate packets (1) the declarations of identity which accompanied any ballot papers duly accepted, (2) any rejected declarations of identity, and (3) any rejected ballot papers; in the two latter cases with the envelopes (if any) attached thereto.

(3) Where covering envelopes are received by the returning officer after the close of the poll, or where any envelopes addressed to absent voters are returned as undelivered, the returning officer shall not open such envelopes and shall (subject to any power of readdressing the same) seal them up into separate packets.

(4) The returning officer shall forward to the Clerk of the Crown in Chancery at the same time as he forwards the documents mentioned in rule 38 of Part I. of the First Schedule to the Ballot Act, 1872,⁴—

(a) any packets referred to in the foregoing provisions of this rule; and

(b) a statement in such form⁵ as may be directed by the Minister of Health⁶ (or in Scotland the Secretary for Scotland, or in Ireland the Local Government Board for Ireland) showing the number of ballot papers sent to absent voters, and giving with respect to such papers the particulars required by the form.

(5) Any envelopes returned as undelivered, and any covering envelopes received by the returning officer, after the said packets have been forwarded to the Clerk of the Crown in Chancery, shall be retained unopened and forwarded subsequently.

³ Set out at p. 507, *infra*.

⁴ Set out at pp. 507—508, *infra*.

⁵ For this form see p. 455—456, *infra*.

⁶ "Secretary of State" (*i.e.*, the Home Secretary) must as from May 27, 1921, be substituted for "Minister of Health." See Ministry of Health, &c. Order, 1921, r. 2 (3), p. 439, *infra*.

PART IV.

VOTING BY PROXY. (See Act, s. 23, and Third Schedule, rules 9 and 11.)

26. *Form of application for appointment of proxy.*—An application by an elector for the issue of a proxy paper must be in form No. I. in Schedule V. to this Order, or in a form to the like effect.

27. *Appointment of proxy.*—(1) The registration officer on receiving an application for the issue of a proxy paper shall, if satisfied that a proxy may be appointed, intimate to the person nominated as first choice, unless he knows that that person is not qualified to be appointed as proxy or has expressed his unwillingness to act, that it is proposed to appoint him as proxy for the elector, and that if no notice is received within seven days intimating that he is unwilling or unable to act as proxy for the elector a proxy paper will be issued to him and that he will be entered on the list of proxies:

Provided that where the registration officer requires further information to enable him to issue a proxy paper and the name of any person is given in the form of application as authorised to make an application giving such further information as may be necessary to enable a proxy paper to be issued to the person or one of the persons nominated, the registration officer shall apply to the person so named for such further information.

If at the expiration of the said seven days no notice is received intimating that the person nominated as first choice is unable or unwilling to act as proxy, the registration officer shall, unless otherwise directed by the elector, send or deliver a proxy paper to that person, and shall enter his name on the list of proxies:

Provided that the registration officer may send or deliver the proxy paper and enter the name of the proxy as aforesaid before the expiration of the said seven days if he is satisfied that the person nominated as first choice is willing and able to act as proxy.

(2) If within seven days from the date of sending the intimation notice is received by the registration officer informing him that the person nominated as first choice is unable or unwilling so to act, the registration officer shall, if another person is nominated as second choice in the form of application, deal in like manner with the person so nominated.

(3) If the person nominated as first choice, or if another person is nominated as second choice each of such persons, is unable or unwilling to act as proxy or is not qualified to act, or if for any other reason the registration officer does not comply with the application and issue a proxy paper, the registration officer shall send a notice to the elector informing him that no proxy paper has been issued and explaining the reason.

(4) As soon as may be after* issuing a proxy paper the registration officer shall send notice of the fact to the elector, stating the name and address of the person to whom the paper has been issued.

28. *Form of proxy paper.*—The proxy paper to be issued by the registration officer shall be in form No. II. in Schedule V. to this Order, or in a form to the like effect.

29. *Late applications.*—Where the registration officer receives an application for the issue of a proxy paper less than one clear day before the day of nomination of candidates at an election the application may for the purposes of that election be disregarded.

30. *Form of cancellation.*—A notice to the registration officer cancelling a proxy paper shall be in form No. III. in Schedule V. to this Order, or in a form to the like effect.

31. *Notice of cancellation.*—Where a proxy paper is cancelled the registration officer shall send notice of the cancellation to the person

who has been appointed proxy under the cancelled paper, and shall delete his name from the list of proxies.

32. *Questions which may be asked of proxies.*—The questions which may be asked of a person claiming to vote at a Parliamentary election as proxy for an elector shall be—

(1) The questions in section 81 of the Parliamentary Voters Registration Act, 1843, modified so as to run as follows:—

“(a) Are you the same person whose name appears as A.B. on this proxy paper as entitled to vote as proxy on behalf of C.D.?”

“(b) Have you already voted as proxy on behalf of C.D. either here or elsewhere at this election for the [county] [borough] of or the division of the [county] [borough] of ?”

(2) The questions in Part II. of the Second Schedule to the Act, modified so as to run as follows:—

(a) In the case of a person voting as proxy on behalf of a man registered in respect of a residence qualification:—

“Have you already voted at this general election on behalf of C.D. in respect of a residence qualification?”

(b) In the case of a person voting as proxy on behalf of a man registered in respect of a qualification other than a residence qualification:—

“Have you already voted at this general election on behalf of C.D. in respect of a qualification other than a residence qualification?”

(c) In the case of a person voting as proxy on behalf of a woman at an election other than a university election:—

“Have you already voted on behalf of C.D. at this general election?”

[NOTE.—Unless the answer to the question is in the negative, the proxy shall not vote unless the presiding officer is satisfied that the previous vote was given at a university election.]

In the application of this rule to Scotland section 3 of the Parliamentary Elections and Corrupt Practices Act, 1880, and in the application of this rule to Ireland section 88 of the Representation of the People (Ireland) Act, 1850, shall be substituted for section 81 of the Parliamentary Voters Registration Act, 1843.

33. *Oath to be administered to proxies.*—The oath to be administered (elsewhere than in Scotland) to persons claiming to vote as proxy in relation to the above questions shall be as follows:—

“I swear by Almighty God (or I do solemnly sincerely and truly declare and affirm) (*as the case may be*) that I am the same person whose name appears as _____ on the proxy paper issued in respect of _____, and that I have not already voted on behalf of _____ either here or elsewhere at this election for the parliamentary county of _____ (or for the _____ division of the parliamentary county of _____) or for the parliamentary borough of _____ (or for the _____ division of the parliamentary borough of _____) (*as the case may be*).”

34. *Modification of enactments.*—The enactments set out in the first column of Schedule VI. to this Order shall apply to persons voting as proxy in pursuance of the Act subject to the modifications set out in the second column of that schedule.

35. *Application of Ballot Act penalties.*—Section 3 of the Ballot Act, 1872,¹ shall apply to any person who does, in relation to a proxy paper, any of the acts specified in paragraph (2) or (3) of that section in relation to a ballot paper.

¹ Set out at p. 494, *infra*.

PART V.

MISCELLANEOUS. (See Act, ss. 13 (2) and 24.)

36. *Fees.*—The fees specified in Schedule VII. to this Order may be taken in connection with registration purposes, and shall for the purposes of the Act be deemed to be the prescribed fees.

37. *Certificate under s. 24 of Act.*—The certificate to be given by the returning officer under section 24 of the Act shall be in the form set out in Schedule VIII. to this Order or in a form to the like effect.

38. *Summary of electors.*—It shall be the duty of the registration officer to transmit to the Minister of Health,² in addition to the copy of the register required to be transmitted by rule 27 in the First Schedule to the Act, a summary of the contents of the register, at such times and in such form and giving such particulars as the Minister of Health² may require.

This rule shall not apply to Scotland, and in the application of this rule to Ireland references to the Local Government Board for Ireland shall be substituted for references to the Minister of Health.

39. *Amendment of rules in First Schedule to Act.*—Where any provision of this Order is repugnant to or inconsistent with any of the rules set out in the First Schedule to the Act, such rules shall be deemed to be amended in such manner as to bring the same into conformity with this Order.

40. *Amendment of Rule 44 in First Schedule to Act.*—The following sub-section shall be added at the end of Rule 44 of the Act (which provides for the application of the rules under the Act to Ireland):—

“(10) An objection under Rule 12 shall not be entertained unless, within the time limited for sending the notice of objection, a copy of the notice of objection sent to the registration officer is sent by the person objecting to the person in respect of whose registration the notice of objection is given. A copy of the notice may be sent by prepaid and registered post to the address of the person objected to as appearing on the lists or to his last known place of abode.

“Rule 13 shall not apply.”

41. *Printing of Order.*—(1) Where by any Order in Council for the time being in force any rules or words are directed to be added to or omitted from this Order, or to be substituted for any other rules or words in this Order, then copies of this Order, printed under the authority of His Majesty's Stationery Office after such direction takes effect, may be printed with the rules or words added or omitted, or substituted for other rules or words, as such direction requires, and with the rules and paragraphs thereof numbered in accordance with such direction; and this Order shall be construed as if it had, at the time when such direction takes effect, been made with such addition, omission or substitution.

(2) A reference in any document to this Order, or to any provision thereof, shall, unless the context otherwise requires, be construed as referring to this Order as amended by any Order in Council for the time being in force.

Provided that, notwithstanding anything in the foregoing provisions of this rule, in any reprint of this Order made in accordance with this rule

- (a) the rules, paragraphs, schedules and forms therein may be re-numbered consecutively, and referred to as so renumbered; and
- (b) in the headings to all the forms in the schedules references to the Representation of the People Acts, 1918 to 1920, shall be

² “Secretary of State” (*i.e.*, the Home Secretary) must be substituted for “Minister of Health.” See Ministry of Health, &c. Order, 1921. r. 2 (3), p. 439, *infra*.

substituted for references to the Representation of the People Act, 1918, and in the event of any other Act or Acts being included as Acts which may be cited with the Representation of the People Acts, 1918 to 1920, by any other collective title, that title shall be substituted in the headings to the said forms.

42. *Application of Interpretation Act.*—The Interpretation Act, 1889, shall apply for the purposes of the interpretation of this Order in like manner as it applies for the interpretation of an Act of Parliament, and as if this Order were an Act of Parliament.

43. *Short title, revocation, &c.*—(1) This Order may be cited as the Representation of the People Order.

(2) The above recited Orders in Council of March 4th, 1918, March 22nd, 1918, June 4th, 1918, June 25th, 1918, July 19th, 1918, September 4th, 1918, October 23rd, 1918, November 8th, 1918, November 25th, 1918, and this date, are hereby revoked, except so far as they relate to university elections, that is to say, with the exception of the Proxy Paper (Universities) Order, 1918,¹ the University Elections (Miscellaneous Provisions) Order, 1918,² the University Elections (Single Transferable Vote) Regulations, 1918,³ and rule 2 of the Order in Council dated November 8th, 1918,⁴ relating to the forfeiture of candidates' deposits in the case of the English combined university constituency:

Provided that the fact that any Order or provision in an Order is revoked by this Order shall not affect the previous operation of any Order or provision so revoked, or the validity of any Order made or action taken thereunder, and any order so made and action so taken shall have effect as though it had been made or taken under this Order.

(3) This Order shall not apply to university constituencies.

PART VI.

TEMPORARY PROVISIONS. (See Act, ss. 13 (2), 21 (2) and 46.)

44. *Official telegraphic information of issue of writ.*—Official telegraphic information of the writ having been issued for a parliamentary election shall be given by the Clerk of the Crown in Chancery, [and may be given in the case of any election taking place during the continuance of the present war, to the returning officers for the constituencies specified in Schedule IX.⁵ to this Order.]⁶

In the application of this rule to Ireland the Clerk of the Crown and Hanaper shall be substituted for the Clerk of the Crown in Chancery.

45. *Registration dates for registers in Great Britain.*—As respects constituencies in Great Britain:—

- (a) The Autumn Register for 1921 shall remain in force unless otherwise ordered until the 15th day of April, 1922, and shall be kept published until the coming into force of the next succeeding register;
- (b) The Spring Register for 1922 shall come into force on the 15th day of April, 1922, and shall remain in force unless otherwise ordered until the 15th day of October, 1922, and in connection with that register the registration dates shall be, as respects England and Wales, the dates specified in the third column, and as respects Scotland, the dates specified in the fourth column, of Part I. of Schedule X. to this Order.

¹ The Proxy Paper (Universities) Order, 1921, which supersedes the above Order, is set out at pp. 433—437, *infra*.

² Set out at pp. 431—432, *infra*.

³ Set out at pp. 411—430, *infra*.

⁴ Set out at p. 438, *infra*.

⁵ This schedule is omitted.

⁶ The words in brackets are spent.

46. *Registration dates for registers in Ireland.*—[Omitted.]

47. *Publication of documents.*—The documents mentioned in Part II. of Schedule X. to this Order shall for the purposes of the Spring Register, 1922, be kept published until the dates specified, as respects England and Wales, in the second column, and as respects Scotland the third column, of that Part of that Schedule.

SCHEDULES.

SCHEDULE I.

REGISTRATION FORMS FOR ENGLAND AND WALES.

I. FORMS OF INFORMATION TO BE REQUIRED FROM HOUSEHOLDERS, OCCUPIERS, OWNERS, AGENTS, &c.

(See First Schedule of Act, rule 35.)

FORM A. (HOUSEHOLDER OR OCCUPIER.)

REPRESENTATION OF THE PEOPLE ACTS, 1918 TO 1920.

Constituency of

To [or the Householder or Occupier] at

You are required to give information in regard to the particulars set out below for the purpose of assisting the registration officer in compiling the new Parliamentary and Local Government Registers of Electors, and to deliver or send this Return by post to the undersigned within days from this date.

Date , Registration Officer.

Before filling up this Form please read carefully the Instructions printed on the back.

PART I.—INFORMATION AS TO OCCUPATION OF PREMISES OR LAND.

1. Name of occupier (surname first, and other names in full), stating where necessary "Mrs.," "Miss," or other description or title
2. Is occupier a British subject?
3. Description of premises, *i.e.*, whether dwelling-house, unfurnished rooms, flat, office, shop, or other business premises, land, etc.
4. Nature of occupation of premises, *i.e.*, whether as owner, or tenant, or by virtue of service (see Instruction 4)
5. If occupier does not reside on the premises, state full postal address where he (or she) lives
6. If occupier is a man, state whether he is over 21 years of age
7. If occupier is a woman, state whether she— (a)
 (a) is over 30 years of age; or if not,
 (b) is over 21 years of age (b)

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8. Has occupier been in occupation of the premises for the whole time from*
- If not, give full address and description of all other premises (dwelling-house, unfurnished rooms, furnished rooms, business premises, &c.) occupied from*
9. If occupier is a married man and his wife is over 30 years of age, state— (a)
 (a) wife's name in full (b)
 (b) whether she resides with him on the premises
10. If the premises are in the occupation of two or more persons jointly, state— (a)
 (a) whether they occupy as partners carrying on business there (b)
 (b) their names in full, and if not residing on the premises, the full postal address of abode of each ...
11. If occupier lets any room or rooms as unfurnished lodgings, give name in full of each man or woman to whom let

PART II.—MALE RESIDENTS OF FULL AGE.¹¹

Enter in the form below particulars as to every man ordinarily living on the before-mentioned premises who will be of full age on†, whether he is the occupier, or a member of the occupier's family or household, or a boarder, or a lodger in a room or rooms let to him furnished.

N.B.—A man is of full age for this purpose if aged 21 years or over, but a man not yet 21 years old is of full age if he was serving in the great war at any time after he had attained the age of 19 years.

Names in full (Surname first).	Whether living on the premises for the whole time from+ If not, state where living from that date onwards.	Whether British Subject.	If a man had served in the Forces during any part of the period from* and has ceased to serve, give date when he commenced to live on the premises after so serving.

* Here insert *first* day of qualifying period.

† Here insert *last* day of qualifying period.

PART III.—NAVAL OR MILITARY VOTERS.

Enter in the form below particulars as to every man serving in His Majesty's Forces who will be of full age on* and who would be residing on the before-mentioned premises if he were not so serving.

¹¹ Parts II. and III. of this form, together with the "instructions" which follow it, are substituted for the other parts and instructions originally prescribed by O. in C. dated October 11, 1921 (1921, No. 1,645).

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Include also any other person who would be qualified as a Parliamentary elector in respect of the premises but for absence on actual war service abroad or afloat.

N.B.—A man is of full age for this purpose if aged 21 years or over, but a man not yet 21 years old is of full age if he was serving in the great war at any time after he had attained the age of 19 years.

Full age in the case of a woman is 30 years or over.

Names in full (Surname first).	Male or Female.	Whether British Subject.	DESCRIPTION OF SERVICE. If in the Forces, give ship, unit and corps, rank or rating, and number. If not in the Forces, give particulars as to service.

* Here insert *last* day of qualifying period.

I declare that the particulars given in this Return are true and accurate to the best of my knowledge and belief.

Signature .

Date .

N.B.—The Representation of the People Act, 1918, imposes a penalty in the case of failure to give the required information and in the case of false information being given.

INSTRUCTIONS FOR FILLING IN FORM.

(To be printed on the form.)

1. On application being made at the address given above or to the rate collector or assistant overseer, you will be given any help needed in filling the form up.

2. The occupier, for the purpose of the information required, would generally be the householder or person paying rent for the house or rooms let unfurnished, or the owner if he is himself the householder or occupier.

3. Occupation by virtue of service only applies where the person inhabits a dwelling-house by virtue of any office, service or employment, and the employer does not himself inhabit the dwelling-house, e.g., a manager, caretaker, lodgekeeper, &c.

4. The qualifying period is the six months ending on* except that in the case of a naval or military voter or of a man who had served in the Forces during any part of that six months, and has ceased so to serve, the period is one month only ending on that day.

* Here insert *last* day of qualifying period.

FORM B. (OWNER, AGENT OR FACTOR.)

REPRESENTATION OF THE PEOPLE ACTS, 1918 TO 1920.

To (Owner, Agent or Factor).

For the purpose of assisting the registration officer in compiling the parliamentary and local government registers you are required to give

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the undermentioned information in respect of each person who occupies separately any part of the land or premises known as

Occupiers.		Address of land or premises occupied.*	State whether dwelling-house or business premises or other premises.	Date on which occupation commenced.
Surnames.	Other names in full.			

* In the case of numbered flats, offices, &c., insert the number of the flat, office, &c. In the case of unnumbered flats, offices, &c., describe premises occupied, *e.g.*, 2 rooms 1st floor; 1 room 4th floor, &c.

I declare that the particulars given in this return are true and accurate to the best of my knowledge and belief.

Signature

Date

This form should be filled up without delay, and if not previously called for, should be sent by post within _____ days from this date to the address given on the back.

Signed

Registration Officer.

Date

N.B.—The Representation of the People Act, 1918, imposes a penalty in the case of failure to give the required information and in the case of false information being given.

FORM C. (HOUSEHOLDER, OCCUPIER, OWNER, AGENT OR FACTOR.)

REPRESENTATION OF THE PEOPLE ACTS, 1918 TO 1920.

To

For the purpose of assisting the registration officer in compiling the parliamentary and local government registers you are required to give supplemental information on the following particular points:—

Information required.	Answer.

Sched. I.

I declare that the information given in this return is true and accurate to the best of my knowledge and belief.

Signature . . .

Date . . .

This form should be filled up without delay, and if not previously called for should be sent by post within . . . days from this date to the address given on the back.

Signed . . .

Registration Officer.

Date . . .

N.B.—The Representation of the People Act, 1918, imposes a penalty in the case of failure to give the required information and in the case of false information being given.

II. FORMS OF CLAIM TO BE REGISTERED.

(See First Schedule of Act, rules 9 and 10.)

(1)

MAN'S PARLIAMENTARY CLAIM (RESIDENCE QUALIFICATION).

To the registration officer for the constituency of . . .

Address . . .

Claim to be registered as a Parliamentary elector in respect of a residence qualification.

I** hereby declare—

(1) that I claim to be registered as a Parliamentary elector for the above constituency in respect of residence at* . . . ;

(2) that I was residing at the qualifying premises on the † . . . day of . . . last, and have resided at the qualifying premises during the whole of the six months ending on the same day ‡;

(3) that I had attained the age of twenty-one on the said day;

(4) that I am a British subject.

Signed . . .

Date . . .

NOTE.—Any false declaration made for the purpose of this claim will render the claimant liable to a penalty.

** Here insert name in full.

* Here insert full postal address.

† Here insert *last* day of qualifying period.

‡ See instruction at foot of Form.

INSTRUCTION AS TO SUCCESSIVE RESIDENCE.

If the claimant's residence commenced after the § . . . day of . . . 19 . . . , paragraph (2) must be struck out and the following paragraph filled in and signed:—

(2) I hereby declare that I was residing at the qualifying premises on the † . . . day of . . . last and that during the six months ending on the said day I resided as follows:—from . . . to . . . at . . . from . . . to . . . at . . . , etc., etc.

Signed . . .

§ Here insert *first* day of qualifying period.

† Here insert *last* day of qualifying period.

Sched. I.

(2)

MAN'S PARLIAMENTARY CLAIM (BUSINESS PREMISES QUALIFICATIONS).

To the registration officer for the constituency of .
Address .

Claim to be registered as a Parliamentary elector in respect of a business premises qualification.

I** hereby declare—

(1) that I claim to be registered as a Parliamentary elector for the above constituency in respect of the occupation of the following business premises* ;

(2) that I was in occupation of the qualifying premises on the † day of last and have been in occupation of them during the whole of the six months ending on the said day ‡;

(3) that the qualifying premises were occupied by me for the purpose of my business [profession] [trade] as and are of a yearly value of not less than ten pounds;

(4) that I had attained the age of twenty-one on the said day;

(5) that I am a British subject;

(6) that I reside at §

Signed .

Date .

NOTE.—Any false declaration made for the purpose of this claim will render the claimant liable to a penalty.

** Here insert name in full.

* Here insert full postal address and description (e.g., shop at).

† Here insert *last* day of qualifying period.

‡ See instruction at foot of Form.

§ Here insert full postal address of residence or, if claimant has no settled residence, of place to which communications may be sent.

INSTRUCTION AS TO SUCCESSIVE OCCUPATION.

If the claimant's occupation of the premises commenced after the || day of , 19 , paragraph (2) must be struck out and the following paragraph filled in and signed:—

(2) I hereby declare that I was in occupation of the qualifying premises on the † day of last and that during six months ending on the said day I have occupied qualifying premises for the purposes of my business [profession] [trade] as follows: from to at, from to at, etc., etc.

Signed .

|| Here insert *first* day of qualifying period.

† Here insert *last* day of qualifying period.

(3)

WOMAN'S PARLIAMENTARY CLAIM (OWN OCCUPATION).

To the registration officer for the constituency of .

Address .

Claim to be registered as a Parliamentary elector in respect of own occupation.

I** hereby declare—

(1) that I claim to be registered as a Parliamentary elector for the above constituency in respect of the occupation of the following qualifying premises* ;

(2) that I was in occupation of the qualifying premises on the† day of last, and have been in occupation of them during the whole of the six months ending on the said day‡;

(3) that the yearly value of the qualifying premises is not less than five pounds§;

(4) that I had attained the age of thirty on the said day;

(5) that I am a British subject;

(6) that I reside at|| .

Signed .

Date .

NOTE.—Any false declaration made for the purpose of this claim will render the claimant liable to a penalty.

** Here insert name in full.

* Here insert full postal address and description (*e.g.*, land at , dwelling-house at , shop at).† Here insert *last* day of qualifying period.

‡ See instruction at foot of Form.

§ Strike out this paragraph where the qualifying premises are a dwelling-house.

|| Here insert full postal address of residence or, if claimant has no settled residence, of place to which communications may be sent.

INSTRUCTION AS TO SUCCESSIVE OCCUPATION.

If the claimant's occupation of the premises commenced after the¶ day of , 19 , paragraph (2) must be struck out and the following paragraph filled in and signed:—

(2) I hereby declare that I was in occupation of the qualifying premises on the† day of last and that during the six months ending on the said day I occupied qualifying premises as follows:—from to at, from to at, etc., etc.

Signed .

¶ Here insert *first* day of qualifying period.† Here insert *last* day of qualifying period.

Sched. I.

(4)

WOMAN'S PARLIAMENTARY CLAIM (HUSBAND'S OCCUPATION).

To the registration officer for the constituency of .

Address .

Claim to be registered as a Parliamentary elector in respect of husband's occupation.

I** hereby declare—

(1) that I claim to be registered as a Parliamentary elector in respect of the occupation by my husband of the following qualifying premises* ;

(2) that my husband was in occupation of the qualifying premises on the † day of last, and has been in occupation of them during the whole of the six months ending on the said day ‡;

(3) that the yearly value of the qualifying premises is not less than five pounds §;

(4) that I had attained the age of thirty on the said day;

(5) that I am a British subject;

(6) that I reside at || .

Signed .

Date .

NOTE.—Any false declaration made for the purpose of this claim will render the claimant liable to a penalty.

** Here insert name in full.

* Here insert full postal address and description (*e.g.*, land at , dwelling-house at , shop at).

† Here insert *last* day of qualifying period.

‡ See instruction at foot of Form.

§ Strike out this paragraph where the qualifying premises are a dwelling-house.

|| Here insert full postal address of residence or, if the claimant has no settled residence, of place to which communications may be sent.

INSTRUCTION AS TO SUCCESSIVE OCCUPATION.

If the husband's occupation of the premises commenced after the ¶ day of , 19 , paragraph (2) must be struck out and the following paragraph filled in and signed:—

(2) I hereby declare that my husband was in occupation of the qualifying premises on the † day of last, and that during the six months ending on the said day he occupied qualifying premises as follows:—from to at, from to at, etc., etc.

Signed .

¶ Here insert *first* day of qualifying period.

† Here insert *last* day of qualifying period.

(5)

LOCAL GOVERNMENT CLAIM (ALL CASES EXCEPT THAT OF A WOMAN CLAIMING IN RESPECT OF HER HUSBAND'S QUALIFICATION).

To the registration officer for .

Address .

Claim to be registered as a Local Government elector.

I** hereby declare—

(1) that I claim to be registered as a Local Government elector for all local government elections [except local government elections for] in respect of the occupation of the following qualifying premises* ;

† (2) that I was in occupation of the qualifying premises on the day of last, and have been in occupation of them during the whole period of six months ending on the said day‡;

(3) that I had attained the age of twenty-one on the said day;

(4) that I am a British subject;

(5) that I reside at§ .

Signed .

Date .

NOTE.—Any false declaration made for the purpose of this claim will render the claimant liable to a penalty.

** Here insert name in full.

* Here insert full postal address and description (*e.g.*, land at , dwelling-house at , shop at).

† Here insert *last* day of qualifying period.

‡ See instruction at foot of Form.

§ Here insert full postal address of residence or, if claimant has no settled residence, of place to which communications may be sent.

INSTRUCTION AS TO SUCCESSIVE OCCUPATION.

If the claimant's occupation of the premises commenced after the || day of , 19 , paragraph (2) must be struck out and the following paragraph filled in and signed:—

(2) I hereby declare that I was in occupation of the qualifying premises on the † day of last and that during the six months ending on the said day I occupied qualifying premises as follows:—
from to at, from to at, etc., etc.

Signed .

|| Here insert *first* day of qualifying period.

† Here insert *last* day of qualifying period.

Sched. I.

(6)

LOCAL GOVERNMENT CLAIM. (WOMAN CLAIMING IN RESPECT OF HUSBAND'S QUALIFICATION).

To the registration officer for .

Address .

Claim to be registered as a Local Government elector in respect of husband's occupation.

I** hereby declare—

(1) that I claim to be registered as a Local Government elector for all local government elections [except local government elections for] in respect of the occupation by my husband of the following qualifying premises* ;

(2) that my husband was in occupation of the qualifying premises on the† day of last, and has been in occupation of them during the whole six months ending on the said day‡;

(3) that my husband is entitled to be registered as a local government elector in respect of the occupation of the qualifying premises and that we both reside there;

(4) that I had attained the age of thirty on the said day;

(5) that I am a British subject.

Signed .

Date .

NOTE.—Any false declaration made for the purpose of this claim will render the claimant liable to a penalty.

** Here insert name in full.

* Here insert full postal address and description.

† Here insert *last* day of qualifying period.

‡ See instruction at foot of Form.

INSTRUCTION AS TO SUCCESSIVE OCCUPATION.

If the husband's occupation of the premises commenced after the § day of , 19 , paragraph (2) must be struck out and the following paragraph filled in and signed:—

(2) I hereby declare that my husband was in occupation of the qualifying premises on the† day of last, and that during the six months ending on the said day he occupied qualifying premises as follows:—from to at, from to at, etc., etc.

Signed .

§ Here insert *first* day of qualifying period.

† Here insert *last* day of qualifying period.

(7)

CLAIM MADE BY ONE PERSON ON BEHALF OF ANOTHER (PARLIAMENTARY).

To the registration officer for the constituency of .

Address .

I hereby claim on behalf of . of . that he [she] should be registered as a Parliamentary elector for the above constituency in respect of* . and I hereby declare with respect to the said that† .

Signed .

Address .

Date .

NOTE.—The Act provides that where a claim is made by one person on behalf of another the name is not to be entered on the register unless the matters required to be stated in the declaration made by a person claiming on his own behalf are proved to the satisfaction of the registration officer.

Any false declaration made for the purpose of this claim will render the person signing the declaration liable to a penalty.

* Here insert qualification (*e.g.*, residence at ., occupation of business premises at ., &c.), and full postal address and description of qualifying premises.

† Here must follow a declaration giving the same particulars (except those under paragraph (1) in the preceding forms) as to the persons on whose behalf the claim is made as that person would be required to give if he were claiming on his own behalf.

(8)

CLAIM MADE BY ONE PERSON ON BEHALF OF ANOTHER (LOCAL GOVERNMENT).

To the registration officer for .

Address .

I hereby claim on behalf of . of . that he [she] should be registered as a local government elector for all local government elections in respect of‡ . [except local government elections for .] and I hereby declare with respect to the said that† .

Signed .

Address .

Date .

NOTE.—The Act provides that where a claim is made by one person on behalf of another the name is not to be entered on the register unless the matters required to be stated in the declaration made by a person claiming on his own behalf are proved to the satisfaction of the registration officer.

Any false declaration made for the purpose of this claim will render the person signing the declaration liable to a penalty.

‡ Here insert qualification (*e.g.*, occupation of dwelling-house at ., or occupation of shop at ., &c.), and full postal address and description of qualifying premises.

† Here must follow a declaration giving the same particulars (except those under paragraph (1) in the preceding form) as to the person on whose behalf the claim is made as that person would be required to give if he were claiming on his own behalf.

Sched. I.

(9)

CLAIM FOR CORRECTION OF ENTRY IN ELECTORS LIST.

To the registration officer for . . .

Address . . .

I hereby claim that the following entry of my name in the lists prepared by you* should be altered as follows:—†

Signed . . .

Address . . .

Date . . .

NOTE.—Where the correction claimed would give to the claimant the right to vote at any election at which the claimant could not vote but for the correction, there must be added to this claim a declaration in the same form as that to be made by a person claiming to be registered as such a voter.

* Here insert extract from printed electors lists, stating registration unit.

† *e.g.*, by altering the mark placed against the name, correcting the particulars entered, &c.

III. FORM OF CLAIM AND DECLARATION TO BE MADE BY NAVAL OR MILITARY VOTERS BEFORE BEING REGISTERED IN RESPECT OF ACTUAL RESIDENCE QUALIFICATION.

(See Section 5 (1) of Act.)

Subject to the provisions of rule 11 (1) of this Order as to merchant seamen, pilots and fishermen the same form must be used as in the case of a Man's Parliamentary Claim (Residence Qualification) with the substitution of "month" for "six months" and, in case the claimant is not twenty-one years old but served in the great war after he had attained the age of nineteen years,¹¹ of "the age of nineteen" for "the age of twenty-one"; and must be accompanied by the following declaration:—

I, being a naval [military] voter hereby declare that I have taken steps to prevent my being registered in a constituency for which I should have had the necessary qualification but for my service, as follows:—*

Signed . . .

* Here insert steps taken.

¹¹ These words from "in case" were added by O. in C. dated October 11, 1921 (1921, No. 1,645).

IV. FORMS OF NOTICE OF OBJECTION.

(See First Schedule of Act, rule 12.)

(1)

NOTICE OF OBJECTION TO A PERSON WHOSE NAME APPEARS ON THE
PARLIAMENTARY ELECTORS LISTS.

To the registration officer for the constituency of .

Address .

I hereby give you notice that I object to the entry of* as a
Parliamentary elector.

The grounds of my objection are:—

I am entered in the electors lists as a Parliamentary elector for the
above constituency as follows:—*

Signed .

Address .

Date .

* Here insert extract from printed electors lists, stating registration unit.

(2)

NOTICE OF OBJECTION TO A PERSON WHOSE NAME APPEARS ON THE
LOCAL GOVERNMENT ELECTORS LISTS.

To the registration officer for .

Address .

I hereby give you notice that I object to the entry of* as a
local government elector for [all] [the] local government area[s].

The grounds of my objection are:—

I am entered in the lists of local government electors for the local
government area[s] as follows:—*

Signed .

Address .

Date .

* Here insert extract from printed electors lists, stating registration unit.

Sched. I.

(3)

NOTICE OF OBJECTION TO A PERSON WHOSE NAME APPEARS IN THE LIST
OF CLAIMANTS (PARLIAMENTARY).

To the registration officer for the constituency of .
Address .

I hereby give you notice that I object to the name of . being placed in accordance with the claim made in that behalf in the lists of parliamentary electors for the above constituency.

The grounds for my objection are:—

I am entered in the electors lists as a Parliamentary elector for the above constituency as follows:—*

Signed .

Address .

Date .

* Here insert extract from printed electors lists, stating registration unit.

(4)

NOTICE OF OBJECTION TO A PERSON WHOSE NAME APPEARS IN THE LIST
OF CLAIMANTS (LOCAL GOVERNMENT).

To the registration officer for .
Address .

I hereby give you notice that I object to the name of . being placed in accordance with the claim made in that behalf in the list of local government electors for [all] [the following] local government electoral area[s]:—

The grounds of my objection are:—

I am entered in the lists of local government electors for the above area[s] as follows:—*

Signed .

Address .

Date .

* Here insert extract from printed electors lists, stating registration unit.

V. FORMS OF STATEMENT TO BE MADE UNDER S. 5 (2) OF ACT.¹²

(See Section 5 (2) of Act.)

A.—BY MEN.

(1)

REPRESENTATION OF THE PEOPLE ACTS, 1918 TO 1921.

Navy.

Statement of qualification for registration as Naval or Military voter.

Parent Ship or Establishment

Surname

Other Names (in full)

Rank or Rating Official No.

Birthday Age last birthday

*Whether any service in the great war after attaining the age of 19 years

State whether R.N., R.M., R.N.R., or R.N.V.R.

Qualifying Address, that is, full postal address (including the County, or in London the Metropolitan Borough) where officer or man would have been residing but for his service in the Forces

The foregoing particulars are true and accurate to the best of my knowledge and belief.

Signature of the above-named officer or man

Date

Counter-signature of officer

* This question need not be answered by a person who was on the last day of the qualifying period of the age of 21 years or over. It need not be included in copies of the form issued on or after the 1st September, 1923.

(2)

REPRESENTATION OF THE PEOPLE ACTS, 1918 TO 1921.

Army.

Statement of qualification for registration as Naval or Military voter.

Unit and Corps

Army Number Rank

Surname

Other Names (in full)

Birthday Age last birthday

*Whether any service in the great war after attaining the age of 19 years

Qualifying Address, that is, full postal address (including the County, or in London the Metropolitan Borough) where officer or soldier would have been residing but for his service in the Forces

The foregoing particulars are true and accurate to the best of my knowledge and belief.

Signature of above-named officer or soldier

Date

Counter-signature of officer

* This question need not be answered by a person who was on the last day of the qualifying period of the age of 21 years or over. It need not be included in copies of the form issued on or after the 1st September, 1923.

¹² The forms under this heading were substituted for the original forms by O. in C. dated October 11, 1921 (1921, No. 1,645).

Sched. I.

(3)

Air Force.

REPRESENTATION OF THE PEOPLE ACTS, 1918 TO 1921.

Statement of qualification for registration as Naval or Military voter.

Unit .
 Official number . Rank .
 Surname .
 Other Names (in full) .
 Birthday . Age last birthday .
 *Whether any service in the great war after attaining the age of 19 years .

Qualifying Address, that is, full postal address (including the County, or in London the Metropolitan Borough) where officer or airman would have been residing but for his service in the Forces .

The foregoing particulars are true and accurate to the best of my knowledge and belief.

Signature of above-named officer or airman .
 Date .

Counter-signature of officer .

* This question need not be answered by a person who was on the last day of the qualifying period of the age of 21 years or over. It need not be included in copies of the form issued on or after the 1st September, 1923.

(4)

Men (not in H.M. Forces) on war service abroad or afloat.

REPRESENTATION OF THE PEOPLE ACTS, 1918 TO 1921.

Statement of qualification for registration as Naval or Military voter.

Department, Body or Association under which serving .
 Class of work on which engaged .
 War in which serving .
 Location of service .
 Surname .
 Other Names (in full) .
 Birthday . Age last birthday .

Qualifying Address, that is, full postal address (including the County, or in London the Metropolitan Borough) where man would have been residing if not on war service abroad or afloat .

Address for postal communications .

The foregoing particulars are true and accurate to the best of my knowledge and belief.

Signature of above-named man .
 Date .

Counter-signature of representative of Department, Body or Association under which the above-named is serving .

(5)

Merchant Seamen, Pilots or Fishermen
on war service abroad or afloat.

REPRESENTATION OF THE PEOPLE ACTS, 1918 TO 1921.

Statement of qualification for registration as Naval or Military voter.

Nature of Service (*i.e.*, whether Merchant Seaman, Pilot, or Fisherman, &c.)

War in which serving

Name of Vessel

Surname

Other Names (in full)

Birthday Age last birthday

Description and number of certificate (if any)

Qualifying Address, that is, full postal address (including the County, or in London the Metropolitan Borough) where man would have been residing if not on war service abroad or afloat

Where a man has not given up his residence owing to his service, he should write below the qualifying address the words "actual residence"

Address for postal communications

The foregoing particulars are true and accurate to the best of my knowledge and belief.

Signature of above-named man

Date

Counter-signature of representative of Government' department or Authority concerned, and name of place

B.—BY WOMEN.

(6)

Army.

REPRESENTATION OF THE PEOPLE ACTS, 1918 TO 1921.

Statement of qualification for registration as Naval or Military voter.

Women serving with the Military Forces.

Unit

Service description and number if any

Surname

Other Names (in full)

State if over 30 years of age (on*)

Description of qualifying property (dwelling-house, shop, land, &c.)

Rental value (if not a dwelling-house)

Full postal address of qualifying property (including the County, or in London the Metropolitan Borough)

The foregoing particulars are true and accurate to the best of my knowledge and belief.

Signature of above-named woman

Date

Counter-signature of officer or administrator

* Here insert *last* day of qualifying period.

Sched. I.

(7)

Women on war service abroad or afloat.

REPRESENTATION OF THE PEOPLE ACTS, 1918 TO 1921.

Statement of qualification for registration as Naval or Military voter.

Body or Association under which serving . . .
 Class of work on which engaged . . .
 War in which serving . . .
 Location of service . . .
 Surname . . .
 Other Names (in full) . . .
 State if over 30 years of age (on*) . . .
 Description of qualifying property (dwelling-house, shop, land,
 &c.) . . .
 Rental value (if not a dwelling-house) . . .
 Full postal address of qualifying property (including the County,
 or in London the Metropolitan Borough) . . .
 Address for postal communications . . .
 The foregoing particulars are true and accurate to the best of my
 knowledge and belief.
 Signature of above-named woman . . . Date . . .

Counter-signature of representative of Body or Association under
 which the above-named is serving . . .

* Here insert *last* day of qualifying period.

VI. FORM OF CLAIM TO BE PLACED ON ABSENT VOTERS LIST.

(See First Schedule of Act, rule 16.)

REPRESENTATION OF THE PEOPLE ACTS, 1918 TO 1920.

To the registration officer for . . .
 Address . . .

I,** , being a person entitled to be registered as a parliamen-
 tary elector for the constituency of in respect of qualifying pre-
 mises at ,* hereby claim to be placed upon the absent voters
 list on the ground that there is a probability that owing to my occupa-
 tion [service] [employment] as I shall be debarred from voting
 at a poll at parliamentary elections held whilst the register now being
 prepared is in force.

Signed . . .
 Present Address . . .
 Address to which communications are to be sent (if different from
 present address) . . .
 Date . . .

** Here insert name in full.

* Here give postal address, stating registration unit where possible.

VII. FORMS OF NOTICE OF APPEAL.

(See First Schedule of Act, rule 29.)

(1)

NOTICE TO REGISTRATION OFFICER OF APPEAL AGAINST HIS DECISION.

REPRESENTATION OF THE PEOPLE ACTS, 1918 TO 1920.

To the registration officer for . . .

Address . . .

I hereby give notice of appeal against your decision* on the following grounds:—†

Signed . . .

Address . . .

Date . . .

* Give particulars of decision, *e.g.*, "refusing to enter my name on the register of Parliamentary electors," &c.

† Here insert grounds of appeal.

(2)

NOTICE OF APPEAL TO THE OPPOSITE PARTY.

REPRESENTATION OF THE PEOPLE ACTS, 1918 TO 1920.

To . . .

Address . . .

I hereby give you notice of appeal against the decision of the registration officer for . . . on the following grounds:—†

Signed . . .

Address . . .

Date . . .

* Give particulars of decision, *e.g.*, "allowing your claim to be entered on the register as a Parliamentary elector," &c.

† Here insert grounds of appeal.

VIII. FORM OF NOTICE AS TO THE CORRECTION OF ELECTORS LISTS BY THE REMOVAL OF DUPLICATE ENTRIES OR PLACING OF MARKS.

REPRESENTATION OF THE PEOPLE ACTS, 1918 TO 1920.

Constituency of . . .

(Registration Area of . . .)

To . . .

Notice is hereby given that you are entered in the electors lists—

- (a) As a parliamentary elector in respect of more than one qualification in the above constituency, and that it is proposed to register you as a parliamentary elector in respect of the following qualifying premises only, *viz.*:—
- (b) As a local government elector in respect of more than one qualification in the* . . . and that it is proposed to place a mark or marks against your name in the register so as to indicate that you are entitled to vote only in respect of the following qualifying premises, *viz.*:— . . . at elections for . . .

Sched. I.

Unless you intimate to the undersigned within five clear days from the date of this notice an expression of your choice to vote in respect of some other qualifying premises for which you are entered in the electors lists or furnish a statement of objection to the placing of such mark or marks the course indicated above will be taken.

Signed
Registration Officer.

Date . . . Address . . .

* Here insert local government electoral division, ward or parish, as the case may be.

IX. FORM OF CLAIM UNDER RULE 24 OF FIRST SCHEDULE TO ACT (OUT-VOTERS).

(See First Schedule of Act, rule 24.)

To the registration officer for . . .
Address . . .

I, being entered in the electors lists as a Parliamentary elector for the above constituency as follows:—* and being resident at † which is not in the polling district in which I am entitled to be registered, hereby claim to vote at the polling place situate at ‡ for the polling district §

Signed
Date . . .

* Here insert extract from printed electors lists giving registration unit and polling district.

† Here insert full postal address of residence.

‡ Here insert name of place where elector claims to vote.

§ Here insert distinctive letter and name (if any) of polling district.

X. FORM OF REQUISITION FOR CERTIFIED COPY OF ENTRY OF BIRTH.

(See First Schedule of Act, rule 38.)

REPRESENTATION OF THE PEOPLE ACTS, 1918 TO 1920.

Requisition for a Certified Copy of Entry of Birth under Rule 38 of the First Schedule.

To the Superintendent Registrar, Registrar, or other person having the custody or care of the Register in which the Birth of the under-mentioned person is recorded.

I, the undersigned, hereby demand for the purpose of the Representation of the People Acts, 1918 to 1920, a certified copy of the entry of the Birth of the person in relation to whom particulars are given below.

Name of person in full . . .

Date of Birth.—The . . . day of . . . one thousand . . . hundred and . . . (The year to be written in words, not figures.)

Place of Birth . . .

Father's Name (in full) . . .

Father's Occupation . . .

Mother's Name (in full) . . .

Mother's Maiden Surname . . .

Signature of Applicant . . .

Address . . .

Dated this . . . day of . . . , 19 . . .

XI. FORM OF REGISTER.

Constituency of . . .
 Registration Unit . . .
 Polling District . . .

The register contains the names in [alphabetical] [street] order of all persons entitled to vote as parliamentary and as local government electors.

The Index letters in columns 2 (a) headed "Parliamentary" or 2 (b) headed "Local Govt." of the register show the nature of the qualification of an elector, as follows:—

- R. = Residence qualification.
- B.P. = Business premises qualification.
- O. = Occupation qualification.
- H.O. = Qualification through husband's occupation.
- N.M. = Naval or military voter.

The entry of the appropriate index letter or letters against a name in the column 2 (a) headed "Parliamentary" indicates that the elector is a parliamentary elector, and the entry of the appropriate letter or letters against a name in the column 2 (b) headed "Local Govt." indicates that the elector is a local government elector. Where no index letter is entered in one or other of those columns against a name, the elector is not entitled to the franchise to which the column relates.

NOTE.—† Persons against whose names the mark † is placed are not entitled to vote in respect of that entry at Elections of County Councillors.

‡ Persons against whose names the mark ‡ is placed are not entitled to vote in respect of that entry at Elections of Rural District Councillors or Guardians.

§ Persons against whose names the mark § is placed are not entitled to vote in respect of that entry in the case of a Borough, Metropolitan Borough or Urban District at Elections for Borough or District Councillors as the case may be and in the case of a Parish at Elections for Parish Councillors or at Parish Meetings.

* Persons against whose names the mark * is placed will vote at another polling place at Parliamentary Elections.

a Persons against whose names the letter a is placed are absent voters.

(1)	(2) Franchise.		(3)	(4)
No.	(a) Parlia- mentary.	(b) Local Govt.	Names in full. Surname first.	Residence or Property occupied and abode of non- resident occupier.

Sched. II.

Full particulars of Householder, Wife (if any) and other Residents of the ages above mentioned.	
Surname.	If over 30 simply state "over 30."
Other Names in full.	
Occupation. (If "Wife," state "Wife.")	RESIDENCE.
Whether British Subject, state "Yes" or "No."	
Age on *.	Whether resident here on † State "Yes" or "No."
Age on *.	If "No," state where resident since † and date of taking up residence here.
Age on *.	If a Lodger, state whether rooms are let furnished or unfurnished.
Age on *.	State whether Single, Married, Widow, or Widower.
Age on *.	If Married Woman, state name of Husband and his Address if not here.
Age on *.	If Soldier or Sailor under 21 years of age, state date of joining up.

I hereby declare that the particulars given above are true and accurate to the best of my knowledge and belief.

Signature

Date

N.B.—The Representation of the People Act, 1918, imposes a penalty in the case of failure to give the required information and in the case of false information being given.

- * Here insert *last* day of qualifying period.
- † Here insert *first* day of qualifying period.

FORM B. (OCCUPIER OF BUSINESS PREMISES.)

REPRESENTATION OF THE PEOPLE ACTS, 1918 TO 1921.

Return in respect of Land or Premises occupied for Business Purposes.

, Registration Officer.
, Address.

This form should be completed and returned to the Registration Officer within days.

Name of Occupier

Address of Premises

The following information must be given for every Occupier or joint Occupier of Land or Business Premises, and if the Occupier is a Married Man, also with regard to his Wife.

Name of each Partner in full. If sole Partner, state so.
State whether British Subject, "Yes" or "No."
Age on * . If over 30, simply state "over 30."
Whether occupying these premises on † . State "Yes" or "No." If "No," state premises occupied during period from † to *
Address of other Lands or Business Premises occupied in the Constituency.
Address of Private Residence.
Name of Wife in full.
Wife's age on * . If over 30, simply state "over 30."
Rental Value of Land or Business Premises occupied by Firm.

Sched. II.

I hereby declare that the particulars given above are true and accurate to the best of my knowledge and belief.

Signature of Occupier but if a Firm Signature of Firm

Date

N.B.—The Representation of the People Act, 1918, imposes a penalty in the case of failure to give the required information and in the case of false information being given.

* Here insert *last* day of qualifying period.

† Here insert *first* day of qualifying period.

II. FORMS OF CLAIM TO BE REGISTERED AS A PARLIAMETARY AND/OR LOCAL GOVERNMENT ELECTOR.

(See First Schedule of Act, rules 9 and 10.)

(1)

CLAIM BY PERSON ON OWN BEHALF.

REPRESENTATION OF THE PEOPLE ACTS, 1918 TO 1920.

To the registration officer for
Address

I hereby claim to have my Name inserted in the Register of Voters for . The particulars of my Qualifications are stated below.

1. Surname.
2. Other names in full.
3. Profession, Trade or Business.
4. Full Postal Address of Residence. If claimant has no settled Residence give address to which communications may be sent.
5. Qualifications for which Vote is claimed—whether as owner, occupant, resident, lodger, or wife in respect of husband's occupancy.
6. Did qualification commence after* . "Yes" or "No."
If "Yes" give (a) date of commencement; and (b) addresses of qualifying premises during the whole of the six months from* to†
7. Is claim for Parliamentary or Local Government franchise, or both?
8. Premises in respect of which Vote is claimed—
(a) Full Postal Address; and (b) Annual Value.
9. State the address of any other premises in constituency for which the claimant may have a Vote.

I hereby declare that I am a British Subject, and that I had on † attained the age of ‡ years, and that the above claim is true in all particulars.

Dated this day of , 19 .

Signature of Claimant or someone having authority to make claim on his behalf

N.B.—Any false declaration made for the purpose of this claim will render the claimant liable to a penalty.

* Here insert *first* day of qualifying period.

† Here insert *last* day of qualifying period.

‡ Here insert 19, 21, or 30 years as the case may be. In the case of women please say whether over 21 or 30.

(This Form will also be used where it is desired to secure the correction of an entry in electors list.)

(2)

CLAIM MADE BY ONE PERSON ON BEHALF OF ANOTHER.

REPRESENTATION OF THE PEOPLE ACTS, 1918 TO 1920.

To the registration officer for .

Address .

I hereby claim on behalf of** to have his (her) Name inserted
in the Register of Voters for . The particulars of his (her)
Qualifications are stated below.

1. Surname.
2. Other names in full.
3. Profession, Trade or Business.

4. Full Postal Address of Residence. If the person on whose behalf
this claim is made has no settled Residence give address to which com-
munications may be sent.

5. Qualifications for which Vote is claimed—whether as owner, occu-
pant, resident, lodger, or wife in respect of husband's occupancy.

6. Did qualification commence after* . "Yes" or "No."

If "Yes" give (a) date of commencement; and (b) addresses
of qualifying premises during the whole of the six months
from* to† .

7. Is claim for Parliamentary or Local Government franchise, or
both?

8. Premises in respect of which Vote is claimed—

(a) Full Postal Address; and (b) Annual Value.

9. State the address of any other premises in constituency for which
the person on whose behalf this claim is made may have a Vote.

I hereby declare that*** is a British Subject, and that he
(she) had on† attained the age of‡ years, and that the above
claim is true in all particulars.

Dated this day of , 19 .

Signature .

N.B.—Any false declaration made for the purpose of this claim will
render the person signing the declaration liable to a penalty.

** Here insert name and address of person on whose behalf this claim is
made.

*** Here insert name of person on whose behalf this claim is made.

* Here insert *first* day of qualifying period.

† Here insert *last* day of qualifying period.

‡ Here insert 19, 21 or 30 years as the case may be. In the case of
women please say whether over 21 or 30.

Sched. II.

III. FORM OF CLAIM AND DECLARATION TO BE MADE BY
NAVAL OR MILITARY VOTERS BEFORE BEING REGIS-
TERED IN RESPECT OF ACTUAL RESIDENCE QUALIFI-
CATION.

(See Section 5 (1) of Act.)

REPRESENTATION OF THE PEOPLE ACTS, 1918 TO 1920.

CLAIM AND DECLARATION BY NAVAL OR MILITARY VOTER TO BE REGIS-
TERED IN RESPECT OF ACTUAL RESIDENCE QUALIFICATION.

Subject to the provisions of rule 8 (1) of this Order as to merchant seamen, pilots and fishermen, the same form must be used as prescribed under heading II. (1) hereof with the necessary variation of the qualifying period, and must be accompanied by the following declaration:—

I, being a naval [military] voter hereby declare that I have taken steps to prevent my being registered in a constituency for which I should have had the necessary qualification but for my service, as follows:—*

Signed .

* Here insert steps taken.

IV. FORMS OF NOTICE OF OBJECTION.

(See First Schedule of Act, rule 12.)

(1)

REPRESENTATION OF THE PEOPLE ACTS, 1918 TO 1920.

NOTICE OF OBJECTION TO A PERSON WHOSE NAME APPEARS ON THE
ELECTORS LISTS.

To the registration officer for .

Address .

I hereby give you notice that I object to the entry of* as a Par-
liamentary and/or Local Government elector.

The grounds of my objection are:—

Signed .

Date .

Entered on the electors lists as a Parliamentary and/or Local
Government elector as follows*

* Here insert extract from printed electors lists of entry objected to.

* Here insert extract from printed electors lists of entry relating to
objector.

(2)

NOTICE OF OBJECTION TO A PERSON WHOSE NAME APPEARS IN THE LISTS OF CLAIMANTS.

To the registration officer for .
Address .

I hereby give you notice that I object to the name of* being placed in accordance with the claim made in that behalf on the register of voters.

The grounds of my objection are:—

Signed .
Date .

Entered in the list of Parliamentary and/or Local Government electors as follows*

* Here insert extract from list of claimants of entry objected to.

* Here insert extract from printed electors lists of entry relating to objector.

V. FORMS OF STATEMENT TO BE MADE UNDER SECTION 5 (2) OF ACT.

(See Section 5 (2) of Act.)

(Same Form as for England and Wales. See Schedule I.)

VI. FORM OF CLAIM TO BE PLACED ON ABSENT VOTERS LIST.

(See First Schedule of Act, rule 16.)

(Same Forms as for England and Wales. See Schedule I.)

VII. FORMS OF NOTICE OF APPEAL.

(See First Schedule of Act, rule 29.)

(Same Form as for England and Wales. See Schedule I.)

VIII. FORM OF NOTICE AS TO THE CORRECTION OF ELECTORS LISTS BY THE REMOVAL OF DUPLICATE ENTRIES OR PLACING OF MARKS.

(Same Form as for England and Wales. See Schedule I.)

IX. FORM OF CLAIM UNDER RULE 24 OF FIRST SCHEDULE TO ACT AS (OUT-VOTERS).

(See First Schedule of Act, rule 24.)

(Same Form as for England and Wales. See Schedule I.)

Sched. II.**X. FORM OF REQUISITION FOR CERTIFICATE OF BIRTH.**

(See First Schedule of Act, rule 38.)

REPRESENTATION OF THE PEOPLE ACTS, 1918 TO 1920.

To the Registrar having the custody of the Register Book in which the Birth of the under-mentioned Person is registered:—

I, the undersigned, hereby apply for the purposes of the Representation of the People Acts, 1918 to 1920, for a Certificate of Birth of the Person in relation to whom particulars are given below:—

Surname .
 Maiden Surname (in case of married woman) .
 Other Names in full .
 Date of Birth (Month) (Day of Month) (Year) .
 Place of Birth .
 Name of Father .
 Name of Mother .
 Maiden Surname of Mother .
 Applicant's Signature .
 Address in full .
 Dated this day of , 19 .

XI. FORM OF ABSENT VOTERS LIST.

ABSENT VOTERS LIST.

Constituency .
 Polling District .

Number.	Names in Full (Surname first).	Qualifying Premises.	In the case of Naval or Military Voters description of Service, Ship, Regiment, Num- ber, Rank, Rating, &c. In the case of other Voters, recorded address.	Number, if any, in Absent Voters List for First Register.
1.	2.	3.	4.	5.

SCHEDULE III.

REGISTRATION FORMS FOR IRELAND.

[This Schedule is omitted.]

SCHEDULE IV.

Rules 15 and 19.

FORMS FOR THE PURPOSE OF VOTING BY POST.

FORM No. I.—FORM OF DECLARATION OF IDENTITY.

[*Front of Form.*]

Ballot Paper No. .

DECLARATION OF IDENTITY.

I hereby declare that I am the person to whom the ballot paper numbered as above and the envelope in which it was enclosed (both of which I now produce) were sent.

Voter's signature .

The above named, who is personally known to me, has produced the ballot paper and the envelope above referred to, and has signed the above declaration in my presence.

Witness's signature .

If witness is serving in the Forces state Number (if any), ship, unit and corps, rank, &c. If not serving in the Forces state address .

[See Instructions on the back of this Form.]

[*Back of Form.*]

INSTRUCTIONS TO THE VOTER.

1. Before marking the accompanying ballot paper the voter must produce—

- (i) The ballot paper shewing the number thereon;
- (ii) This paper; and
- (iii) The envelope in which he has received the ballot paper; to some person to whom the voter is known, who will witness the declaration of identity (see other side).

2. The voter must sign the declaration of identity in the presence of the witness.

3. The voter may vote for candidate[s] only.

4. The voter must vote by marking the ballot paper on the right hand side with a cross opposite the name of [the] [each] candidate for whom he votes, thus X He should not allow any person to see how he has voted.

5. Immediately after voting the voter must place the marked ballot paper in the enclosed small envelope on which are printed the words "Ballot paper envelope," and fasten it up. He must then place the ballot paper envelope, together with this paper, in the other larger enclosed envelope addressed to the Returning Officer and despatch the same by post without delay. Unless an elector returns his ballot paper at once it may be too late to be counted.

6. If a voter receives more than one ballot paper he must remember that he can vote only once in respect of a residence qualification. He may, however, give a second vote in respect of a business premises qualification in another constituency or as a university elector.

Sched. IV.

FORM NO. II.—FORM OF ENVELOPE TO BE ADDRESSED TO ABSENT
VOTERS.

PARLIAMENTARY ELECTION—BALLOT PAPER.

The Voter should open this Envelope at once and keep it until he has
voted.

(See enclosed Instructions.)

If not delivered return unopened to—

FORM NO. III.—FORM OF ENVELOPE TO BE ADDRESSED TO RETURNING
OFFICER.

PARLIAMENTARY ELECTION.

Constituency of .

To the Returning Officer,

(Address) ..

FORM NO. IV.—FORM OF BALLOT PAPER ENVELOPE.

BALLOT PAPER ENVELOPE.

No. .

Ballot paper only to be enclosed in this envelope.

This envelope, together with the Declaration of Identity, must be
placed in the envelope addressed to the Returning Officer.

Constituency .

SCHEDULE V. Rules 26, 28, 30.

FORMS FOR THE PURPOSE OF VOTING BY PROXY.

FORM NO. I.—PROXY APPLICATION FORM.

REPRESENTATION OF THE PEOPLE ACTS, 1918 TO 1920.

To the Registration Officer—

The Elector must insert here his surname and other names in full.

I, _____, hereby state that there is a probability that I shall, at the time of a Parliamentary election, be at sea or out of the United Kingdom, and that I desire to appoint as proxy to vote for me at any such election the person nominated below as First Choice or (if he or she is not qualified or is unwilling to act) the person nominated below as Second Choice.

Person to be appointed Proxy.

1. The Elector must fill this up.

Names of First Choice
Postal Address of First Choice
Relationship, if any, of First Choice to Elector

2. The Elector should fill this up as the First Choice may be unwilling or not qualified to act.

Names of Second Choice
Postal Address of Second Choice
Relationship, if any, of Second Choice to Elector

3. The Elector should fill this up to the best of his ability.

Postal Address of Premises for which Elector is registered

I apply for the issue of a proxy paper appointing as my proxy the person, or one of the persons, nominated above; and in the event of any further information being required by the Registration Officer I hereby authorize

4. The Elector should enter here the names and address of some person in the United Kingdom who can supply any further information required, in case the Elector is at sea or abroad. The person so authorised may be one of the persons nominated above as proxy.

Names
Postal Address

to make an application giving such further information as may be necessary to enable a proxy paper to be issued to the person or one of the persons nominated.

The Form must be properly signed, witnessed, and dated.

If Elector is in the Forces, give number (if any), ship, unit and corps, rank, rating, &c.

If not in the Forces state nature of occupation, e.g., merchant seaman, commercial traveller.

Signature of Elector
Service or Occupation of Elector

Sched. V.

This need not be given if Elector is in the Forces.

Elector's residence in United Kingdom or other postal address in United Kingdom to which letters for him may be sent

The Witness must be a person to whom the Elector is known, and if the Elector is in the Forces should, if possible, be an Officer.

If Witness is in the Forces state number (if any), ship, unit and corps, rank, rating, &c.

Witnessed by
Service or Occupation of Witness

This need not be given if Witness is in the Forces and Service particulars are given.

Postal Address of Witness
Date

FORM NO. II.—FORM OF PROXY PAPER.

REPRESENTATION OF THE PEOPLE ACTS, 1918 TO 1920.

PROXY PAPER.

Constituency
Polling District
(Name)
(Address)

is hereby appointed as Proxy for

(Name of elector)

who is registered as a Parliamentary Elector in respect of
(Address of qualifying premises)

to vote for such elector at all Parliamentary Elections for the above constituency whilst this Proxy Paper remains in force.

Signature of Registration Officer
Date

NOTE.—The person appointed as Proxy should carefully preserve this paper which must be produced at each election to the Presiding Officer at the polling booth, who will then issue a ballot paper to be marked in the usual way.

FORM NO. III.—FORM OF CANCELLATION OF PROXY PAPER.

REPRESENTATION OF THE PEOPLE ACTS, 1918 TO 1920.

To the registration officer for

I, , being registered as a Parliamentary elector in respect of the following premises* hereby cancel any proxy paper issued in respect of the above qualification.

Signed
† Witnessed by
Date

* Here insert address of qualifying premises including, if possible, the county or borough or parish, as the case may be.

† The witness should be some person to whom the elector is known, and in the case of a sailor, soldier or airman should, if possible, be an officer.

Sched. VII.

Rule 36.

SCHEDULE VII.

FEES.

(See First Schedule of Act, rules 28 and 33.)

FEES FOR COPIES OF LISTS, REGISTERS, ETC.

1. For a copy of the electors lists or so much of the lists as relates to any registration unit or units:—

	<i>s.</i>	<i>d.</i>
not exceeding 125 names in list A	1	0
for each additional 125 (or part of 125) names in list A	0	1

2. For a copy of any claim or notice of objection 0 4

3. For a copy of the register or of so much of the register as relates to any registration unit or units:—

not exceeding 125 names	1	0
for each additional 125 (or part of 125) names	0	1

4. For a copy of the list of absent voters entitled to vote by proxy and persons entitled to vote as proxies or any part thereof:—

not exceeding six names of absent voters, with the names of their proxies	0	6
for each additional name of an absent voter, with the name of the proxy	0	0½

Rule 37.

SCHEDULE VIII.

FORM OF CERTIFICATE UNDER S. 24 OF ACT.

Constituency of .

I, the returning officer for the above constituency, hereby certify that A.B., being numbered on the register of electors for the

Polling District of the above-mentioned constituency, is employed by me for purposes in connection with an election for the said constituency, and that the circumstances of his employment are in my opinion such as to prevent him from voting at the polling station at which he would otherwise be entitled to vote, and I accordingly authorise him to vote at the polling station at the polling place.

Signed

,
 Returning Officer.

N.B.—In the case of a person entitled to vote as proxy the above certificate should run:—

I, the returning officer for the above constituency, hereby certify that C.D., being entitled to vote as proxy for A.B., numbered on the register of electors for the Polling District, &c.

SCHEDULE IX. Rule 44.

CONSTITUENCIES TO WHICH OFFICIAL TELEGRAPHIC INFORMATION MAY BE SENT.

[*This Schedule is omitted.*]

SCHEDULE X. Rule 45.

PART I.

Registration dates for Spring Register, 1922.

Subject matter.	Dates fixed by Act.	Prescribed dates for England and Wales.	Prescribed dates for Scotland.
End of qualifying period ..	15th January	1921. 15th December	1921. 15th December.
Publication of electors lists..	1st February	1922. 17th January	1922. 1st February.
Last day for objections to electors lists.	15th February	4th February	15th February.
Last day for claims	18th February	10th February	15th February.
Last day for claims as absent voters.	18th February	24th February	25th February.
Last day for notification of desire by naval or military voter not to be placed on absent voters list.	18th February	24th February	25th February.
Publication of list of objections to electors lists.	21st February	16th February	22nd February.
Publication of list of claimants.	24th February	16th February	22nd February.
Last day for objections to claimants.	7th March ..	24th February	27th February.
Last day for claims by out-voters.	—	24th February	27th February.
Publication of list of objections to claimants (as soon as practicable after).	7th March ..	24th February	27th February.
Register comes into force ..	15th April ..	15th April ..	15th April.

Sched. X.

Rule 47.

PART II.

Publication of Documents for purposes of Spring Register, 1922.

Nature of Documents.	Dates until which documents to be kept published in England and Wales.	Dates until which documents to be kept published in Scotland.
Electors lists	11th February	26th February.
Notices as to mode of making claims and objections.	25th February	26th February.
Corrupt and illegal practices lists ..	11th February	16th February.
List of claimants	25th February	28th February.
List of persons to whose registration notice of objection has been given.	25th February	28th February.
List of claimants to whose registration notice of objection has been given.	10th day after publication.	10th day after publication.
Register	Date of coming into force of next register.	Date of coming into force of next register.

No. 2.

THE UNIVERSITY ELECTIONS (SINGLE
TRANSFERABLE VOTE) REGULATIONS, 1918.¹

At the Court at Buckingham Palace, the 23rd day of October, 1918.

PRESENT.

The King's Most Excellent Majesty in Council.

WHEREAS under sub-section (3) of section twenty of the Representation of the People Act, 1918 (hereinafter referred to as "the Act"), it is provided as follows:—

"His Majesty may by Order in Council frame regulations prescribing the method of voting, and transferring and counting votes, at any election, according to the principle of the transferable vote and for adapting the provisions of the Ballot Act, 1872, and any other Act relating to Parliamentary elections thereto, and with respect to the duties of returning officers in connection therewith; and any such regulations shall have effect as if they were enacted in this Act."

And whereas under sub-section (1) of section thirty-six of the Act power is conferred on His Majesty by Order in Council to make such regulations as appear necessary or desirable for giving full effect to the provisions contained in the Fifth Schedule to the Act and for the effective and proper conduct of elections for university constituencies:

And whereas it is expedient in order to avoid any question which may arise, to comply as respects England and Wales and as respects Ireland with the provisions of the Rules Publication Act, 1893, as to the matters dealt with under this Order, and it is necessary on account of urgency that any Order providing for the matters dealt with by this Order should come into operation forthwith:

Now, therefore, His Majesty is pleased, by and with the advice of His Privy Council, by order, to frame the following regulations:—

1. *Conduct of election.*—At a contested election for a university constituency, where there are two or more members to be elected, any election of the full number of members shall be conducted in accordance with the following regulations, as illustrated in the First Schedule thereto.

2. *Method of voting.*—(1) Every elector shall have one vote only.

(2) An elector in giving his vote—

- (a) must place on his voting paper the figure 1 in the square opposite the name of the candidate for whom he votes;
- (b) may in addition place on his voting paper the figure 2, or the figures 2 and 3, and so on in the squares opposite the names of other candidates in the order of his preference.

3. *Invalid voting papers.*—A voting paper shall be invalid on which—

- (a) the figure 1 is not marked; or

¹ Statutory Rules and Orders, 1918, No. 1,348.

- (b) the figure 1 is set opposite the name of more than one candidate; or
- (c) the figure 1 and some other figure is set opposite the name of the same candidate.

4. *Form of voting paper.*—There shall be appended to the forms of voting paper prescribed by the Fifth Schedule to the Act a note to the following effect:—

“ N.B.—Vote by placing the figure 1 in the square opposite the name of the candidate for whom you vote.

“ You may also place the figure 2, or the figures 2 and 3, and so on, in the squares opposite the names of other candidates in the order of your preference for them.

“ A voting paper is invalid on which—

- (a) the figure 1 is not marked; or
- (b) the figure 1 is set opposite the name of more than one candidate; or
- (c) the figure 1 and some other figure is set opposite the name of the same candidate.”

and accordingly the forms of voting papers to be used shall be those set out in the Second Schedule to these regulations.

5. *Arrangement of voting papers.*—The returning officer shall arrange the voting papers (other than invalid voting papers) in parcels according to the first preferences recorded for each candidate.

In the case of a combined university constituency the returning officer shall before so doing mix together the whole of the voting papers received from the various constituent universities.

6. *Counting of votes.*—The returning officer shall then count the number of papers in each parcel, and credit each candidate with one vote in respect of each valid paper on which a first preference has been recorded for him, and he shall ascertain the total number of valid papers.

7. *Ascertainment of quota.*—The returning officer shall then divide the total number of valid papers by a number exceeding by one the number of vacancies to be filled, and the result increased by one, disregarding any fractional remainder, shall be the number of votes sufficient to secure the return of a candidate (hereinafter called the “ quota ”).

8. *Candidates with quota elected.*—If at any time the number of votes credited to a candidate is equal to or greater than the quota, that candidate shall be elected.

9. *Transfer of surplus.*—(1) If at any time the number of votes credited to a candidate is greater than the quota, the surplus shall be transferred in accordance with the provisions of this regulation to the continuing candidates indicated on the voting papers in the parcel of the elected candidate as being next in order of the voters' preference.

(2)—(a) If the votes credited to an elected candidate consist of original votes only, the returning officer shall examine all the papers in the parcel of the elected candidate whose surplus is to be transferred and shall arrange the transferable papers in sub-parcels according to the next preferences recorded thereon.

(b) If the votes credited to an elected candidate consist of original and transferred votes, or of transferred votes only, the returning officer shall examine the papers contained in the sub-parcel last received by the elected candidate and shall arrange the transferable papers therein in further sub-parcels according to the next preferences recorded thereon.

(c) In either case the returning officer shall make a separate sub-

parcel of the non-transferable papers and shall ascertain the number of papers in each sub-parcel of transferable papers and in the sub-parcel of non-transferable papers.

(3) If the total number of papers in the sub-parcels of transferable papers is equal to or less than the surplus, the returning officer shall transfer each sub-parcel of transferable papers to the continuing candidate indicated thereon as the voters' next preference.

(4)—(a) If the total number of transferable papers is greater than the surplus, the returning officer shall transfer from each sub-parcel the number of papers which bears the same proportion to the number of papers in the sub-parcel as the surplus bears to the total number of transferable papers.

(b) The number of papers to be transferred from each sub-parcel shall be ascertained by multiplying the number of papers in the sub-parcel by the surplus and dividing the result by the total number of transferable papers. A note shall be made of the fractional parts, if any, of each number so ascertained.

(c) If, owing to the existence of such fractional parts, the number of papers to be transferred is less than the surplus, so many of these fractional parts taken in the order of their magnitude, beginning with the largest, as are necessary to make the total number of papers to be transferred equal to the surplus, shall be reckoned as of the value of unity, and the remaining fractional parts shall be ignored.

(d) The particular papers to be transferred from each sub-parcel shall be those last filed in the sub-parcel.

(e) Each paper transferred shall be marked in such a manner as to indicate the candidate from and to whom the transfer is made.

(5)—(a) If more than one candidate has a surplus, the largest surplus shall be first dealt with.

(b) If two or more candidates have each the same surplus, regard shall be had to the number of original votes obtained by each candidate, and the surplus of the candidate credited with the largest number of original votes shall be first dealt with, and, if the numbers of the original votes are equal, the returning officer shall decide which surplus he will first deal with.

(c) The returning officer need not transfer the surplus of an elected candidate when that surplus together with any other surplus not transferred does not exceed the difference between the totals of the votes credited to the two continuing candidates lowest on the poll.

10. *Exclusion of candidates lowest on the poll.*—(1) If at any time no candidate has a surplus (or when under the preceding regulation any existing surplus need not be transferred), and one or more vacancies remain unfilled, the returning officer shall exclude from the poll the candidate credited with the lowest number of votes, and shall examine all the papers of that candidate, and shall arrange the transferable papers in sub-parcels according to the next preferences recorded thereon for continuing candidates, and shall transfer each sub-parcel to the candidate for whom that preference is recorded.

The returning officer shall make a separate sub-parcel of the non-transferable papers.

(2) If the total of the votes of the two or more candidates lowest on the poll, together with any surplus votes not transferred, is less than the votes credited to the next highest candidate, the returning officer may in one operation exclude those candidates from the poll and transfer their votes in accordance with the preceding regulation.

(3) If, when a candidate has to be excluded under this regulation, two or more candidates have each the same number of votes and are lowest on the poll, regard shall be had to the number of original votes credited to each of those candidates, and the candidate with fewest

original votes shall be excluded, and, where the numbers of the original votes are equal, regard shall be had to the total number of votes credited to those candidates at the first transfer at which they had an unequal number of votes, and the candidate with the lowest number of votes at that transfer shall be excluded, and, where the numbers of votes credited to those candidates were equal at all transfers, the returning officer shall decide which shall be excluded.

11. *Disposal of papers after any transfer.*—(1) Whenever any transfer is made under any of the preceding regulations, each sub-parcel of papers transferred shall be added to the parcel, if any, of papers of the candidate to whom the transfer is made, and that candidate shall be credited with one vote in respect of each paper transferred. Such papers as are not transferred shall be set aside as finally dealt with, and the votes given thereon shall thenceforth not be taken into account.

(2) If after any transfer a candidate has a surplus, that surplus shall be dealt with in accordance with and subject to the provisions contained in Regulation 9 before any other candidate is excluded.

12. *Filling the last vacancies.*—(1) When the number of continuing candidates is reduced to the number of vacancies remaining unfilled, the continuing candidates shall be elected.

(2) When only one vacancy remains unfilled, and the votes of some one continuing candidate exceed the total of all the votes of the other continuing candidates, together with any surplus not transferred, that candidate shall be elected.

(3) When the last vacancies can be filled under this regulation, no further transfer of votes need be made.

13. *Public notice of the result of the election.*—In publishing the result of the election the returning officer shall include a notification of any transfer of votes made under these regulations, and of the total number of votes credited to each candidate after any such transfer. Such notification may be in accordance with the forms given in the First Schedule to these regulations.

14. *Provision for recounts.*—(1) Any candidate or his agent may, at any time during the counting of the votes, either before the commencement or after the completion of any transfer of votes (whether surplus or otherwise), request the returning officer to re-examine and recount the papers of all or any candidates (not being papers set aside at any previous transfer as finally dealt with), and the returning officer shall forthwith re-examine and recount the same accordingly. The returning officer may also at his discretion recount votes either once or more often in any case in which he is not satisfied as to the accuracy of any previous count: Provided that nothing herein shall make it obligatory on the returning officer to recount the same votes more than once.

(2) If upon an election petition—

(i) any voting papers counted by the returning officer are rejected as invalid; or

(ii) any rejected voting papers are declared valid,

the court may direct the whole or any part of the voting papers to be recounted and the result of the election ascertained in accordance with these regulations.

(3) On any recount, subject to such modifications as may be necessary by reason of any error in the original count, each paper shall take the same course as at the original count.

15. *Determination of questions arising from transfers of votes.*—

(1) If any question shall arise in relation to any transfer of votes, the decision of the returning officer, whether expressed or implied by his acts, shall be final unless an objection is made by any candidate or

his agent before the declaration of the poll, and in that event the decision of the returning officer may be reversed upon an election petition.

(2) If any decision of the returning officer is so reversed, the transfer in question and all operations subsequent thereto shall be void and the court shall direct what transfer is to be made in place of the transfer in question, and shall cause the subsequent operations to be carried out and the result of the election to be ascertained in accordance with these regulations.

16. *Definitions.*—In these regulations—

(1) The expression “continuing candidate” means any candidate not elected and not excluded from the poll:

(2) The expression “first preference” means the figure “1”; the expression “second preference” means the figure “2nd”; and the expression “third preference” means the figure “3,” set opposite the name of any candidate, and so on:

(3) The expression “transferable paper” means a voting paper on which a second or subsequent preference is recorded for a continuing candidate:

(4) The expression “non-transferable paper” means a voting paper on which no second or subsequent preference is recorded for a continuing candidate:

Provided that a paper shall be deemed to be a non-transferable paper in any case in which—

(a) The names of two or more candidates (whether continuing or not) are marked with the same figure, and are next in order of preference; or

(b) The name of the candidate next in order of preference (whether continuing or not) is marked—

(i) by a figure not following consecutively after some other figure on the voting paper; or

(ii) by two or more figures:

(5) The expression “original vote” in regard to any candidate means a vote derived from a voting paper on which a first preference is recorded for that candidate:

(6) The expression “transferred vote” in regard to any candidate means a vote derived from a voting paper on which a second or subsequent preference is recorded for that candidate:

(7) The expression “surplus” means the number of votes by which the total number of the votes, original and transferred, credited to any candidate, exceeds the quota.

17. *Immediate provisional operation.*—These regulations shall take effect as from the date hereof, and except as respects Scotland shall take effect provisionally in accordance with the provisions of section two of the Rules Publication Act, 1893.

18. *Short title.*—These regulations may be cited as the University Elections (Single Transferable Vote) Regulations, 1918.

SCHEDULES.

FIRST SCHEDULE.

EXAMPLES OF ELECTIONS CONDUCTED ON THE SYSTEM OF THE SINGLE TRANSFERABLE VOTE SET OUT ABOVE.

A. WHERE TWO MEMBERS ARE TO BE ELECTED.

Let it be assumed that there are five candidates, A, B, C, D and E.

Arrangement of voting papers (Regn. 5).—The voting papers (after having been mixed in the case of a combined University constituency) are examined, and the valid papers are arranged in separate parcels under the names of the candidates marked with the figure 1.

First Count.

Counting the votes (Regn. 6).—Each separate parcel is counted, and each candidate is credited with one vote in respect of each paper on which a first preference has been recorded for him.

The result of the count may be supposed to be as follows:—

	Votes.
A	2,678
B	1,670
C	3,142
D	848
E	2,056
Total	10,394

The Quota.

Ascertainment of quota (Regn. 7).—It is found that the total of all the valid votes in 10,394. This total is divided by three (*i.e.*, the number which exceeds by one the number of vacancies to be filled), and 3,465 (*i.e.*, the quotient 3,464 increased by one, disregarding fractions) is the "quota," or the number of votes sufficient to elect a member.

Transfer of D's Votes.

Transfer of votes of candidate lowest on the poll (Regn. 10 (1)).—No candidate has received a number of votes equal to or greater than the quota. The Returning Officer therefore proceeds to distribute the papers of the candidate with the smallest total of votes.

D's parcel of 848 papers is therefore examined and arranged in separate sub-parcels according to the second preferences indicated thereon.

A separate sub-parcel is also formed of non-transferable papers, *i.e.*, those on which no available preference for any continuing candidate is shown.

The result is found to be as follows:—

A second preference is shown for A on	18 papers.
A second preference is shown for B on	62 papers.
A second preference is shown for C on	35 papers.
A second preference is shown for E on	582 papers.
Total of transferable papers	697 papers.
Total of non-transferable papers	151 papers.
Total of D's papers	848 papers.

Disposal of papers after transfer (Regn. 11 (1)).—The transferable papers are added in separate sub-parcels to the parcels of A, B, C and E, whilst the 151 non-transferable papers are set aside as finally dealt with.

The totals of the votes credited to these candidates then become:—

	Votes.
A	2,678 + 18 = 2,696
B	1,670 + 62 = 1,732
C	3,142 + 35 = 3,177
E	2,056 + 582 = 2,638

Transfer of B's Votes.

Transfer of votes of candidate lowest on the poll (Regn. 10 (1)).—No candidate having yet obtained a quota of votes, the returning officer proceeds to distribute the papers of B, who is now lowest on the poll.

All B's papers (1,732) are re-examined and arranged in separate sub-parcels according to the next preferences marked thereon for continuing candidates. A second preference will, in general, be the next available preference, but where the second preference has been recorded for a candidate already excluded, the third preference will be the next available preference.

A separate sub-parcel is made of the non-transferable papers.

The result is found to be as follows:—

A next available preference is shown for A on ...	363 papers.
A next available preference is shown for C on ...	557 papers.
A next available preference is shown for E on ...	624 papers.

Total of transferable papers	1,544 papers.
Total of non-transferable papers	188 papers.

Total of B's papers 1,732 papers.

Disposal of papers after transfer (Regn. 11 (1)).—The transferable papers are added in separate sub-parcels to the parcels of A, C and E, whilst the 188 non-transferable papers are set aside as finally dealt with. The totals of the votes credited to these candidates then become:—

	Votes.
A	2,696 + 363 = 3,059
C	3,177 + 557 = 3,734
E	2,638 + 624 = 3,262

Election of C.

Election of candidate with quota (Regn. 8).—C has now 3,734 votes, a number which is 269 in excess of the quota (3,465). He is accordingly elected.

Transfer of C's surplus.

One seat now remains to be filled, and in order to determine whether A or E shall be elected, it is necessary to transfer C's surplus. (Regn. 11 (2).)

Transfer of surplus votes arising from a previous transfer (Regn. 9 (2) (b)).—For this purpose the sub-parcel of 557 papers transferred to C from B is re-examined and sorted into sub-parcels according to the next available preferences indicated thereon.

A separate sub-parcel is also formed of non-transferable papers.

The result is found to be as follows:—

A next available preference is shown for A on ...	182 papers.
A next available preference is shown for E on ...	270 papers.
Total of transferable papers	
Total of non-transferable papers	105 papers.
Total	
	557 papers.

Proportion of papers to be transferred (Regn. 9 (4) (a)).—Since the total number of transferable papers (452) exceeds the surplus (269) only a portion of the new sub-parcels can be transferred to A and E, and the number of papers to be transferred from each sub-parcel must bear the same proportion to the total number of papers in the sub-parcel as that which the surplus (269) bears to the total number (452) of transferable papers.

How number transferred are ascertained (Regn. 9 (4) (b)).—In other words, the number of papers to be transferred from each sub-parcel is ascertained by multiplying the number of papers in the sub-parcel by 269 (the surplus) and dividing the result by 452 (the total number of transferable papers).

The process is as follows:—

A's sub-parcel contains 182 papers, and his share of the surplus is therefore—

$$182 \times \frac{269}{452} = 108 \frac{142}{452}$$

E's sub-parcel contains 270 papers, and his share of the surplus is therefore—

$$270 \times \frac{269}{452} = 160 \frac{310}{452}$$

Total (C's surplus)	269
---------------------------	-----

Treatment of fractions in transferring surplus votes (Regn. 9 (4) (c)).—The number of papers to be transferred as determined by the preceding process contains fractions, and, since only whole papers can be transferred, the larger of the fractions is reckoned as of the value of unity.

The numbers of papers to be transferred are, therefore, as follows:—

To A	108 papers.
To E	161 papers.

Total, being C's surplus ... 269 papers.

Selection and marking of papers to be transferred (Regn. 9 (4) (d) and (e)).—The particular papers to be transferred to A and E are those last filed in their respective sub-parcels and, therefore, at the top of the sub-parcels. The papers to be transferred are to be marked so as to indicate the candidates from and to whom the transfer is made.

Disposal of papers after transfer (Regn. 11 (1)).—The transferred papers are added in separate sub-parcels to the parcels of A and E.

The total votes credited to these candidates then become:—

		Votes.
A	3.059	108 = 3,167
E	3.262	161 = 3,423

Quota of papers of elected candidate set aside (Regn. 11 (1)).—C's papers are now set aside as finally dealt with and are made up as follows:—

Votes originally credited to C	3,142
Votes received from D	35
Votes received from B and not subsequently transferred:	
Remainder of A's sub-parcel	74
Remainder of E's sub-parcel	109
Non-transferable papers	105
	288
Total, being C's quota	3,465

Election of E.

Filling last vacancy (Regn. 12 (2)).—Only one vacancy remains unfilled. No surplus remains to be transferred, and as E's total (3,423) exceeds A's total (3,167), E is elected.

Result Sheet.

Result sheet (Regn. 13).—The details of the various operations in this election are shown in the subjoined form of notification, or "result sheet."

Notification of the Result of the Poll and of the Transfer of Votes.

Number of valid votes	10,394
Number of Members to be elected	2
Quota (number of votes sufficient to secure the election of a candidate)	3,465

Names of Candidates.	First Count.	Second Count.		Third Count.		Fourth Count.	
	Number of Votes for each Candidate.	Transfer of D's Votes.	Result.	Transfer of B's Votes.	Result.	Transfer of C's surplus.	Final Result showing names of candidates elected and order of their election.
A	2,678	+ 18	2,696	+ 366	3,059	+108	3,167
B	1,670	+ 62	1,732	—1,732	—	—	—
C	3,142	+ 35	3,177	+ 557	3,734	—269	3,465, C (1st elected)
D	848	— 848	—	—	—	—	—
E	2,056	+ 582	2,638	+ 624	3,262	+ 161	3,423, E (2nd elected)
Non-Transferable papers.	—	+ 151	151	+ 188	339	—	339
Totals ..	10,394	—	10,394	—	10,394	—	10,394

B. WHERE THREE MEMBERS ARE TO BE ELECTED.

Let it be assumed that there are six candidates, A, B, C, D, E, F.

Arrangement of voting papers (Regn. 5).—The voting papers (after being mixed in the case of a combined university constituency) are examined, and the valid papers are arranged in separate parcels under the names of the candidates marked with the figure 1.

First Count.

Counting the votes (Regn. 6).—Each separate parcel is counted, and each candidate is credited with one vote in respect of each paper on which a first preference has been recorded for him.

The result of the count may be supposed to be as follows:—

	Votes.
A	4,159
B	1,957
C	3,105
D	1,754
E	754
F	1,205
Total	<u>12,934</u>

The Quota.

Ascertainment of quota (Regn. 7).—It is found that the total of all the valid votes is 12,934. This total is divided by four (*i.e.*, the number which exceeds by one the number of vacancies to be filled), and 3,234 (*i.e.*, the quotient 3,233 increased by one, disregarding fractions) is the “quota,” or the number of votes sufficient to elect a member.

Election of A.

Candidate with quota elected (Regn. 8).—A’s votes exceed the quota, and he is declared elected.

Transfer of A’s Surplus.

Transfer of surplus votes of elected candidate (Regn. 9).—A has 925 surplus votes (*i.e.*, A’s total 4,159, less the quota 3,234), and it is necessary to transfer this surplus (Regulation 9 (1)).

All A’s 4,159 papers are examined and arranged in separate sub-parcels according to the second preferences indicated thereon (Regulation 9 (2) (a)).

A separate sub-parcel is also formed of those papers on which no second preference is shown, and which are therefore not transferable (Regulation 9 (2) (c)).

The result is found to be as follows:—

A second preference is shown for B on	255 papers..
A second preference is shown for C on	2,062 papers..
A second preference is shown for D on	154 papers..
A second preference is shown for E on	1,676 papers..
Total of transferable papers	<u>4,147</u>
Total of non-transferable papers	12
Total of A’s papers	<u>4,159</u>

Proportion of papers to be transferred (Regn. 9 (4) (a)).—Since the total number of transferable papers (4,147) exceeds the surplus (925), only a portion of each sub-parcel can be transferred, and the number of papers to be transferred from each sub-parcel must bear the same proportion to the total number of papers in the sub-parcel as that which the surplus (925) bears to the total number (4,147) of transferable papers.

How numbers to be transferred are ascertained (Regn. 9 (4) (b)).—In other words, the number of papers to be transferred from each sub-parcel is ascertained by multiplying the number of papers in the sub-parcel by 925 (the surplus), and dividing the result by 4,147 (the total number of transferable papers).

The process is as follows:—

B's sub-parcel contains 255 papers, and his share of the surplus is therefore:—

$$255 \times \frac{925}{4,147} = 56 \frac{3,643}{4,147}$$

C's sub-parcel contains 2,062 papers, and his share of the surplus is therefore:—

$$2,062 \times \frac{925}{4,147} = 459 \frac{3,877}{4,147}$$

D's sub-parcel contains 154 papers, and his share of the surplus is therefore:—

$$154 \times \frac{925}{4,147} = 34 \frac{1,452}{4,147}$$

E's sub-parcel contains 1,676 papers, and his share of the surplus is therefore:—

$$1,676 \times \frac{925}{4,147} = 373 \frac{3,469}{4,147}$$

Total	925
-------------	-----

Treatment of fractions in transferring surplus votes (Regn. 9 (4) (c)).—The numbers to be transferred as determined by the preceding process contain fractions, and, since only whole papers can be transferred, so many of the largest of these fractions, taken in order of their magnitude, as will make the total number of papers to be transferred equal to the surplus are reckoned as of the value of unity.

Thus, as the *whole* numbers determined above amount to only 922, viz. (56 + 459 + 34 + 373), or three short of the surplus 925, the three largest fractions are each reckoned as unity, and the numbers of papers to be transferred are as follows:—

To B	57 papers.
To C	460 papers.
To D	34 papers.
To E	374 papers.

Total, being A's surplus ... 925 papers.

Selection and marking of papers to be transferred (Regn. 9 (4) (d) and (e)).—The particular papers to be transferred to B, C, D, and E

are those last filed in their respective sub-parcels, and, therefore, at the top of the sub-parcels. The papers to be transferred are to be marked so as to indicate the candidates from and to whom the transfer is made.

Disposal of papers after transfer (Regn. 11 (1)).—These papers are added in separate sub-parcels to the parcels of B, C, D, and E.

The totals of the votes credited to these candidates then become:—

	Votes.
B	1,957 + 57 = 2,014
C	3,105 + 460 = 3,565
D	1,754 + 34 = 1,788
E	754 + 374 = 1,128

Papers of elected candidate set aside (Regn. 11 (1)).—The remainders of the papers in the sub-parcels (*i.e.*, those papers not transferred), together with the papers on which no available preferences were marked, are collected together and formed into one parcel, representing A's quota of votes (3,234), and these papers are set aside as finally dealt with. The parcel is made up as follows:—

The remainder of B's sub-parcel,	255 less 57 = 198
The remainder of C's sub-parcel,	2,062 less 460 = 1,602
The remainder of D's sub-parcel,	154 less 34 = 120
The remainder of E's sub-parcel,	1,676 less 374 = 1,302
Non-transferable papers ...	12

Total, being A's quota 3,234

The operations involved in this transfer are summarised in the following table:—

Transfer of A's Surplus.

Surplus	925
Number of transferable papers	4,147
Proportion to be transferred =	(Surplus = 925)
Number of transferable papers	= 4,147

Names of candidates marked as the next available preference.	Number of Transferable Papers.	Number of Papers transferred.	Number of Papers retained for A's quota.
B	255	57	198
C	2,062	460	1,602
D	154	34	120
E	1,676	374	1,302
F	—	—	—
Total number of transferable papers..	4,147	925	3,222
Number of non-transferable papers..	12	—	12
Totals	4,159	925	3,234

State of poll after transfer of A's surplus.—The state of the poll on the conclusion of the transfer is as follows:—

	Votes.	
A	3,234	Elected.
B	2,014	
C	3,565	
D	1,788	
E	1,128	
F	1,205	
Total	12,934	

Election of C.

Election of candidate as a result of transfer.—C now has 3,565 votes, a number which is more than the quota. He is accordingly elected.

Transfer of C's Surplus.

Transfer of surplus votes arising from a previous transfer (Regn. 9 (2) (b)).—C's surplus (3,565, less 3,234, or 331) has now to be transferred.

For this purpose the parcel of 460 papers transferred to him from A's surplus are re-examined and sorted according to the third preferences indicated thereon.

The result is found to be as follows:—

A next available preference is shown for B on ...	46	papers.
A next available preference is shown for D on ...	32	papers.
A next available preference is shown for E on ...	354	papers.
A next available preference is shown for F on ...	14	papers.
Total of transferable papers	446	
Total of non-transferable papers	14	
Total	460	

The number of papers to be transferred from each sub-parcel is ascertained by multiplying the number of papers in the sub-parcel by 331 (the surplus) and dividing the result by 446 (the total number of transferable papers).

The process is as follows:—

B's sub-parcel contains 46 papers, and his share of the surplus is therefore—

$$46 \times \frac{331}{446} = 34 \frac{31}{223}$$

D's sub-parcel contains 32 papers, and his share of the surplus is therefore—

$$32 \times \frac{331}{446} = 23 \frac{167}{223}$$

E's sub-parcel contains 354 papers, and his share of the surplus is therefore—

$$354 \times \frac{331}{446} = 262 \frac{161}{223}$$

F's sub-parcel contains 14 papers, and his share of the surplus is therefore—

$$14 \times \frac{331}{446} = 10 \frac{87}{223}$$

331

As in the previous transfer, the largest fractions are treated as of

the value of unity. The numbers of papers to be transferred are as follows:—

To B	34
To D	24
To E	263
To F	10
Total	<u>331</u>

The total votes credited to these candidates then become:—

B	2,014 + 34 = 2,048
D	1,788 + 24 = 1,812
E	1,128 + 263 = 1,391
F	1,205 + 10 = 1,215

Papers of elected candidate set aside (Regn. 11 (1)).—C's papers are now set aside as finally dealt with and are made up as follows:—

Votes originally credited to C on the first count	3,105
Votes received from A and not transferred:—	
Remainder of B's sub-parcel	12
Remainder of D's sub-parcel	8
Remainder of E's sub-parcel	91
Remainder of F's sub-parcel	4
Non-transferable papers	14
	<u>129</u>
Total, being C's quota	<u>3,234</u>

State of the poll after transfer of C's surplus.—The state of the poll on the conclusion of the transfer is as follows:—

	Votes.
A	3,234 Elected.
B	2,048
C	3,234 Elected.
D	1,812
E	1,391
F	1,215

Transfer of F's Votes.

Transfer of votes of candidate lowest on the poll (Regn. 10 (1)).—The Returning Officer proceeds to distribute the papers of the candidate with the smallest total of votes.

F's parcel of 1,215 papers is therefore examined. It is found to contain 1,094 papers on which D is the next available preference, and 110 on which B is the next available preference. On 11 papers no further preference is marked.

Therefore 1,094 papers are transferred to D, and 110 to B, whilst the 11 non-transferable papers are set aside as finally dealt with.

State of the poll after transfer of F's votes.—The poll now stands as follows:—

	Votes.
A	3,234 Elected.
B	2,158
C	3,234 Elected.
D	2,906
E	1,391
Non-transferable papers	11

Total

12,934

Transfer of E's Votes.

Transfer of votes of candidate lowest on the poll (Regn. 10 (1)).—E now stands lowest on the poll, and no further candidate has attained the quota.

The Returning Officer therefore proceeds to distribute E's papers.

All E's papers (1,391) are examined. B is marked as the next available preference on 856 papers. D is marked as next available preference on 414, whilst no further preference is marked on the remaining 121 papers.

Therefore 856 papers are transferred to B and 414 to D, whilst the 121 non-transferable papers are set aside as finally dealt with.

Election of D.

D's total now exceeds the quota, and he is elected.

Result Sheet.

Result Sheet (Regn. 13).—The details of the various operations in this election are shown in the subjoined form of notification or "result sheet."

Notification of the Result of the Poll and of the Transfer of Votes.

Number of valid votes	12,934
Number of Members to be elected	3
Quota (number of votes sufficient to secure the election of a candidate)	3,234

Names of Candidates.	First Count.		Second Count.		Third Count.		Fourth Count.		Fifth Count.	
	Number of Votes for each Candidate.	Transfer of A's surplus.	Result.	Transfer of C's surplus.	Result.	Transfer of F's Votes.	Result.	Transfer of E's Votes.	Final Result showing names of Candidates elected and order of their election.	
A	4,159	- 925	3,234	—	3,234	—	3,234	—	3,234 A (1st elected)	
B	1,957	+ 57	2,014	+ 34	2,048	+ 110	2,158	+ 856	3,014	
C	3,105	+ 460	3,565	- 331	3,234	—	3,234	—	3,234 C (2nd elected)	
D	1,754	+ 34	1,788	+ 24	1,812	+ 1,094	2,906	+ 414	3,320 D (3rd elected)	
E	754	+ 374	1,128	263	1,391	—	1,391	- 1,391	—	
F	1,205	—	1,205	+ 10	1,215	- 1,215	—	—	—	
Non-transferable papers.	—	—	—	—	—	+ 11	11	+ 121	132	
Totals	12,934	—	12,934	—	12,934	—	12,934	—	12,934	

SECOND SCHEDULE.

FORMS OF VOTING PAPER.

A. *Elsewhere than in Scotland.*

VOTING PAPER.

1. I, A.B.,* , give my vote as indicated below:—

Candidates.	Order of Preference.
A	
B	
C	
D	
E	
F	

N.B.—Vote by placing the figure 1 opposite the name of the candidate for whom you vote.

You may also place the figure 2, or the figures 2 and 3, and so on, in the squares opposite the names of other candidates in the order of your preference for them.

A voting paper is invalid on which—

- (a) the figure 1 is not marked; or
- (b) the figure 1 is set opposite the name of more than one candidate; or
- (c) the figure 1 and some other figure is set opposite the name of the same candidate.

2. I declare that I have signed no other voting paper and have not voted in person at this election for the university constituency of .

†I also declare—

(*In the case of a man*) that I have not voted at this general election in respect of any qualification other than a residence qualification;

(*In the case of a woman*) that I have not voted at this general election for any other university constituency.

Signed A.B.

Address .

The day of , 19 .

I declare that this voting paper (the voting paper having been previously filled in), was signed in my presence by A.B., who is personally known to me, on the day of , 19 .

Signed C.D.

Address .

* Here give elector's name in full, with his university degree and college, if any.

† This declaration is to be made only at a general election.

B. *In Scotland.*

VOTING PAPER.

UNIVERSITY OF VOTING PAPER.
No.* .

I, A.B.,† , give my vote as indicated below:—

Candidates.	Order of Preference.
A	
B	
C	
D	
E	
F	

N.B.—Vote by placing the figure 1 opposite the name of the candidate for whom you vote.

You may also place the figures 2 and 3 and so on in the squares opposite the names of other candidates in the order of your preference for them.

A voting paper is invalid on which—

- (a) the figure 1 is not marked; or
- (b) the figure 1 is set opposite the name of more than one candidate; or
- (c) the figure 1 and some other figure is set opposite the name of the same candidate.

I declare that I have signed no other voting paper at this election for the combined university constituency of the University of St. Andrews, the University of Glasgow, the University of Aberdeen, and the University of Edinburgh.

‡ I also declare—

(*In the case of a man*) that I have not voted at this general election in respect of any qualification other than a residence qualification;

(*In the case of a woman*) that I have not voted at this general election for any other university constituency.

Signed A.B.

Address .

The day of , 19 .

* Number of elector on the register.

† Here give the elector's name in full and his designation.

‡ This declaration is to be made only at a general election.

I declare that this voting paper (the vote having been previously recorded thereon), was signed in my presence by A.B., who is personally known to me, on the day of , 19 .

Signed C.D.

Designation .

Address .

VOTING PAPER FOR INCAPACITATED ELECTOR.

UNIVERSITY OF VOTING PAPER.

No.*

I, A.B.,† , give my vote as indicated below, and I have requested and authorised C.D., a justice of the peace, to make the entries in this voting paper on my behalf and on my instructions, and to subscribe this voting paper and declaration(s) for me, as I am from § unable to write:—

Candidates.	Order of Preference.
A	
B	
C	
D	
E	
F	

N.B.—Vote by placing the figure 1 opposite the name of the candidate for whom you vote.

You may also place the figure 2, or the figures 2, 3, and so on, in the squares opposite the names of other candidates in the order of your preference for them.

A voting paper is invalid on which—

- (a) the figure 1 is not marked; or
- (b) the figure 1 is set opposite the name of more than one candidate; or
- (c) the figure 1 and some other figure is set opposite the name of the same candidate.

I declare that I have signed no other voting paper at this election for the combined university constituency of the University of St. Andrews, the University of Glasgow, the University of Aberdeen, and the University of Edinburgh.

* Number of elector as on register.

† Here give the elector's name in full designation.

§ State the incapacity.

I also declare—

(*In the case of a man*) that I have not voted at this general election in respect of any qualification other than a residence qualification;

(*In the case of a woman*) that I have not voted at this general election for any other university constituency.

Signed A.B.

Address .

The day of , 19 .

I, C.D., a justice of peace for , and residing at , hereby declare that A.B., before named, being personally known to me, did in my presence make the declaration(s) before mentioned, and did duly request and authorise me to make the entries in this voting paper on his behalf and on his instructions, and to subscribe this voting paper for him, which I did on day of , 19 , in the presence of the said A.B.

(Signed) C.D., a justice of peace for and residing at .

* This declaration is to be made only at a general election.

No. 3.

THE UNIVERSITY ELECTIONS (MISCELLANEOUS PROVISIONS) ORDER, 1918.¹

At the Court at Buckingham Palace, the 23rd day of October, 1918.

PRESENT,

The King's Most Excellent Majesty in Council.

WHEREAS under sub-section (1) of section thirty-six of the Representation of the People Act, 1918 (hereinafter referred to as "the Act") power is conferred on His Majesty by Order in Council to make such Regulations as appear necessary or desirable for giving full effect to the provisions contained in the Fifth Schedule to the Act and for the effective and proper conduct of elections for university constituencies:

And whereas it is expedient, in order to avoid any question which may arise, to comply as respects England and Wales and as respects Ireland with the provisions of the Rules Publication Act, 1893, as to the matters dealt with under this Order, and it is necessary on account of urgency that any Order providing for the matters dealt with by this Order should come into operation forthwith:

Now, therefore, His Majesty is pleased, by and with the advice of His Privy Council to order, and it is hereby ordered as follows:—

1. In the application of section twenty-six of the Act to university elections, the time fixed by the returning officer for the nomination shall be substituted for the time appointed for the election.²

2. Where voting in person is allowed and the election is conducted according to the principle of the transferable vote³ a voting paper shall be filled in by electors voting in person or by the returning officer on their behalf which shall be in the same form and include the same declarations as are prescribed⁴ for electors voting by post, but shall not require to be witnessed.

3. A candidate may at any time on the day fixed for the nomination, but not afterwards, withdraw from his candidature by giving notice to that effect signed by him to the returning officer.

The proposer of a candidate nominated in his absence out of the United Kingdom may at any time on the day fixed for the nomination,⁵ but not afterwards, withdraw such candidate by a written notice signed by him and delivered to the returning officer, together with a written declaration of such absence of the candidate.

4. The return of a member or members elected to serve in Parliament for a university constituency shall be made by a certificate of the names of such member or members under the hand of the returning officer endorsed on the writ of election, and the returning officer may, if he thinks fit, deliver the writ with such certificate endorsed to the postmaster of the principal post office of the place at which the votes

¹ Statutory Rules and Orders, 1918, No. 1,349.

² See pp. 165—166, *supra*, and Fifth Schedule, Part I., r. 3, p. 292, *supra*, and Part II., r. 4, p. 302, *supra*.

³ See sect. 20 (1), p. 123, *supra*, and University Elections (Single Transferable Vote) Regulations, 1918, p. 411, *supra*.

⁴ See r. 4, p. 412, and pp. 427—430, *supra*.

⁵ See Fifth Schedule, Part I., r. 3, p. 292, and Part II., r. 4, p. 302, *supra*.

are counted, or his deputy, and in that case he shall take a receipt from the postmaster or his deputy for the same; and such postmaster or his deputy shall then forward the same by the first post, free of charge, under cover, to the Clerk of the Crown, or, in the case of an Irish university constituency, the Clerk of the Crown and Hanaper, with the words, "Election Writ and Return," endorsed thereon.

5. In the case of the Scottish University Constituency any candidate's deposit which is forfeited⁴ shall be divided equally among the Universities forming the Scottish University Constituency and the share of the deposit received by each University shall be paid into the fund out of which the election expenses of that University are defrayed.

6. Rule 18 in Part II. of the Fifth Schedule to the Act shall be read as though the following proviso were inserted at the end thereof:—

"Provided that in the case of any such elector who is a naval or military voter and who has applied in writing to the registrar to send a voting paper to him at any address outwith⁵ the United Kingdom or the Channel Islands the registrar shall send the paper to that address."

7. This Order shall take effect from the date hereof, and, except as respects Scotland, shall take effect provisionally in accordance with the provisions of section 2 of the Rules Publication Act, 1893.

8. This Order may be cited as the University Elections (Miscellaneous Provisions) Order, 1918.

⁴ See sect. 27, p. 167, and sect. 36 (3) (c), pp. 222—223, *supra*.

⁵ This word, which is obviously a misprint for "without," appears in this Order as officially printed.

No. 4.

THE PROXY PAPER (UNIVERSITIES) ORDER, 1921.¹

At the Court at Buckingham Palace, the 13th day of December, 1921.

PRESENT,

The King's Most Excellent Majesty in Council.

WHEREAS by the Representation of the People Acts, 1918 to 1921, power is conferred on His Majesty to make provision for various matters by Order in Council:

And whereas by section 36 of the Representation of the People Act, 1918 (7 & 8 Geo. 5, c. 64) (herein referred to as "the Act"), power is conferred on His Majesty by Order in Council to make such regulations as appear necessary or desirable for the effective and proper conduct of elections for University Constituencies:

And whereas by section 36 (3) of the Act it is provided in relation to University Constituencies and University Elections as follows:—

- (b) It shall not be necessary to prepare an absent voters' list, but the right to vote by proxy may be exercised by any person who would be entitled to exercise such right if his name were entered on the absent voters' list, so long as all other conditions enabling him to vote by proxy are fulfilled:

And whereas by the Proxy Paper (Universities) Order, 1918 (S. R. & O. 1918, No. 1350), His Majesty has been pleased by Order in Council to make provision with respect to voting by proxy at University elections:

And whereas by section 40 (2) of the Act, any Order in Council made thereunder may be revoked or varied as occasion requires by any subsequent Order in Council:

And whereas the Representation of the People (No. 2) Act, 1920 (10 & 11 Geo. 5, c. 35), made further provision with respect to voting by proxy, and accordingly it is expedient that the Proxy Paper (Universities) Order, 1918, should be revoked and other provisions substituted therefor:

Now, therefore, His Majesty, in pursuance of the powers conferred upon Him by the said Acts and of all other powers enabling Him in that behalf, is pleased by and with the advice of His Privy Council, to order and it is hereby ordered as follows:—

1. *Form of application for appointment of proxy.*—An application by a University elector for the issue of a Proxy Paper must be in the following form or in a form to the like effect:—

REPRESENTATION OF THE PEOPLE ACTS, 1918 TO 1921.

Proxy Application Form.

To the Registration Officer for University.

The Elector must insert here his surname and other names in full.

I, , being or believing myself to be qualified for registration as a Parliamentary Elector at the said University

¹ Statutory Rules and Orders, 1921, No. 2002.

hereby state that there is a probability that I shall, at the time of a Parliamentary election, be at sea or out of the United Kingdom, and that I desire to appoint as proxy to vote for me at any such election the person nominated below as First Choice or (if he or she is not qualified or is unwilling to act) the person nominated below as Second Choice.

*Person to be appointed Proxy.**

1. The Elector must fill this up.
Names of First Choice
Postal Address of First Choice
Relationship, if any, of First Choice to Elector
2. The Elector should fill this up as the First Choice may be unwilling or not qualified to act.
Names of Second Choice
Postal Address of Second Choice
Relationship, if any, of Second Choice to Elector
3. The Elector should fill this up to the best of his ability.
Reason for and expected length of absence from United Kingdom

I apply for the issue of a proxy paper appointing as my proxy the person, or one of the persons, nominated above: and in the event of any further information being required by the Registration Officer I hereby authorise

4. The Elector should enter here the names and address of some person in the United Kingdom who can supply any further information required, in case the Elector is at sea or abroad. The person so authorised may be one of the persons nominated above as proxy.

Names
Postal Address

to make an application giving such further information as may be necessary to enable a proxy paper to be issued to the person or one of the persons nominated.

The form must be properly signed, witnessed and dated.

Signature of Elector
Elector's residence in United Kingdom or other postal address in United Kingdom to which letters for him may be sent

The Witness must be a person to whom the Elector is known.

Witnessed by
Address and Occupation of Witness
Date

2. *Appointment of proxy.*—(1) The registration officer on receiving an application for the issue of a proxy paper shall, if satisfied that a proxy may be appointed, intimate to the person nominated as first choice, unless he knows that that person is not qualified to be appointed as proxy or has expressed his unwillingness to act, that it is proposed to appoint him as proxy for the elector, and that if no notice is received within seven days intimating that he is unwilling or unable to act as proxy for the elector a proxy paper will be issued to him and he will be entered on the list of proxies:

* A person to be proxy must be the wife, or husband, or parent of the elector, or a brother or sister over 21 years of age, or must be some person registered as a parliamentary voter in the same constituency as the elector; but a person not so related to the elector cannot vote as proxy for more than two electors in a constituency.

Provided that where the registration officer requires further information to enable him to issue a proxy paper and the name of any person is given in the form of application as authorised to make an application giving such further information as may be necessary to enable a proxy paper to be issued to the person or one of the persons nominated, the registration officer shall apply to the person so named for such further information.

If at the expiration of the said seven days no notice is received intimating that the person nominated as first choice is unable or unwilling to act as proxy, the registration officer shall, unless otherwise directed by the elector, send or deliver a proxy paper to that person, and shall enter his name on the list of proxies:

Provided that the registration officer may send or deliver the proxy paper and enter the name of the proxy as aforesaid before the expiration of the said seven days if he is satisfied that the person nominated as first choice is willing and able to act as proxy.

(2) If within seven days from the date of sending the intimation notice is received by the registration officer informing him that the person nominated as first choice is unable or unwilling so to act, the registration officer shall, if another person is nominated as second choice in the form of application, deal in like manner with the person so nominated.

(3) If the person nominated as first choice, or if another person is nominated as second choice, each of such persons is unable or unwilling to act as proxy or is not qualified to act, or if for any other reason the registration officer does not comply with the application and issue a proxy paper, the registration officer shall send a notice to the elector informing him that no proxy paper has been issued and explaining the reason.

(4) As soon as may be after issuing a proxy paper the registration officer shall send notice of the fact to the elector, stating the name and address of the person to whom the paper has been issued and the period for which the proxy paper remains in force.

(5) The proxy paper, unless previously cancelled, shall remain in force until the expiration of six months, or such longer period (not exceeding in all three years) as the registration officer at the time of the issue of the proxy paper, having regard to all the circumstances of the case and the reason for and length of absence specified in the proxy application form may fix.

3. *Form of proxy paper.*—The proxy paper to be issued by the registration officer shall be in the following form or a form to the like effect:—

REPRESENTATION OF THE PEOPLE ACTS, 1918 TO 1921.

Proxy Paper.

Constituency

(Name)

(Address)

is hereby appointed as Proxy for

(Name of Elector)

who is registered as a Parliamentary Elector at the University of to vote for such elector at all Parliamentary Elections for the above constituency whilst this Proxy Paper remains in force.

Date until which proxy paper remains in force

Signature of Registration Officer

Date

4. *Form of cancellation.*—A notice to the registration officer cancelling a proxy paper must be in the following form or in a form to the like effect:—

REPRESENTATION OF THE PEOPLE ACTS, 1918 TO 1921.

To the Registration Officer for University.

I, , being registered as a Parliamentary Elector at the University of , hereby cancel any proxy paper issued in respect of the above qualification.

Signed .

*Witnessed by .

Date .

5. *Notice of cancellation.*—Where a proxy paper is cancelled the registration officer shall send notice of the cancellation to the person who has been appointed proxy under the cancelled paper, and shall delete his name from the list of proxies.

6. *Application of Third Schedule to Representation of People Act, 1918.*—The Third Schedule to the Act (as amended by the Representation of the People (No. 2) Act, 1920) shall in its application to University constituencies and University elections have effect subject to the following adaptations:—

(1) Paragraph 4 shall not apply:

(2) In lieu of the list provided for in paragraph 8 the registration officer shall keep a list of persons on the register who have appointed proxies and of the persons so appointed and of the dates on which the proxy papers expire and the provisions of the said paragraph with reference to the list of absent voters shall apply to the list so kept:

(3) The following paragraph shall be substituted for paragraph 11:—

“A person claiming to vote as proxy shall when so required produce the proxy paper to the returning officer and if he fails to do so his vote shall be invalid, and the returning officer shall endorse on the voting paper the reason for its rejection.

“The returning officer may require from the person claiming to vote by proxy such declarations in addition to those set out in the form of voting paper as appear to him to correspond to the questions which may be asked of persons claiming to vote as proxies in constituencies other than University constituencies:”

(4) Paragraph 15 shall not apply.

7. *Power to use corresponding forms under Sch. V. to Representation of the People Order.*—Any of the forms prescribed in Schedule V. to the Representation of the People Order¹ shall be deemed to be forms to the like effect as the corresponding forms prescribed by this Order and may be used in substitution for these forms if in the opinion of the registration officer they give the necessary information, including information as to the reason for and expected length of absence from the United Kingdom.

8. *Late applications.*—When the registration officer receives an application for the issue of a proxy paper appointing a proxy less than two clear days before the date of nomination, the application may for the purpose of that election be disregarded.

* The witness should be some person to whom the elector is known.

¹ See pp. 405–406, *supra*.

9. *Person to whom voting paper is to be sent.*—Where under Part II. of the Fifth Schedule to the Act a voting paper is required to be sent to an elector, and the elector is a person who is entitled to vote by proxy, the voting paper shall, instead of being sent to the elector, be sent to the proxy.

10. *Registration officer.*—In this Order the expression "registration officer" means as respects any University such person or officer as may be designated as registration officer by the governing body of the University for the purpose of preparing the register.

11. *Alteration of headings to forms.*—In the event of any other Act or Acts being included as Acts which may be cited with the Representation of the People Acts, 1918 to 1921, by any other collective title that title may be substituted in the headings to the forms prescribed by this Order.

12. *Revocation.*—The Proxy Paper (Universities) Order, 1918, is hereby revoked:

Provided that such revocation shall not affect the validity or duration of any proxy paper current at the date of the revocation.

13. *Short title.*—This Order may be cited as the Proxy Paper (Universities) Order, 1921.

No. 5.

ORDER IN COUNCIL MAKING REGULATIONS IN
PURSUANCE OF SECTIONS 13 (2), 21 (2), 23 (6),
AND 36 (1), (3) (c) OF THE REPRESENTATION
OF THE PEOPLE ACT, 1918 (7 & 8 GEO. 5, c. 64).¹

At the Court at Buckingham Palace, the 8th day of November, 1918.

PRESENT,

The King's Most Excellent Majesty in Council.

WHEREAS by the Representation of the People Act, 1918, provision is made as follows:—

“The provisions contained in Part I. of the Fifth Schedule to this Act shall have effect with respect to elections for university constituencies other than the Scottish university constituency, and the provisions contained in Part II. of that Schedule shall have effect with respect to elections for the Scottish university constituency, and His Majesty may, by Order in Council, make such regulations as appear necessary or desirable for giving full effect to those provisions and for the effective and proper conduct of those elections. (S. 36 (1).)

“Where a candidate's deposit is forfeited the deposit shall be retained by the university.” (S. 36 (3) (c).)

Now, therefore, His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

2. In the case of the English combined University constituency² any candidate's deposit which is forfeited³ shall be divided equally among the universities forming the constituency and the share of the deposit received by each university shall be paid into the fund out of which the expenses of that university are defrayed.

¹ Statutory Rules and Orders, 1918, No. 1,464. With the exception of Rule 2 here printed, the provisions of this Order have been superseded by the R. P. Order, set out on pp. 363–410, *supra*.

² See p. 349, *supra*.

³ See sect. 27, p. 167, and sect. 36 (3) (c), pp. 222–223, *supra*.

No. 6.

THE MINISTRY OF HEALTH (REGISTRATION AND ELECTIONS, TRANSFER OF POWERS) ORDER, 1921.¹

At the Court at Buckingham Palace, the 27th day of May, 1921.

PRESENT,

The King's Most Excellent Majesty in Council.

WHEREAS by sub-sections (3) and (4) of section 3 of the Ministry of Health Act, 1919 (9 & 10 Geo. 5, c. 21), it is provided that His Majesty may by Order in Council transfer from the Minister of Health to any other Government Department any of the powers and duties of the Minister which appear to His Majesty not to relate to matters affecting or incidental to the health of the people, and may by Order in Council make such incidental, consequential and supplemental provisions as may be necessary or expedient for the purposes of giving full effect to such transfer:

And whereas the Minister of Health as successor to the Local Government Board exercises and performs under divers statutes certain powers and duties relating to the registration of electors and the conduct of elections, which appear to His Majesty not to affect or be incidental to the health of the people, and it is expedient that the said powers and duties should be transferred to the Secretary of State:

Now, therefore, His Majesty, by and with the advice of His Privy Council, is pleased to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Ministry of Health (Registration and Elections, Transfer of Powers) Order, 1921.

(2) The Interpretation Act, 1889 (52 & 53 Vict. c. 63), applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

2.—(1) As from the date of this Order, the powers and duties of the Minister of Health, as successor to the Local Government Board, set out in the Schedule to this Order, shall be transferred to the Secretary of State, and the enactments specified in the first column of the said Schedule shall be read as though the Secretary of State were substituted for the Local Government Board in those enactments.

(2) For the purposes of paragraphs (d) and (e) of sub-section (1) of section 57 of the Local Government Act, 1888 (51 & 52 Vict. c. 41), of section 71 of the Local Government Act, 1894 (56 & 57 Vict. c. 73) (but only so far as regards Orders made by a county council relating to elections), and of sub-section (3) of section 31 of, and paragraph (27) of the First Schedule to the Representation of the People Act, 1918 (7 & 8 Geo. 5, c. 64), the Secretary of State shall be substituted for the Local Government Board in those sections, sub-sections or paragraphs, as the case may be.

(3) References to the Secretary of State shall be substituted for references to the Local Government Board or to the Minister of Health, as the case may be, in the Representation of the People Order, as

¹ Statutory Rules and Orders, 1921, No. 959.

amended by any subsequent Order, and in any other Order, Regulations or Rules made by the Local Government Board or by the Minister of Health in pursuance of the Representation of the People Act, 1918, as amended by any subsequent Act, or of any of the powers or duties hereby transferred to the Secretary of State.

3. Any duties heretofore assigned to the Registrar-General by the Minister of Health in relation to any of the powers and duties of the Minister hereby transferred to the Secretary of State shall, as from the date of this Order, be performed by the Registrar-General under the control and direction of the Secretary of State.

Schedule.

Sections and sub-sections of Statute.	Power or duty to be transferred to the Secretary of State.
Local Government Act, 1888: Section 54 (1) (e).	To make Orders altering the boundary of any electoral divisions of a county or of the number of county councillors and electoral divisions in a county.
Local Government Act, 1894: Section 3 (6) and Section 48 (2). Section 20 (5) and Section 48 (2).	To frame rules for the election of parish councillors. To frame rules for the election of guardians.
Section 23 (5) and Section 48 (2).	To frame rules for the election of urban district councillors.
Section 24 (4) and Section 48 (2).	To frame rules for the election of rural district councillors.
Section 31 (1) as amended by Section 2 (5) of the London Government Act, 1899.	To frame rules for the election of metropolitan borough councillors.
London Government Act, 1899: Section 26 (1) and (2).	To make Orders for the alteration of the number of wards for a metropolitan borough, or of the boundaries of any ward, or of the appointment of the members of the ward.
Representation of the People Act, 1918: Section 12 (2).	To make Orders with regard to the Registration Officer in cases where the registration area is not co-terminous with or wholly contained in one administrative county or municipal borough.
Section 12 (3)	To approve deputy of Registration Officer.
Section 13 (1)	To give general or special directions with respect to arrangements made by Registration Officer for carrying out his duties as to registration.
Section 15 (1)	To direct amount of contributions towards expenses of Registration Officer by the council of any county or borough other than the council whose clerk the Registration Officer is or by whom he is appointed.
Section 15 (2)	To determine any question arising whether certain expenses incurred by the Registration Officer have been properly incurred.

Sections and sub-sections of Statute.	Power or duty to be transferred to the Secretary of State.
Representation of the People Act, 1918— <i>continued</i> .	To determine in certain cases questions relating to the compensation payable to existing officers.
Section 18 (d)	To designate the Returning Officer in certain cases.
Section 28 (4)	To approve appointment of deputy for Acting Returning Officer.
Section 30	To alter, or direct alteration of, division of constituency into polling districts and appointment of polling places.
Section 31 (2)	To make Orders for the removing of difficulties as to the preparation of the register or the holding of elections.
Section 46 (3)	To render assistance required by Admiralty, Army Council, or Air Ministry, in conveying information to Registration Officer.
First Schedule, paragraph (18) ...	To make adaptations in the provisions of any Act, etc., for the purpose of making those provisions conform with the provisions of the Representation of the People Act, 1918.
Sixth Schedule, paragraph (7)	To determine doubts as to the constituency in which any Parish is intended by the Schedule to be included.
Ninth Schedule, paragraph (5)	

No. 7.

SCALES OF REGISTRATION EXPENSES FOR ENGLAND AND WALES FRAMED BY THE TREASURY (MARCH 16, 1920), UNDER SECTION 15 OF THE REPRESENTATION OF THE PEOPLE ACT, 1918 (7 & 8 GEO. 5, c. 64), APPLICABLE TO THE SPRING REGISTER, 1920, AND SUBSEQUENT REGISTERS PREPARED UNDER THE ACT.¹

In pursuance of the powers conferred by section 15 of the Representation of the People Act, 1918, We, being Two of the Lords Commissioners of His Majesty's Treasury, have framed the following scales of Registration Expenses for England and Wales.

These scales will be applicable to the Spring Register, 1920, and to subsequent Registers prepared under the Act, subject to any alterations which may from time to time be made.

I.

I.—PARLIAMENTARY COUNTIES.

(a) Registration Officer's Fee (including payments to Deputies).

	£	s.	d.
For the first 30,000 electors or less in the Registration area	125	0	0
For each 1,000 electors beyond 30,000 up to 200,000 ...	2	10	0
For each 1,000 electors beyond 200,000	2	0	0

(b) Registration Officer's Fee in respect of the remuneration of Clerks.

	£	s.	d.
For the first 30,000 electors or less in the Registration area	125	0	0
For each 1,000 electors beyond 30,000 up to 200,000 ...	2	10	0
For each 1,000 electors beyond 200,000	1	5	0

(c) Registration Officer's Expenses in respect of the remuneration of Assistant Overseers and other persons similarly employed.

In a parish where the number of electors:—

	For the Spring Register, 1920.			For subsequent Registers.		
	£	s.	d.	£	s.	d.
(i) does not exceed 250, for every elector..	0	0	5½	0	0	5
with a minimum of	1	0	0	1	0	0
(ii) exceeds 250, but does not exceed 1,000, for every 100 electors	1	13	4	1	10	0
(iii) exceeds 1,000, but does not exceed 2,000, for every 100 electors	1	2	6	1	2	6
(iv) exceeds 2,000, for every 100 electors up to 5,000	1	2	6	1	0	0
and for every 100 electors beyond 5,000	1	2	6	0	17	6

Provided that the expenditure allowable under any item of this scale shall not be less than the maximum under the preceding item.

¹ Statutory Rules and Orders, 1920, No. 395.

II.—PARLIAMENTARY BOROUGHS OUTSIDE LONDON.

	£ s. d.	
(a) Registration Officer's Fee (including payments to Deputies).		
For each 1,000 electors up to 30,000	2	10 0
For each 1,000 electors beyond 30,000 up to 100,000 ...	2	0 0
For each 1,000 electors beyond 100,000 up to 200,000...	1	13 4
For each 1,000 electors beyond 200,000	1	6 8
(b) Registration Officer's Expenses in respect of the remuneration of Clerks.		
For the first 30,000 electors or less in the Registration area	100	0 0
For each 1,000 electors beyond 30,000 up to 200,000 ...	1	10 0
For each 1,000 electors beyond 200,000	1	3 4
(c) Registration Officer's Expenses in respect of the remuneration of Assistant Overseers and other persons similarly employed.		
	For the Spring Register, 1920.	For subsequent Registers.
	£ s. d.	£ s. d.
For every 100 electors in the parish up to 5,000	1	2 6
For every 100 electors in the parish beyond 5,000	1	2 6
		0 17 6

III.—PARLIAMENTARY BOROUGHS IN LONDON.²

	£ s. d.	
(a) Registration Officer's Fee (including payments to Deputies).		
For each 1,000 electors in the Registration area up to 30,000	2	10 0
For each 1,000 electors beyond 30,000 up to 100,000 ...	2	0 0
For each 1,000 electors beyond 100,000	1	13 4
(b) Registration Officer's Expenses in respect of the remuneration of Clerks, Canvassers, &c.		
For each 100 electors up to 30,000	1	7 6
For each additional 100 electors beyond 30,000 up to 100,000	1	5 0
For each additional 100 electors beyond 100,000	1	2 6

NOTES.—Where the payment is for every 1,000 electors or 100 electors, as the case may be, the number in excess of a complete 1,000 or 100, if more than 500 or 50 shall be counted as a complete 1,000 or 100, and if not more than 500 or 50 shall be ignored, except as regards the Registration Officer's expenses in respect of the remuneration of Assistant Overseers and other persons similarly employed, in which cases the payment for any number of electors in excess of a complete 100 should be calculated proportionately.

The number of electors means in the case of the Registration Officer's fee the number registered in the Registration Area, in the case of the remuneration of Assistant Overseers, and other persons similarly employed the number in the civil parish, and in the case of the remuneration of clerks, canvassers, &c., in London the number in the Registration Area.

² The electorate does not exceed 200,000 in any of the London Boroughs.

II

PAYMENT TO ASSISTANT OVERSEER, &C., ATTENDING REVISION SITTINGS.

There shall be paid to each Assistant Overseer or other officer similarly employed the sum of 10s. in respect of each day on which he is required by the Registration Officer to attend the revision sittings, such sum to include subsistence for the day in question.

III.

PRINTING AND OTHER EXPENDITURE.

(1) Where the printing is carried out under arrangements made by His Majesty's Stationery Office such amount as may be certified by that Department to be the expenditure incurred in connection therewith.

(2) Printing carried out directly by the Registration Officer and other expenditure.

The actual out-of-pocket expenditure supported as far as possible by vouchers. First class railway expenses and subsistence allowance at the rate of £1 a night when the Registration Officer or his Deputy is necessarily absent from home on account of registration duties will be allowed.

No. 8.

SCALES OF REGISTRATION EXPENSES FOR SCOTLAND FRAMED BY THE TREASURY (MARCH 16, 1920), UNDER SECTION 15 OF THE REPRESENTATION OF THE PEOPLE ACT, 1918 (7 & 8 GEO. 5, c. 64), APPLICABLE TO THE SPRING REGISTER, 1920, AND SUBSEQUENT REGISTERS PREPARED UNDER THE ACT.¹

In pursuance of the powers conferred by section 15 of the Representation of the People Act, 1918, We, being Two of the Lords Commissioners of His Majesty's Treasury, have framed the following scales of Registration Expenses for Scotland.

These scales will be applicable to the Spring Register, 1920, and to subsequent registers prepared under the Act, subject to any alterations which may from time to time be made.

I.

Registration Officer's Salary and Expenses in respect of the remuneration of his staff and other persons employed in the preparation of the Registers.

I. COUNTIES.

For every 100 electors in Registration Areas containing—	£	s.	d.
(1) Not more than 5,000 electors	2	8	9
(2) More than 5,000 but not more than 15,000 electors ...	2	6	8
(3) More than 15,000 but not more than 25,000 electors...	2	5	0
(4) More than 25,000 electors—			
(a) For each 100 electors up to 25,000	2	5	0
(b) For each additional 100 electors up to 100,000...	1	15	0
(c) For each additional 100 electors beyond 100,000.	1	10	0

II. BURGHS.

For every 100 electors in Registration Areas containing—	£	s.	d.
(1) Not more than 5,000 electors.....	1	17	6
(2) More than 5,000 but not more than 15,000 electors ...	1	15	0
(3) More than 15,000 but not more than 25,000 electors...	1	12	6
(4) More than 25,000 electors—			
(a) For each 100 electors up to 25,000	1	12	6
(b) For each additional 100 electors up to 100,000...	1	4	6
(c) For each additional 100 electors up to 200,000...	1	3	10
(d) For each additional 100 electors beyond 200,000.	1	2	6

Provided that the expenditure allowable under any item of the foregoing scales for Counties and Burghs respectively shall not be less than the maximum under the preceding item.

NOTE.—For the purposes of the foregoing scale any number of electors in excess of a complete 100, if more than 50, shall be counted as a complete 100, and if not more than 50 shall be ignored.

¹ Statutory Rules and Orders, 1920, No. $\frac{396}{S. 39}$.

II.

PRINTING AND OTHER EXPENDITURE.

(1) Where the printing is carried out under arrangements made by His Majesty's Stationery Office such amount as may be certified by that Department to be the expenditure incurred in connection therewith.

(2) Printing carried out directly by the Registration Officer and other expenditure.

The actual out-of-pocket expenditure supported as far as possible by vouchers. First class railway expenses and subsistence allowance at the rate of £1 a night when the Registration Officer is necessarily absent from home on account of his registration duties will be allowed.

No. 9.

TREASURY ORDER, DATED NOVEMBER 12, 1918,
 UNDER SECTION 29 OF THE REPRESENTATION
 OF THE PEOPLE ACT, 1918 (7 & 8 GEO. 5,
 c. 64), PRESCRIBING SCALE OF MAXIMUM
 CHARGES OF RETURNING OFFICERS AT PARLIAM-
 ENTARY ELECTIONS IN ENGLAND AND
 WALES.¹

In pursuance of the powers conferred upon Us by Section 29 of the Representation of the People Act, 1918, We being Two of the Lords Commissioners of His Majesty's Treasury hereby prescribe that the Returning Officer shall be entitled in respect of the conduct of Parliamentary Elections other than University Elections in England and Wales to his reasonable charges not exceeding the sums hereinafter set forth, provided that the charges for disbursements are in no case to exceed the sums actually and necessarily paid or payable.

A.—FOR SERVICES OF RETURNING OFFICERS.

I.—*In a Contested Election.*

£ s. d.

(i) Fee for conducting the election and generally performing all the duties which a returning officer is required to perform under any enactments relating to parliamentary elections (other than any duties in connection with voting by absent voters for which a separate fee is prescribed by this scale).

For every constituency in a Parliamentary County:—

(a) if the number of registered electors does not exceed 25,000	50	0	0
(b) if the number of registered electors exceeds 25,000 —for each additional 1,000 electors or fraction thereof an additional	1	0	0

For every constituency in a Parliamentary Borough:—

(a) if the number of registered electors does not exceed 25,000	40	0	0
(b) if the number of registered electors exceeds 25,000 —for each additional 1,000 electors or fraction thereof an additional	1	0	0

(ii) Additional fee for services in connection with the dispatch and receipt of the ballot papers of absent voters:—

(a) if the number of absent voters in the constituency (excluding proxy voters) does not exceed 5,000..	10	0	0
(b) if the number exceeds 5,000—for each additional 500 or fraction thereof an additional	0	10	0

¹ Statutory Rules and Orders, 1918, No. 1469.

II.—*In an Uncontested Election.*

One fourth of the above sums.

Where the general duties of a returning officer are performed by an acting returning officer the above fees shall be paid to such acting returning officer and shall include any payments made to a deputy acting returning officer for the discharge of any duties of an acting returning officer which may be assigned to him.

B.—DISBURSEMENTS.

I.—*In a Contested Election.*

—	In a Con- stituency in a Parliamentary County.	In a Con- stituency in a Parliamentary Borough.
	£ s. d.	£ s. d.
1. For each presiding officer, to include all expenses other than any travelling expenses authorised by this scale	4 4 0	3 3 0
2. For one clerk at each polling station where not more than 500 voters are assigned to such station	1 10 0	1 5 0
For an additional clerk at a polling station for every number of 500 voters or fraction thereof beyond the first 500 assigned to such polling station	1 10 0	1 5 0
(In calculating the number of voters assigned to any polling station, absent voters other than proxy voters must be excluded.)		
3. For the remuneration of persons engaged in counting the votes—		
(a) if the number of registered electors in the constituency does not exceed 20,000—a total sum of	14 0 0	14 0 0
(b) if the number of electors exceeds 20,000—for each additional 2,000 electors, or fraction thereof, an additional	1 0 0	1 0 0
4. For the remuneration of persons employed for the purpose of dispatching and receiving the ballot papers of absent voters—		
(a) if the number of absent voters (excluding proxy voters) does not exceed 5,000	40 0 0	40 0 0
(b) If the number of absent voters (excluding proxy voters) exceeds 5,000—for each additional 500 or fraction thereof—an additional	4 0 0	4 0 0

	In a Con- stituency in a Parliamentary County.	In a Con- stituency in a Parliamentary Borough.
	£ s. d.	£ s. d.
5. For all clerical and other assistance employed by the acting returning officer or deputy acting returning officer for the purposes of an election, excluding any services for which payment is otherwise authorised by this scale, and for all expenses of the returning officer not otherwise authorised by the scale.		
If the number of registered electors—		
(a) does not exceed 25,000 ..	35 0 0	30 0 0
(b) exceeds 25,000—for each additional 1,000 or fraction thereof, an additional.....	1 5 0	1 1 0
6. For the services of police or special constables where required ..	The sum actually charged.	
7. Returning or acting Returning Officers' or deputy acting Returning Officers' travelling expenses where necessary to make arrangements for the poll or otherwise in connection with the conduct of the election.	First class railway expenses, or where railway service is not available, the actual and necessary cost with subsistence allowance at the rate of £1 a night for not more than 5 nights when necessarily absent from home on account of duty.	
8. Travelling expenses of presiding officers and poll clerks (excluding any expenses incurred in conveying the ballot boxes from the polling station to the place where the votes are counted).	Third class railway expenses, or where railway service is not available, the actual and necessary cost. Subsistence allowance to presiding Officers at the rate of £1 for each night after the first, and to poll clerks at the rate of 10s. for each night, necessarily spent away from home on account of duty.	
9. Travelling expenses of clerical or other assistants employed by the acting Returning Officer or deputy acting Returning Officer where necessary to make arrangements for the poll or otherwise in connection with the conduct of the election.	Third class railway expenses, or where railway service is not available, the actual and necessary cost with subsistence allowance at the rate of 10s. a night for each night, necessarily spent away from home on account of duty.	
10. For the conveyance of ballot boxes, ballot papers, etc., in connection with the election.	Actual and necessary cost.	
Provided that for the conveyance of ballot boxes from the polling station to the place where the votes are counted there shall be charged.	Third class railway expenses, or where railway service is not available, the actual and necessary cost not exceeding 1s. 6d. per mile.	
11. For printing and providing ballot papers.	Actual and necessary cost.	

	In a Constituency in a Parliamentary County.	In a Constituency in a Parliamentary Borough.
12. For printing and providing notices, nomination forms and other documents required in and about the election or poll and costs of publishing same.	Actual and necessary cost.	
13. For the hire of any building or room for the purposes of the election or expenses attending the use of such building or room.	Actual and necessary cost.	
14. For fitting up a polling station including the provision and fitting up of voting compartments and the hire of necessary furniture where this is not otherwise obtainable.	Actual and necessary cost.	
15. For every ballot box required to be purchased, hired or repaired.	Actual and necessary cost.	
16. For every stamping instrument required to be purchased, hired, altered or repaired.	Actual and necessary cost.	
17. For stationery at each polling station.	Actual and necessary cost, not exceeding £1.	
18. For copies of the register.	Actual and necessary cost.	
19. For general stationery, postage and telegrams and telephone messages.	Actual and necessary cost.	
II.— <i>In an Uncontested Election.</i>		
For preliminary work undertaken in anticipation of a contest, including clerical assistance.	Actual and necessary cost within the above scale.	

For the purpose of the above scale a district of Boroughs shall be treated as a constituency in a Parliamentary County.

No. 11.

THE RETURNING OFFICERS ORDER, 1918, DATED
SEPTEMBER 21, 1918, MADE BY THE LOCAL
GOVERNMENT BOARD UNDER SECTION 28 (4)
OF THE REPRESENTATION OF THE PEOPLE
ACT, 1918 (7 & 8 GEO. 5, c. 64).¹

To the Sheriffs of the several Counties, of the several Counties of Cities, and of the County of the Town named in column 2 of the Schedules to this Order;—

To the Mayors of the several Boroughs named in column 2 of Schedule B to this Order;—

To the Acting Returning Officers for the several Parliamentary Counties named in column 1 of Schedule A and for the several Parliamentary Boroughs named in column 1 of Schedule B to this Order;—

And to all others whom it may concern.

Whereas by section 28 of the Representation of the People Act, 1918, it is enacted as follows:—

“ 28. The returning officer at a parliamentary election (other than a university election) shall, notwithstanding anything in any other Act, be:—

“(1) In the case of a parliamentary county which is coterminous with, or wholly contained in, one administrative county, the sheriff;

“(2) In the case of a parliamentary borough which is coterminous with, or wholly contained in a county of a city or town having a sheriff, the sheriff, and in the case of the City of London, the sheriffs;

“(3) In the case of a parliamentary borough which is coterminous with, or wholly contained in, one municipal borough (not being a county of a city or town having a sheriff), or one metropolitan borough, or one urban district, the mayor or chairman of the council, as the case requires; and

“(4) In any other case, such sheriff, mayor, or chairman, as may be designated for the purpose by the Local Government Board ”;

And whereas in the case of each of the Parliamentary Counties named in the first column of Schedule A to this Order, and each of the Parliamentary Boroughs named in the first column of Schedule B

¹ Statutory Rules and Orders, 1918, No. 1220.

to this Order, the Returning Officer at a parliamentary election is, in pursuance of the Section above recited, to be such Sheriff, Mayor or Chairman as may be designated for the purpose by Us, the Local Government Board:

Now therefore, in pursuance of Our powers in that behalf, We by this Our Order Designate and Direct as follows:—

ARTICLE I.—In the case of each of the parliamentary counties named in the first column of the Schedule A to this Order and of each of the parliamentary boroughs named in the first column of Schedule B to this Order, the returning officer at a parliamentary election shall, until We by Order otherwise direct, be the person for the time being holding the office of Sheriff or Mayor, as the case may be, specified in the second column of those Schedules opposite to the name of the parliamentary county or parliamentary borough.

ARTICLE II.—This Order may be cited as “The Returning Officers Order, 1918.”

SCHEDULE A.

Name of Parliamentary County.	Returning Officer.
Chester	Sheriff of Cheshire.
Cornwall	,, Cornwall.
Kent	,, Kent.
Parts of Kesteven and Rutland	,, Lincolnshire.
Northampton with the Soke of Peterborough.	,, Northamptonshire.
Stafford	,, Staffordshire.
East Sussex	,, Sussex.
Brecon and Radnor	,, Breconshire.

SCHEDULE B.

Name of Parliamentary Borough.	Returning Officer.
Accrington	Mayor of the Borough of Accrington.
Ashton-under-Lyne	" " " Ashton-under-Lyne.
Barnsley	" " " Barnsley.
Batley and Morley	" " " Batley.
Blackpool	" " " Blackpool.
Brighton	" " " Brighton.
Bromley	" " " Bromley.
Bury	" " " Bury.
Cheltenham	" " " Cheltenham.
Dudley	" " " Dudley.
Eccles	" " " Eccles.
Exeter	Sheriff of the County of the City of Exeter.
Grimsbey	Mayor of the Borough of Grimsby.
The Hartlepoons	" " " West Hartlepool.
Hythe	" " " Folkestone.
Kingston-upon-Thames.....	" " " Kingston-upon-Thames.
Leigh	" " " Leigh.
Lincoln	Sheriff of the County of the City of Lincoln.
Morpeth	Mayor of the Borough of Morpeth.
Nelson and Colne	" " " Nelson.
Newcastle-under-Lyme	" " " Newcastle-under-Lyme.
Preston	" " " Preston.
Richmond	" " " Richmond.
Rochester	" " " Chatham.
Rossendale	" " " Rawtenstall.
Rotherham	" " " Rotherham.
Southampton	Sheriff of the County of the Town of Southampton.
Stockton-on-Tees.....	Mayor of the Borough of Stockton-on-Tees.
Sunderland	" " " Sunderland.
Wallsend	" " " Wallsend.
Wednesbury	" " " Wednesbury.
Wimbledon	" " " Wimbledon.
Wolverhampton	" " " Wolverhampton.
York	Sheriff of the County of the City of York.
Cardiff	Lord Mayor of the City of Cardiff.
Carmarvon District of Boroughs	Mayor of the Borough of Carmarvon.
Merthyr Tydfil.....	" " " Merthyr Tydfil.

No. 12.

ORDER OF THE LOCAL GOVERNMENT BOARD,
DATED DECEMBER 5, 1918, UNDER RULE 3 OF
THE ORDER IN COUNCIL OF NOVEMBER 25,
1918, PRESCRIBING FORM OF STATEMENT
WITH RESPECT TO BALLOT PAPERS SENT TO
ABSENT VOTERS.¹

To the Returning Officer at every Parliamentary Election for any Parliamentary County or Parliamentary Borough in England and Wales;—

And to all others whom it may concern.

Whereas by Rule 3 of an Order in Council of the 25th day of November, 1918,² made under the Representation of the People Act, 1918, it is provided that Rule 38 in Part I. of the First Schedule to the Ballot Act³ shall have effect as though there were included among the documents which, under that Rule, the Returning Officer is required to send to the Clerk of the Crown in Chancery a statement in such form as may be directed by the Local Government Board showing the number of ballot papers sent to absent voters and giving with respect to such papers the particulars required by the form:

Now, therefore, We, the Local Government Board, do hereby Direct that the Statement referred to in the said Rule³ shall be in the Form set out in the Schedule to this Order and shall give the particulars with respect to ballot papers sent to absent voters which are indicated in that Form.

Schedule.

ELECTION held _____, 191 _____, for the [Division of the] Parliamentary [County] [Borough] of _____.

STATEMENT WITH RESPECT TO BALLOT PAPERS SENT TO ABSENT VOTERS.

1. No. of ballot papers issued to absent voters
2. No. of covering envelopes received by Returning Officer before time fixed for commencement of counting of votes
3. No. of ballot papers returned by absent voters which were included in the count of ballot papers
4. No. of cases in which declarations of identity or ballot papers were endorsed by the Returning Officer "Vote rejected" or marked by him "Rejected" in pursuance of Rule 15 (3) (5) and (7), and Rule 18 (3) of Order in Council of 4th September, 1918

¹ Statutory Rules and Orders, 1918, No. 1646.

² This Order has been revoked and the provision here referred to is in a modified form contained in the Representation of the People Order, r. 25 (4), p. 370, *supra*. For revocation of Order of Nov. 25, 1918, see R. P. Order, r. 43 (2), p. 374, *supra*.

³ Set out at pp. 507—508, *infra*.

5. No. of covering envelopes received by Returning Officer after time fixed for commencement of counting of votes
6. No. of cases in which envelopes sent to absent voters were returned as undelivered
7. No. of cases in which covering envelopes have not been received by Returning Officer at date of statement

(Signed)

Acting Returning Officer
[Deputy Acting Returning Officer].

Address .
Date , 191 .

No. 13.

THE REPRESENTATION OF THE PEOPLE (ADAP-
TATION OF ACTS, No. 1) ORDER, 1918, DATED
AUGUST 29, 1918, MADE BY THE LOCAL
GOVERNMENT BOARD UNDER SECTION 42
AND SCHEDULE 6, PARAGRAPH 7, OF THE
REPRESENTATION OF THE PEOPLE ACT, 1918
(7 & 8 GEO. 5, c. 64).¹

64,984.

To the Returning Officer at every Parliamentary Election for any
Parliamentary County or Parliamentary Borough in England and
Wales;—

And to all others whom it may concern.

Whereas by Section 42 of the Representation of the People Act,
1918 (hereinafter referred to as "the Act"), the provisions of the
Sixth Schedule to the Act with respect to the adaptation of Acts have
effect for the purpose of adapting the law to the provisions of the
Act, and by paragraph 7 of the said Schedule it is provided that We,
the Local Government Board, may by Order make such further adapta-
tions in the provisions of any Act as may seem to Us necessary to make
those provisions conform with the provisions of the Act, and that any
Order so made shall operate as if enacted in the Act:

And whereas certain further adaptations in the provisions of the
Ballot Act, 1872, appear to Us to be necessary to make those provi-
sions conform with the provisions of the Act:

Now therefore, in pursuance of Our powers in that behalf, We
hereby Order as follows:—

ARTICLE I.—The following adaptations shall be made in the provi-
sions of the Ballot Act, 1872, that is to say,—

The provisions contained in Section 2² and Rule 24 of the First
Schedule³ shall be read and have effect as if the number of the
voter or elector required to be marked on the counterfoil of the
ballot paper in accordance with those provisions included the
distinctive letter of the polling district in which the elector is
registered, or, if he is entitled to be admitted to vote at a polling
place of another polling district, the distinctive letter of such
last-mentioned polling district.

ARTICLE II.—This Order may be cited as "The Representation of
the People (Adaptation of Acts, No. 1) Order, 1918."

¹ Statutory Rules and Orders, 1918, No. 1091.

² Set out at p. 493, *infra*.

³ Set out at p. 505, *infra*.

No. 14.

THE REPRESENTATION OF THE PEOPLE (ADAP-
TATION OF ACTS, No. 2) ORDER, 1918, DATED
OCTOBER 18, 1918, MADE BY THE LOCAL
GOVERNMENT BOARD UNDER SECTION 42
OF THE REPRESENTATION OF THE PEOPLE
ACT, 1918 (7 & 8 GEO. 5, c. 64).¹

65,056.

To the Returning Officer at every Parliamentary Election for any Parliamentary County or Parliamentary Borough in England and Wales;—

And to all others whom it may concern.

Whereas by Section 42 of the Representation of the People Act, 1918 (hereinafter referred to as "the Act"), the provisions of the Sixth Schedule to the Act with respect to the adaptation of Acts have effect for the purpose of adapting the law to the provisions of that Act, and by paragraph 7 of the said Schedule it is provided that We, the Local Government Board, may by Order make such further adaptations in the provisions of any Act as may seem to Us necessary to make those provisions conform with the provisions of the Act, and that any Order so made shall operate as if enacted in the Act:

And whereas certain further adaptations in the provisions of the Parliamentary Voters Registration Act, 1843, appear to Us to be necessary to make those provisions conform with the provisions of the Act:

Now therefore, in pursuance of Our powers in that behalf, We hereby Order as follows:—

ARTICLE I.—The following adaptations shall be made in the provisions of the Parliamentary Voters Registration Act, 1843, that is to say,—

The provisions contained in Section 81 shall have effect—

(a) So that the questions numbered 1 and 2 in the Section shall be as follows:—

1. Are you the same person whose name appears as *A.B.* on the register of electors now in force for the parliamentary county of (or for the division of the parliamentary county of) or for the parliamentary borough of (or for the division of the parliamentary borough of) (as the case may be)?

2. Have you already voted, either here or elsewhere, at this election for the parliamentary county of (or for the division of the parliamentary county of) or for the parliamentary borough of (or for the division of the parliamentary borough of) (as the case may be)?; and

¹ Statutory Rules and Orders, 1918, No. 1361.

(b) So that the oath to be administered to a voter in relation to the above questions shall be as follows:—

“I swear by Almighty God (*or I do solemnly sincerely and truly declare and affirm as the case may be*) that I am the same person whose name appears as *A.B.* on the register of electors now in force for the parliamentary county of _____ (*or for the* _____ *division of the parliamentary county of* _____) *or for the parliamentary borough of* _____ (*or for the* _____ *division of the parliamentary borough of* _____) (*as the case may be*) and that I have not before voted, either here or elsewhere, at the present election for the parliamentary county of _____ (*or for the* _____ *division of the parliamentary county of* _____) *or for the parliamentary borough of* _____ (*or for the* _____ *division of the parliamentary borough of* _____) (*as the case may be*).”

ARTICLE II.—This Order may be cited as “The Representation of the People (Adaptation of Acts, No. 2) Order, 1918.”

No. 15.

RULES MADE BY THE ADMIRALTY IN PURSU-
ANCE OF SECT. 41 (10) FOR THE PURPOSE OF
THE INTERPRETATION OF THE EXPRESSION
“AFLOAT” IN SECT. 5 (3) (ii).

The expression “afloat in connection with the war” means any person employed under Admiralty directions who is living on board any of His Majesty’s ships or any ship or hulk provided for his accommodation by the Admiralty.

No. 16.

WORK RECOGNISED BY THE ADMIRALTY, ARMY
COUNCIL, AND AIR COUNCIL, AS WORK OF
NATIONAL IMPORTANCE IN CONNECTION
WITH THE WAR IN PURSUANCE OF SECT. 5
(3) (II) (c).

ADMIRALTY.

Navy and Army Canteen Board.
Wesleyan Army and Navy Board.
Young Men's Christian Association.
The Salvation Army.
Young Women's Christian Association.

ARMY COUNCIL.

Young Men's Christian Association.
Salvation Army.
Church Army.
Scottish Churches Huts.
Catholic Women's League.
Catholic Club Huts.
United Navy and Army Board.
Soldiers' Christian Association.
The Colonial and Continental Church Society.
Navy and Army Canteen Board.
Wesleyan Army and Navy Board.
Young Women's Christian Association.

AIR COUNCIL.

All the bodies recognised by the Army Council.

APPENDIX III.

COUNTY COURT RULES, AND RULES OF SUPREME COURT
AS TO APPEALS TO THE COURT OF APPEAL.

CONTENTS.

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No. 1.

COUNTY COURT (REGISTRATION APPEALS)
RULES, DATED 18TH JUNE, 1918.¹

EXPLANATORY MEMORANDUM.

These Rules have been framed under section 14, sub-s. 1 of the Representation of the People Act, 1918.

Rule 2 defines the court to which an appeal shall lie, as provided by s. 14, sub-s. 1.

Rule 3 provides who shall be respondents to an appeal. See Act, s. 14, sub-s. 1, and Sched. 1, Rule 29.

Rules 4 and 5 provide for the information to be furnished by the registration officer to the court. See Act, Sched. 1, Rules 29 and 30.

Rule 6 requires the appellant to send notice to the court requesting the appeal to be entered for hearing, and to pay the prescribed fee.

Rule 7 provides for cases where appeals are sent to the wrong court.

Rule 8 provides for the numbering of appeals, and for a record to be kept of such appeals.

Rule 9 provides for the fixing of a time and place for the hearing of an appeal, and for the length of notice to the parties.

Rule 10 provides for notice of hearing.

Rule 11 provides for evidence on an appeal. In most cases the statement of the registration officer may be expected to be sufficient; but as an appeal lies on questions of fact, the rule provides that the parties may, by leave of the judge, give further evidence.

¹ For these Rules see pp. 463—482, *infra*.

Rule 12 provides for the appearance of parties. With regard to par. (1) (d), the parties may under the Act, Sched. 1, Rule 39, appear by any person, which includes registration agents; and it is thought that where parties are not represented by solicitors or counsel, it would facilitate the hearing of appeals if such agents were allowed to appear, and par. (1) (d) has been framed accordingly.

Rules 13, 14 and 15 define the powers of the court on the hearing of appeals.

Rule 16 requires the judge to take a note of any question of law raised, and to furnish copies.

Rule 17 provides for costs: Paragraph 3 is taken from sect. 70 of the Registration Act of 1843.

Rule 20 provides for the consolidation of appeals in cases decided on the same points of law, or rather for the selection of one case for hearing as a test case, as contemplated by the Act, Sched. 1, Rule 30.

Rule 21 provides for service of notices, etc., and proof of service.

Rule 22 provides for fees.

Rule 23 provides that a person desiring to appeal from the county court to the Court of Appeal shall give notice to the county court of his intention to appeal, so as to enable the judge to consolidate appeals.

Rule 24 provides for the consolidation of appeals. The Rules of the Supreme Court give power to the judge of the county court to order such consolidation. The rule is based on sect. 44 of the Registration Act of 1843.

Rule 25 provides for cases in which a deputy or acting registration officer deals with the register, and notice of appeal from his decision is given.

Rule 26 provides for cases in which an assistant judge appointed under sect. 14 of the Act hears appeals.

Rule 27 provides forms for use on appeals.

Rule 28 provides for cases of non-compliance with the Rules or departure from the prescribed forms.

Rule 29 provides for the computation of time, and is based on the Act, Sched. 1, Rule 42, and the County Court Rules, Order LIV., Rules 17-19.

No. 2.

COUNTY COURT (REGISTRATION APPEALS)
 RULES, DATED 18TH JUNE, 1918, AS TO
 APPEALS FROM REGISTRATION OFFICERS
 UNDER SECT. 14 OF THE REPRESENTATION
 OF THE PEOPLE ACT, 1918 (7 & 8 GEO. 5, c. 64).¹

1. *Procedure on appeals under 7 & 8 Geo. 5, c. 64, s. 14.*—The procedure on appeals to the county court from the decisions of registration officers under section fourteen of the Representation of the People Act, 1918 (in these Rules referred to as “the Act”), shall be governed by the following rules.

2. *Court to which appeal shall lie.*—(1) The court² to which an appeal shall lie shall be the court in the district of which the qualifying premises (as defined by this Rule) are situate, subject to paragraph 2 of Rule 7, and to the power of the judge to fix the place for the hearing of the appeal pursuant to Rule 9.

(2) For the purposes of this Rule the expression “the qualifying premises” means the premises in respect of which the person whose right to be registered is in any way in question on the appeal is entered on the electors list or claims to be entitled to be registered; or where such person is so entered or claims to be entitled to be registered in respect of residence in or occupation of premises in succession,³ the premises last resided in or occupied during the qualifying period as defined by section six of the Act.

3. *Respondents to appeal.*—Where notice of appeal is given pursuant to Rule 29⁴ in the first Schedule to the Act, the party (if any) in whose favour the decision of the registration officer is given shall be the respondent; and the registration officer⁵ shall also be named as a respondent.

4. *Notice of appeal and other documents to be sent by registration officer to registrar.*—(1) On a notice of appeal being given to the registration officer pursuant to Rule 29⁴ in the first Schedule to the Act, he shall within seven days after the receipt of the notice forward the same by post to the registrar of the court to which the appeal lies, together in each case with—

- (a) a copy of any claim or notice of objection sent to him in the matter;
- (b) a statement of the material facts which in his opinion have been established in the case; and
- (c) a statement of his decision upon the whole case and upon any special point which may be specified in the notice of appeal as a ground of appeal.

(2) The registration officer shall also on request furnish to the court any further information which the court may require, and which he is able to furnish.

5. *Where a number of appeals are based on similar grounds.*—Where it appears to the registration officer that any notices of appeal

¹ Statutory Rules and Orders, 1918, No. 802
 L. 27.

² See sect. 14 (1), p. 110, *supra*.

³ See pp. 20—22, and 50—51, 59, *supra*.

⁴ See p. 282, *supra*.

⁵ See sect. 14 (5), p. 111, *supra*.

given to him are based on similar grounds, he shall forward to the registrar a declaration⁵ to that effect, for the purpose of enabling the court, if it thinks fit, to consolidate the appeals, or to select one of such cases for hearing in the first instance as a test case.⁶

6. *Request by appellant for entry of appeal for hearing.*—A person desiring to appeal against the decision of a registration officer shall in addition to giving notice of appeal pursuant to Rule 29 in the first Schedule to the Act forward to the registrar of the court to which the appeal lies, within the time fixed by that rule, a copy of the notice of appeal, accompanied by a request to the court, according to the form⁷ in the Appendix, to enter the appeal for hearing and to fix a time and place for the hearing thereof, and shall state in such request an address to which notices and other documents are to be sent, and shall with such copy and request forward to the registrar the fee⁸ prescribed by these Rules.

7. *Where notice of appeal or request forwarded to wrong court.*—

(1) If any notice of appeal or request for the entry of an appeal is forwarded to a court other than the court to which it should have been forwarded, the registrar shall within two days after the receipt thereof forward the same and any documents and the fee⁸ relating to the matter to the registrar of the proper court, who shall proceed thereon as if such notice or request had been forwarded to him in the first instance; and the time within which the hearing is to be fixed shall be calculated from the date on which such request is received by him.

(2) If after an appeal has been entered for hearing and notice of the hearing has been given it appears that the notice of appeal and request for entry should have been forwarded to some other court, the judge may either—

- (a) transfer the appeal to such other court, in which case it shall be dealt with as if the notice and request had been sent in the first instance to that court; or
- (b) retain the appeal and deal with the same in the court in which it is entered, in which case the proceedings on the appeal shall be as valid as if it had been properly sent to that court.

8. *Notices of appeal to be numbered consecutively.*—Notices of appeal with requests for the entry of the appeals for hearing received and retained by the registrar shall be numbered by him consecutively, and shall be entered in a register to be kept by the registrar according to the form⁹ in the Appendix; and all subsequent notices and documents relating to any such appeal shall bear the same number.

9. *Fixing time and place for hearing registration appeals.*—(1) *On receipt of a request for the entry of an appeal for hearing the registrar shall enter the same accordingly, and shall communicate with the judge, who shall, as soon as conveniently may be, fix a time and place for the hearing of the appeal.*

(2) *The time to be fixed shall be within twenty-eight days from the day on which the request is received by the registrar, and shall be so fixed as to allow notice of the hearing to be given to the parties and the registration officer five clear days at least before the day so fixed.*

(3) *Provided that the time for the hearing of any appeal relating to the autumn register may be fixed for any day between the twenty-second day of September and the eleventh day of October, both inclusive, although the day so fixed may be more than twenty-eight days*

⁵ See Form 1, p. 471, *infra*.

⁶ See First Schedule, rule 30, p. 282, *supra*.

⁷ See Form 2, pp. 472—473, *infra*.

⁸ See rule 22, p. 468, *infra*.

⁹ See Form 13, p. 482, *infra*.

from the day on which the request for the entry of the appeal is received by the registrar.

(4) The place of hearing shall be the place at which the court is held: Provided that if the judge is satisfied that any appeal can be more conveniently heard at some other court of which he is the judge, he may order the hearing to take place at such other court.

(5) The hearing of any appeal may be fixed either for any day appointed for the holding of a court for the transaction of the ordinary business of the court at the place at which the appeal is to be heard, or for any day specially appointed for the hearing of appeals.

(6) Two special courts for the hearing of appeals may be held on one day before the same judge.¹⁰

10. Notice of hearing to parties and registration officer.—On the time and place for the hearing being fixed, the registrar shall give notice thereof to the appellant and to the respondent (if any), and to the registration officer, according to the form¹¹ in the Appendix. Provided that where the same person is appellant or respondent in a number of appeals fixed to be heard on the same day it shall be sufficient to send one notice¹² only to such person, with a schedule appended thereto of the appeals to which the notice relates: Provided also, that it shall be sufficient to send one notice¹³ only to the registration officer of a number of appeals fixed to be heard on the same day, with a schedule appended thereto of the appeals to which the notice relates.

11.—(1) *Furnishing copies of documents sent by registration officer.*—The registrar shall, on the application and at the cost of any party to an appeal, furnish him with a copy of any document, statement, or information forwarded by the registration officer to the registrar.

(2) *Documents to be received and used at hearing. Further evidence.*—The documents, statement, and information so forwarded shall be received and used on the hearing of the appeal, and shall be *primâ facie* evidence of the facts stated therein; but any party to the appeal may, by leave of the judge, give such further evidence as he may be advised.

(3) *Oral evidence.*—Where further evidence is tendered, oral evidence only shall be admitted, unless by consent or otherwise ordered.

(4) *Admission of certain material as primâ facie evidence.*—The judge may order that any material, whether strictly admissible in evidence or not, which in his opinion ought to be admitted as *primâ facie* evidence of any fact, shall be *primâ facie* evidence of that fact, so as to throw the burden of proof on to the other party.

(5) *Sending back statement for restatement.*—If in the opinion of the judge the statement forwarded by the registration officer, and the other material before the court, are not sufficient to enable him to give judgment in law, he may remit the statement to the registration officer for restatement or further statement.

12. *Appearance of parties.*—(1) Any party to an appeal may appear or act on the appeal—

(a) in person;

(b) by any solicitor who would be entitled to appear for such party in an action in the county court;

(c) by counsel; or

(d) by any other person nominated by such party in writing signed by him to appear or act on his behalf and approved by the judge;

but not otherwise.

¹⁰ Inserted in place of the original rule 9 by County Court Rules, 1919, r. 2, p. 491, *infra*.

¹¹ See Form No. 3, p. 472, *infra*.

¹² See Form No. 4, pp. 472—473, *infra*.

¹³ See Form No. 5, p. 473, *infra*.

Provided that the judge may allow any party to appear or act by a person not nominated in writing as required by paragraph (d), if he is satisfied that such person is in fact authorised to appear or act for such party, and that the failure to obtain a nomination in writing is due to mistake or other reasonable cause.

(2) No person (other than a solicitor) who appears or acts on behalf of any party to an appeal shall be entitled to have or recover any fee, reward or sum for so appearing or acting, other than such travelling expenses (if any) as may be allowed by the court: Provided that nothing in these rules contained shall affect the right of a solicitor to recover costs (subject to the limitation imposed by these rules) in respect of his employment of counsel.

13. *Amendment of notice of appeal, &c.*—The judge may at any stage of the proceedings allow the amendment of the notice of appeal, or make any other order on such terms as he may think just, to ensure the determination on the merits of the real question in controversy between the parties.

14. *Power to draw inferences of fact.*—The judge shall have power to draw all inferences of fact which might have been drawn by the registration officer, and to give any decision and make any order which ought to have been given or made by the registration officer, regard being had in particular to Rule 22¹ in the first Schedule to the Act.

15. *General powers.*—Subject to the special provisions of these rules, the court shall in relation to any appeal have all the powers attaching to the exercise of its ordinary jurisdiction, and the rules governing the practice of the court shall with the necessary modifications apply accordingly.

16. *Note to be taken of question of law raised, etc., and copy furnished.*—At the hearing of an appeal the judge shall make a note of any question of law raised, and of the facts in evidence in relation thereto, and of his decision thereon, and of his decision on the hearing of the appeal: and where notice of appeal to the Court of Appeal has been given he shall, at the expense of any party to such appeal, furnish a copy of the note so taken to such party, and shall sign such copy.

17. *Costs.*—(1) The costs of and incidental to an appeal shall be in the discretion of the judge.

(2) The judge may either fix the amount of such costs, or allow them on such scale as he may direct, and in default of any such direction they shall be taxed under Column A. of the higher scale of costs in use in the County Courts: and an order directing payment of any such costs shall be enforceable in the same manner as an order to the like effect made in an action.

(3) A respondent to an appeal, other than the registration officer, shall not be liable or entitled to costs, unless he appears before the court in support of the decision of the registration officer.

18. *Order on appeal.*—When the judge has given judgment on an appeal the registrar shall as soon as conveniently may be draw up, seal and file an order² in accordance with the decision, specifying exactly every alteration or correction to be made in the electors lists or register pursuant to the order; and sealed copies of the order shall be sent to the registration officer and to each party to the appeal.

19. *Where hearing to take place at another court.*—Where the hearing of an appeal is fixed to take place at another court, the registrar of the court to which notice of appeal is sent shall forthwith send notice to the registrar of such other court that the hearing has been ordered to

¹ See pp. 279—280, *supra*.

² See Form 6, pp. 474—475, *infra*.

take place there; and he shall in sufficient time before the hearing transmit the papers to the registrar of the court at which the hearing is to take place, who shall act at the hearing for the first-mentioned registrar, and shall after the hearing return the papers to him with a minute of the order made: and the order shall be drawn up, filed, sealed and proceeded on in the court to which the notice of appeal was originally sent in like manner as if the hearing had taken place there.

20. *Consolidation of appeals to county court, or selection of one appeal for hearing as test case.*—(1) Where it appears to the judge, from any declaration to that effect forwarded by the registration officer to the registrar, or otherwise, that any number of cases decided by the registration officer in which notices of appeal have been given to him and forwarded by him to the registrar, and requests for the entry of the appeals for hearing have been forwarded to the registrar, depend and have been decided by the registration officer on the same point or points of law, the judge may declare³ that such appeals ought to be consolidated, or that one appeal should be selected for hearing in the first instance as a test case;⁴ and thereupon the following provisions shall apply.

(2) A time and place shall be fixed for the hearing of such appeals in accordance with Rule 9, but one only of such appeals shall be selected by the judge for hearing in the first instance as a test case; and the registrar shall as soon as may be send to the parties to the selected appeal and all the other appeals, and to the registration officer, a notice according to the form⁵ in the Appendix, informing such parties and the registration officer that it appears to the judge that the cases specified in the schedule appended to the notice depend and have been decided by the registration officer on the same point or points of law, and that the judge has directed that the selected appeal shall be heard in the first instance as a test case. The provisions to Rule 10 shall apply to notices sent under this Rule.

(3) The notice shall further request the parties to the other appeals to give notice⁶ to the registrar and to the opposite parties and the registration officer, within three days from the date of the notice sent by the registrar, either that they consent to be bound by the decision on the selected appeal (without prejudice to their right to appeal to the Court of Appeal), or that they require the appeals to which they are parties to be heard.

(4) Where the same person is appellant or respondent in a number of such appeals, it shall be sufficient for him to send separate notices to the respondents or appellants (other than the registration officer) in such appeals, and one notice⁷ only to the registrar and to the registration officer, with a schedule appended thereto of the appeals to which the notice relates.

(5) In the case of any appeal in which no notice requiring such appeal to be heard is sent, the parties shall be deemed to consent to be bound by the decision on the selected appeal (without prejudice to their right to appeal to the Court of Appeal); and in any such case, after the selected appeal has been disposed of, an order similar to that made on the selected appeal shall be made without further hearing, but no costs shall be allowed to either side, other than the court fees and the costs of and incidental to the notice of appeal and the request for the entry of the appeal for hearing, and the notice sent by the registrar

³ See Form 7, p. 475, *infra*.

⁴ See First Schedule, r. 30, p. 282, *supra*.

⁵ See Form 8, pp. 475—477, *infra*.

⁶ For the form of this notice, see Form 9, p. 477, *infra*.

⁷ See Form 10, pp. 478—479, *infra*.

and any notice sent in reply thereto, and the costs of and incidental to the order.

(6) The parties who consent or under this rule are to be deemed to consent to be bound by the decision on the selected appeal, and who are in the same interest as the unsuccessful party to such appeal, shall be liable for the costs of the selected appeal in the same manner and to the same extent as the unsuccessful party to such appeal, and an order directing them to pay such costs may be made and enforced accordingly.

(7) In the case of any appeal in which notice requiring the appeal to be heard is sent, such appeal shall be heard after the selected appeal is disposed of; but a party requiring any such appeal to be heard shall be liable to pay costs to the opposite party, and shall not be entitled to receive any costs of or in such appeal, other than the court fees and the costs of and incidental to the notice of appeal and the request for the entry of the appeal for hearing, and the notice sent by the registrar and any notice sent in reply thereto, and the costs of and incidental to the order, unless the judge shall otherwise order.

21.—(1) *Service of notices and documents.*—Any notice or other document required or authorised by these Rules to be sent to the registration officer may be sent to him by post addressed to him at his office.¹ Any notice or other document required or authorised by these Rules to be sent to any other person shall be sufficiently sent if sent by post to the address of such person as given by him for the purpose or appearing on the documents forwarded to the Court, or, if there is no such address, to his last known place of abode. Provided that where any such person acts by a solicitor or by a person nominated in writing pursuant to Rule 12, paragraph 1, sub-paragraph (d), any such notice or document may be sent by post to such solicitor or person at the address for service given by him.

(2) *Proof of service.*—Any such notice or document shall, unless the contrary be proved, be deemed to have been served at the time when the same would have been delivered in the ordinary course of post, and in proving the service thereof it shall be sufficient to prove that the same was properly addressed and posted.

22. *Fees.*—An inclusive fee of 10s. shall be payable under Part I. of Schedule B. of the Treasury Order regulating Fees in the County Courts on every appeal before the appeal is entered for hearing.

Such fee shall cover all work done by the registrar in relation to the appeal, other than the taxation of costs where such costs are taxed under any column of the higher scale of costs, for which a fee of 2s. 6d. shall be taken under Part I. of the said Schedule B., and making copies of documents for the use of any party to the appeal, for which 4d. per folio shall be allowed.

Where the hearing of an appeal is to take place at another court, the registrar of the court to which the notice of appeal is sent shall account to the treasurer of his court for one-fourth part of the said fee of 10s. as a foreign fee, and the treasurer of the court at which the hearing is to take place shall allow such one-fourth part to the registrar of that court.

23. *Notice of appeal from county court to Court of Appeal.*—A person desiring to appeal to the Court of Appeal against the decision of the county court on any appeal shall give notice of his intention to appeal to the registrar and to the registration officer and to the opposite party, if any, according to the form² in the Appendix, when the decision is given, or within five days thereafter, specifying the grounds of appeal.

¹ See First Schedule to the Act, rule 34, p. 283, *supra*.

² See Form 11, p. 479, *infra*.

24. *Consolidation of appeals from county court to Court of Appeal.*

—(1) Where it appears to the judge that the validity of any number of decisions given by the county court on appeals from the decisions of the registration officer depends upon the same point or points of law, and the parties to such appeals or any of them have given notice to the registrar of their intention to appeal to the Court of Appeal, the judge may, whether the appeals to the county court have or have not been consolidated, declare that the appeals to the Court of Appeal ought to be consolidated; and thereupon the following provisions shall apply.

(2) In any such case the judge, after making and furnishing a copy of a note in one of such appeals as provided by Rule 16, shall make and sign a statement according to the form³ in the Appendix that the several persons whose names and qualifications are set out in a schedule to be appended to the statement were parties as appellants or respondents to appeals from decisions of the registration officer given in circumstances similar to those in the case in which the note is made, and that similar decisions were given on all the said appeals (the numbers of the several appeals to which the said persons respectively were parties being set opposite to their respective names in the schedule), and that due notice of appeals from such decisions was given, and that he declared that the appeals in all the said cases ought to be consolidated.

(3) And he may name any person interested and consenting to be appellant or respondent in the consolidated appeal on behalf of himself and all other persons interested in like manner in the appeals who consent to be parties to and to be bound by the consolidated appeal, and such person shall sign a declaration³ that he appeals on behalf of himself and all the other persons interested as appellants whose names are written under the declaration, and agrees to prosecute the appeal, or that he agrees on behalf of himself and all the other persons interested as respondents whose names are written under the declaration to appear and answer the appeal; and the names and qualifications of every party intended to be joined shall be written under the declaration; and the declaration so signed shall be delivered to the registrar, and a copy thereof shall be appended to the statement made by the judge; and every party whose name is so written shall be deemed to consent to be a party to and to be bound by the consolidated appeal.

25. *Where deputy or temporary registration officer appointed.*—

Where any deputy registration officer approved under sub-section three, or any person temporarily appointed under sub-section four of section twelve¹ of the Act performs the duties and exercises the powers of the registration officer in relation to the formation of the register, and notice of appeal against any decision of such deputy or other person is given, the provisions of these Rules as to the registration officer shall as regards such appeal apply to such deputy or other person as they apply to the registration officer as regards cases dealt with by him, and references in these Rules to the registration officer shall as regards such appeal be construed as referring to such deputy or other person accordingly.

26. *Where assistant judge appointed.*—Where an assistant judge appointed pursuant to sub-section six of section fourteen of the Act is performing any of the duties of the judge under the Act, references in these Rules to the court or judge shall be construed as referring to such assistant judge.⁵

³ See Form 12, pp. 480—481, *infra*.

⁴ See p. 107, *supra*.

⁵ See sect. 14 (6), p. 111, *supra*.

27. *Forms.*—(1) The forms in the Appendix to these Rules, with such modifications as may be necessary, shall be used for notices and orders under these Rules.

(2) The registrar of any court may apply to the Treasury for any of the said forms to be printed and supplied to him, and if the application is granted may obtain such forms and supply such of the same as are to be used by parties to appeals, without charge, for the use of parties requiring the same.

28. *Non-compliance with rules or forms.*—(1) Non-compliance with any of these Rules or any departure from the forms in the Appendix shall not render any proceedings void unless the judge shall so direct, but such proceedings may be set aside either wholly or in part as irregular, or may be amended or otherwise dealt with in such manner and upon such terms as the judge may think fit.

29. *Reckoning of time.*—In reckoning time for the purposes of these Rules Sunday, Christmas Day, Good Friday, and any bank holiday or day set apart as a public holiday or day of public fast, humiliation or thanksgiving, or any day on which the offices of the court are closed, shall be excluded, and where the time for doing any act or taking any proceeding under these Rules expires on any such day, such act or proceeding shall, so far as regards the time of doing or taking the same, be held to be duly done or taken if done or taken on the next day not being one of any such days.

30. *Short title.*—These Rules may be cited as the County Court (Registration Appeals) Rules, 1918.

APPENDIX OF FORMS.

No. 1.

Declaration by Registration Officer that it appears to him that a number of Notices of Appeal are based on similar grounds.

The Representation of the People Act, 1918.

I hereby declare that it appears to me that the notices of appeal given to me in the cases mentioned in the Schedule hereto are based on similar grounds, and I forward to the Court this declaration accordingly, for the purpose of enabling the Court (if the Court thinks fit) to consolidate the appeals, or to select one of such cases for hearing in the first instance as a test case.

The day of , 19 .

Registration Officer.

To the Registrar of the County Court
of held at .

Schedule.

No.	Appellant.	Respondents.
1	A. B., of (address). <i>And</i>	C. D., of (address), and the Registration Officer for <i>so on.</i>

Registration Officer.

No. 2.

Request by Appellant for Entry of Appeal.

In the County Court of held at .
In the Matter of the Representation of the People Act, 1918,
and
In the Matter of an Appeal against the decision of the Registration
Officer for .
Between
A. B.
of (address) Appellant
and
O. D.
of (address)
and
The Registration Officer for , Respondents.
SIR,

I HEREWITH forward to you copy of the notice of appeal in the above-mentioned matter given to the above-named C. D. and to the Registration Officer.

I request the Court to enter the appeal for hearing, and to fix a time and place for the hearing thereof.

Schedule of Appeals.

No.	Appellants.	Appellant.
	<i>Where same</i>	<i>Appellant.</i>
1	A. B., (address)	C. D., (address), and the Registration Officer.
2	The same.	E. F., (address), and the Registration Officer.
3	<i>And</i>	<i>so on.</i>
	<i>Or, where same</i>	<i>Respondent.</i>
4	G. H., (address).	I. J., (address), and the Registration Officer.
5	K. L., (address).	The same.
6	M. N., (address).	The same.
	<i>And</i>	<i>so on.</i>

Registrar.

No. 5.

Notice to Registration Officer of Time and Place for Hearing of a Number of Appeals fixed to be Heard on the same Day.

In the County Court of held at .
 In the Matter of the Representation of the People Act, 1918,
 and
 In the Matter of the several Appeals against the decisions of the
 Registration Officer for enumerated in the Schedule hereto.

TAKE NOTICE, that the several appeals enumerated in the Schedule
 hereto will be heard at a Court to be held at on the
 day of , 19 , at the hour of in the noon;

And that if you do not attend either in person or by your solicitor
 at the time and place above-mentioned such proceedings will be taken
 and orders made on the said appeals as the Judge may think just.

Dated this day of , 19 .

Registrar.

To the Registration Officer for .

Schedule of Appeals.

No.	Appellant.	Respondent.
1	(Name and address).	(Name and address), and the Regis- tration Officer.
2	(Name and address).	(Name and address), and the Regis- tration Officer.
	<i>And</i>	<i>so on.</i>

Registrar.

COUNTY COURT (REGIS. APPEALS) RULES (FORMS). 475

Registrar for the use of the Respondents respectively [or for the use of the Registration Officer] within fourteen days from the date of the Registrar's certificate of the result of the taxation].

Dated this day of , 19 .

By the Court,
Registrar.

To (*the Appellant and the Respondent, naming them*) and to the Registration Officer for .

No. 7.

Declaration by Judge that Appeals depending on the same Point or Points of Law ought to be Consolidated.

In the County Court of held at .
In the Matter of the Representation of the People Act, 1918,
and

In the Matter of the several Appeals against the decisions of the Registration Officer for enumerated in the Schedule hereto.

It appearing to me that the several cases enumerated in the Schedule hereto depend and have been decided by the Registration Officer on the same point or points of law,

I declare that such appeals ought to be consolidated.

And I select the Appeal No. .

Between

A. B. Appellant
of (*address*) and

C. D. Respondents,
of (*address*) and

The Registration Officer for ,
for hearing in the first instance as a test case.

Dated this day of , 19 .

Judge
[or Assistant Judge].

Schedule of Appeals.

No.	Appellant.	Respondents.
1	(<i>Name and address</i>).	(<i>Name and address</i>), and the Registration Officer. <i>And so on.</i>

Judge
[or Assistant Judge].

No. 8.

Notice of Consolidation of Appeals and Selection of One Appeal for Hearing in the First Instance as a Test Case.

In the County Court of held at .
In the Matter of the Representation of the People Act, 1918,
and

In the Matter of the several Appeals against the decisions of the Registration Officer for enumerated in the Schedule hereto.

TAKE NOTICE, that it appears to the Judge that the several cases enumerated in the Schedule hereto depend and have been decided by

the Registration Officer on the same point or points of law, and the Judge has declared that the appeals ought to be consolidated, and has selected the Appeal No. _____ therein

Between

A. B. _____ Appellant
of (address) _____

and

C. D. _____

and

The Registration Officer for _____ Respondents,
for hearing in the first instance as a test case.

The said appeal will be heard at a Court to be holden at _____ on day of _____, 19____, at the hour of _____ in the _____ noon, and all the other appeals enumerated in the Schedule hereto have been set down for hearing at the same time and place.

I have therefore to request you to give notice in writing to me, and to the opposite party [or parties], if any, to the appeal [or appeals] to which you are a party, and to the Registration Officer, within three clear days from the date of this notice, either that you consent to be bound by the decision on the selected appeal (without prejudice to your right to appeal to the Court of Appeal), or that you require the appeal [or appeals] [or any and, if so, which of the appeals] to which you are a party to be heard.

If you are Appellant or Respondent in a number of the said appeals, it will be sufficient for you to send separate notices to the Respondents or Appellants other than the Registration Officer in such appeals, and to send one notice only to me and to the Registration Officer, with a list appended thereto of the appeals to which the notice relates.

In the case of any appeal in which no notice requiring such appeal to be heard is so sent you will be deemed to consent to be bound by the decision on the selected appeal (without prejudice to your right to appeal to the Court of Appeal); and in any such case, after the selected appeal has been disposed of, an order similar to that made on the selected appeal will be made without further hearing on the appeal [or appeals] in which no notice is so sent: but no costs will be allowed to either side, other than the Court fees and the costs of and incidental to the notice [or notices] of appeal and the request for the entry of such appeal [or appeals] for hearing, and this notice and any notice sent in reply thereto, and the costs of and incidental to the order [or orders] made.

The parties who consent or are to be deemed to consent to be bound by the decision on the selected appeal, and who are in the same interest as the unsuccessful party to such appeal, will be liable for the costs of such appeal in the same manner and to the same extent as the unsuccessful parties to such appeal, and an order directing them to pay such costs may be made and enforced accordingly.

If you send notice requiring any appeal to which you are a party to be heard, such appeal will be heard after the selected appeal is disposed of; but you will be liable to pay costs to the opposite party, and will not be entitled to receive any costs of or in such appeal, other than the Court fees and the costs of and incidental to the notice of appeal and the request for the entry of the appeal for hearing, and this notice and any notice sent in reply thereto, and the costs of and incidental to the order, unless the Judge shall otherwise order.

Dated this _____ day of _____, 19____.

Registrar.

To the parties to the several appeals mentioned in the Schedule hereto, and to the Registration Officer for _____.

Schedule of Appeals.

No.	Appellant.	Respondents.
1	(Name and address).	(Name and address), and the Registration Officer.
2	(Name and address).	(Name and address), and the Registration Officer.
	<i>And so on.</i>	

Registrar.

No. 9.

Notice consenting to be bound by Decision on Selected Appeal, or requiring Appeal to be heard.

In the County Court of _____ held at _____
 In the Matter of the Representation of the People Act, 1918,
 and
 In the Matter of an Appeal against the decision of the Registration
 Officer for _____ No. of appeal.

Between
 E. F. _____ Appellant
 (address) _____
 and
 G. H. _____
 (address) _____
 and
 The Registration Officer for _____ Respondents.

Pursuant to the Notice sent to me by the Registrar, dated the
 day of _____, 19____, I hereby give you notice that I consent to
 be bound in the above-mentioned appeal by the decision of the Court
 on the selected appeal

Between
 A. B. _____ Appellant
 and
 C. D. _____
 and
 The Registration Officer for _____ Respondents,
 without prejudice to my right to appeal to the Court of Appeal.

[or I hereby give you notice that I require the above-mentioned
 appeal to which I am a party to be heard after the selected appeal

Between
 A. B. _____ Appellant
 and
 C. D. _____
 and
 The Registration Officer for _____ Respondents,
 has been disposed of.]

Dated this _____ day of _____, 19____.

E. F. _____ Appellant
 [or G. H. _____ Respondent.]
 (add address)

To the Registrar of the Court
 and to (the Respondent or the Appellant)
 and to the Registration Officer for _____.

No. 10.

Notice to Registrar and Registration Officer consenting to be bound by Decision on Selected Appeal, or requiring Appeals to be heard, where the same Person is Appellant or Respondent in a number of Appeals.

In the County Court of _____ held at _____
 In the Matter of the Representation of the People Act, 1918,
 and _____
 In the Matter of the several Appeals against the decisions of the
 Registration Officer for _____ enumerated in the Schedule hereto.

Pursuant to the Notice sent to me by the Registrar, dated the
 day of _____, 19____, I hereby give you notice that I consent to be bound
 in the several appeals enumerated in the Schedule hereto to which I
 am a party by the decision of the Court on the selected appeal

Between _____
 A. B. _____ Appellant
 and _____
 C. D. _____
 and _____
 The Registration Officer for _____, Respondents,
 without prejudice to my right to appeal to the Court of Appeal.

[or I hereby give you notice that I require the several appeals enu-
 merated in the Schedule hereto to which I am a party to be heard after
 the selected appeal

Between _____
 A. B. _____ Appellant
 and _____
 C. D. _____
 and _____
 The Registration Officer for _____, Respondents,
 has been disposed of.]

[or I hereby give you notice that I consent to be bound in the
 several appeals enumerated in the first part of the Schedule hereto
 to which I am a party by the decision of the Court on the selected
 appeal

Between _____
 A. B. _____ Appellant
 and _____
 C. D. _____
 and _____
 The Registration Officer for _____, Respondents,
 without prejudice to my right to appeal to the Court of Appeal;
 But that I require the several appeals enumerated in the second part
 of the Schedule hereto to which I am a party to be heard after the
 selected appeal has been disposed of.]

Dated this _____ day of _____, 19____.

E. F. _____ Appellant
 [or G. H. _____ Respondent.]
 (add address)

To the Registrar of the Court
 and to the Registration Officer for _____.

No. 12.

Statement by Judge that Appeals to the Court of Appeal against Decisions depending upon the same Point or Points of Law ought to be Consolidated.

In the County Court of _____ held at _____
In the Matter of the Representation of the People Act, 1918,
No. of appeal.

and
In the Matter of an Appeal against the decision of the Registration
Officer for _____

Between _____ Appellant
A. B. _____
of (address) _____

and
C. D. _____
of (address) _____

and
The Registration Officer for _____ Respondents,
and _____

In the Matter of the several other Appeals against the decision of the
said Registration Officer referred to by number in the Schedule
hereto.

At a Court held before me at _____ on _____ the _____ day of _____,
19 _____, A. B. _____ of _____ appealed against the decision of the Regis-
tration Officer for (state the decision appealed against) _____.

On the hearing of the said appeal I decided (state the decision) _____.

The questions of law raised on the appeal, and the facts in evidence
in relation thereto, and my decision thereon and my decision on the
hearing of the appeal, are stated in a note made and signed by me.

The several persons whose names and qualifications are set out in
the Schedule hereto were parties as Appellants [or Respondents] to
appeals (numbered in the Schedule hereto) from decisions of the Regis-
tration Officer given in circumstances similar to those in the case in
which the said note was made, and similar decisions were given by me
on all the said appeals.

Due notice of appeal against my decisions was given, and I declared
that the appeals in all the said cases ought to be consolidated.

And I name A. B. _____ of _____ to be Appellant [or C. D.
of _____ to be Respondent] in the consolidated appeal on behalf of
himself and all other persons interested in like manner who consent
to be parties to and to be bound by the consolidated appeal.

Dated this _____ day of _____, 19 _____.

Judge
[or Assistant Judge].

Declaration to be Signed by Person named as Appellant.

I, A. B. _____ of _____, hereby declare that I appeal against the
decisions of the County Court in the above-mentioned cases on behalf
of myself and all other persons interested as Appellants whose names
and qualifications are hereunder written in the Schedule hereto, and
I agree to prosecute the consolidated appeal.

Dated this _____ day of _____, 19 _____.

A. B. _____ Appellant.
(add address)

Declaration to be Signed by Person named as Respondent.

I, C. D. of , on behalf of myself and all the other persons interested as Respondents in the appeals in the above-mentioned cases whose names and qualifications are hereunder written in the Schedule hereto, do agree to appear and answer the consolidated appeal.

Dated this day of , 19 .
 C. D. Respondent.
 (add address)

SCHEDULE.

List of Appeals.

PART I.

Names and Qualifications of Persons interested as Appellants, who consent to be parties to and to be bound by the Consolidated Appeal.

No. of Appeal.	Name and Qualification.

A. B.

PART II.

Names and Qualifications of Persons interested as Respondents, who consent to be parties to and to be bound by the Consolidated Appeal.

No. of Appeal.	Name and Qualification.

C. D.

No. 3.

THE COUNTY COURT RULES, 1918 (No. 2), DATED
18TH JUNE, 1918.¹

ORDER I.

COURT AND OFFICES.

The following Rule shall stand as Order I., Rule 2a, of the County Court Rules, 1903, viz.:—

1. *Fixing of courts, &c., to fit in with hearing of registration appeals.*—To enable the judges to make arrangements for the hearing of appeals from registration officers under section 14 of the Representation of the People Act, 1918, the following provisions shall have effect [until the expiration of the time required for hearing appeals relating to the spring register in the year nineteen hundred and nineteen²], viz.:—

- (1) Notice of any day or hour appointed for the holding of any court for the transaction of the ordinary business of the court may be affixed under Rule 1 of this Order at any time not less than six weeks before the day or hour so appointed:
- (2) Two courts for the transaction of such business may be held on one day before the same judge, or before any assistant judge appointed under section 14 of the said Act, without the consent of the Lord Chancellor.

ORDER VII.

PLAINT NOTE AND SUMMONS.

Summons on Plaintiff.

2. The following paragraph shall stand as paragraph 2 of Order VII., Rule 1, viz.:—

(2) The words “[or, if the claim exceeds £50, ten clear days]” shall be omitted from paragraph 5 of the indorsement on Form 23.

ORDER XXIIA.

THE COUNTY COURTS ACT, 1903.

[3 Edw. 7, c. 42.]

General Provisions as to Procedure.

3. The words “Rules 2 to 19” shall be substituted for the words “Rules 2 to 20” in Order XXIIA., Rule 1.

¹ Statutory Rules and Orders, 1918, No. $\frac{780}{L. 24}$, made under sect. 14 of the Act. See pp. 110—112, *supra*.

² These words are repealed by the County Court Rules, 1919, Order I. r. p. 491, *infra*.

ORDER XXV.

ENFORCEMENT OF JUDGMENTS AND ORDERS.

The following Rule shall stand as Order XXV., Rule 20a, viz.:—

4. *Receipt for money paid to bailiff under process, and copy (Form 166).*—Whenever any money is levied or paid to a bailiff under any execution or other process, the bailiff shall give a receipt for the same, and retain a carbon copy of such receipt, according to the form in the Appendix, which is hereby substituted for Form 166.

ORDER XLIII.

TAXATION OF CHARGES OF RETURNING OFFICERS.

The following Rules shall stand as Order XLIII., Rules 9 to 19, viz.:—

THE REPRESENTATION OF THE PEOPLE ACT, 1918.

Taxation of Accounts and Examination of Claims under the Representation of the People Act, 1918, Section 29.

9. *Taxation of accounts or examination of claims under 7 & 8 Geo. 5, c. 64, s. 29.*—The foregoing Rules of this Order shall not apply to the taxation of accounts of returning officers or the examination of claims against returning officers under section 29 of the Representation of the People Act, 1918, but such taxation or examination shall be regulated by the following Rules.

10. *Application for taxation.*—An application by the Treasury to the court for the taxation of the accounts of a returning officer under the said section shall be made in writing addressed to the registrar at his office.

11. *Notice of time and place for taxation.*—On receipt of the application the court shall fix a place and time for proceeding with such taxation, and the registrar shall issue to the bailiff for service on the Treasury and the returning officer notices, signed by the registrar and under the seal of the court, stating the place, day and hour at and on which the taxation will be proceeded with, and requiring the parties to attend and produce documents and be examined, and warning them that if they do not attend in person or by their solicitors such proceedings will be taken and certificate given as to the court shall seem just.

12. *Application for examination of claim against returning officer.*—Where application is made for the taxation of a returning officer's account, and such officer applies to the court to examine any claim made by any person against him in respect of matters charged in the account, such application shall be made in writing addressed to the registrar at his office, and shall contain a submission on the part of the applicant to pay what shall be found due on examination.

13. *Notice of time and place for examination.*—On receipt of any such application the court shall fix a place and time for such examination, which shall take place before the taxation of the returning officer's account is concluded, and such taxation shall if necessary be adjourned until such examination has been completed. The registrar shall issue to the bailiff for service on the returning officer and the person making the claim notices, signed by the registrar and under the seal of the court, stating the place, day and hour at and on which such examination will be proceeded with, and requiring the parties to attend and produce documents and be examined, and warning them

that if they do not attend in person or by their solicitors such proceedings will be taken and order made as to the court shall seem just.

14. *Service of notices.*—(1) The bailiff shall serve all such notices as hereinbefore mentioned ten clear days at least before the day fixed for any taxation or examination unless the court gives leave for shorter service.

(2) Service may be effected in accordance with Order LIV., Rules 2 and 3.

(3) Where any notice is to be served on the Treasury, it may be served on the Permanent Secretary or the Solicitor to the Treasury.

15. *Evidence to be oral.*—Unless by consent, or otherwise ordered, oral evidence only shall be admitted on any taxation or examination.

16. *Certificate on taxation.*—(1) On the hearing of an application for taxation, or at any adjournment thereof, the court shall determine the amount payable to the returning officer, and shall specify the amount in a certificate, which shall be signed in duplicate and sent by post to the parties: but no order directing payment shall be inserted in the certificate except in the case mentioned in paragraph 3 of this Rule.

(2) *Fees and costs.*—The court may determine by whom the court fees are to be paid, and may order either party to pay such sum as the court may consider proper by way of costs to the other party, and the amount allowed in respect thereof shall be added to or deducted from the amount payable to the returning officer, and the amount to be included in the certificate shall be adjusted accordingly.

(3) *Order for payment where balance due from returning officer.*—If the court orders any sum to be paid by way of fees and costs to the Treasury, and such sum exceeds the amount certified to be payable by the Treasury to the returning officer, or if the amount already advanced by the Treasury to the returning officer on account of his charges exceeds the amount certified to be payable to him, the court shall certify the amount of the excess, and shall order the amount so certified to be paid to the Treasury, and the order shall be enforceable in like manner as a judgment of the court.

17. *Order on examination of claim.*—On the hearing of an application for the examination of a claim, or at any adjournment thereof, the court may allow or disallow or reduce the claim, and may determine by whom the court fees are to be paid, and may order either party to pay such sum as the court may consider proper by way of costs to the other party, and may give directions as to the addition to the sum allowed to the claimant of any costs ordered to be paid to him, or the set off against such sum of any fees and costs ordered to be paid by him, and as to the payment of the balance ascertained to be due from either party to the other.

18. *Forms* 423, 424, 425A, 426-428.—Forms 423, 424, 426, 427 and 428 in the Appendix, entitled in the Matter of the Representation of the People Act, 1918, and of the election in question, and with the necessary modifications, may be used for applications for taxation of accounts or examination of claims, notices of time and place fixed for taxation or examination, and orders on examination of claims under these Rules; and Form 425A in the Appendix, with the necessary modifications, may be used for certificates on taxation.

19. *Fees.*—The fees payable under the Treasury Order regulating Fees in the County Courts for taxation of accounts and examination of claims under Rules 1 to 8 of this Order shall apply to taxations and examinations under these Rules, with the following modification, that where a notice is served by the high bailiff by post the fee for such service shall be 6*d.* only.

ORDER LIII.

COSTS AND ALLOWANCES TO WITNESSES.

The following Rule shall stand as Order LIII., Rule 50, viz.:—

Increase of Costs during Continuance of War.

50. *Increase of costs during war.*—(1) During the continuation of the present war, and thereafter until such date as the Lord Chancellor shall appoint, the total of any items of costs (as distinct from payments) in respect of business done after the thirtieth day of April nineteen hundred and eighteen in any action or matter commenced in or remitted to a county court, or in proceedings under the Workmen's Compensation Act, 1906, shall where costs are payable under Column B or Column C of the higher scale be increased by 20 per centum, and such increase shall be allowed upon any taxation or assessments of costs in respect of any such business as well as between party and party as between solicitor and client.

(2) Provided that this Rule shall not affect any power to direct payment of a fixed or gross sum in respect or in lieu of costs.

(3) Provided also that where any items of costs are increased under Rule 8 of this Order, or costs are allowed on any scale higher than that which would otherwise be applicable, the increase authorised by this rule shall not be allowed in respect of such items or in respect of costs allowed on such higher scale, unless the judge otherwise orders.

(4) Provided also that this Rule shall not apply to bills of costs which have at the date when this Rule comes into operation already been delivered to the client sought to be charged therewith or to the person chargeable therewith or liable therefor, or to bills already taxed and certified or allowed.

(5) The increase hereby authorised shall not affect the question whether a bill of costs when taxed is or is not less by one-sixth part than the bill delivered, sent, or left.

APPENDIX.

166 instead of 166.

RECEIPT FOR MONEY LEVIED OR PAID UNDER PROCESS.

No

County Court.

No. of Plaintiff

No. of Execution or other Process

v.

Received the day of of the above named the sum
of pounds shillings and pence:—

On account of—

Debt and costs £ : :

Possession fees £ : :

Total £ : :

Bailiff.

N.B.—This form to be printed and numbered in duplicate on thin paper, 6 inches long by 4 inches deep, and bound up in books, 50 duplicates in each book.

Dated the day of , 1918.

425A.

CERTIFICATE ON TAXATION UNDER THE REPRESENTATION OF THE PEOPLE ACT, SECTION 29.

[Not to be printed, but to be used as a precedent.]

In the County Court of holden at .
In the Matter of the Representation of the People Act, 1918,
Section 29,

and

In the Matter of an Election of a Member to serve in Parliament for
the Division of the County of
[or as the case may be].

On the application of the Treasury for the taxation of the
account of the charges of the returning officer at the above-
mentioned election in respect of such election,

The Court doth determine that the amount payable to the said
in respect of such charges is the sum of £ , and doth certify
the same accordingly:

And the Court doth further determine that the Court fees payable
on this application, amounting to £ , are to be paid by :

And doth further order that do pay to the sum of £
by way of costs in respect of this application:

And the Court doth certify that the amount payable to the said ,
including the costs payable to him as aforesaid [or after deducting the
fees and costs payable by him as aforesaid] is the sum of £

[Or, if the balance, after adjusting the fees and costs, and giving
credit for any amount already advanced on account of his charges,
is against the returning officer,

And the Court doth certify that the balance due from the said
after crediting him with the amount payable to him in respect of his
charges and debiting him with the amount payable by him for Court
fees and costs and the amount already advanced to him on account
of his charges, is the sum of £ ;

And doth order that the said do on or before the day
of , 19 , pay the said sum of £ to the registrar of this
Court for the use of the Treasury.]

Given under the seal of the Court this day of , 19 .

By the Court,
Registrar.

To the Treasury
and to
[The Returning Officer].

NOTES.¹

Rule 1 enables the judges to fix courts for the transaction of ordinary business so as to fit in with the arrangements which must be made by them for the hearing of appeals from registration officers under the Representation of the People Act, 1918. The majority of these appeals will probably come in for hearing about the same time; and as it will be necessary that they should be dealt with as soon as possible, the judges will have to make arrangements accordingly. The Rule accordingly provides that instead of being required to fix courts for ordinary business 3 months beforehand, as required by the present

¹These notes do not form part of the Rules, but were appended to them by the rule-making authority.

Rule, they may delay the fixing of such courts until they know approximately what time will be required for the hearing of appeals, and to give 6 weeks notice only of the times fixed for such courts; and further that in country districts where the ordinary business is not likely to require a full day they may fix two courts to be held on the same day, so as to allow more free days for the hearing of appeals.

Rule 2.—The words omitted from Form 23 were inserted by the Rules of 1914. This was done *per incuriam*, as Order XXIIA., Rule 10, altering the time for filing notice of defence, &c., in actions under the extended jurisdiction conferred by the Act of 1903, applies only to ordinary and not to default summonses; see Order XXIIA., Rule 1.

Rule 3 corrects a clerical error in Order XXIIA., Rule 1.

Rule 4 provides a new form of receipt to be given by a bailiff for money paid under process, and for a carbon copy being kept, as suggested by the Treasury.

Rules 5 to 15 are based on the existing Rules as to the taxation of the accounts of returning officers, which are still in force as to elections other than parliamentary elections. The only substantial difference is that as the expenses are to be paid by the Treasury a certificate of the amount found to be payable is substituted for an order for payment, as in the case of determination by the county court of a difference as to the amount to be paid for carriages, etc., requisitioned under sect. 115 of the Army Act, 1881.

Rule 16 provides for the increase of costs during the war, following the Rule recently made for the Supreme Court.

No. 4.

REGISTRATION APPEALS RULE, 1918¹ (BEING RULES OF THE SUPREME COURT AS TO APPEALS TO THE COURT OF APPEAL FROM THE COUNTY COURTS UNDER THE REPRESENTATION OF THE PEOPLE ACT, 1918, SECT. 14).

[NOTE.—The following Rule shall stand as Rule 21 of Order LVIII. of the Rules of the Supreme Court, 1883.]

21. *Registration appeals.*—The following provisions shall apply to appeals to the Court of Appeal from decisions of the county courts on points of law on the hearing of appeals from registration officers under the Representation of the People Act, 1918, section 14.

(1) A person desiring to appeal to the Court of Appeal against the decision of the county court on any appeal shall give notice of his intention to appeal to the registrar of the county court and to the registration officer and to the opposite party, if any, within such time and in such form as may be prescribed by County Court Rules.

(2) In any such case the party, if any, in whose favour the decision is given shall be the respondent: and the registration officer also shall be named as respondent to the appeal.

(3) Every such appeal shall be by notice of motion in accordance with Order LIX., Rule 10; and such notice of motion shall be served and the appeal set down under Order LVIII., Rule 8, within the time limited by Order LIX., Rule 12.

(4) It shall be the duty of the party appealing to apply to the judge or assistant judge of the county court for a signed copy of the note made by him of any point of law raised before him, and of the facts in evidence in relation thereto, and of his decision thereon, and of his decision on the hearing of the appeal, and to furnish such copy, and two additional unsigned copies thereof, for the use of the Court of Appeal; and such signed copy shall be used and received at the hearing of the appeal. If such note is not produced the Court of Appeal shall have power to apply to the judge or assistant judge to furnish such a note, or to hear and determine the appeal upon any other evidence or statement of what occurred before the county court which the Court of Appeal may deem sufficient.

(5) If the Court of Appeal is of opinion that the statement in the note is not sufficient to enable the Court to give judgment in law, the Court may remit the matter to the judge or assistant judge in order that the note may be more fully stated.

(6) No appeal shall be allowed upon any question of fact only, or upon the admissibility or effect of any evidence or admission adduced or made in any case to establish any matter of fact only.²

(7) The Court shall have power to extend the time for appealing, or to amend the grounds of appeal, or rescind or vary any declaration as to consolidation of appeals made by the judge or assistant judge of the county court, or to make any other order on such terms as the Court shall think just to ensure the determination on the merits of the real question in controversy between the parties.

¹ Statutory Rules and Orders, 1918, No. 967
L. 31.

² See p. 112, *supra*.

(8) Where it appears to the judge or assistant judge that the validity of any number of decisions given by the county court depends upon the same point or points of law, and the parties or any of them have given notice to the county court of their intention to appeal to the Court of Appeal, the judge or assistant judge may, in such manner as may be prescribed by County Court Rules,³ declare that the appeals to the Court of Appeal ought to be consolidated, and may name any person interested and consenting to be appellant or respondent in the consolidated appeal on behalf of himself and all other persons interested in like manner in the appeals who consent to be parties to and to be bound by the consolidated appeal; and the registration officer shall also be named as a respondent to the consolidated appeal.

(9) With regard to consolidated appeals the like proceedings shall be had and taken and the like rules and regulations shall apply as in the case of any other appeal; and every order, judgment or decision of the Court of Appeal shall be equally valid and effectual and binding and conclusive on all the parties named in or referred to as parties to such consolidated appeals.

(10) Where appeals are consolidated, if the consolidated appeal is not duly prosecuted or answered, the Court of Appeal may give to any party or parties interested in such appeal, upon his or their application, the conduct and direction of the appeal or of the answer thereto, instead of or in addition to any person originally named in that behalf, in such manner and on such terms as the Court may think fit, or may make such other order in the case as may seem just.

(11) Every party to a consolidated appeal shall be liable for the costs of the appeal in the same manner and to the same extent as the person named as appellant or respondent in such appeal.

(12) If where appeals are consolidated any party interested in any such appeal refuses to be a party to and to be bound by the consolidated appeal, the appeal in which such party is interested may proceed separately; but such party shall not be entitled to receive any costs of or in such appeal, unless the Court of Appeal shall otherwise order.

(13) Arrangements shall be made for hearing any appeals without delay, and as far as possible continuously.

(14) Subject to the foregoing provisions the rules for the time being in force with respect to appeals from the High Court to the Court of Appeal shall, so far as practicable, apply to and govern appeals under this rule to the Court of Appeal.

(15) Except as in this rule otherwise provided, the costs of any appeal shall be in the discretion of the Court of Appeal.

Such costs may, if the appeal is successful, be ordered to be paid by the registration officer named as respondent to the appeal, whether he shall or shall not appear in support of the decision of the county court.

Where any person other than the registration officer is respondent to an appeal he shall not be liable or entitled to costs unless he appears in support of the decision of the county court.

(16) Notice of the decision of the Court of Appeal on any appeal shall be given by the proper officer of the Court of Appeal to the registration officer, specifying exactly every alteration or correction to be made on the register in pursuance of the decision: and a copy thereof shall be sent to the registrar of the county court.

(17) This Rule may be cited as the Registration Appeals Rule, 1918.

³ See r. 24, p. 469, *supra*.

No. 5.

THE COUNTY COURT RULES, 1919.¹

(DATED FEBRUARY 3RD, 1919.)

ORDER I.

COURT AND OFFICES.

1. *Amendment of Order I. Rule 2a.*—Order I. Rule 2a (Rule 1 of the County Court Rules, 1918, No. 2²) shall have effect as if the words “until the expiration of the time required for hearing appeals relating to the spring register in the year nineteen hundred and nineteen” were omitted therefrom.

REGISTRATION APPEALS.

2. *Registration Appeals Rules, Rule 9.*—Rule 9 of the County Court (Registration Appeals) Rules, 1918,³ and the County Court Rule, dated the 22nd day of July, 1918,⁴ amending the said Rule, are hereby annulled, and the following Rule shall stand in lieu thereof, viz.:—

9. *Fixing time and place for hearing registration appeals.*—(1) On receipt of a request for the entry of an appeal for hearing the registrar shall enter the same accordingly, and shall communicate with the judge, who shall, as soon as conveniently may be, fix a time and place for the hearing of the appeal.

(2) The time to be fixed shall be within twenty-eight days from the day on which the request is received by the registrar, and shall be so fixed as to allow notice of the hearing to be given to the parties and the registration officer five clear days at least before the day so fixed.

(3) Provided that the time for the hearing of any appeal relating to the autumn register may be fixed for any day between the twenty-second day of September and the eleventh day of October, both inclusive, although the day so fixed may be more than twenty-eight days from the day on which the request for the entry of the appeal is received by the registrar.

(4) The place of hearing shall be the place at which the court is held: Provided that if the judge is satisfied that any appeal can be more conveniently heard at some other court of which he is the judge, he may order the hearing to take place at such other court.

(5) The hearing of any appeal may be fixed either for any day appointed for the holding of a court for the transaction of the ordinary business of the court at the place at which the appeal is to be heard, or for any day specially appointed for the hearing of appeals.

(6) Two special courts for the hearing of appeals may be held on one day before the same judge.

¹ Statutory Rules and Orders, 1919, No. $\frac{162}{L. 2}$.

² p. 483, *supra*.

³ See pp. 464—465, *supra*.

⁴ This Rule being annulled, is not set out.

APPENDIX IV.

STATUTES.

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No. 1.

BALLOT ACT, 1872 (35 & 36 VICT. c. 33).¹

An Act to amend the Law relating to Procedure at Parliamentary and Municipal Elections. [18th July, 1872.]

[*Preamble.*]

PART I.

PARLIAMENTARY ELECTIONS.

Procedure at Elections.

1. *Nomination of candidates for parliamentary elections.*—A candidate for election to serve in Parliament for a county or borough shall be nominated in writing. The writing shall be subscribed by two registered electors of such county or borough as proposer and seconder, and by eight other registered electors of the same county or borough as assenting to the nomination, and shall be delivered during the time appointed for the election² to the returning officer by the candidate himself, or his proposer or seconder.

If at the expiration of one hour after the time appointed for the election² no more candidates stand nominated than there are vacancies to be filled up, the returning officer shall forthwith declare the candidates who may stand nominated to be elected, and return their names to the Clerk of the Crown in Chancery; but if at the expiration of such hour more candidates stand nominated than there are vacancies

¹ The Ballot Act, 1872, is made permanent by sect. 35 of the Representation of the People Act, 1918. See pp. 221—222, *supra*.

² See First Schedule, Part I., r. 4, pp. 502—503, *infra*. “Election” here means “nomination.” See pp. 141—142, *supra*.

to be filled up, the returning officer shall adjourn the election and shall take a poll in manner in this Act mentioned.³

A candidate may, during the time appointed for the election, but not afterwards, withdraw from his candidature by giving a notice to that effect, signed by him, to the returning officer: Provided that the proposer of a candidate nominated in his absence out of the United Kingdom may withdraw such candidate by a written notice signed by him and delivered to the returning officer, together with a written declaration of such absence of the candidate.⁴

If after the adjournment of an election by the returning officer for the purpose of taking a poll one of the candidates nominated shall die before the poll has commenced, the returning officer shall, upon being satisfied of the fact of such death, countermand notice of the poll, and all the proceedings with reference to the election shall be commenced afresh in all respects as if the writ had been received by the returning officer on the day on which proof was given to him of such death; provided that no fresh nomination shall be necessary in the case of a candidate who stood nominated at the time of the countermand of the poll.⁵

2. *Poll at elections.*⁶—In the case of a poll at an election the votes shall be given by ballot. The ballot of each voter shall consist of a paper (in this Act called a ballot paper) showing the names and description of the candidates. Each ballot paper shall have a number printed on the back, and shall have attached a counterfoil with the same number⁷ printed on the face. At the time of voting, the ballot paper shall be marked on both sides with an official mark, and delivered to the voter within the polling station, and the number of such voter on the register of voters shall be marked on the counterfoil, and the voter having secretly marked his vote on the paper, and folded it up so as to conceal his vote, shall place it in a closed box in the presence of the officer presiding at the polling station (in this Act called “the presiding officer”) after having shown to him the official mark at the back.⁸

Any ballot paper which has not on its back the official mark, or on which votes are given to more candidates than the voter is entitled to vote for, or on which anything, except the said number on the back, is written or marked by which the voter can be identified, shall be void and not counted.⁸

After the close of the poll the ballot boxes shall be sealed up, so as to prevent the introduction of additional ballot papers, and shall be taken charge of by the returning officer, and that officer shall, in the presence of such agents, if any, of the candidates as may be in attendance, open the ballot boxes, and ascertain the result of the poll by counting the votes given to each candidate, and shall forthwith declare to be elected the candidates or candidate to whom the majority of votes have been given, and return their names to the Clerk of the Crown in Chancery. The decision of the returning officer as to any question arising in respect of any ballot paper shall be final, subject to reversal on petition questioning the election or return.

Where an equality of votes is found to exist between any candidates

³ See pp. 141—142, *supra*.

⁴ See sect. 26 (3), pp. 165—166, *supra*.

⁵ See sect. 21 (4) (a), p. 129, *supra*.

⁶ For the application of this section in the case of voting by post, see R. P. Order, r. 18, p. 368, *supra*. This section applies to persons voting by proxy, subject to the modifications set out on p. 407, *supra*. See R. P. Order, r. 34, p. 372, *supra*.

⁷ The provisions of this section are to be read and have effect as if the number to be marked on the counterfoil included the distinctive letter of the polling district in which the elector is registered or admitted to vote. See R. P. (Adaptation of Acts, No. 1) Order, 1918, Article 1, p. 457, *supra*.

at an election for a county or borough, and the addition of a vote would entitle any of such candidates to be declared elected, the returning officer, if a registered elector of such county or borough, may give such additional vote, but shall not in any other case be entitled to vote at an election for which he is returning officer.³

Offences at Elections.

3. *Offences in respect of nomination papers, ballot papers, and ballot boxes.*¹—Every person who,—

- (1.) *Forges or*⁵ fraudulently defaces or fraudulently destroys any nomination paper, or delivers to the returning officer any nomination paper, knowing the same to be forged⁵; or
- (2.) *Forges or counterfeits or*⁵ fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper;⁶ or
- (3.) Without due authority supplies any ballot paper to any person;⁶ or
- (4.) Fraudulently puts into any ballot box any paper other than the ballot paper which he is authorized by law to put in; or
- (5.) Fraudulently takes out of the polling station any ballot paper; or
- (6.) Without due authority destroys, takes, opens, or otherwise interferes with any ballot box or packet of ballot papers, then in use for the purposes of the election;

shall be guilty of a misdemeanor, and be liable, if he is a returning officer or an officer or clerk in attendance at a polling station, to imprisonment for any term not exceeding two years, with or without hard labour, and if he is any other person, to imprisonment for any term not exceeding six months, with or without hard labour.

Any attempt to commit any offence specified in this section shall be punishable in the manner in which the offence itself is punishable.

In any indictment or other prosecution for 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 may be stated to be in the returning officer at such election, as well as the property in the counterfoils.⁷

4. *Infringement of secrecy.*⁸—Every officer, clerk, and agent in attendance at a polling station shall maintain, and aid in maintaining, the secrecy of the voting in such station, and shall not communicate, except for some purpose authorized by law, before the poll is closed, to any person any information as to the name or number on the register of voters of any elector who has or has not applied for a ballot paper or voted at that station, or as to the official mark, and no such officer, clerk, or agent, and no person whosoever, shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain in the polling station information as to the candidate for whom any voter in such station is about to vote or has voted, or communicate at any time to any person any information obtained in a polling station as to the candidate for whom any voter in such station

³ See sect. 22 (1) (e), p. 131, *supra*.

⁴ This section applies, with the necessary modifications, to voting by post. See R. P. Order, r. 17, p. 367, *supra*.

⁵ The words italicised were repealed as to England and Ireland by 3 & 4 Geo. 5, c. 27.

⁶ These provisions apply to any person who does any of the acts specified, in relation to a proxy paper. See R. P. Order, r. 35, p. 372, *supra*.

⁷ See pp. 227—228, *supra*.

⁸ This section applies, with the necessary modifications, to the proceedings on the issue and receipt of ballot papers in the case of voting by post. See R. P. Order, r. 14 (2), p. 367, *supra*.

is about to vote or has voted, or as to the number on the back of the ballot paper given to any voter at such station. Every officer, clerk, and agent in attendance at the counting of the votes shall maintain, and aid in maintaining, the secrecy of the voting, and shall not attempt to ascertain at such counting the number on the back of any ballot paper, or communicate any information obtained at such counting as to the candidate for whom any vote is given in any particular ballot paper. No person shall directly or indirectly induce any voter to display his ballot paper after he shall have marked the same, so as to make known to any person the name of the candidate for or against whom he has so marked his vote.

Every person who acts in contravention of the provisions of this section shall be liable, on summary conviction before two justices of the peace, to imprisonment for any term not exceeding six months, with or without hard labour.⁹

Amendment of Law.

5. *Division of counties and boroughs into polling districts.*¹⁰

6. *Use of school and public room for poll.*—The returning officer at a parliamentary election may use, free of charge, for the purpose of taking the poll at such election, any room in a school receiving a grant out of moneys provided by Parliament, and any room the expense of maintaining which is payable out of any local rate, but he shall make good any damage done to such room, and defray any expense incurred by the person or body of persons, corporate or unincorporate, having control over the same on account of its being used for the purpose of taking the poll as aforesaid.

The use of any room in an unoccupied house for the purpose of taking the poll shall not render any person liable to be rated or to pay any rate for such house.

7. *Conclusiveness of register of voters.*¹¹—At any election for a county or borough, a person shall not be entitled to vote unless his name is on the register of voters for the time being in force for such county or borough, and every person whose name is on such register shall be entitled to demand and receive a ballot paper and to vote: Provided that nothing in this section shall entitle any person to vote who is prohibited from voting by statute, or by the common law of Parliament, or relieve such person from any penalties to which he may be liable for voting.¹²

Duties of Returning and Election Officers.

8. *General powers and duties of returning officer.*—Subject to the provisions of this Act, every returning officer shall provide such nomination papers, polling stations, ballot boxes, ballot papers, stamping instruments, copies of register of voters, and other things, appoint and pay such officers, and do such other acts and things as may be necessary for effectually conducting an election in manner provided by this Act.

[*Here follow words repealed by present Act.*¹³]

Where the sheriff is returning officer for more than one county as defined for the purposes of parliamentary elections, he may, without prejudice to any other power, by writing under his hand, appoint a fit person to be his deputy for all or any of the purposes relating to an election in any such county, and may, by himself or such deputy,

⁹ See pp. 229—230, *supra*.

¹⁰ Repealed by sect. 47 (1) of the present Act. See pp. 271, 320, *supra*.

¹¹ This section applies to persons voting by proxy, subject to the modifications set out on p. 407, *supra*. See R. P. Order, r. 34, p. 372, *supra*.

¹² See pp. 85—90, *supra*.

¹³ See sect. 47 (1), p. 271, *supra*, and p. 320, *supra*.

exercise any powers and do any things which the returning officer is authorised or required to exercise or do in relation to such election. Every such deputy, and also any under sheriff, shall, in so far as he acts as returning officer, be deemed to be included in the term returning officer in the provisions of this Act relating to parliamentary elections, and the enactments with which this part of this Act is to be construed as one.¹⁰

9. *Keeping of order in station.*—If any person misconducts himself in the polling station, or fails to obey the lawful orders of the presiding officer, he may immediately, by order of the presiding officer, be removed from the polling station by any constable in or near that station, or any other person authorised in writing by the returning officer to remove him; and the person so removed shall not, unless with the permission of the presiding officer, again be allowed to enter the polling station during the day.

Any person so removed as aforesaid, if charged with the commission in such station of any offence, may be kept in custody until he can be brought before a justice of the peace.

Provided that the powers conferred by this section shall not be exercised so as to prevent any elector who is otherwise entitled to vote at any polling station from having an opportunity of voting at such station.

10. *Powers of presiding officer and administration of oaths, &c.*—For the purpose of the adjournment of the poll, and of every other enactment relating to the poll, a presiding officer shall have the power by law belonging to a deputy returning officer; and any presiding officer and any clerk appointed by the returning officer to attend at a polling station shall have the power of asking the questions and administering the oath authorised by law to be asked of and administered to voters, and any justice of the peace and any returning officer may take and receive any declaration authorised by this Act to be taken before him.

11. *Liability of officers for misconduct.*¹¹—Every returning officer, presiding officer, and clerk who is guilty of any wilful misfeasance or any wilful act or omission in contravention of this Act shall, in addition to any other penalty or liability to which he may be subject, forfeit to any person aggrieved by such misfeasance, act, or omission a penal sum not exceeding one hundred pounds.

Section fifty of the Representation of the People Act, 1867, (which relates to the acting of any returning officer, or his partner or clerk, as agent for a candidate,) shall apply to any returning officer or officer appointed by him in pursuance of this Act, and to his partner or clerk.

Miscellaneous.

12. *Prohibition of disclosure of vote.*—No person who has voted at an election shall, in any legal proceeding to question the election or return, be required to state for whom he has voted.

13. *Non-compliance with rules.*—No election shall be declared invalid by reason of a non-compliance with the rules contained in the First Schedule to this Act, or any mistake in the use of the forms in the Second Schedule to this Act, if it appears to the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in the body of this Act, and that such non-compliance or mistake did not affect the result of the election.

¹⁰ The words in sect. 8 beginning "Where the sheriff" to the end of the section are repealed (except as respects Scotland and Ireland) by sect. 47 (1) of the present Act. See pp. 271, 320, *supra*.

¹¹ This section applies, with the necessary modifications, to the proceedings on the issue and receipt of ballot papers in the case of voting by post. See R. P. Order, r. 14 (2), p. 367, *supra*.

14. *Use of municipal ballot boxes, &c. for parliamentary election, and vice versâ.*—Where a parliamentary borough and municipal borough occupy the whole or any part of the same area, any ballot boxes or fittings for polling stations and compartments provided for such parliamentary borough or such municipal borough may be used in any municipal or parliamentary election in such borough free of charge, and any damage other than reasonable wear and tear caused to the same shall be paid as part of the expenses of the election at which they are so used.

15. *Construction of Act.*—This part of this Act shall, so far as is consistent with the tenor thereof, be construed as one with the enactments for the time being in force relating to the representation of the people, and to the registration of persons entitled to vote at the election of members to serve in Parliament, and with any enactments otherwise relating to the subject matter of this part of this Act, and terms used in this part of this Act shall have the same meaning as in the said enactments; and in construing the said enactments relating to an election or to the poll or taking the votes by poll, the mode of election and of taking the poll established by this Act shall for the purposes of the said enactments be deemed to be substituted for the mode of election or poll, or taking the votes by poll, referred to in the said enactments; and any person applying for a ballot paper under this Act shall be deemed “to tender his vote,” or “to assume to vote,” within the meaning of the said enactments; and any application for a ballot paper under this Act, or expressions relative thereto shall be equivalent to “voting” in the said enactments and any expressions relative thereto; and the term “polling booth” as used in the said enactments shall be deemed to include a polling station; and the term “proclamation” as used in the said enactments shall be deemed to include a public notice given in pursuance of this Act.

Application of Part of Act to Scotland.

16. *Alterations for application of Part I. to Scotland.*—This part of this Act shall apply to Scotland, subject to the following provisions:—

- (1) The expression “crime and offence” shall be equivalent to the expression “misdemeanor,” and shall be substituted therefor;
- (2) All offences under this Act for which any person may be punished on summary conviction shall be prosecuted before the sheriff under the provisions of “The Summary Procedure Act, 1864”; and all jurisdictions, powers, and authorities necessary for that purpose are hereby conferred on sheriffs;
- (3) The expression “sheriff” shall include sheriff substitute;
- (4) The provisions of this Act relating to the division of counties and boroughs into polling districts shall not apply to Scotland;
- (5) [*Repealed by sect. 47 (1) of the present Act. See pp. 271, 320, supra.*]

Application of Part of Act to Ireland.

17. *Alterations for application of Part I. to Ireland.*—This part of this Act shall apply to Ireland, subject to the following modifications:—

- (1) The expression “Clerk of the Crown in Chancery” shall mean the Clerk of the Crown and Hanaper in Ireland;
- (2) The preceding provisions of this part of this Act with respect to the division of counties and boroughs into polling districts shall not extend to Ireland:

- (3) In the construction of the preceding provisions of this part of this Act as applying to Ireland, section thirteen of "The Representation of the People (Ireland) Act, 1868," shall be substituted for section fifty of "The Representation of the People Act, 1867," wherever in such provisions the said last-mentioned section occurs. The provision contained in the sixth section of this Act providing for the use of school rooms free of charge, for the purpose of taking the poll at elections, shall not apply to any school adjoining or adjacent to any church or other place of worship, nor to any school connected with a nunnery or other religious establishment:
- (4) [*Repealed by sect. 47 (1) of the present Act. See pp. 271, 320, supra.*]

18. *Provisions as to polling districts and polling places in Ireland.*—[*Repealed by sect. 47 (1) of the present Act. See pp. 271, 320, supra.*]

19. *Amendment of law as to voting in certain boroughs.*—[*Repealed by sect. 47 (1) of the present Act. See pp. 271, 320, supra.*]

PART II.

MUNICIPAL ELECTIONS.¹¹

20. *Application to municipal election of enactments relating to the poll at parliamentary elections.*—The poll at every contested municipal election shall, so far as circumstances admit, be conducted in the manner in which the poll is by this Act directed to be conducted at a contested parliamentary election, and, subject to the modifications expressed in the schedules annexed hereto, such provisions of this Act and of the said schedules as relate to or are concerned with a poll at a parliamentary election shall apply to a poll at a contested municipal election: Provided as follows:

- (1) The term "returning officer" shall mean the mayor or other officer who, under the law relating to municipal elections, presides at such elections:
- (2) The term "petition questioning the election or return" shall mean any proceeding in which a municipal election can be questioned:
- (3) The mayor shall provide everything which in the case of a parliamentary election is required to be provided by the returning officer for the purpose of a poll:
- (4) All expenses shall be defrayed in manner provided by law with respect to the expenses of a municipal election:
- (5) No return shall be made to the Clerk of the Crown in Chancery:
- (6) Nothing in this Act shall be deemed to authorise the appointment of any agents of a candidate in a municipal election, but if in the case of a municipal election any agent of a candidate is appointed, and a notice in writing of such appointment is given to the returning officer, the provisions of this Act with respect to agents of candidates shall, so far as respects such agent, apply in the case of that election:

¹¹ Sects. 20 and 21 are repealed, except as to Scotland and Ireland, by the Municipal Corporations Act, 1882, ss. 5, 260 (2).

(7) The provisions of this Act with respect to—

- (a) The voting of a returning officer; and
- (b) The use of a room for taking a poll; and
- (c) The right to vote of persons whose names are on the register of voters;

shall not apply in the case of a municipal election.

A municipal election shall, except in so far as relates to the taking of the poll in the event of its being contested, be conducted in the manner in which it would have been conducted if this Act had not been passed.¹²

21. Abolition of ward assessors.—Assessors shall not be elected in any ward of any municipal borough, and a municipal election need not be held before the assessors or their deputies, but may be held before the mayor, alderman, or other returning officer only.¹²

Application of Part of Act to Scotland.

22. Alterations for application of Part II. to Scotland.—This part of this Act shall apply to Scotland, subject to the following provisions:—

- (1) The term “mayor” shall mean the provost or other chief magistrate of a municipal borough, as defined by this Act:
- (2) All municipal elections shall be conducted in the same manner in all respects in which elections of councillors in the royal burghs contained in Schedule C. to the Act of the session of the third and fourth years of the reign of King William the Fourth, chapter seventy-six, intituled “An Act to alter and amend the laws for the election of the Magistrates and Councillors of the Royal Burghs in Scotland,” are directed to be conducted by the Acts in force at the time of the passing of this Act as amended by this Act; and all such Acts shall apply to such elections accordingly.

Application of Part of Act to Ireland.

23. Alterations for application of Part II. to Ireland.—This part of this Act shall apply to Ireland, with the following modifications:

- (1) The term “mayor” shall include the chairman of commissioners, chairman of municipal commissioners, chairman of town commissioners, and chairman of township commissioners.
- (2) The provisions of “The Municipal Corporation Act, 1859,” following; that is to say, section five and section six, and section seven except so much thereof as relates to the form of nomination papers, and section eight except so much thereof as relates to assessors, shall extend and apply to every municipal borough in Ireland, and shall be substituted for any provisions in force in relation to the nomination at municipal elections: Provided always, that the term “councillor” in these sections shall for the purposes of this section include alderman, commissioner, municipal commissioner, town commissioner, township commissioner, or assessor of any municipal borough.

¹² This section is repealed, except as to Scotland and Ireland. See footnote ¹¹, p. 498, *supra*.

PART III.

PERSONATION.

24. *Definition and punishment of personation.*¹—The following enactments shall be made with respect to personation at parliamentary and municipal elections:

A person shall for all purposes of the laws relating to parliamentary and municipal elections be deemed to be guilty of the offence of personation who at an election for a county or borough, or at a municipal election, applies for a ballot paper in the name of some other person, whether that name be that of a person living or dead or of a fictitious person, or who having voted once at any such election applies at the same election for a ballot paper in his own name.

². . . . It shall be the duty of the returning officer to institute a prosecution against any person whom he may believe to have been guilty of personation, or of aiding, abetting, counselling, or procuring the commission of the offence of personation by any person, at the election for which he is returning officer,³ and the costs and expenses of the prosecutor and the witnesses in such case, together with compensation for their trouble and loss of time, shall be allowed by the court in the same manner in which courts are empowered to allow the same in cases of felony.⁴

The provisions of the Registration Acts, specified in the Third Schedule to this Act, shall in England and Ireland respectively apply to personation under this Act in the same manner as they apply to a person who knowingly personates and falsely assumes to vote in the name of another person as mentioned in the said Acts.

². . . .

25. *Vote to be struck off for bribery, treating, or undue influence.*—Where a candidate, on the trial of an election petition claiming the seat for any person, is proved to have been guilty, by himself or by any person on his behalf, of bribery, treating, or undue influence in respect of any person who voted at such election,⁵ . . . there shall, on a scrutiny, be struck off from the number of votes appearing to have been given to such candidate one vote for every person who voted at such election and is proved to have been so bribed, treated, or unduly influenced.⁵ . . .

26. *Alterations in Act as applying to Scotland.*—This part of this Act shall apply to Scotland, subject to the following provision:—

The offence of personation shall be deemed to be a crime and offence, and the rules of the law of Scotland with respect to apprehension, detention, precognition, commitment, and bail shall apply thereto, and any person accused thereof may be brought to trial in the court of judicary, whether in Edinburgh or on circuit, at the instance of the Lord Advocate, or before the sheriff court at the instance of the procurator fiscal.

27. *Construction of part of Act.*—This part of this Act, so far as regards parliamentary elections, shall be construed as one with “The Parliamentary Elections Act, 1868,” and shall apply to an election for a university or combination of universities.

¹ This section applies to persons voting by proxy, subject to the modifications set out on p. 407, *supra*. See R. P. Order, r. 34, p. 372, *supra*.

² Here follow words repealed by Corrupt and Illegal Practices Act, 1883.

³ See pp. 230 - 231, *supra*.

⁴ The words in italics are repealed, except as regards Scotland and Ireland, by 8 Edw. 7, c. 15.

⁵ Here follow words repealed by present Act. See sect. 47 (1) p. 271, *supra*, and p. 320, *supra*.

PART IV.

MISCELLANEOUS.

28. *Effect of schedules.*—The schedules to this Act, and the notes thereto, and directions therein, shall be construed and have effect as part of this Act.

29. *Definitions.*—In this Act—

The expression “municipal borough” means any place for the time being subject to the Municipal Corporation Acts, or any of them:

The expression “Municipal Corporation Acts” means—

- (a) As regards England, the Act of the session of the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, intituled “An Act to provide for the regulation of municipal corporations in England and Wales,” and the Acts amending the same;
- (b) As regards Scotland, the Act of the session of the third and fourth years of the reign of King William the Fourth, chapter seventy-six, intituled “An Act to alter and amend the laws for the election of Magistrates and Councillors of the Royal Burghs in Scotland,” and the Act of the same session, chapter seventy-seven, intituled “An Act to provide for the appointment and election of Magistrates and Councillors for the several Burghs and Towns of Scotland which now return or contribute to return Members to Parliament, and are not Royal Burghs,” and the Act of the session of the thirteenth and fourteenth years of the reign of Her present Majesty, chapter thirty-three, intituled “An Act to make more effectual provision for regulating the Police of Towns and populous Places in Scotland, and for paving, draining, cleansing, lighting, and improving the same;” and “The General Police and Improvement (Scotland) Act, 1862.” and any Acts amending the same;
- (c) As regards Ireland, the Act of the session of the third and fourth years of the reign of Her present Majesty, chapter one hundred and eight, intituled “An Act for the Regulation of Municipal Corporations in Ireland,” the Act of the ninth year of George the Fourth, chapter eighty-two, The Towns Improvement (Ireland) Act, 1854, and every local and personal Act providing for the election of commissioners in any towns or places for purposes similar to the purposes of the said Acts.

The expression “municipal election” means—

- (a) As regards England, an election of any person to serve the office of councillor, auditor, or assessor of any municipal borough, or of councillor for a ward of a municipal borough; and
- (b) As regards Scotland, an election of any person to serve the office of councillor or commissioner of any municipal borough, or of a ward or district of any municipal borough;
- (c) As regards Ireland, an election of any person to serve the office of alderman, councillor, commissioner, municipal commissioner, town commissioner, township commissioner, or assessor of any municipal borough.

30. *Application of Act.*—[Repealed by Statute Law Revision (No. 2) Act, 1893.]

31. *Saving.*—Nothing in this Act, except Part III. thereof, shall apply to any election for a university or combination of universities.

Repeal.

32. *Repeal of Acts in schedules (Fourth, Fifth, and Sixth Schedules) to extent specified therein.*

33. *Short title.*—This Act may be cited as The Ballot Act, 1872.¹⁰

 SCHEDULES.

FIRST SCHEDULE.

PART I.

RULES FOR PARLIAMENTARY ELECTIONS.

Election.

1. The returning officer shall, in the case of a county election, within two days after the day on which he receives the writ, and in the case of a borough election, on the day on which he receives the writ or the following day, give public notice, between the hours of nine in the morning and four in the afternoon, of the day¹¹ on which and the place¹² at which he will proceed to an election, and of the time appointed for the election,¹ and of the day on which the poll will be taken in case the election is contested, and of the time and place at which forms of nomination papers may be obtained, and in the case of a county election shall send one of such notices by post under cover, to the postmaster of the principal post office of each polling place in the county, endorsed with the words "Notice of election," and the same shall be forwarded free of charge; and the postmaster receiving the same shall forthwith publish the same in the manner in which post office notices are usually published.²

2. The day of election shall be fixed by the returning officer as follows; that is to say, in the case of an election for a county or a district borough not later than the ninth day after the day on which he receives the writ, with an interval of not less than three clear days between the day on which he gives the notice and the day of election; and in the case of an election for any borough other than a district borough not later than the *seventh*³ day after the day on which he receives the writ, with an interval of not less than two clear days between the day on which he gives the notice and the day of election.⁴

2A. *In an election of members to serve in a new Parliament of the United Kingdom the day fixed by the returning officer for the election⁵ shall in all cases be the eighth day after the date of His Majesty's gracious Proclamation declaring the calling of the Parliament.⁶*

3. [*Repealed by sect. 47 (1) of the present Act.*]⁷

4. The time appointed for the election⁸ shall be two such hours

¹⁰ Here follow words repealed by present Act. See sect. 47 (1), p. 271, *supra*, and p. 320, *supra*.

¹¹ The "day" here mentioned, which is referred to in the Ballot Act as the "day of election," is the day fixed for receiving nominations. See pp. 141—142, *supra*.

¹² The "place" here mentioned (*i.e.*, "the place at which he will proceed to an election") is the place of nomination. See p. 172, *supra*, and sect. 32 of the R. P. Act, 1918, pp. 172—173, *supra*.

¹ See rule 4 below.

² See sect. 21 (2), pp. 128, 130, also pp. 141—142, *supra*.

³ See R. P. (No. 2) Act, 1920, s. 3, p. 357, *supra*.

⁴ See pp. 141—142, *supra*.

⁵ *i.e.* Where the election is contested the day of nomination. See pp. 141—142, *supra*.

⁶ This rule is inserted by virtue of s. 21 (1) and Second Schedule Pt. I. of the Act. See pp. 128—129, *supra*.

⁷ See pp. 271, 320, *supra*.

between the hours of ten in the forenoon and three in the afternoon as may be appointed by the returning officer, and the returning officer shall attend during those two hours and for one hour after.⁸

5. Each candidate shall be nominated by a separate nomination paper, but the same electors or any of them may subscribe as many nomination papers as there are vacancies to be filled, but no more.⁹

6. Each candidate shall be described in the nomination paper in such manner as in the opinion of the returning officer is calculated to sufficiently identify such candidate; the description shall include his names, his abode, and his rank, profession, or calling, and his surname shall come first in the list of his names. No objection to a nomination paper on the ground of the description of the candidate therein being insufficient, or not being in compliance with this rule, shall be allowed or deemed valid, unless such objection is made by the returning officer, or by some other person, at or immediately after the time of the delivery of the nomination paper.¹⁰

7. The returning officer shall supply a form of nomination paper to any registered elector requiring the same during such two hours as the returning officer may fix, between the hours of ten in the morning and two in the afternoon on each day intervening between the day on which notice of the election was given and the day of election, and during the time appointed for the election; but nothing in this Act shall render obligatory the use of a nomination paper supplied by the returning officer, so, however, that the paper be in the form prescribed by this Act.¹¹

8. The nomination papers shall be delivered to the returning officer at the place of election during the time appointed for the election; and the candidate nominated by each nomination paper, and his proposer and seconder, and one other person selected by the candidate, and no person other than aforesaid, shall, except for the purpose of assisting the returning officer, be entitled to attend the proceedings during the time appointed for the election.¹²

9. If the election is contested the returning officer shall, as soon as practicable after adjourning the election, give public notice of the day on which the poll will be taken, and of the candidates described as in their respective nomination papers, and of the names of the persons who subscribed the nomination paper of each candidate, and of the order in which the names of the candidates will be printed in the ballot paper, and, in the case of an election for a county, deliver to the postmaster of the principal post office of the town in which is situate the place of election a paper, signed by himself, containing the names of the candidates nominated, and stating the day on which the poll is to be taken, and the postmaster shall forward the information contained in such paper by telegraph, free of charge, to the several postal telegraph offices situate in the county for which the election is to be held, and such information shall be published at each such office in the manner in which post office notices are usually published.

10. If any candidate nominated during the time appointed for the election is withdrawn in pursuance of this Act, the returning officer shall give public notice of the name of such candidate, and the names of the persons who subscribed the nomination paper of such candidate, as well as of the candidates who stood nominated or were elected.

⁸ See sect. 26 (1), pp. 165—166, *supra*.

⁹ See sect. 33 (2), pp. 177—178, also pp. 211—214, *supra*.

¹⁰ *Ibid*.

¹¹ *Ibid*.

¹² See rules 1—4, *supra*.

11. The returning officer shall, on the nomination paper being delivered to him, forthwith publish notice of the name of the person nominated as a candidate, and of the names of his proposer and seconder, by placarding or causing to be placarded the names of the candidate and his proposer and seconder in a conspicuous position outside the building in which the room is situate appointed for the election.³

12. A person shall not be entitled to have his name inserted in any ballot paper as a candidate unless he has been nominated in manner provided by this Act, and every person whose nomination paper has been delivered to the returning officer during the time appointed for the election shall be deemed to have been nominated in manner provided by this Act, unless objection be made to his nomination paper by the returning officer or some other person before the expiration of the time appointed for the election or within one hour afterwards.⁴

13. The returning officer shall decide on the validity of every objection made to a nomination paper, and his decision, if disallowing the objection, shall be final; but if allowing the same, shall be subject to reversal on petition questioning the election or return.⁵

14. *In the case of a bye-election, the poll shall take place on such day as the returning officer may appoint not being less than six or more than eight clear days after the day fixed for nomination.*⁶

14A. *In an election of members to serve in a new Parliament of the United Kingdom, the day appointed by the returning officer for the poll shall in all cases be the ninth day after the day fixed for the election.*⁷

15. At every polling place the returning officer shall provide a sufficient number of polling stations for the accommodation of the electors entitled to vote at such polling place, and shall distribute the polling stations amongst those electors in such manner as he thinks most convenient, provided that in a district borough there shall be at least one polling station at each contributory place of such borough.⁸

16. Each polling station shall be furnished with such number of compartments, in which the voters can mark their votes screened from observation, as the returning officer thinks necessary, so that at least one compartment be provided for every one hundred and fifty electors entitled to vote at such polling station.

17. A separate room or separate booth may contain a separate polling station, or several polling stations may be constructed in the same room or booth.

18. No person shall be admitted to vote at any polling station except the one allotted to him.⁹

19. The returning officer shall give public notice of the situation of polling stations and the description of voters entitled to vote at each station, and of the mode in which electors are to vote.

20. The returning officer shall provide each polling station with materials for voters to mark the ballot papers, with instruments for

³ See sect. 32 (2), pp. 176—177, *supra*, and rule 4, pp. 502—503, *supra*.

⁴ See rule 4, *ibid*.

⁵ See p. 214, *supra*.

⁶ Rule 14 is here given with the modifications introduced by s. 21 (1) of the Act (p. 128), and s. 3 of the R. P. (No. 2) Act, 1920, p. 357, *supra*.

⁷ This Rule is inserted by virtue of s. 21 (1) and 2nd Schedule Pt. I. of the Act (see pp. 128, 129, *supra*). "Day fixed for the election" means day of nomination, see pp. 141—142, *supra*.

⁸ See sect. 24, pp. 162—163, *supra*.

⁹ *Ibid*.

stamping thereon the official mark, and with copies of the register of voters, or such part thereof as contains the names of the voters allotted to vote at such station. He shall keep the official mark secret, and an interval of not less than seven years shall intervene between the use of the same official mark at elections for the same county or borough.

21. The returning officer shall appoint a presiding officer to preside at each station, and the officer so appointed shall keep order at his station, shall regulate the number of electors to be admitted at a time, and shall exclude all other persons except the clerks, the agents of the candidates, and the constables on duty.

22. Every ballot paper shall contain a list of the candidates described as in their respective nomination papers, and arranged alphabetically in the order of their surnames, and (if there are two or more candidates with the same surname) of their other names: it shall be in the form¹⁰ set forth in the Second Schedule to this Act or as near thereto as circumstances admit, and shall be capable of being folded up.

23. Every ballot box shall be so constructed that the ballot papers can be introduced therein, but cannot be withdrawn therefrom, without the box being unlocked. The presiding officer at any polling station, just before the commencement of the poll, shall show the ballot box empty to such persons, if any, as may be present in such station, so that they may see that it is empty, and shall then lock it up, and place his seal upon it in such manner as to prevent its being opened without breaking such seal, and shall place it in his view for the receipt of ballot papers, and keep it so locked and sealed.

24. Immediately before a ballot paper is delivered to an elector it shall be marked on both sides with the official mark, either stamped or perforated, and the number, name, and description of the elector as stated in the copy of the register shall be called out, and the number¹ of such elector shall be marked on the counterfoil, and a mark shall be placed in the register against the number of the elector, to denote that he has received a ballot paper, but without showing the particular ballot paper which he has received.²

25. The elector, on receiving the ballot paper, shall forthwith proceed into one of the compartments in the polling station, and there mark his paper, and fold it up so as to conceal his vote, and shall then put his ballot paper, so folded up, into the ballot box; he shall vote without undue delay, and shall quit the polling station as soon as he has put his ballot paper into the ballot box.

26. The presiding officer, on the application of any voter who is incapacitated by blindness or other physical cause from voting in manner prescribed in this Act, or (if the poll be taken on Saturday) of any voter who declares that he is of the Jewish persuasion, and objects on religious grounds to vote in manner prescribed by this Act, or of any voter who makes such a declaration as herein-after mentioned that he is unable to read, shall, in the presence of the agents of the candidates, cause the vote of such voter to be marked on a ballot paper in manner directed by such voter, and the ballot paper to be placed in the ballot box, and the name and number on the register of voters of every voter whose vote is marked in pursuance of this rule, and the reason why it is so marked, shall be entered on a list in this Act called "the list of votes marked by the presiding officer."

¹⁰ See p. 515, *infra*.

¹ The provisions of this rule are to be read and have effect as if the number to be marked on the counterfoil included the distinctive letter of the polling district in which the elector is registered or admitted to vote. See R. P. (Adaptation of Acts, No. 2) Order, 1918, Article 1, p. 457, *supra*.

² For the application of this rule in the case of voting by post, see R. P. Order, r. 4, p. 368, *supra*. This rule applies to persons voting by proxy, subject to the modifications set out on p. 407, *supra*. See R. P. Order, r. 34, p. 372, *supra*.

The said declaration, in this Act referred to as "the declaration of inability to read," shall be made by the voter at the time of polling, before the presiding officer, who shall attest it in the form herein-after mentioned, and no fee, stamp, or other payment shall be charged in respect of such declaration, and the said declaration shall be given to the presiding officer at the time of voting.

27. If a person, representing himself to be a particular elector named on the register, applies for a ballot paper after another person has voted as such elector, the applicant shall, upon duly answering the questions and taking the oath permitted by law to be asked of and to be administered to voters at the time of polling,¹⁰ be entitled to mark a ballot paper in the same manner as any other voter, but the ballot paper (in this Act called a tendered ballot paper) shall be of a colour differing from the other ballot papers, and instead of being put into the ballot box, shall be given to the presiding officer and endorsed by him with the name of the voter and his number in the register of voters, and set aside in a separate packet, and shall not be counted by the returning officer. And the name of the voter and his number on the register shall be entered on a list, in this Act called the tendered votes list.¹¹

28. A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper, may, on delivering to the presiding officer the ballot paper so inadvertently dealt with, and proving the fact of the inadvertence to the satisfaction of the presiding officer, obtain another ballot paper in the place of the ballot paper so delivered up (in this Act called a spoilt ballot paper), and the spoilt ballot paper shall be immediately cancelled.¹²

29. The presiding officer of each station, as soon as practicable after the close of the poll, shall, in the presence of the agents of the candidates, make up into separate packets sealed with his own seal and the seals of such agents of the candidates as desire to affix their seals,—

- (1) Every ballot box in use at his station, unopened but with the key attached; and
- (2) The unused and spoilt ballot papers, placed together; and
- (3) The tendered ballot papers; and
- (4) The marked copies of the register of voters, and the counter-foils of the ballot papers; and
- (5) The tendered votes list, and the list of votes marked by the presiding officer, and a statement of the number of the voters whose votes are so marked by the presiding officer under the heads "physical incapacity," "Jews," and "unable to read," and the declarations of inability to read;

and shall deliver such packets to the returning officer.

30. The packets shall be accompanied by a statement made by such presiding officer, showing the number of ballot papers entrusted to him, and accounting for them under the heads of ballot papers in the ballot box, unused, spoilt, and tendered ballot papers, which statement is in this Act referred to as the ballot paper account.

*Counting Votes.*¹

31. The candidates may respectively appoint agents to attend the counting of the votes.

¹⁰ See pp. 133—136, *supra*.

¹¹ See sect. 22 (1) (b), pp. 131, 132, *supra*. This rule applies to persons voting by proxy, subject to the modifications set out on p. 407, *supra*. See R. P. Order, r. 34, p. 372, *supra*.

¹² See sect. 27 (2), pp. 167, 168, *supra*.

¹ See sect. 23 (2), p. 138, also pp. 145—160, *supra*.

32. The returning officer shall make arrangements for counting the votes in the presence of the agents of the candidates as soon as practicable after the close of the poll, and shall give to the agents of the candidates appointed to attend at the counting of the votes notice in writing of the time and place at which he will begin to count the same.

33. The returning officer, his assistants and clerks, and the agents of the candidates, and no other person, except with the sanction of the returning officer, may be present at the counting of the votes:

34. Before the returning officer proceeds to count the votes, he shall, in the presence of the agents of the candidates, open each ballot box, and, taking out the papers therein, shall count and record the number thereof, and then mix together the whole of the ballot papers contained in the ballot boxes. The returning officer, while counting and recording the number of ballot papers and counting the votes, shall keep the ballot papers with their faces upwards, and take all proper precautions for preventing any person from seeing the numbers printed on the backs of such papers.⁴

35. The returning officer shall, so far as practicable, proceed continuously with counting the votes, allowing only time for refreshment, and excluding (except so far as he and the agents otherwise agree) the hours between seven o'clock at night and nine o'clock on the succeeding morning. During the excluded time the returning officer shall place the ballot papers and other documents relating to the election under his own seal and the seals of such of the agents of the candidates as desire to affix their seals, and shall otherwise take proper precautions for the security of such papers and documents.

36. The returning officer shall endorse "rejected" on any ballot paper which he may reject as invalid, and shall add to the endorsement "rejection objected to," if an objection be in fact made by any agent to his decision. The returning officer shall report to the Clerk of the Crown in Chancery the numbers of ballot papers rejected and not counted by him under the several heads of—

- (1) Want of official mark;
- (2) Voting for more candidates than entitled to;
- (3) Writing or mark by which voter could be identified;
- (4) Unmarked or void for uncertainty;

and shall on request allow any agents of the candidates, before such report is sent, to copy it.⁶

37. Upon the completion of the counting, the returning officer shall seal up in separate packets the counted and rejected ballot papers. He shall not open the sealed packet of tendered ballot papers or marked copy of the register of voters and counterfoils, but shall proceed, in the presence of the agents of the candidates, to verify the ballot paper account given by each presiding officer by comparing it with the number of ballot papers recorded by him as aforesaid, and the unused and spoilt ballot papers in his possession and the tendered votes list, and shall reseal each sealed packet after examination. The returning officer shall report to the Clerk of the Crown in Chancery the result of such verification, and shall, on request, allow any agents of the candidates, before such report is sent, to copy it.

38. Lastly, the returning officer shall forward to the Clerk of the Crown in Chancery (in manner in which the poll books are by any existing enactment required to be forwarded to such clerk, or as near thereto as circumstances admit) all the packets of ballot papers in

⁴ As to the application of this rule in the case of voting by post, see R. P. Order, r. 24 (2), p. 370, *supra*.

⁶ See sect. 23 (2), p. 138, also pp. 145—160, *supra*.

his possession, together with the said reports, the ballot paper accounts, tendered votes lists, lists of votes marked by the presiding officer, statements relating thereto, declarations of inability to read, and packets of counterfoils, and marked copies of registers, sent by each presiding officer,⁷ endorsing on each packet a description of its contents and the date of the election to which they relate, and the name of the county or borough for which such election was held; and the term poll book in any such enactment shall be construed to include any document forwarded in pursuance of this rule.

39. The Clerk of the Crown shall retain for a year all documents relating to an election forwarded to him in pursuance of this Act by a returning officer, and then, unless otherwise directed by an order of the House of Commons, or one of Her Majesty's Superior Courts, shall cause them to be destroyed.⁸

40. No person shall be allowed to inspect any rejected ballot papers in the custody of the Clerk of the Crown in Chancery, except under the order of the House of Commons or under the order of one of Her Majesty's Superior Courts, to be granted by such court on being satisfied by evidence on oath that the inspection or production of such ballot papers is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of a petition questioning an election or return; and any such order for the inspection or production of ballot papers may be made subject to such conditions as to persons, time, place, and mode of inspection or production as the House or court making the same may think expedient, and shall be obeyed by the Clerk of the Crown in Chancery. Any power given to a Court by this rule may be exercised by any judge of such court at chambers.⁸

41. No person shall, except by order of the House of Commons or any tribunal having cognizance of petitions complaining of undue returns or undue elections, open the sealed packet of counterfoils after the same has been once sealed up, or be allowed to inspect any counted ballot papers in the custody of the Clerk of the Crown in Chancery; such order may be made subject to such conditions as to persons, time, place, and mode of opening or inspection as the House or tribunal making the order may think expedient; provided that on making and carrying into effect any such order, care shall be taken that the mode in which any particular elector has voted shall not be discovered until he has been proved to have voted, and his vote has been declared by a competent court to be invalid.⁸

42. All documents forwarded by a returning officer in pursuance of this Act to the Clerk of the Crown in Chancery, other than ballot papers and counterfoils, shall be open to public inspection at such time and under such regulations as may be prescribed by the Clerk of the Crown in Chancery, with the consent of the Speaker of the House of Commons, and the Clerk of the Crown shall supply copies of or extracts from the said documents to any person demanding the same, on payment of such fees and subject to such regulations as may be sanctioned by the Treasury.⁸

43. Where an order is made for the production by the Clerk of the Crown in Chancery of any document in his possession relating to any specified election, the production by such clerk or his agent of the document ordered, in such manner as may be directed by such order, or by a rule of the court having power to make such order, shall be conclusive evidence that such document relates to the specified election;

⁷ As to the additional documents required to be forwarded in connection with voting by post, see R. P. Order, r. 25 (4), p. 370, *supra*.

⁸ This rule applies, with the necessary modifications, to voting by post. See R. P. Order, r. 17, p. 367, *supra*.

and any endorsement appearing on any packet of ballot papers produced by such Clerk of the Crown or his agent shall be evidence of such papers being what they are stated to be by the endorsement. The production from proper custody of a ballot paper purporting to have been used at any election, and of a counterfoil marked with the same printed number and having a number marked thereon in writing, shall be *prima facie* evidence that the person who voted by such ballot paper was the person who at the time of such election had affixed to his name in the register of voters at such election the same number as the number written on such counterfoil.

General Provisions.

44. The return of a member or members elected to serve in Parliament for any county or borough shall be made by a certificate of the names of such member or members under the hand of the returning officer endorsed on the writ of election for such county or borough, and such certificate shall have effect and be dealt with in like manner as the return under the existing law, and the returning officer may, if he think fit, deliver the writ with such certificate endorsed to the postmaster of the principal post office of the place of election, or his deputy, and in that case he shall take a receipt from the postmaster or his deputy for the same; and such postmaster or his deputy shall then forward the same by the first post, free of charge, under cover, to the Clerk of the Crown, with the words "Election Writ and Return" endorsed thereon.

45. The returning officer shall, as soon as possible, give public notice of the names of the candidates elected, and, in the case of a contested election, of the total number of votes given for each candidate, whether elected or not.

46. Where the returning officer is required or authorised by this Act to give any public notice, he shall carry such requirement into effect by advertisements, placards, handbills, or such other means as he thinks best calculated to afford information to the electors.

47. The returning officer may, if he think fit, preside at any polling station, and the provisions of this Act relating to a presiding officer shall apply to such returning officer with the necessary modifications as to things to be done by the returning officer to the presiding officer, or the presiding officer to the returning officer.

48. In the case of a contested election for any county or borough, the returning officer may, in addition to any clerks, appoint competent persons to assist him in counting the votes.⁹

49. No person shall be appointed by a returning officer for the purposes of an election who has been employed by any other person in or about the election.⁹

50. The presiding officer may do, by the clerks appointed to assist him, any act which he is required or authorised to do by this Act at a polling station except ordering the arrest, exclusion, or ejection from the polling station of any person.

51. A candidate may himself undertake the duties which any agent of his if appointed might have undertaken, or may assist his agent in the performance of such duties, and may be present at any place at which his agent may, in pursuance of this Act, attend.⁹

52. The name and address of every agent of a candidate appointed to attend the counting of the votes shall be transmitted to the returning officer one clear day at least before the opening of the poll; and the returning officer may refuse to admit to the place where the votes are counted any agent whose name and address has not been so transmitted,

⁹ This rule applies, with the necessary modifications, to voting by post. See R. P. Order, r. 17, p. 367, *supra*.

notwithstanding that his appointment may be otherwise valid, and any notice required to be given to an agent by the returning officer may be delivered at or sent by post to such address.⁶

53. If any person appointed an agent by a candidate for the purposes of attending at the polling station or at the counting of the votes dies, or becomes incapable of acting during the time of the election, the candidate may appoint another agent in his place, and shall forthwith give to the returning officer notice in writing of the name and address of the agent so appointed.⁷

54. Every returning officer, and every officer, clerk, or agent authorised to attend at a polling station, or at the counting of the votes, shall, before the opening of the poll, make a statutory declaration of secrecy, in the presence, if he is the returning officer, of a justice of the peace, and if he is any other officer or an agent, of a justice of the peace or of the returning officer; but no such returning officer, officer, clerk, or agent as aforesaid shall, save as aforesaid, be required, as such, to make any declaration or take any oath on the occasion of any election.⁶

55. Where in this Act any expressions are used requiring or authorising or inferring that any act or thing is to be done in the presence of the agents of the candidates, such expressions shall be deemed to refer to the presence of such agents of the candidates as may be authorised to attend, and as have in fact attended, at the time and place where such act or thing is being done, and the non-attendance of any agents or agent at such time and place shall not, if such act or thing be otherwise duly done, in anywise invalidate the act or thing done.⁷

56. In reckoning time for the purposes of this Act, Sunday, Christmas day, Good Friday, and any day set apart for a public fast or thanksgiving, shall be excluded; and where anything is required by this Act to be done on any day which falls on the above-mentioned days such thing may be done on the next day, unless it is one of the days excluded as above mentioned.⁷

57. In this Act—

The expression "district borough" means the borough of Monmouth and any of the boroughs specified in Schedule E. to the Act of the session of the second and third years of the reign of King William the Fourth, chapter forty-five, intituled "An Act to amend the Representation of the People in England and Wales"; and

The expression "polling place" means, in the case of a borough, such borough or any part thereof in which a separate booth is required or authorised by law to be provided; and

The expression "agents of the candidates," used in relation to a polling station, means agents appointed in pursuance of section eighty-five of the Act of the session of the sixth and seventh years of the reign of Her present Majesty, chapter eighteen.

Modifications in Application of Part One of Schedule to Scotland.

58. [Repealed by sect. 47 (1) of the present Act.⁸]

59. In Scotland, the candidates may respectively appoint agents to attend at the polling stations. The ballot papers and other documents other than the return required to be sent to and kept by the Clerk of the Crown in Chancery, shall, in Scotland, be kept by the sheriff clerks of the respective counties in which the returns (including those for burghs) are made, and the provisions of this schedule relating thereto

⁶ By R. P. Order, r. 17 (p. 367, *supra*), this rule applies, with the modifications there specified, to voting by post.

⁷ This rule applies, with the necessary modifications, to voting by post. See R. P. Order, r. 17, p. 367, *supra*.

⁸ See pp. 271, 320, *supra*.

shall be construed as if the sheriff clerk were substituted for Clerk of the Crown in Chancery.

60. In Scotland, the term "district borough" shall mean the combined burghs and towns specified in Schedule E. of the Act of the session of the second and third years of the reign of King William the Fourth, chapter sixty-five, intituled "An Act to amend the Representation of the People in Scotland;" and in Schedule A. of the Representation of the People (Scotland) Act, 1868.¹

61. The provisions of the Act of the session of the second and third years of the reign of King William the Fourth, chapter sixty-five, intituled "An Act to amend the Representation of the People in Scotland," in so far as they relate to the fixing and announcement of the day of election, the interval to elapse between the receipt of the writ and the day of election, the period of adjournment for taking the poll in the case of Orkney and Shetland, and of the district of burghs comprising Kirkwall, Wick, Dornoch, Dingwall, Tain, and Cromarty, and to the keeping open of the poll for two consecutive days in the case of Orkney and Shetland, shall remain in full force and effect, anything in this Act or any other Act of Parliament now in force notwithstanding; but nothing herein contained shall be construed to exclude Orkney and Shetland or Orkney or Shetland, or the said district of burghs, or any of the burghs in the said district, from any of the benefits and obligations of the other portions of this Act.

Modifications in Application of Part One of Schedule to Ireland.

62. The expression "Clerk of the Crown in Chancery" in this schedule shall mean, as regards Ireland, "the Clerk of the Crown and Hanaper in Ireland."

63. A presiding officer at a polling station in a county in Ireland need not be a freholder of the county.

PART II.

RULES FOR MUNICIPAL ELECTIONS.

64. In the application of the provisions of this schedule to municipal elections the following modifications shall be made:—

- (a) The expression "register of voters" means the burghess roll of the burghesses of the borough, or, in the case of an election for the ward of a borough, the ward list; and the mayor shall provide true copies of such register for each polling station;
- (b) All ballot papers and other documents which, in the case of a parliamentary election, are forwarded to the Clerk of the Crown in Chancery shall be delivered to the town clerk of the municipal borough in which the election is held, and shall be kept by him among the records of the borough; and the provisions of part one of this schedule with respect to the inspection, production, and destruction of such ballot papers and documents, and to the copies of such documents, shall apply respectively to the ballot papers and documents so in the custody of the town clerk, with these modifications; namely,
 - (a) An order of the county court having jurisdiction in the borough, or any part thereof, or of any tribunal in which a municipal election is questioned, shall be substituted for an order of the House of Commons or of one of Her Majesty's Superior Courts; but an appeal from such county court may be had in like manner as in other cases in such county court;

¹ By rule 8 of the Sixth Schedule to the Representation of the People Act, 1918, for the reference to the Schedules in the above rule 60, a reference to Division (4) of Part I. of the Ninth Schedule to that Act is to be substituted. See p. 314, *supra*.

(b) The regulations for the inspection of documents and the fees for the supply of copies of documents of which copies are directed to be supplied, shall be prescribed by the council of the borough with the consent of one of Her Majesty's Principal Secretaries of State; and, subject as aforesaid, the town clerk, in respect of the custody and destruction of the ballot papers and other documents coming into his possession in pursuance of this Act, shall be subject to the directions of the council of the borough:

(c) Nothing in this schedule with respect to the day of the poll shall apply to a municipal election.

Modifications in Application of Part II. of Schedule to Scotland.

65. In part two of this schedule as applying to Scotland—

The expression "register of voters" means the register, list, or roll of persons entitled to vote in a municipal election made up according to the law for the time being in force.

The expression "county court" means the sheriff court.

The expression "town clerk" includes the clerk appointed by the Commissioners of Police under the Act of the session of the thirteenth and fourteenth years of the reign of Her present Majesty, chapter thirty-three, intituled "An Act to make more effectual provision for regulating the police of towns and populous places in Scotland, and for paving, draining, cleansing, lighting, and improving the same," and of the General Police and Improvement (Scotland) Act, 1862.

Modifications in Application of Part II. of Schedule to Ireland.

66. In part two of this schedule as applying to Ireland—

The expression "register of voters," in addition to the meaning specified in such part, means, in relation to any municipal borough subject to the provisions of a Local Act requiring an annual revision of the lists of voters at municipal elections, the register of voters made in conformity with the said provisions of such Local Act, and in relation to municipal boroughs to which Part II. of the Local Government (Ireland) Act, 1871, applies, the list to be made under the provisions of section twenty-seven of the said Act, and in relation to other municipal boroughs a list which the town clerk of every municipal borough is hereby authorised and directed to make, in like manner in every respect as if the provisions of the said section were applicable to and in force within such municipal borough.

The expression "county court" means the Civil Bill Court.

The expression "town clerk" includes clerk to the commissioners, municipal commissioners, town commissioners, or township commissioners of any municipal borough, and any person executing the duties of such town clerk.

The expression "council of the borough" includes commissioners, municipal commissioners, and town commissioners of the town, and township commissioners of the township.

The expression "one of Her Majesty's Principal Secretaries of State" means the Chief Secretary of the Lord Lieutenant of Ireland.

SECOND SCHEDULE.

Note.—The forms contained in this schedule, or forms as nearly resembling the same as circumstances will admit, shall be used in all cases to which they refer and are applicable, and when so used shall be sufficient in law.

Writ for a County or Borough at a Parliamentary Election.

* Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, to the † of the county [or borough] of , greeting:

‡ Whereas by the advice of our Council we have ordered a Parliament to be holden at Westminster on the day of next. We command you that, notice of the time and place of election being first duly given, you do cause election to be made according to law of members [or a member] to serve in Parliament for the said county [or the division of the said county, or the borough, or as the case may be] of § and that you do cause the names of such members [or member] when so elected, whether they [or he] be present or absent, to be certified to us, in our Chancery, without delay.

Witness ourself at Westminster, the day of , in the year of our reign, and in the year of our Lord 18 .

Label or direction of Writ.

To the † of .

A writ of a new election of members [or member] for the said county [or division of a county or borough, or as the case may be].

Endorsement.

Received the within writ on the day of 18 .

(Signed) A. B..

High Sheriff [or Sheriff, or Mayor, or as the case may be].

Certificate endorsed on the Writ.

I hereby certify, that the members [or member] elected for in pursuance of the within-written writ, are [or is] A. B. of in the county of and C. D. of in the county of .

(Signed) A. B..

High Sheriff [or Sheriff, or Mayor, or as the case may be].

Note.—A separate writ will be issued for each county as defined for the purposes of a parliamentary election.

* The name of the Sovereign may be altered when necessary.

† Insert "sheriff" or other returning officer.

‡ This preamble to be omitted except in case of a general election.

§ Except in a general election, insert here "in the place of A. B. deceased," or otherwise, stating the cause of vacancy.

Form of Notice of Parliamentary Election.

The returning officer of the of will, on the day of now next ensuing, between the hours of and , proceed to the nomination, and, if there is no opposition, to the election, of a member [or members] for the said county [or division of a county or borough] at the *.

Forms of nomination paper may be obtained at *, between the hours of and on .

Every nomination paper must be signed by two registered electors as proposer and seconder, and by eight other registered electors as assenting to the nomination.

Every nomination paper must be delivered to the returning officer by the candidate proposed, or by his proposer and seconder, between the said hours of and on the said day of at the said *.

Each candidate nominated, and his proposer and seconder, and one other person selected by the candidate, and no other persons, are entitled to be admitted to the room.

In the event of the election being contested, the poll will take place on the day of .

(Signed) A. B.,
Sheriff [*or* Mayor, *or as the case may be*].
day of 18 .

Take notice, that all persons who are guilty of bribery, treating, undue influence, personation, or other corrupt practices *or any illegal practice*¹⁰ at the said election will, on conviction of such offence, be liable to the penalties⁹ mentioned in that behalf in the Corrupt Practices Prevention Act, 1854, *Corrupt and Illegal Practices Prevention Act*, 1883,¹⁰ and the Ballot Act, 1872, and the Acts amending the said Acts.

* NOTE.—Insert description of place and room.

Form of Nomination Paper in Parliamentary Election.

We, the undersigned A. B. of in the of and C. D. of in the of , being electors for the of , do hereby nominate the following person as a proper person to serve as member for the said in Parliament:

Surname.	Other Names.	Abode.	Rank, Profession, or Occupation.
BROWN	JOHN.....	52, George St., Bristol.	Merchant.
JONES	<i>or</i> WILLIAM DAVID.....	High Elms, Wilts....	Esquire.
MERTON	<i>or</i> HON. GEORGE TRAVIS, commonly called Vis- count.	Swanworth, Berks....	Viscount.
SMITH	<i>or</i> HENRY SYDNEY.....	72, High St., Bath ..	Attorney.

(Signed) A. B.
C. D.

⁹ See pp. 230—235, *supra*.

¹⁰ These words are inserted by the Corrupt Practices Act, 1883, s. 62 (3), p. 553, *infra*.

We, the undersigned, being registered electors of the _____, do hereby assent to the nomination of the above-mentioned *John Brown* as a proper person to serve as member for the said _____ in Parliament.

(Signed) E. F. of
 G. H. of
 I. J. of
 K. L. of
 M. N. of
 O. P. of
 Q. R. of
 S. T. of


Note.—Where a candidate is an Irish peer, or is commonly known by some title, he may be described by his title as if it were his surname.

Form of Nomination Paper in Municipal Election.

Note.—The form of nomination paper in a municipal election shall as nearly as circumstances admit be the same as in the case of a parliamentary election.

Form of Ballot Paper.

Form of Front of Ballot Paper.

Counterfoil No.		1	BROWN (John Brown, of 32, George St., Bristol, merchant.)
		2	JONES (William David Jones, of High Elms, Wilts, Esq.)
		3	MERTON (Hon. George Travis, commonly called Viscount Merton, of Swan- worth, Berks.)
		4	SMITH (Henry Sydney Smith, of 72, High Street, Bath, attorney.)

NOTE:
The counter-foil is to have a number to correspond with that on the back of the Ballot Paper.

Form of Back of Ballot Paper.

No. _____ Election for _____ county [*or* borough, *or* ward].

18 _____

Note.—The number on the ballot paper is to correspond with that in the counterfoil.

Directions as to printing Ballot Paper.

Nothing is to be printed on the ballot paper except in accordance with this schedule.

The surname of each candidate, and if there are two or more candidates of the same surname, also the other names of such candidates, shall be printed in large characters, as shown in the form, and the names, addresses, and descriptions, and the number on the back of the paper, shall be printed in small characters.

Form of Directions for the Guidance of the Voter in voting, which shall be printed in conspicuous Characters, and placarded outside every Polling Station and in every Compartment of every Polling Station.

The voter may vote for candidate .

The voter will go into one of the compartments, and, with the pencil provided in the compartment, place a cross on the right-hand side, opposite the name of each candidate for whom he votes, thus X.

The voter will then fold up the ballot paper so as to show the official mark on the back, and leaving the compartment will, without showing the front of the paper to any person, show the official mark on the back to the presiding officer, and then, in the presence of the presiding officer, put the paper into the ballot box, and forthwith quit the polling station.

If the voter inadvertently spoils a ballot paper, he can return it to the officer, who will, if satisfied of such inadvertence, give him another paper.

If the voter votes for more than candidate , or places any mark on the paper by which he may be afterwards identified, his ballot paper will be void, and will not be counted.

If the voter takes a ballot paper out of the polling station, or deposits in the ballot box any other paper than the one given him by the officer, he will be guilty of a misdemeanor, and be subject to imprisonment for any term not exceeding six months, with or without hard labour.

Note.—These directions shall be illustrated by examples of the ballot paper.

Form of Statutory Declaration of Secrecy.

I solemnly promise and declare, That I will not at this election for do anything forbidden by section four of The Ballot Act, 1872, which has been read to me.

Note.—The section must be read to the declarant by the person taking the declaration.

*Form of Declaration of inability to read.*¹

I, A. B., of , being numbered on the Register of Voters for the county [or borough] of , do hereby declare that I am unable to read.

A. B., his mark.

day of .

I, the undersigned, being the presiding officer for the polling station for the county [or borough] of , do hereby certify, that the above declaration, having been first read to the above-named A. B., was signed by him in my presence with his mark.

(Signed) C. D.,

Presiding officer for polling station for the county [or borough] of .

day of .

¹ In the case of persons voting by proxy, this form is modified as shown on p. 407, *supra*. See R. P. Order, r. 34, p. 372, *supra*.

THIRD SCHEDULE.

Provisions of Registration Acts referred to in Part III. of the foregoing Act.

Session and Chapter.	Title.	Part applied.
<i>As to England.</i>		
6 & 7 Vict. c. 18.	An Act to amend the law for the registration of persons entitled to vote, and to define certain rights of voting, and to regulate certain proceedings in the elections of members to serve in Parliament for England and Wales.	Sections eighty-five to eighty-nine, both inclusive.
<i>As to Ireland.</i>		
13 & 14 Vict. c. 69.	An Act to amend the laws which regulate the qualification and registration of parliamentary voters in Ireland, and to alter the law for rating immediate lessors of premises to the poor rate in certain boroughs.	Sections ninety-two to ninety-six, both inclusive.

No. 2.

PARLIAMENTARY ELECTIONS (RETURNING OFFICERS) ACT, 1875 (38 & 39 VICT. c. 84).¹⁰

An Act to regulate the Expenses and to control the Charges of Returning Officers at Parliamentary Elections.

[13th August, 1875.]

[*Preamble.*]

1. *Construction of Act.*—The Ballot Act, 1872, as modified by this Act, and this Act shall be construed as one Act.

This Act shall apply only to parliamentary elections.¹¹

2. *Payments to returning officers.*¹²—The returning officer at an election shall be entitled to his reasonable charges, not exceeding the sums mentioned in the First Schedule to this Act, in respect of services and expenses of the several kinds mentioned in the said schedule, which have been properly rendered or incurred by him for the purposes of the election.

The amount of such charges shall be paid by the candidates at the election in equal several shares, or where there is only one candidate, by such candidate. If a candidate is nominated without his consent, the persons by whom his nomination is subscribed shall be jointly and severally liable for the share of the charges for which he would be liable if he were nominated with his consent.

A returning officer shall not be entitled to payment for any other services or expenses, or at any greater rates than as in the said schedule mentioned, any law or usage to the contrary notwithstanding.

3. *Returning officer may require deposit or security.*¹²—The returning officer, if he think fit, may, as herein-after provided, require security to be given for the charges which may become payable under the provisions of this Act in respect of any election.

The total amount of the security which may be required in respect of all the candidates at an election shall not in any case exceed the sums prescribed in the Third Schedule to this Act.

Where security is required by the returning officer it shall be apportioned and given as follows; viz.,

- (1) At the end of the two hours appointed for the election the returning officer shall forthwith declare the number of the candidates who then stand nominated, and shall, if there be more candidates nominated than there are vacancies to be filled up, apportion equally among them the total amount of the required security:

¹⁰ Sects. 2, 3, 4, 5 and 7 of the above-mentioned Act and the schedules thereto are repealed by sect. 47 (1) of the R. P. Act, 1918, except so far as those sections and schedules apply to elections other than Parliamentary elections. See pp. 271, 320, *supra*. The Act was made permanent by sect. 35 of the R. P. Act, 1918. See pp. 221—222, *supra*.

¹¹ See preceding footnote, and see also sect. 75 (17), (18), (19) of the Local Government Act, 1888, by which some of the provisions of the Parliamentary Elections (Returning Officers) Act, 1875, are applied to local government elections.

¹² See footnote ¹⁰ above.

- (2) Within one hour after the end of the two hours aforesaid, security shall be given, by or in respect of each candidate then standing nominated, for the amount so apportioned to him:
- (3) If in the case of any candidate security is not given or tendered as herein mentioned, he shall be deemed to be withdrawn within the provisions of the Ballot Act, 1872:
- (4) A tender of security in respect of a candidate may be made by any person:
- (5) Security may be given by deposit of any legal tender or of notes of any bank being commonly current in the county or borough for which the election is held, or, with the consent of the returning officer, in any other manner:
- (6) The balance (if any) of a deposit beyond the amount to which the returning officer is entitled in respect of any candidate shall be repaid to the person or persons by whom the deposit was made.

4. *The accounts of a returning officer may be taxed.*¹³—Within twenty-one days after the day on which the return is made of the persons elected at the election, the returning officer shall transmit to every candidate or other person from whom he claims payment either out of any deposit or otherwise of any charges in respect of the election, or to the agent for election expenses of any such candidate, a detailed account showing the amounts of all the charges claimed by the returning officer in respect of the election, and the share thereof which he claims from the person to whom the account is transmitted. He shall annex to the account a notice of the place where the vouchers relating to the account may be seen, and he shall at all reasonable times and without charge allow the person from whom payment is claimed, or any agent of such person, to inspect and take copies of the vouchers.

The returning officer shall not be entitled to any charges which are not duly included in his account.

If the person from whom payment is claimed objects to any part of the claim, he may, at any time within fourteen days from the time when the account is transmitted to him, apply to the court as defined in this section for a taxation of the account, and the court shall have jurisdiction to tax the account in such manner and at such time and place as the court thinks fit, and finally to determine the amount payable to the returning officer and to give and enforce judgment for the same as if such judgment were a judgment in an action in such court, and with or without costs at the discretion of the court.

The court for the purposes of this Act shall be in the city of London the Lord Mayor's Court, and elsewhere in England the County Court, and in Ireland the Civil Bill Court, having jurisdiction at the place of nomination for the election to which the proceedings relate.

The court may depute any of its powers or duties under this Act to the registrar or other principal officer of the court.

Nothing in this section shall apply to the charge of the returning officer for publication of accounts of election expenses.

5. *Claims against a returning officer.*¹³—Every person having any claim against a returning officer for work, labour, materials, services, or expenses in respect of any contract made with him by or on behalf of the returning officer for the purposes of an election, except for publication of accounts of election expenses, shall, within fourteen days after the day on which the return is made of the person or persons elected at the election, transmit to the returning officer the detailed

¹³ See footnote ¹⁰, p. 518, *supra*.

particulars of such claim in writing, and the returning officer shall not be liable in respect of anything which is not duly stated in such particulars.

Where application is made for taxation of the accounts of a returning officer, he may apply to the court as defined in this Act to examine any claim transmitted to him by any person in pursuance of this section, and the court after notice given to such person, and after hearing him, and any evidence tendered by him, may allow or disallow, or reduce the claim objected to, with or without costs, and the determination of the court shall be final for all purposes, and as against all persons.

6. *Use of ballot boxes, &c. provided for municipal elections.*—In any case to which the fourteenth section of the Ballot Act, 1872, is applicable, it shall be the duty of the returning officer, so far as is practicable, to make use of ballot boxes, fittings, and compartments provided for municipal or school board elections, and the court, upon taxation of his accounts, shall have regard to the provisions of this section.

7. *Notices to be given by returning officers.*¹—There shall be added to every notice of election to be published under the provisions of the Ballot Act, 1872, the notification contained in the Second Schedule to this Act with respect to claims against returning officers.

8. *Saving of the universities.*—Nothing in this Act shall apply to an election for any university or combination of universities.

10. *Short title.*—This Act may be cited for all purposes as the “Parliamentary Elections (Returning Officers) Act, 1875.”

11. *Not to apply to Scotland.*—This Act shall not apply to Scotland.

SCHEDULES.¹

FIRST SCHEDULE.²

CHARGES OF RETURNING OFFICERS.

The following are the maximum charges to be made by the returning officer, but the charges are in no case to exceed the sums actually and necessarily paid or payable.

PART I.—COUNTIES AND DISTRICT OR CONTRIBUTORY BOROUGHS.

This Part of this Schedule applies to an election for a county, or for either of the boroughs of Aylesbury, Cricklade, Monmouth, East Retford, Stroud, and New Shoreham, or for any borough or burgh consisting of a combination of separate boroughs, burghs, or towns.

	£	s.	d.
For preparing and publishing the notice of election.	2	2	0
For preparing and supplying the nomination papers.	1	1	0
For travelling to and from the place of nomination, or of declaring the poll at a contested election, per mile.	0	1	0

¹ See footnote ¹⁰, p. 518, *supra*.

² See sect. 1, p. 518, *supra*.

FIRST SCHEDULE—PART I.—*continued.*

	£	s.	d.
For hire or necessary fitting up of rooms or buildings for polling, or damage or expenses by or for use of such rooms or buildings.			
For constructing a polling station, with its fittings and compartments, in England.			
And in Ireland the sum or sums payable under the provisions of the 13th and 14th Victoria, chap. 68, and 35th and 36th Victoria, chap. 33.			
In Ireland the returning officer shall use a court house where one is available as a polling station, and his maximum charge for using and fitting the same shall in no case exceed three pounds three shillings.			
For each ballot box required to be purchased.	1	1	0
For the use of each ballot box, when hired...	0	5	0
For stationery at each polling station	0	10	0
For printing and providing ballot papers, per thousand.	1	10	0
For each stamping instrument		0	10
For copies of the register		0	10
For each presiding officer		3	3
For one clerk at each polling station where not more than 500 voters are assigned to such station.	1	1	0
For an additional clerk at a polling station for every number of 500 voters, or fraction thereof beyond the first 500 assigned to such polling station.	1	1	0
For every person employed in counting votes, not exceeding six such persons where the number of registered electors does not exceed 3,000, and one for every additional 2,000 electors.	1	1	0
For making the return to the clerk of the Crown.	1	1	0
For the preparation and publication of notices (other than the notice of election).			
For conveyance of ballot boxes from the polling stations to the place where the ballot papers are to be counted, per mile.			
For professional and other assistance in and about the conduct of the election.			
For travelling expenses of presiding officers and clerks, per mile.			
The necessary expenses, not exceeding at any one polling station the charge for constructing and fitting a polling station.	7	7	0
The sums payable by statute for the necessary copies.	3	3	0
Not exceeding for the whole of such notices 20 <i>l.</i> , and 1 <i>l.</i> for every additional 1,000 electors above 3,000.	0	1	0
In a contested election not exceeding 25 <i>l.</i> , and an additional 3 <i>l.</i> for every 1,000 registered electors or fraction thereof above 3,000 and up to 10,000, and 2 <i>l.</i> for every 1,000 or fraction thereof above 10,000. In an uncontested election, one-fifth of the above sums.	0	1	0

FIRST SCHEDULE—PART I.—*continued.*

	£	s.	d.
For services and expenses in relation to receiving and publishing accounts of election expenses, in respect of each candidate.	2	2	0
For all other expenses			
	In a contested election, not exceeding 10%, and an additional 1 <i>l.</i> for every 1,000 electors or fraction thereof above 1,000. In an uncontested election, nil.		

NOTE.—Travelling expenses are not to be allowed in the case of any person unless for distances exceeding two miles from the place at which he resides.

PART II.—BOROUGHES.

This Part of the Schedule applies to all boroughs not included in Part I. of this Schedule.

	£	s.	d.
For preparing and publishing the notice of election.	2	2	0
For preparing and supplying the nomination papers.	1	1	0
For hire or necessary fitting up of rooms or buildings for polling, or damage or expenses by or for use of such rooms or buildings.			
	The necessary expenses, not exceeding at any one polling station the charge for constructing and fitting a polling station.		
In England, for constructing a polling station, with its fittings and compartments, not exceeding two in number.	7	7	0
For each compartment required to be constructed, when more than two be used.	1	1	0
For the use of each compartment hired, when more than two are used.	0	5	0
And in Ireland, in lieu of the charges payable in respect of the foregoing last three services, the sum or sums payable under the provisions of 13th and 14th Victoria, chap. 68, and 35th and 36th Victoria, chap. 33.			
For each ballot box required to be purchased.	1	1	0
For the use of each ballot box, when hired...	0	5	0
For stationery at each polling station	0	10	0
For printing and providing ballot papers, per thousand.	1	10	0
For each stamping instrument	0	10	0
For copies of the register			
	The sums payable by statute for the necessary copies.		
For each presiding officer	3	3	0
For one clerk at each polling station where not more than 500 voters are assigned to such station.	1	1	0
For an additional clerk at a polling station for every number of 500 voters, or fraction thereof beyond the first 500 assigned to such station.	1	1	0

FIRST SCHEDULE—PART II.—*continued.*

	£ s. d.
For every person employed in counting votes, not exceeding six such persons where the number of registered electors does not exceed 3,000, and one for every additional 2,000 electors.	1 1 0
For making the return to the clerk of the Crown.	1 1 0
For the preparation and publication of notices (other than the notice of election).	Not exceeding for the whole of such notices 10 <i>l.</i> , and 1 <i>l.</i> for every additional 1,000 electors above 1,000.
For professional and other assistance in and about the conduct of the election.	In a contested election, not exceeding 20 <i>l.</i> , an additional 2 <i>l.</i> for every 1,000 registered electors or fraction thereof above 1,000 and up to 10,000, and 1 <i>l.</i> additional for every 1,000 or fraction thereof above 10,000. In an uncontested election one-fifth of the above sum.
For services and expenses in relation to receiving and publishing accounts of election expenses, in respect of each candidate.	1 1 0
For all other expenses	Not exceeding 10 <i>l.</i> , and an additional 1 <i>l.</i> for every 1,000 electors above the first 1,000.

NOTE TO PARTS I. and II. of SCHEDULE I.—The above sums are the aggregate charges, the amount of which is to be apportioned among the several candidates or other persons liable for the same.

SECOND SCHEDULE.³

1. NOTIFICATION TO BE ADDED TO THE NOTICE OF ELECTION.

Take notice, that by the Parliamentary Elections (Returning Officers) Act, 1875, it is provided that every person having any claim against a returning officer for work, labour, materials, services, or expenses in respect of any contract made with him by or on behalf of the returning officer, for the purposes of an election (except for publications of account of election expenses), shall, within fourteen days after the day on which the return is made of the person or persons elected at the election, transmit to the returning officer the detailed particulars of such claim in writing, and the returning officer shall not be liable in respect of anything which is not duly stated in such particulars.

³ See sect. 7, p. 520, and footnote ¹⁰, p. 518, *supra*.

THIRD SCHEDULE.³

MAXIMUM AMOUNT OF SECURITY WHICH MAY BE REQUIRED BY A
RETURNING OFFICER.

-----	County or District of Contributory Borough	Borough.
	£	£
Where the registered electors do not exceed 1,000	150	100
Where the registered electors exceed 1,000 but do not exceed 2,000.	200	150
Where the registered electors exceed 2,000 but do not exceed 4,000.	275	200
Where the registered electors exceed 4,000 but do not exceed 7,000.	400	250
Where the registered electors exceed 7,000 but do not exceed 10,000.	550	300
Where the registered electors exceed 10,000 but do not exceed 15,000.	700	450
Where the registered electors exceed 15,000 but do not exceed 20,000.	800	500
Where the registered electors exceed 20,000 but do not exceed 30,000.	900	600
Where the registered electors exceed 30,000	1,000	700

If at the end of the two hours appointed for the election, not more candidates stand nominated than there are vacancies to be filled up, the maximum amount which may be required is one fifth of the maximum according to the above scale.

³ See sect. 3 and footnote ¹⁰, p. 518, *supra*.

No. 3.

PARLIAMENTARY ELECTIONS, RETURNING OFFICERS EXPENSES (SCOTLAND) ACT, 1878 (41 & 42 VICT. c. 41).⁴

An Act to enable Returning Officers at Parliamentary Elections in Scotland to require Security for their Expenses; and otherwise to amend the Law of Scotland relating to such Expenses.

[8th August, 1878.]

[*Preamble.*]

1. *Short title and construction of Act.*—This Act may be cited for all purposes as the Parliamentary Elections, Returning Officers Expenses (Scotland) Act, 1878, and the Ballot Act, 1872, as modified by this Act, and this Act shall be construed as one Act.

2. *Extent of Act.*—This Act shall extend to Scotland only, and only to parliamentary elections.

3. [*Repealed by sect. 47 (1) of the present Act.*⁵]

4. *Use of ballot boxes, &c. provided for municipal elections.*—In any case to which the fourteenth section of the Ballot Act, 1872, is applicable, it shall be the duty of the returning officer, so far as is practicable, to make use of ballot boxes, fittings, and compartments provided for municipal or school board elections, and the court, upon taxation of his accounts, shall have regard to the provisions of this section.

5. *Saving of the universities.*—Nothing in this Act shall apply to an election for any university or combination of universities.

⁴ This Act was made permanent by sect. 35 of the Representation of the People Act, 1918. See pp. 221—222, *supra*.

⁵ See pp. 271, 321, *supra*.

No. 4.

PARLIAMENTARY ELECTIONS AND CORRUPT
PRACTICES ACT, 1880 (43 VICT. c. 18).⁶

An Act to amend the Law relating to the Conveyance of Voters to the Poll, and to continue the Acts relating to the Prevention of Corrupt Practices at Parliamentary Elections and the Acts relating to Election Petitions.

[24th March, 1880.]

[Preamble.]

1. *Short title.*—This Act may be cited as the Parliamentary Elections and Corrupt Practices Act, 1880.

2. *Repeal of s. 36 of 30 & 31 Vict. c. 102, as to payment of expenses of conveyance of voters.*—The thirty-sixth section of the Representation of the People Act, 1867, shall be repealed so far as concerns the conveyance of voters within any borough.

3. *Amendment of law as to parliamentary elections in Scotland.*—In all elections whatever of a member or members to serve in Parliament for any county, division of a county, or for any city or burgh, or district of burghs, in Scotland, no inquiry shall be permitted at the time of polling as to the right of any person to vote, except only as follows; (that is to say,) that the presiding officer or clerk appointed by the returning officer to attend at a polling station shall, if required on behalf of any candidate, put to any voter at the time of his tendering his vote, and not afterwards, the following questions, or either of them:

1. Are you the same person whose name appears as A. B. on the register of voters now in force for the county of [or for the division of the county of], or for the city [or burgh] of , or for the district of burghs [as the case may be]?
2. Have you already voted, either here or elsewhere, at this election for the county of [or for the division of the county of], or for the city [or burgh] of , or for the district of burghs [as the case may be]?

And if any person shall wilfully make a false answer to either of the questions aforesaid, he shall be deemed guilty of a crime and offence within the meaning of the Ballot Act, 1872.

4. *Continuance of Acts.*—This Act and the Acts mentioned in the Schedule to this Act, so far as they are unrepealed, shall continue in force until the thirty-first day of December one thousand eight hundred and eighty-one, and any enactments amending or affecting the enactments continued by this Act shall, in so far as they are temporary in their duration, be continued in like manner.

⁶ This Act was made permanent by sect. 35 of the Representation of the People Act, 1918. See pp. 221—222, *supra*.

SCHEDULE.
ACTS REFERRED TO.

Session and Chapter.	Title.
17 & 18 Vict. c. 102.	The Corrupt Practices Prevention Act, 1854.
21 & 22 Vict. c. 87.	An Act to continue and amend the Corrupt Practices Prevention Act, 1854.
26 & 27 Vict. c. 29.	An Act to amend and continue the Law relating to Corrupt Practices at Elections of Members of Parliament.
31 & 32 Vict. c. 125.	The Parliamentary Elections Act, 1868.
32 & 33 Vict. c. 21.	The Corrupt Practices Commission Expenses Act, 1869.
34 & 35 Vict. c. 61.	The Election Commissioners Expenses Act, 1871.
42 & 43 Vict. c. 75.	The Parliamentary Elections and Corrupt Practices Act, 1879.

No. 5.

CORRUPT AND ILLEGAL PRACTICES PREVENTION ACT, 1883 (46 & 47 VICT. c. 51).⁷

An Act for the better prevention of Corrupt and Illegal Practices at Parliamentary Elections.

[25th August, 1883.]

[*Preamble.*]

CORRUPT PRACTICES.

1. *What is treating.*—Whereas under section four of the Corrupt Practices Prevention Act, 1854, persons other than candidates at Parliamentary elections are not liable to any punishment for treating, and it is expedient to make such persons liable; be it therefore enacted in substitution for the said section four as follows:—

- (1) Any person who corruptly by himself or by any other person, either 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 meat drink entertainment or provision to or for any person, for the purpose of corruptly influencing that person or any other person to give or refrain from giving his vote at the election, or on account of such person or any other person having voted or refrained from voting, or being about to vote or refrain from voting at such election, shall be guilty of treating.
- (2) And every elector who corruptly accepts or takes any such meat drink entertainment or provision shall also be guilty of treating.

2. *What is undue influence.*—Every person who shall directly or indirectly, by himself or by any other person on his behalf, make use of or threaten to make use of any force, violence, or restraint, or inflict or threaten to inflict, by himself or by any other person, any temporal or spiritual injury, damage, harm, or loss upon or against any person in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election, or who shall by abduction, duress, or any fraudulent device or contrivance impede or prevent the free exercise of the franchise of any elector, or shall thereby compel, induce, or prevail upon any elector either to give or to refrain from giving his vote at any election, shall be guilty of undue influence.

3. *What is corrupt practice.*—The expression “corrupt practice” as used in this Act means any of the following offences; namely, treating and undue influence, as defined by this Act, and bribery, and personation, as defined by the enactments set forth in Part III. of the Third Schedule to this Act, and aiding, abetting, counselling, and procuring the commission of the offence of personation, and every offence which is a corrupt practice within the meaning of this Act

⁷ This Act was made permanent by sect. 35 of the Representation of the People Act, 1918, pp. 221—222, *supra*. See also sect. 38 of that Act, pp. 226, 227, *supra*.

shall be a corrupt practice within the meaning of the Parliamentary Elections Act, 1868.

4. *Punishment of candidate found, on election petition, guilty personally of corrupt practices.*—Where upon the trial of an election petition respecting an election for a county or borough the election court, by the report made to the Speaker in pursuance of section eleven of the Parliamentary Elections Act, 1868, reports that any corrupt practice other than treating or undue influence has been proved to have been committed in reference to such election by or with the knowledge and consent of any candidate at such election, or that the offence of treating or undue influence has been proved to have been committed in reference to such election by any candidate at such election, that candidate shall not be capable of ever being elected to or sitting in the House of Commons for the said county or borough, and if he has been elected, his election shall be void; and he shall further be subject to the same incapacities as if at the date of the said report he had been convicted on an indictment of a corrupt practice.

5. *Punishment of candidate found, on election petition, guilty by agents of corrupt practices.*—Upon the trial of an election petition respecting an election for a county or borough, in which a charge is made of any corrupt practice having been committed in reference to such election, the election court shall report in writing to the Speaker whether any of the candidates at such election has been guilty by his agents of any corrupt practice in reference to such election; and if the report is that any candidate at such election has been guilty by his agents of any corrupt practice in reference to such election, that candidate shall not be capable of being elected to or sitting in the House of Commons for such county or borough for seven years after the date of the report, and if he has been elected his election shall be void.

6. *Punishment of person convicted on indictment of corrupt practices.*—(1) A person who commits any corrupt practice other than personation, or aiding, abetting, counselling, or procuring the commission of the offence of personation, shall be guilty of a misdemeanor, and on conviction on indictment shall be liable to be imprisoned, with or without hard labour, for a term not exceeding one year, or to be fined any sum not exceeding two hundred pounds.

(2) A person who commits the offence of personation, or of aiding, abetting, counselling, or procuring the commission of that offence, shall be guilty of felony, and any person convicted thereof on indictment shall be punished by imprisonment for a term not exceeding two years, together with hard labour.

(3) A person who is convicted on indictment of any corrupt practice shall (in addition to any punishment as above provided) be not capable during a period of seven years from the date of his conviction:

(a) Of being registered as an elector or voting at any election in the United Kingdom, whether it be a parliamentary election or an election for any public office within the meaning of this Act;

or

(b) Of holding any public or judicial office within the meaning of this Act, and if he holds any such office the office shall be vacated.

(4) Any person so convicted of a corrupt practice in reference to any election shall also be incapable of being elected to and of sitting in the House of Commons during the seven years next after the date of his conviction, and if at that date he has been elected to the House of Commons, his election shall be vacated from the time of such conviction.

ILLEGAL PRACTICES.

7. *Certain expenditure to be illegal practice.*—(1) No payment or contract for payment shall, for the purpose of promoting or procuring the election of a candidate at any election, be made—

- (a) on account of the conveyance of electors to or from the poll, whether for the hiring of horses or carriages, or for railway fares, or otherwise; or
- (b) to an elector on account of the use of any house, land, building, or premises for the exhibition of any address, bill, or notice, or on account of the exhibition of any address, bill, or notice; or
- (c) on account of any committee room in excess of the number allowed by the First Schedule to this Act.

(2) Subject to such exception as may be allowed in pursuance of this Act, if any payment or contract for payment is knowingly made in contravention of this section either before, during, or after an election, the person making such payment or contract shall be guilty of an illegal practice, and any person receiving such payment or being a party to any such contract, knowing the same to be in contravention of this Act, shall also be guilty of an illegal practice.

(3) Provided that where it is the ordinary business of an elector as an advertising agent to exhibit for payment bills and advertisements, a payment to or contract with such elector, if made in the ordinary course of business, shall not be deemed to be an illegal practice within the meaning of this section.

8. *Expense in excess of maximum to be illegal practice.*—(1) Subject to such exception as may be allowed in pursuance of this Act, no sum shall be paid and no expense shall be incurred by a candidate at an election or his election agent, whether before, during, or after an election, on account of or in respect of the conduct or management of such election, in excess of any maximum amount in that behalf specified in the first schedule to this Act.

(2) Any candidate or election agent who knowingly acts in contravention of this section shall be guilty of an illegal practice.

9. *Voting by prohibited persons and publishing of false statements of withdrawal to be illegal.*—(1) If any person votes or induces or procures any person to vote at any election, knowing that he or such person is prohibited, whether by this or any other Act from voting at such election, he shall be guilty of an illegal practice.

(2) Any person who before or during an election knowingly publishes a false statement of the withdrawal of a candidate at such election for the purpose of promoting or procuring the election of another candidate shall be guilty of an illegal practice.

(3) Provided that a candidate shall not be liable, nor shall his election be avoided, for any illegal practice under this section committed by his agent other than his election agent.

10. *Punishment on conviction of illegal practice.*—A person guilty of an illegal practice, whether under the foregoing sections or under the provisions hereinafter contained in this Act, shall on summary conviction be liable to a fine not exceeding one hundred pounds and be incapable during a period of five years from the date of his conviction of being registered as an elector or voting at any election (whether it be a parliamentary election or an election for a public office within the meaning of this Act) held for or within the county or borough in which the illegal practice has been committed.

11. *Report of election court respecting illegal practice, and punishment of candidate found guilty by such report.*—Whereas by sub-

section fourteen of section eleven of the Parliamentary Elections Act, 1868, it is provided that where a charge is made in an election petition of any corrupt practice having been committed at the election to which the petition refers, the judge shall report in writing to the Speaker as follows:—

- (a) "Whether any corrupt practice has or has not been proved to have been committed by or with the knowledge and consent of any candidate at such election, and the nature of such corrupt practice;
- (b) "The names of all persons, if any, who have been proved at the trial to have been guilty of any corrupt practice;
- (c) "Whether corrupt practices have, or whether there is reason to believe corrupt practices have, extensively prevailed at the election to which the petition relates":

And whereas it is expedient to extend the said sub-section to illegal practices:

Be it therefore enacted as follows:—

Sub-section fourteen of section eleven of the Parliamentary Elections Act, 1868, shall apply as if that sub-section were herein re-enacted with the substitution of illegal practice within the meaning of this Act for corrupt practice; and upon the trial of an election petition respecting an election for a county or borough, the election court shall report in writing to the Speaker the particulars required by the said sub-section as herein re-enacted, and shall also report whether any candidate at such election has been guilty by his agents of any illegal practice within the meaning of this Act in reference to such election, and the following consequences shall ensue upon the report by the election court to the Speaker; (that is to say,)

- (a) If the report is that any illegal practice has been proved to have been committed in reference to such election by or with the knowledge and consent of any candidate at such election, that candidate shall not be capable of being elected to or sitting in the House of Commons for the said county or borough for seven years next after the date of the report, and if he has been elected his election shall be void; and he shall further be subject to the same incapacities as if at the date of the report he had been convicted of such illegal practice; and
- (b) If the report is that a candidate at such election has been guilty by his agents of any illegal practice in reference to such election, that candidate shall not be capable of being elected to or sitting in the House of Commons for the said county or borough during the Parliament for which the election was held, and if he has been elected, his election shall be void.

12. Extension of 15 & 16 Vict. c. 57 respecting election commissioners to illegal practices.—Whereas by the Election Commissioners Act, 1852, as amended by the Parliamentary Elections Act, 1868, it is enacted that where a joint address of both Houses of Parliament represents to Her Majesty that an election court has reported to the Speaker that corrupt practices have, or that there is reason to believe that corrupt practices have, extensively prevailed at an election in any county or borough, and prays Her Majesty to cause inquiry under that Act to be made by persons named in such address (being qualified as therein mentioned), it shall be lawful for Her Majesty to appoint the said persons to be election commissioners for the purpose of making inquiry into the existence of such corrupt practices:

And whereas it is expedient to extend the said enactments to the case of illegal practices:

Be it therefore enacted as follows:—

When election commissioners have been appointed in pursuance of

the Election Commissioners Act, 1852, and the enactments amending the same, they may make inquiries and act and report as if 'corrupt practices' in the said Act and the enactments amending the same included illegal practices; and the Election Commissioners Act, 1852, shall be construed with such modifications as are necessary for giving effect to this section, and the expression 'corrupt practice' in that Act shall have the same meaning as in this Act.

ILLEGAL PAYMENT, EMPLOYMENT, AND HIRING.

13. *Providing of money for illegal practice or payment to be illegal payment.*—Where a person knowingly provides money for any payment which is contrary to the provisions of this Act, or for any expenses incurred in excess of any maximum amount allowed by this Act, or for replacing any money expended in any such payment or expenses, except where the same may have been previously allowed in pursuance of this Act to be an exception, such person shall be guilty of illegal payment.

14. *Employment of hackney carriages, or of carriages and horses kept for hire.*—(1) A person shall not let, lend, or employ for the purpose of the conveyance of electors to or from the poll, any public stage or hackney carriage, or any horse or other animal kept or used for drawing the same, or any carriage, horse, or other animal which he keeps or uses for the purpose of letting out for hire, and if he lets, lends, or employs such carriage, horse, or other animal, knowing that it is intended to be used for the purpose of the conveyance of electors to or from the poll, he shall be guilty of an illegal hiring.

(2) A person shall not hire, borrow, or use for the purpose of the conveyance of electors to or from the poll any carriage, horse, or other animal which he knows the owner thereof is prohibited by this section to let, lend, or employ for that purpose, and if he does so he shall be guilty of an illegal hiring.

(3) Nothing in this Act shall prevent a carriage, horse, or other animal being let to or hired, employed, or used by an elector, or several electors at their joint cost, for the purpose of being conveyed to or from the poll.

(4) No person shall be liable to pay any duty or to take out a license for any carriage by reason only of such carriage being used without payment or promise of payment for the conveyance of electors to or from the poll at an election.

15. *Corrupt withdrawal from a 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, shall be guilty of illegal payment, and any person withdrawing, in pursuance of such inducement or procurement, shall also be guilty of illegal payment.

16. *Certain expenditure to be illegal payment.*—(1) No payment or contract for payment shall, for the purpose of promoting or procuring the election of a candidate at any election, be made on account of bands of music, torches, flags, banners, cockades, ribbons, or other marks of distinction.

(2) Subject to such exception as may be allowed in pursuance of this Act, if any payment or contract for payment is made in contravention of this section, either before, during, or after an election, the person making such payment shall be guilty of illegal payment, and any person being a party to any such contract or receiving such payment shall also be guilty of illegal payment if he knew that the same was made contrary to law.

17. *Certain employment to be illegal.*—(1) No person shall, for the purpose of promoting or procuring the election of a candidate at any election, be engaged or employed for payment or promise of payment for any purpose or in any capacity whatever, except for any purposes or capacities mentioned in the first or second parts of the First Schedule to this Act, or except so far as payment is authorised by the first or second parts of the First Schedule to this Act.

(2) Subject to such exception as may be allowed in pursuance of this Act, if any person is engaged or employed in contravention of this section, either before, during, or after an election, the person engaging or employing him shall be guilty of illegal employment, and the person so engaged or employed shall also be guilty of illegal employment if he knew that he was engaged or employed contrary to law.

18. *Name and address of printer on placards.*—Every bill, placard, or poster having reference to an election shall bear upon the face thereof the name and address of the printer and publisher thereof; and any person printing, publishing, or posting, or causing to be printed, published, or posted, any such bill, placard, or poster as aforesaid, which fails to bear upon the face thereof the name and address of the printer and publisher, shall, if he is the candidate, or the election agent of the candidate, be guilty of an illegal practice, and if he is not the candidate, or the election agent of a candidate, shall be liable on summary conviction to a fine not exceeding one hundred pounds.

19. *Saving for creditors.*—The provisions of this Act prohibiting certain payments and contracts for payments, and the payment of any sum, and the incurring of any expense in excess of a certain maximum, shall not affect the right of any creditor, who, when the contract was made or the expense was incurred, was ignorant of the same being in contravention of this Act.

20. *Use of committee room in house for sale of intoxicating liquor or refreshment, or in elementary school, to be illegal hiring.*—(a) Any premises on which the sale by wholesale or retail of any intoxicating liquor is authorised by a licence (whether the licence be for consumption on or off the premises), or

(b) Any premises where any intoxicating liquor is sold, or is supplied to members of a club, society, or association other than a permanent political club, or

(c) Any premises whereon refreshment of any kind, whether food or drink, is ordinarily sold for consumption on the premises, or

(d) The premises of any public elementary school in receipt of an annual parliamentary grant, or any part of any such premises, shall not be used as a committee room for the purpose of promoting or procuring the election of a candidate at an election, and if any person hires or uses any such premises or any part thereof for a committee room he shall be guilty of illegal hiring, and the person letting such premises or part, if he knew it was intended to use the same as a committee room, shall also be guilty of illegal hiring:

Provided that nothing in this section shall apply to any part of such premises which is ordinarily let for the purpose of chambers or offices or the holding of public meetings or of arbitrations, if such part has a separate entrance and no direct communication with any part of the premises on which any intoxicating liquor or refreshment is sold or supplied as aforesaid.

21. *Punishment of illegal payment, employment, or hiring.*—(1) A person guilty of an offence of illegal payment, employment or hiring shall, on summary conviction, be liable to a fine not exceeding one hundred pounds.

(2) A candidate or an election agent of a candidate who is personally guilty of an offence of illegal payment, employment, or hiring shall be guilty of an illegal practice.

EXCUSE AND EXCEPTION FOR CORRUPT OR ILLEGAL PRACTICE OR ILLEGAL PAYMENT, EMPLOYMENT, OR HIRING.

22. *Report exonerating candidate in certain cases of corrupt and illegal practice by agents.*—Where, upon the trial of an election petition respecting an election for a county or borough, the election court report that a candidate at such election has been guilty by his agents of the offence of treating and undue influence, and illegal practice, or of any of such offences, in reference to such election, and the election court further report that the candidate has proved to the court—

- (a) That no corrupt or illegal practice was committed at such election by the candidate or his election agent and the offences mentioned in the said report were committed contrary to the orders and without the sanction or connivance of such candidate or his election agent; and
- (b) That such candidate and his election agent took all reasonable means for preventing the commission of corrupt and illegal practices at such election; and
- (c) That the offences mentioned in the said 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 such candidate and of his agents;

then the election of such candidate shall not, by reason of the offences mentioned in such report, be void, nor shall the candidate be subject to any incapacity under this Act.

23. *Power of High Court and election court to except innocent act from being illegal practice, &c.*—Where, on application made, it is shown to the High Court or to an election court by such evidence as seems to the Court sufficient—

- (a) that any act or omission of a candidate at any election, or of his election agent or of any other agent or person, would, by reason of being a payment, engagement, employment, or contract in contravention of this Act, or being the payment of a sum or the incurring of expense in excess of any maximum amount allowed by this Act, or of otherwise being in contravention of any of the provisions of this Act, be but for this section an illegal practice, payment, employment, or hiring; and
- (b) that such act or omission arose from inadvertence or from accidental miscalculation or from some other reasonable cause of a like nature, and in any case did not arise from any want of good faith; and
- (c) that such notice of the application has been given in the county or borough for which the election was held as to the court seems fit;

and under the circumstances it seems to the Court to be just that the candidate and the said election and other agent and person, or any of them, should not be subject to any of the consequences under this Act of the said act or omission, the Court may make an order allowing such act or omission to be an exception from the provisions of this Act which would otherwise make the same an illegal practice, payment, employment, or hiring, and thereupon such candidate, agent, or person

shall not be subject to any of the consequences under this Act of the said act or omission.

ELECTION EXPENSES.

[Sects. 24—35.]

24. *Nomination of election agent.*—(1) On or before the day of nomination at an election, a person shall be named by or on behalf of each candidate as his agent for such election (in this Act referred to as the election agent).

(2) A candidate may name himself as election agent, and thereupon shall, so far as circumstances admit, be subject to the provisions of this Act both as a candidate and as an election agent, and any reference in this Act to an election agent shall be construed to refer to the candidate acting in his capacity of election agent.

(3) On or before the day of nomination the name and address of the election agent of each candidate shall be declared in writing by the candidate or some other person on his behalf to the returning officer, and the returning officer shall forthwith give public notice of the name and address of every election agent so declared.

(4) One election agent only shall be appointed for each candidate, but the appointment, whether the election agent appointed be the candidate himself or not, may be revoked, and in the event of such revocation or his death, whether such event is before, during, or after the election, then forthwith another election agent shall be appointed, and his name and address declared in writing to the returning officer, who shall forthwith give public notice of the same.

25. *Nomination of deputy election agent as sub-agent.*—(1) In the case of the elections specified in that behalf in the First Schedule to this Act an election agent of a candidate may appoint the number of deputies therein mentioned (which deputies are in this Act referred to as sub-agents), to act within different polling districts.

(2) As regards matters in a polling district the election agent may act by the sub-agent for that district, and anything done for the purposes of this Act by or to the sub-agent in his district shall be deemed to be done by or to the election agent, and any act or default of a sub-agent which, if he were the election agent, would be an illegal practice or other offence against this Act, shall be an illegal practice and offence against this Act committed by the sub-agent, and the sub-agent shall be liable to punishment accordingly; and the candidate shall suffer the like incapacity as if the said act or default had been the act or default of the election agent.

(3) One clear day before the polling the election agent shall declare in writing the name and address of every sub-agent to the returning officer, and the returning officer shall forthwith give public notice of the name and address of every sub-agent so declared.

(4) The appointment of a sub-agent shall not be vacated by the election agent who appointed him ceasing to be election agent, but may be revoked by the election agent for the time being of the candidate, and in the event of such revocation or of the death of a sub-agent another sub-agent may be appointed, and his name and address shall be forthwith declared in writing to the returning officer, who shall forthwith give public notice of the same.

26. *Office of election agent and sub-agent.*—(1) An election agent at an election for a county or borough shall have within the county or borough, or within any county of a city or town adjoining thereto, and a sub-agent shall have within his district, or within any county of a city or town adjoining thereto, an office or place to which all claims, notices, writs, summons, and documents may be sent, and the address

of such office or place shall be declared at the same time as the appointment of the said agent to the returning officer, and shall be stated in the public notice of the name of the agent.

(2) Any claim, notice, writ, summons, or document delivered at such office or place and addressed to the election agent or sub-agent, as the case may be, shall be deemed to have been served on him, and every such agent may in respect of any matter connected with the election in which he is acting be sued in any court having jurisdiction in the county or borough in which the said office or place is situate.

27. Making of contracts through election agent.—(1) The election agent of a candidate by himself or by his sub-agent shall appoint every polling agent, clerk, and messenger employed for payment on behalf of the candidate at an election, and hire every committee room hired on behalf of the candidate.

(2) A contract whereby any expenses are incurred on account of or in respect of the conduct or management of an election shall not be enforceable against a candidate at such election unless made by the candidate himself or by his election agent, either by himself or by his sub-agent; provided that the inability under this section to enforce such contract against the candidate shall not relieve the candidate from the consequences of any corrupt or illegal practice having been committed by his agent.

28. Payment of expenses through election agent.—(1) Except as permitted by or in pursuance of this Act, no payment and no advance or deposit shall be made by a candidate at an election or by any agent on behalf of the candidate or by any other person at any time, whether before, during, or after such election, in respect of any expenses incurred on account of or in respect of the conduct or management of such election, otherwise than by or through the election agent of the candidate, whether acting in person or by a sub-agent; and all money provided by any person other than the candidate for any expenses incurred on account of or in respect of the conduct or management of the election, whether as gift, loan, advance, or deposit, shall be paid to the candidate or his election agent and not otherwise;

Provided that this section shall not be deemed to apply to a tender of security to or any payment by the returning officer or to any sum disbursed by any person out of his own money for any small expense legally incurred by himself, if such sum is not repaid to him.

(2) A person who makes any payment, advance, or deposit in contravention of this section, or pays in contravention of this section any money so provided as aforesaid, shall be guilty of an illegal practice.

29. Period for sending in claims and making payments for election expenses.—(1) Every payment made by an election agent, whether by himself or a sub-agent, in respect of any expenses incurred on account of or in respect of the conduct or management of an election, shall, except where less than forty shillings, be vouched for by a bill stating the particulars and by a receipt.

(2) Every claim against a candidate at an election or his election agent in respect of any expenses incurred on account of or in respect of the conduct or management of such election which is not sent in to the election agent within the time limited by this Act shall be barred and shall not be paid; and, subject to such exception as may be allowed in pursuance of this Act, an election agent who pays a claim in contravention of this enactment shall be guilty of an illegal practice.

(3) Except as by this Act permitted, the time limited by this Act for sending in claims shall be fourteen days after the day on which the candidates returned are declared elected.

(4) All expenses incurred by or on behalf of a candidate at an election, which are incurred on account of or in respect of the con-

duct or management of such election, shall be paid within the time limited by this Act and not otherwise; and, subject to such exception as may be allowed in pursuance of this Act, an election agent who makes a payment in contravention of this provision shall be guilty of an illegal practice.

(5) Except as by this Act permitted, the time limited by this Act for the payment of such expenses as aforesaid shall be twenty-eight days after the day on which the candidates returned are declared elected.

(6) Where the election court reports that it has been proved to such court by a candidate that any payment made by an election agent in contravention of this section was made without the sanction or connivance of such candidate, the election of such candidate shall not be void, nor shall he be subject to any incapacity under this Act by reason only of such payment having been made in contravention of this section.

(7) If the election agent in the case of any claim sent in to him within the time limited by this Act disputes it, or refuses or fails to pay it within the said period of twenty-eight days, such claim shall be deemed to be a disputed claim.

(8) The claimant may, if he thinks fit, bring an action for a disputed claim in any competent court; and any sum paid by the candidate or his agent in pursuance of the judgment or order of such court shall be deemed to be paid within the time limited by this Act, and to be an exception from the provisions of this Act, requiring claims to be paid by the election agent.

(9) On cause shown to the satisfaction of the High Court, such court on application by the claimant or by the candidate or his election agent may by order give leave for the payment by a candidate or his election agent of a disputed claim, or of a claim for any such expenses as aforesaid, although sent in after the time in this section mentioned for sending in claims, or although the same was sent in to the candidate and not to the election agent.

(10) Any sum specified in the order of leave may be paid by the candidate or his election agent, and when paid in pursuance of such leave shall be deemed to be paid within the time limited by this Act.

30. *Reference to taxation of claim against candidates.*—If any action is brought in any competent court to recover a disputed claim against a candidate at an election, or his election agent, in respect of any expenses incurred on account or in respect of the conduct or management of such election, and the defendant admits his liability, but disputes the amount of the claim, the said amount shall, unless the court, on the application of the plaintiff in the action, otherwise directs, be forthwith referred for taxation to the master, official referee, registrar, or other proper officer of the court, and the amount found due on such taxation shall be the amount to be recovered in such action in respect of such claim.

31. *Personal expenses of candidate and petty expenses.*—(1) The candidate at an election may pay any personal expenses incurred by him on account of or in connexion with or incidental to such election to an amount not exceeding one hundred pounds, but any further personal expenses so incurred by him shall be paid by his election agent.

(2) The candidate shall send to the election agent within the time limited by this Act for sending in claims a written statement of the amount of personal expenses paid as aforesaid by such candidate.

(3) Any person may, if so authorised in writing by the election agent of the candidate, pay any necessary expenses for stationery, postage, telegrams, and other petty expenses, to a total amount not

exceeding that named in the authority, but any excess above the total amount so named shall be paid by the election agent.

(4) A statement of the particulars of payments made by any person so authorised shall be sent to the election agent within the time limited by this Act for the sending in of claims, and shall be vouched for by a bill containing the receipt of that person.

32. Remuneration of election agent . . .—(1) So far as circumstances admit, this Act shall apply to a claim for his remuneration by an election agent and to the payment thereof in like manner as if he were any other creditor, and if any difference arises respecting the amount of such claim the claim shall be a disputed claim within the meaning of this Act, and be dealt with accordingly.

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33. Return and declaration respecting election expenses.—(1) Within thirty-five days after the day on which the candidates returned at an election are declared elected, the election agent of every candidate at that election shall transmit to the returning officer a true return (in this Act referred to as a return respecting election expenses), in the form set forth in the Second Schedule to this Act or to the like effect, containing, as respects that candidate,—

- (a) A statement of all payments made by the election agent, together with all the bills and receipts (which bills and receipts are in this Act included in the expression "return respecting election expenses");
- (b) A statement of the amount of personal expenses, if any, paid by the candidate;
- (c)^s
- (d) A statement of all other disputed claims of which the election agent is aware;
- (e) A statement of all the unpaid claims, if any, of which the election agent is aware, in respect of which application has been or is about to be made to the High Court;
- (f) A statement of all money, securities, and equivalent of money received by the election agent from the candidate or any other person for the purpose of expenses incurred or to be incurred on account of or in respect of the conduct or management of the election, with a statement of the name of every person from whom the same may have been received.

(2) The return so transmitted to the returning officer shall be accompanied by a declaration made by the election agent before a justice of the peace in the form in the Second Schedule to this Act (which declaration is in this Act referred to as a declaration respecting election expenses).

(3) Where the candidate has named himself as his election agent, a statement of all money, securities, and equivalent of money paid by the candidate shall be substituted in the return required by this section to be transmitted by the election agent for the like statement of money, securities, and equivalent of money received by the election agent from the candidate; and the declaration by an election agent respecting election expenses need not be made, and the declaration by the candidate respecting election expenses shall be modified as specified in the Second Schedule to this Act.

(4) At the same time that the agent transmits the said return, or within seven days afterwards, the candidate shall transmit or cause

^s Repealed by the Representation of the People Act, 1918. See sect. 47 (1), p. 271, and p. 322, *supra*.

to be transmitted to the returning officer a declaration made by him before a justice of the peace, in the form in the first part of the Second Schedule to this Act (which declaration is in this Act referred to as a declaration respecting election expenses).

(5) If in the case of an election for any county or borough, the said return and declarations are not transmitted before the expiration of the time limited for the purpose, the candidate shall not, after the expiration of such time, sit or vote in the House of Commons as member for that county or borough until either such return and declarations have been transmitted, or until the date of the allowance of such an authorised excuse for the failure to transmit the same, as in this Act mentioned, and if he sits or votes in contravention of this enactment he shall forfeit one hundred pounds for every day on which he so sits or votes to any person who sues for the same.

(6) If without such authorised excuse as in this Act mentioned a candidate or an election agent fails to comply with the requirements of this section he shall be guilty of an illegal practice.

(7) If any candidate or election agent knowingly makes the declaration required by this section falsely, he shall be guilty of an offence, and on conviction thereof on indictment shall be liable to the punishment for wilful and corrupt perjury; such offence shall also be deemed to be a corrupt practice within the meaning of this Act.

(8) Where the candidate is out of the United Kingdom at the time when the return is so transmitted to the returning officer, the declaration required by this section may be made by him within fourteen days after his return to the United Kingdom, and in that case shall be forthwith transmitted to the returning officer, but the delay hereby authorised in making such declaration shall not exonerate the election agent from complying with the provisions of this Act as to the return and declaration respecting election expenses.

(9) Where, after the date at which the return respecting election expenses is transmitted, leave is given by the High Court for any claims to be paid, the candidate or his election agent shall, within seven days after the payment thereof, transmit to the returning officer a return of the sums paid in pursuance of such leave accompanied by a copy of the order of the court giving the leave, and in default he shall be deemed to have failed to comply with the requirements of this section without such authorised excuse as in this Act mentioned.

34. *Authorised excuse for non-compliance with provisions as to return and declaration respecting election expenses.*—(1) Where the return and declarations respecting election expenses of a candidate at an election for a county or borough have not been transmitted as required by this Act, or being transmitted contain some error or false statement, then—

- (a) if the candidate applies to the High Court or an election court and shows that the failure to transmit such return and declarations, or any of them, or any part thereof, or any error or false statement therein, has arisen by reason of his illness, or of the absence, death, illness, or misconduct of his election agent or sub-agent or of any clerk or officer of such agent, or by reason of inadvertence or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the applicant, or
- (b) if the election agent of the candidate applies to the High Court or an election court and shows that the failure to transmit the return and declarations which he was required to transmit, or any part thereof, or any error or false statement therein, arose by reason of his illness or of the death or illness of any prior election agent of the candidate, or of the absence,

death, illness, or misconduct of any sub-agent, clerk, or officer of an election agent of the candidate, or by reason of inadvertence or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the applicant, the court may, after such notice of the application in the said county or borough, and on production of such evidence of the grounds stated in the application, and of the good faith of the application, and otherwise, as to the court seems fit, make such order for allowing an authorised excuse for the failure to transmit such return and declaration, or for an error or false statement in such return and declaration, as to the court seems just.

(2) Where it appears to the court that any person being or having been election agent or sub-agent has refused or failed to make such return or to supply such particulars as will enable the candidate and his election agent respectively to comply with the provisions of this Act as to the return and declaration respecting election expenses, the court before making an order allowing the excuse as in this section mentioned shall order such person to attend before the court, and on his attendance shall, unless he shows cause to the contrary, order him to make the return and declaration, or to deliver a statement of the particulars required to be contained in the return, as to the court seem just, and to make or deliver the same within such time and to such person and in such manner as the court may direct, or may order him to be examined with respect to such particulars, and may in default of compliance with any such order order him to pay a fine not exceeding five hundred pounds.

(3) The order may make the allowance conditional upon the making of the return and declaration in a modified form or within an extended time, and upon the compliance with such other terms as to the court seem best calculated for carrying into effect the objects of this Act; and an order allowing an authorised excuse shall relieve the applicant for the order from any liability or consequences under this Act in respect of the matter excused by the order; and where it is proved by the candidate to the court that any act or omission of the election agent in relation to the return and declaration respecting election expenses was without the sanction or connivance of the candidate, and that the candidate took all reasonable means for preventing such act or omission, the court shall relieve the candidate from the consequences of such act or omission on the part of his election agent.

(4) The date of the order, or if conditions and terms are to be complied with, the date at which the applicant fully complies with them, is referred to in this Act as the date of the allowance of the excuse.

35. *Publication of summary of return of election expenses.*—

(1) The returning officer at an election within ten days after he receives from the election agent of a candidate a return respecting election expenses shall publish a summary of the return in not less than two newspapers circulating in the county or borough for which the election was held, accompanied by a notice of the time and place at which the return and declarations (including the accompanying documents) can be inspected, . . .⁹

(2) The return and declarations (including the accompanying documents) sent to the returning officer by an election agent shall be kept at the office of the returning officer, or some convenient place appointed by him, and shall at all reasonable times during two years next after

⁹ That part of this sub-section which follows the word "inspected" is repealed by the Representation of the People Act, 1918. See sect. 47 (1), p. 271, and p. 322, *supra*.

they are received by the returning officer be open to inspection by any person on payment of a fee of one shilling, and the returning officer shall on demand furnish copies thereof or any part thereof at the price of twopence for every seventy-two words. After the expiration of the said two years the returning officer may cause the said return and declarations, (including the accompanying documents,) to be destroyed, or, if the candidate or his election agent so require, shall return the same to the candidate.

DISQUALIFICATION OF ELECTORS.

36. *Prohibition of persons guilty of corrupt or illegal practices, &c. from voting.*—Every person guilty of a corrupt or illegal practice or of illegal employment, payment, or hiring at an election is prohibited from voting at such election, and if any such person votes his vote shall be void.

37. *Prohibition of disqualified persons from voting.*—Every person who, in consequence of conviction or of the report of any election court or election commissioners under this Act, or under the Corrupt Practices (Municipal Elections) Act, 1872, or under Part IV. of the Municipal Corporations Act, 1882, or under any other Act for the time being in force relating to corrupt practices at an election for any public office, has become incapable of voting at any election, whether a parliamentary election or an election to any public office, is prohibited from voting at any such election, and his vote shall be void.

38. *Hearing of person before he is reported guilty of corrupt or illegal practice, and incapacity of person reported guilty.*—(1) Before a person, not being a party to an election petition nor a candidate on behalf of whom the seat is claimed by an election petition, is reported by an election court, and before any person is reported by election commissioners, to have been guilty, at an election, of any corrupt or illegal practice, the court or commissioners, as the case may be, shall cause notice to be given to such person, and if he appears in pursuance of the notice, shall give him an opportunity of being heard by himself and of calling evidence in his defence to show why he should not be so reported.

(2) Every person reported by election commissioners to have been guilty at an election of any corrupt or illegal practice may appeal against such report to the next court of oyer and terminer or gaol delivery held in and for the county or place in which the offence is alleged to have been committed, and such court may hear and determine the appeal; and subject to rules of court such appeal may be brought, heard, and determined in like manner as if the court were a court of quarter sessions and the said commissioners were a court of summary jurisdiction, and the person so reported had been convicted by a court of summary jurisdiction for an offence under this Act, and notice of every such appeal shall be given to the Director of Public Prosecutions in the manner and within the time directed by rules of court, and subject to such rules then within three days after the appeal is brought.

(3) Where it appears to the Lord Chancellor that appeals under this section are interfering or are likely to interfere with the ordinary business transacted before any courts of oyer and terminer or gaol delivery, he may direct that the said appeals, or any of them, shall be heard by the judges for the time being on the rota for election petitions, and in such case one of such judges shall proceed to the county or place in which the offences are alleged to have been committed, and shall there hear and determine the appeals in like manner as if such judge were a court of oyer and terminer.

(4) The provisions of the Parliamentary Elections Act, 1868, with respect to the reception and powers of and attendance on an election court, and to the expenses of an election court, and of receiving and accommodating an election court, shall apply as if such judge were an election court.

(5) Every person who after the commencement of this Act is reported by any election court or election commissioners to have been guilty of any corrupt or illegal practice at an election, shall, whether he obtained a certificate of indemnity or not, be subject to the same incapacity as he would be subject to if he had at the date of such election been convicted of the offence of which he is reported to have been guilty: Provided that a report of any election commissioners inquiring into an election for a county or borough shall not avoid the election of any candidate who has been declared by an election court on the trial of a petition respecting such election to have been duly elected at such election or render him incapable of sitting in the House of Commons for the said county or borough during the Parliament for which he was elected.

(6) Where a person who is a justice of the peace is reported by any election court or election commissioners to have been guilty of any corrupt practice in reference to an election, whether he has obtained a certificate of indemnity or not, it shall be the duty of the Director of public prosecutions to report the case to the Lord High Chancellor of Great Britain with such evidence as may have been given of such corrupt practice, and where any such person acts as a justice of the peace by virtue of his being, or having been, mayor of a borough, the Lord High Chancellor shall have the same power to remove such person from being a justice of the peace as if he was named in a commission of the peace.

(7) Where a person who is a barrister or a solicitor, or who belongs to any profession the admission to which is regulated by law, is reported by any election court or election commissioners to have been guilty of any corrupt practice in reference to an election, whether such person has obtained a certificate of indemnity or not, it shall be the duty of the Director of public prosecutions to bring the matter before the Inn of Court, High Court, or tribunal having power to take cognizance of any misconduct of such person in his profession, and such Inn of Court, High Court, or tribunal may deal with such person in like manner as if such corrupt practice were misconduct by such person in his profession.

(8) With respect to a person holding a license or certificate under the Licensing Acts (in this section referred to as a licensed person) the following provisions shall have effect:

(a) If it appears to the court by which any licensed person is convicted of the offence of bribery or treating that such offence was committed on his licensed premises, the court shall direct such conviction to be entered in the proper register of licenses.

(b) If it appears to an election court or election commissioners that a licensed person has knowingly suffered any bribery or treating in reference to any election to take place upon his licensed premises, such court or commissioners (subject to the provisions of this Act as to a person having an opportunity of being heard by himself and producing evidence before being reported) shall report the same; and whether such person obtained a certificate of indemnity or not it shall be the duty of the Director of Public Prosecutions to bring such report before the licensing justices from whom or on whose certificate the licensed person obtained his license, and such licensing

justices shall cause such report to be entered in the proper register of licenses.

- (c) Where an entry is made in the register of licenses of any such conviction of or report respecting any licensed person as above in this section mentioned, it shall be taken into consideration by the licensing justices in determining whether they will or will not grant to such person the renewal of his license or certificate, and may be a ground, if the justices think fit, for refusing such renewal.

(9) Where the evidence showing any corrupt practice to have been committed by a justice of the peace, barrister, solicitor, or other professional person, or any licensed person, was given before election commissioners, those commissioners shall report the case to the Director of public prosecutions, with such information as is necessary or proper for enabling him to act under this section.

(10) This section shall apply to an election court under this Act, or under Part IV. of the Municipal Corporations Act, 1882, and the expression election shall be construed accordingly.

39. *List in register of voters of persons incapacitated for voting by corrupt or illegal practices.*—(1) The registration officer¹⁰ in every county and borough shall annually make out a list containing the names and description of all persons who, though otherwise qualified to vote at a parliamentary election for such county or borough respectively, are not capable of voting by reason of having after the commencement of this Act been found guilty of a corrupt or illegal practice on conviction or by the report of any election court or election commissioners whether under this Act, or under Part IV. of the Municipal Corporations Act, 1882, or under any other Act for the time being in force relating to a parliamentary election or an election to any public office; and such officer shall state in the list (in this Act referred to as the corrupt and illegal practices list), the offence of which each person has been found guilty.

(2) For the purpose of making out such list he shall examine the report of any election court or election commissioners who have respectively tried an election petition or inquired into an election where the election (whether a parliamentary election or an election to any public office) was held in any of the following places; that is to say,

(a) if he is the registration officer¹⁰ of a county, in that county, or in any borough in that county; and

(b) if he is the registration officer¹⁰ of a borough, in the county in which such borough is situate, or in any borough in that county.

(3)¹¹

(4) Any person named in the corrupt and illegal practices list may claim to have his name omitted therefrom, and any person entitled to object to any list of voters for the county or borough may object to the omission of the name of any person from such list. Such claims and objections shall be sent in within the same time and be dealt with in like manner, and any such objection shall be served on the person referred to therein in like manner, as nearly as circumstances admit, as other claims and objections under the enactments relating to the registration of parliamentary electors.

¹⁰ "Registration officer" here means the registration officer under the Representation of the People Act, 1918. See Sixth Schedule to that Act, Part IV., p. 313, *supra*.

¹¹ Repealed by the Representation of the People Act, 1918, s. 47 (1), p. 271, *supra*. And see p. 322, *supra*.

(5) The revising barrister¹² shall determine such claims and objections and shall revise such list in like manner as nearly as circumstances admit as in the case of other claims and objections, and of any list of voters.

(6) Where it appears to the revising barrister¹² that a person not named in the corrupt and illegal practices list is subject to have his name inserted in such list, he shall (whether an objection to the omission of such name from the list has or has not been made, but) after giving such person an opportunity of making a statement to show cause to the contrary, insert his name in such list and expunge his name from any list of voters.

(7) A revising barrister¹² in acting under this section shall determine only whether a person is incapacitated by conviction or by the report of any election court or election commissioners, and shall not determine whether a person has or not been guilty of any corrupt or illegal practice.

(8) The corrupt and illegal practices list shall be appended to the register of electors, and shall be printed and published therewith wherever the same is printed or published.

PROCEEDINGS ON ELECTION PETITION.

[Sects. 40—44.]

40. *Time for presentation of election petitions alleging illegal practice.*—(1) Where an election petition questions the return or the election upon an allegation of an illegal practice, then notwithstanding anything in the Parliamentary Elections Act, 1868, such petition, so far as respects such illegal practice, may be presented within the time following; (that is to say),

(a) At any time before the expiration of fourteen days after the day on which the returning officer receives the return and declarations respecting election expenses by the member to whose election the petition relates and his election agent.

(b) If the election petition specifically alleges a payment of money, or some other act to have been made or done since the said day by the member or an agent of the member, or with the privity of the member or his election agent in pursuance or in furtherance of the illegal practice alleged in the petition, the petition may be presented at any time within twenty-eight days after the date of such payment or other act.

(2) Any election petition presented within the time limited by the Parliamentary Elections Act, 1868, may for the purpose of questioning the return or the election upon an allegation of an illegal practice be amended with the leave of the High Court within the time within which a petition questioning the return upon the allegation of that illegal practice can under this section be presented.

(3) This section shall apply in the case of an offence relating to the return and declarations respecting election expenses in like manner as if it were an illegal practice, and also shall apply notwithstanding that the act constituting the alleged illegal practice amounted to a corrupt practice.

(4) For the purposes of this section—

(a) where the return and declarations are received on different days, the day on which the last of them is received, and

¹² Under the Representation of the People Act, 1918, the office of revising barrister is abolished, and his place is taken by the registration officer. See Eighth Schedule, pp. 316—323, *supra*, and First Schedule, Rules 20—26, pp. 279—281.

- (b) where there is an authorised excuse for failing to make and transmit the return and declarations respecting election expenses, the date of the allowance of the excuse, or if there was a failure as regards two or more of them, and the excuse was allowed at different times, the date of the allowance of the last excuse,

shall be substituted for the day on which the return and declarations are received by the returning officer.

(5) For the purposes of this section, time shall be reckoned in like manner as it is reckoned for the purposes of the Parliamentary Elections Act, 1868.

41. *Withdrawal of election petition.*—(1) Before leave for the withdrawal of an election petition is granted, there shall be produced affidavits by all the parties to the petition and their solicitors, and by the election agents of all of the said parties who were candidates at the election, but the High 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 his solicitor shall further state the ground on which the petition is sought to be withdrawn.

(4) If any person makes any agreement or terms, or enters into any undertaking, in relation to the withdrawal of an election petition, and such agreement, terms, or undertaking is or are for the withdrawal of the election petition in consideration of any payment, or in consideration that the seat shall at any time be vacated, or in consideration of the withdrawal of any other election petition, or is or are (whether lawful or unlawful) not mentioned in the aforesaid affidavits, he shall be guilty of a misdemeanor, and shall be liable on conviction on indictment to imprisonment for a term not exceeding twelve months, and to a fine not exceeding two hundred pounds.

(5) Copies of the said affidavits shall be delivered to the Director of public prosecutions a reasonable time before the application for the withdrawal is heard, and the court may hear the Director of public prosecutions or his assistant or other representative (appointed with the approval of the Attorney-General), in opposition to the allowance of the withdrawal of the petition, and shall have power to receive the evidence on oath of any person or persons whose evidence the director of public prosecutions or his assistant, or other representative, may consider material.

(6) Where in the opinion of the court the proposed withdrawal of a petition was the result of any agreement, terms, or undertaking prohibited by this section, the court shall have the same power with respect to the security as under section thirty-five of the Parliamentary Elections Act, 1868, where the withdrawal is induced by a corrupt consideration.

(7) In every case of the withdrawal of an election petition the court shall report to the Speaker whether, in the opinion of such court, the withdrawal of such petition was the result of any agreement, terms, or undertaking, or was in consideration of any payment, or in consideration that the seat should at any time be vacated, or in consideration of the withdrawal of any other election petition, or for

any other consideration, and if so, shall state the circumstances attending the withdrawal.

(8) Where more than one solicitor is concerned for the petitioner or respondent, whether as agent for another solicitor or otherwise, the affidavit shall be made by all such solicitors.

(9) Where a person not a solicitor is lawfully acting as agent in the case of an election petition, that agent shall be deemed to be a solicitor for the purpose of making an affidavit in pursuance of this section.

42. Continuation of trial of election petition.—The trial of every election petition so far as is practicable, consistently with the interests of justice in respect of such trial, shall be continued *de die in diem* on every lawful day until its conclusion, and in case the rota of judges for the year shall expire before the conclusion of the trial, or of all the proceedings in relation or incidental to the petition, the authority of the said judges shall continue for the purpose of the said trial and proceedings.

43. Attendance of director of public prosecutions on trial of election petition, and prosecution by him of offenders.—(1) On every trial of an election petition the Director of public prosecutions shall by himself or by his assistant, or by such representative as hereinafter mentioned, attend at the trial, and it shall be the duty of such Director to obey any directions given to him by the election court with respect to the summoning and examination of any witness to give evidence on such trial, and with respect to the prosecution by him of offenders, and with respect to any person to whom notice is given to attend with a view to report him as guilty of any corrupt or illegal practice.

(2) It shall also be the duty of such Director, without any direction from the election court, if it appears to him that any person is able to give material evidence as to the subject of the trial, to cause such person to attend the trial, and with the leave of the court to examine such person as a witness.

(3) It shall also be the duty of the said Director, without any direction from the election court, if it appears to him that any person who has not received a certificate of indemnity has been guilty of a corrupt or illegal practice, to prosecute such person for the offence before the said court, or if he thinks it expedient in the interests of justice before any other competent court.

(4) Where a person is prosecuted before an election court for any corrupt or illegal practice, and such person appears before the court, the court shall proceed to try him summarily for the said offence, and such person, if convicted thereof upon such trial, shall be subject to the same incapacities as he is rendered subject to under this Act upon conviction, whether on indictment or in any other proceeding for the said offence; and further, may be adjudged by the court, if the offence is a corrupt practice, to be imprisoned, with or without hard labour, for a term not exceeding six months, or to pay a fine not exceeding two hundred pounds, and if the offence is an illegal practice, to pay such fine as is fixed by this Act for the offence;

Provided that, in the case of a corrupt practice, the court, before proceeding to try summarily any person, shall give such person the option of being tried by a jury.

(5) Where a person is so prosecuted for any such offence, and either he elects to be tried by a jury or he does not appear before the court, or the court thinks it in the interests of justice expedient that he should be tried before some other court, the court, if of opinion that the evidence is sufficient to put the said person upon his trial for the offence, shall order such person to be prosecuted on indictment or before a court of summary jurisdiction, as the case may require, for

the said offence; and in either case may order him to be prosecuted before such court as may be named in the order; and for all purposes preliminary and of and incidental to such prosecution the offence shall be deemed to have been committed within the jurisdiction of the court so named.

(6) Upon such order being made,

- (a) If the accused person is present before the court, and the offence is an indictable offence, the court shall commit him to take his trial, or cause him to give bail to appear and take his trial for the said offence; and
- (b) If the accused person is present before the court, and the offence is not an indictable offence, the court shall order him to be brought before the court of summary jurisdiction before whom he is to be prosecuted, or cause him to give bail to appear before that court; and
- (c) If the accused person is not present before the court, the court shall as circumstances require issue a summons for his attendance, or a warrant to apprehend him and bring him, before a court of summary jurisdiction, and that court, if the offence is an indictable offence, shall, on proof only of the summons or warrant and the identity of the accused, commit him to take his trial, or cause him to give bail to appear and take his trial for the said offence, or if the offence is punishable on summary conviction, shall proceed to hear the case, or if such court be not the court before whom he is directed to be prosecuted, shall order him to be brought before that court.

(7) The Director of public prosecutions may nominate, with the approval of the Attorney-General, a barrister or solicitor of not less than ten years' standing to be his representative for the purpose of this section, and that representative shall receive such remuneration as the Commissioners of her Majesty's Treasury may approve. There shall be allowed to the Director and his assistant or representative, for the purposes of this section, such allowance for expenses as the Commissioners of her Majesty's Treasury may approve.

(8) The costs incurred in defraying the expenses of the Director of public prosecutions under this section (including the remuneration of his representative) shall, in the first instance, be paid by the Commissioners of her Majesty's Treasury, and so far as they are not in the case of any prosecution paid by the defendant shall be deemed to be expenses of the election court; but if for any reasonable cause it seems just to the court so to do, the court shall order all or part of the said costs to be repaid to the Commissioners of her Majesty's Treasury by the parties to the petition, or such of them as the court may direct.

44. Power to election court to order payment by county or borough or individual of costs of election petition.—(1) Where upon the trial of an election petition respecting an election for a county or borough it appears to the election court that a corrupt practice has not been proved to have been committed in reference to such election by or with the knowledge and consent of the respondent to the petition, and that such respondent took all reasonable means to prevent corrupt practices being committed on his behalf, 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 follows:—

- (a) If it appears to the court that corrupt practices extensively prevailed in reference to the said election, the court may

order the whole or part of the costs to be paid by the county or borough; and

- (b) 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 such election, the court may, after giving such person or persons an opportunity of being heard by counsel or solicitor 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 such persons, they shall be paid by some other of such persons or by either of the parties to the petition.

(2) Where any person appears to the court to have been guilty of the offence of a corrupt or illegal practice, the court may, after giving such 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 offence or to the said person to be paid by the said person.

(3) The rules and regulations of the Supreme Court of Judicature with respect to costs to be allowed in actions, causes, and matters in the High Court shall in principle and so far as practicable apply to the costs of petition and other proceedings under the Parliamentary Elections Act, 1868, and under this Act, and the taxing officer shall not allow any costs, charges, or expenses on a higher scale than would be allowed in any action, cause, or matter in the High Court on the higher scale, as between solicitor and client.

MISCELLANEOUS.

45. *Inquiry by Director of public prosecutions into alleged corrupt or illegal practices.*—Where information is given to the Director of public prosecutions that any corrupt or illegal practices have prevailed in reference to any election, it shall be his duty, subject to the regulations under the Prosecution of Offences Act, 1879, to make such inquiries and institute such prosecutions as the circumstances of the case appear to him to require.

46. *Removal of incapacity on proof that it was procured by perjury.*—Where a person has, either before or after the commencement of this Act, become subject to any incapacity under the Corrupt Practices Prevention Acts or this Act by reason of a conviction or of a report of any election court or election commissioners, and any witness who gave evidence against such incapacitated person upon the proceeding for such 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 such person was based upon perjury, may order that such incapacity shall thenceforth cease, and the same shall cease accordingly.

47. . . .¹

48. *Conveyance of voters by sea in certain cases.*—Where the nature of a county is such that any electors residing therein are unable at an election for such county to reach their polling place without crossing the sea or a branch or arm thereof, this Act shall not prevent the

¹ Repealed by the Representation of the People Act, 1918, s. 47 (1), p. 271, *supra*. And see p. 322, *supra*.

provision of means for conveying such electors by sea to their polling place, and the amount of payment for such means of conveyance may be in addition to the maximum amount of expenses allowed by this Act.

49 *Election commissioners not to inquire into elections before the passing of this Act.*—Notwithstanding the provisions of the Act 15 and 16 Vict. cap. 57, or any amendment thereof, in any case where, after the passing of this Act, any commissioners have been appointed, on a joint address of both Houses of Parliament, for the purpose of making inquiry into the existence of corrupt practices in any election, the said commissioners shall not make inquiries concerning any election that shall have taken place prior to the passing of this Act, and no witness called before such commissioners, or at any election petition after the passing of this Act, shall be liable to be asked or bound to answer any question for the purpose of proving the commission of any corrupt practice at or in relation to any election prior to the passing of this Act: Provided that nothing herein contained shall affect any proceedings that shall be pending at the time of such passing.

LEGAL PROCEEDINGS.

50. *Trial in Central Criminal Court of indictment for corrupt practice at instance of Attorney-General.*—Where an indictment as defined by this Act for any offence under the Corrupt Practices Prevention Acts or this Act is instituted in the High Court or is removed into the High Court by a writ of certiorari issued at the instance of the Attorney-General, and the Attorney-General suggests on the part of the Crown that it is expedient for the purposes of justice that the indictment should be tried in the Central Criminal Court, or if a special jury is ordered, that it should be tried before a judge and jury at the Royal Courts of Justice, the High Court may, if it think fit, order that such indictment shall be so tried upon such terms as the Court may think just, and the High Court may make such orders as appear to the Court necessary or proper for carrying into effect the order for such trial.

51. *Limitation of time for prosecution of offence.*—(1) A proceeding against a person in respect of the offence of a corrupt or illegal practice or any other offence under the Corrupt Practices Prevention Acts or this Act shall be commenced within one year after the offence was committed, or if it was committed in reference to an election with respect to which an inquiry is held by election commissioners shall be commenced within one year after the offence was committed, or within three months after the report of such commissioners is made, whichever period last expires, so that it be commenced within two years after the offence was committed, and the time so limited by this section shall, in the case of any proceeding under the Summary Jurisdiction Acts for any such offence, whether before an election court or otherwise, be substituted for any limitation of time contained in the last-mentioned Acts.

(2) For the purposes of this section the issue of a summons, warrant, writ, or other process shall be deemed to be a commencement of a proceeding, where the service or execution of the same on or against the alleged offender is prevented by the absconding or concealment or act of the alleged offender, but save as aforesaid the service or execution of the same on or against the alleged offender, and not the issue thereof, shall be deemed to be the commencement of the proceeding.

52. *Persons charged with corrupt practice may be found guilty of illegal practice.*—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 indictable offence,)

and any person charged with an illegal practice may be found guilty of that offence, notwithstanding that the act constituting the offence amounted to a corrupt practice, and a person charged with illegal payment, employment, or hiring, may be found guilty of that offence, notwithstanding that the act constituting the offence amounted to a corrupt or illegal practice.

53. *Application of enactments of 17 & 18 Vict. c. 102, and 26 & 27 Vict. c. 29, relating to prosecutions for bribery.*—(1) Sections ten, twelve, and thirteen of the Corrupt Practices Prevention Act, 1854, and section six of the Corrupt Practices Prevention Act, 1863 (which relate to prosecutions for bribery and other offences under those Acts), shall extend to any prosecution on indictment for the offence of any corrupt practice within the meaning of this Act, and to any action for any pecuniary forfeiture for an offence under this Act, in like manner as if such offence were bribery within the meaning of those Acts, and such indictment or action were the indictment or action in those sections mentioned, and an order under the said section ten may be made on the defendant; but the Director of public prosecutions or any person instituting any prosecution in his behalf or by direction of an election court shall not be deemed to be a private prosecutor, nor required under the said sections to give any security.

(2) On any prosecution under this Act, whether on indictment or summarily, and whether before an election court or otherwise, and in any action for a pecuniary forfeiture under this Act, the person prosecuted or sued, and the husband or wife of such person, may, if he or she think fit, be examined as an ordinary witness in the case.

(3) On any such prosecution or action as aforesaid it shall be sufficient to allege that the person charged was guilty of an illegal practice, payment, employment, or hiring within the meaning of this Act, as the case may be, and 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 such election, shall be sufficient evidence of the facts therein stated.

54. *Prosecution on summary conviction, and appeal to quarter sessions.*—(1) All offences under this Act punishable on summary conviction may be prosecuted in manner provided by the Summary Jurisdiction Acts.

(2) A person aggrieved by a conviction by a court of summary jurisdiction for an offence under this Act may appeal to general or quarter sessions against such conviction.

55. *Application of Summary Jurisdiction and Indictable Offences Acts to proceedings before election courts.*—(1) Except that nothing in this Act shall authorise any appeal against a summary conviction by an election court, the Summary Jurisdiction Acts shall, so far as is consistent with the tenor thereof, apply to the prosecution of an offence summarily before an election court, in like manner as if it were an offence punishable only on summary conviction, and accordingly the attendance of any person may be enforced, the case heard and determined and any summary conviction by such court be carried into effect and enforced, and the costs thereof paid, and the record thereof dealt with under those Acts in like manner as if the court were a petty sessional court for the county or place in which such conviction took place.

(2) The enactments relating to charges before justices against persons for indictable offences shall, so far as is consistent with the tenor thereof, apply to every case where an election court orders a person to be prosecuted on indictment in like manner as if the court were a justice of the peace.

56. Exercise of jurisdiction of High Court, and making of rules of court.—(1) Subject to any rules of court, any jurisdiction vested by this Act in the High Court may, so far as it relates to indictments or other criminal proceedings, be exercised by any judge of the Queen's Bench Division, and in other respects may either be exercised by one of the judges for the time being on the rota for the trial of election petitions, sitting either in court or at chambers, or may be exercised by a master of the Supreme Court of Judicature in manner directed by and subject to an appeal to the said judges:

Provided that a master shall not exercise jurisdiction in the case either of an order declaring any act or omission to be an exception from the provisions of this Act with respect to illegal practices, payments, employments, or hirings, or of an order allowing an excuse in relation to a return or declaration respecting election expenses.

(2) Rules of court may from time to time be made, revoked, and altered for the purposes of this Act, and of the Parliamentary Elections Act, 1868, and the Acts amending the same, by the same authority by whom rules of court for procedure and practice in the Supreme Court of Judicature can for the time being be made.

57. Director of public prosecutions, and expenses of prosecutions.—

(1) The Director of public prosecutions in performing any duty under this Act shall act in accordance with the regulations under the Prosecution of Offences Act, 1879, and subject thereto in accordance with the directions (if any) given to him by the Attorney General; and any assistant or representative of the Director of public prosecutions in performing any duty under this Act shall act in accordance with the said regulations and directions, if any, and with the directions given to him by the Director of public prosecutions.

(2) Subject to the provisions of this Act, the costs of any prosecution on indictment for an offence punishable under this Act, whether by the Director of public prosecutions or his representative or by any other person, shall, so far as they are not paid by the defendant, be paid in like manner as costs in the case of a prosecution for felony are paid.

58. Recovery of costs payable by county or borough or by person.

(1) Where any costs or other sums (not being costs of a prosecution on indictment) are, under an order of an election court, or otherwise under this Act, to be paid by a county or borough, the Commissioners of Her Majesty's Treasury shall pay those costs or sums, and obtain repayment of the amount so paid, in like manner as if such costs and sums were expenses of election commissioners paid by them, and the Election Commissioners Expenses Acts, 1869 and 1871, shall apply accordingly as if they were herein re-enacted and in terms made applicable to the above-mentioned costs and sums.

(2) Where any costs or other sums are, under the order of an election court or otherwise under this Act, to be paid by any person, those costs shall be a simple contract debt due from such person to the person or persons to whom they are to be paid, and if payable to the Commissioners of Her Majesty's Treasury shall be a debt to Her Majesty, and in either case may be recovered accordingly.

SUPPLEMENTAL PROVISIONS, DEFINITIONS, SAVINGS, AND REPEAL.

59. Obligation of witness to answer, and certificate of indemnity.

—(1) A person who is called as a witness respecting an election before any election court shall not be excused from answering any question relating to any offence at or connected with such election, on the ground that the answer thereto may criminate or tend to criminate himself or on the ground of privilege:

Provided that—

- (a) a witness who answers truly all questions which he is required by the election court to answer shall be entitled to receive a certificate of indemnity under the hand of a member of the court stating that such witness has so answered: and
- (b) an answer by a person to a question put by or before any election court shall not, except in the case of any criminal proceeding for perjury in respect of such evidence, be in any proceeding, civil or criminal, admissible in evidence against him:

(2) Where a person has received such a certificate of indemnity in relation to an election, and any legal proceeding is at any time instituted against him for any offence under the Corrupt Practices Prevention Acts or this Act committed by him previously to the date of the certificate at or in relation to the said election, the court having cognisance of the case shall on proof of the certificate stay the proceeding, and may in their discretion award to the said person such costs as he may have been put to in the proceeding.

(3) Nothing in this section shall be taken to relieve a person receiving a certificate of indemnity from any incapacity under this Act or from any proceeding to enforce such incapacity (other than a criminal prosecution).

(4) This section shall apply in the case of a witness before any election commissioners, in like manner as if the expression "election court" in this section included election commissioners.

(5) Where a solicitor or person lawfully acting as agent for any party to an election petition respecting any election for a county or borough has not taken any part or been concerned in such election, the election commissioners inquiring into such election shall not be entitled to examine such solicitor or agent respecting matters which came to his knowledge by reason only of his being concerned as solicitor or agent for a party to such petition.

60. Submission of report of election court or commissioners to Attorney-General.—An election court or election commissioners, when reporting that certain persons have been guilty of any corrupt or illegal practice, shall report whether those persons have or not been furnished with certificates of indemnity; and such report shall be laid before the Attorney-General (accompanied in the case of the commissioners with the evidence on which such report was based) with a view to his instituting or directing a prosecution against such persons as have not received certificates of indemnity, if the evidence should, in his opinion, be sufficient to support a prosecution.

61. Breach of duty by officer.—(1) Section eleven² of the Ballot Act, 1872, shall apply to a returning officer or presiding officer or clerk who is guilty of any wilful misfeasance or wilful act or omission in contravention of this Act in like manner as if the same were in contravention of the Ballot Act, 1872.

(2) Section ninety-seven of the Parliamentary Registration Act, 1843, shall apply to every registration officer who is guilty of any wilful misfeasance or wilful act of commission or omission contrary to this Act in like manner as if the same were contrary to the Parliamentary Registration Act, 1843.

62. Publication and service of notices.—(1) Any public notice required to be given by the returning officer under this Act shall be given in the manner in which he is directed by the Ballot Act, 1872, to give a public notice.

² Set out at p. 496, *supra*.

(2) Where any summons, notice, or document is required to be served on any person with reference to any proceeding respecting an election for a county or borough, whether for the purpose of causing him to appear before the High Court or any election court, or election commissioners, or otherwise, or for the purpose of giving him an opportunity of making a statement, or showing cause, or being heard by himself, before any court or commissioners, for any purpose of this Act, such summons, notice, or document may be served either by delivering the same to such person, or by leaving the same at, or sending the same by post by a registered letter to, his last known place of abode in the said county or borough, or if the proceeding is before any court or commissioners, in such other manner as the court or commissioners may direct, and in proving such service by post it shall be sufficient to prove that the letter was prepaid, properly addressed, and registered with the post office.

(3) In the form of notice of a parliamentary election¹ set forth in the Second Schedule to the Ballot Act, 1872, the words "or any illegal practice" shall be inserted after the words "or other corrupt practices," and the words the "Corrupt and Illegal Practices Prevention Act, 1883," shall be inserted after the words "Corrupt Practices Prevention Act, 1854."

63. Definition of candidate, and saving for persons nominated without consent.—(1) In the Corrupt Practices Prevention Acts, as amended by this Act, the expression "candidate at an election" and the expression "candidate" respectively mean, unless the context otherwise requires, any person elected to serve in Parliament at such election, and any person who is nominated as a candidate at such election, or is declared by himself or by others to be a candidate, on or after the day of the issue of the writ for such election, or after the dissolution or vacancy in consequence of which such writ has been issued;²

(2) Provided that where a person has been nominated as a candidate or declared to be a candidate by others, then—

- (a) If he was so nominated or declared without his consent, nothing in this Act shall be construed to impose any liability on such person, unless he has afterwards given his assent to such nomination or declaration or has been elected; and
- (b) If he was so nominated or declared, either without his consent or in his absence and he takes no part in the election, he may, if he thinks fit, make the declaration respecting election expenses contained in the second part of the Second Schedule to this Act, and the election agent shall, so far as circumstances admit, comply with the provisions of this Act with respect to expenses incurred on account of or in respect of the conduct or management of the election in like manner as if the candidate had been nominated or declared with his consent.

64. General interpretation of terms.—In this Act, unless the context otherwise requires—

The expression "election" means the election of a member or members to serve in Parliament:

The expression "election petition" means a petition presented in pursuance of the Parliamentary Elections Act, 1868, as amended by this Act:

The expression "election court" means the judges presiding at the trial of an election petition, or, if the matter comes before the High Court, that court:

¹ Set out at p. 514, *supra*.

² As to the meaning of "candidate" in this Act, see pp. 216—218, *supra*, and cases there cited.

The expression "Election Commissioners" means commissioners appointed in pursuance of the Election Commissioners Act, 1852, and the enactments amending the same:

The expression "High Court" means Her Majesty's High Court of Justice in England:

The expressions "court of summary jurisdiction," "petty sessional court," and "Summary Jurisdiction Acts" have the same meaning as in the Summary Jurisdiction Act, 1879:

The expression "the Attorney General" includes the Solicitor General in cases where the office of the Attorney General is vacant or the Attorney General is interested or otherwise unable to act:

The expression "registration officer" means³ *the clerk of the peace in a county, and the town clerk in a borough, as respectively defined by the enactments relating to the registration of parliamentary electors:*

The expression "elector" means any person whose name is for the time being on the register roll or book containing the names of the persons entitled to vote at the election with reference to which the expression is used:

The expression "register of electors" means the said register roll or book:

The expression "polling agent" means an agent of the candidate appointed to attend at a polling station in pursuance of the Ballot Act, 1872, or of the Acts therein referred to or amending the same:

The expression "person" includes an association or body of persons, corporate or unincorporate, and where any act is done by any such association or body, the members of such association or body who have taken part in the commission of such act shall be liable to any fine or punishment imposed for the same by this Act:

The expression "committee room" shall not include any house or room occupied by a candidate at an election as a dwelling, by reason only of the candidate there transacting business with his agents in relation to such election; nor shall any room or building be deemed to be a committee room for the purposes of this Act by reason only of the candidate or any agent of the candidate addressing therein electors, committeemen, or others:

The expression "public office" means any office under the Crown or under the charter of a city or municipal borough or under the Acts relating to Municipal Corporations or to the Poor Law, or under the Elementary Education Act, 1870, or under the Public Health Act, 1875, or under any Acts amending the above-mentioned Acts, or under any other Acts for the time being in force (whether passed before or after the commencement of this Act) relating to local government, whether the office is that of mayor, chairman, alderman, councillor, guardian, member of a board, commission, or other local authority in any county, city, borough, union, sanitary district, or other area, or is the office of clerk of the peace, town clerk, clerk or other officer under a council, board, commission, or other authority, or is any other office, to which a person is elected or appointed under any such charter or Act as above-mentioned, and includes any other municipal or parochial office; and the expressions "election," "election petition," "election court," and "register of electors," shall, where

³ This definition of "registration officer" is repealed by the Representation of the People Act, 1918, s. 47 (1) (p. 271, *supra*), and Eighth Schedule, p. 322. By the Sixth Schedule to the same Act (p. 313, *supra*) "registration officer" in sect. 60 (4) of the C. P. Act, 1883, means registration officer under the Representation of the People Act, 1918.

expressed to refer to an election for any such public office, be construed accordingly:

The expression "judicial office" includes the office of justice of the peace and revising barrister:

The expression "personal expenses" as used with respect to the expenditure of any candidate in relation to any election includes the reasonable travelling expenses of such candidate, and the reasonable expenses of his living at hotels or elsewhere for the purposes of and in relation to such election:

The expression "indictment" includes information:

The expression "costs" includes costs, charges, and expenses:

The expression "payment" includes any pecuniary or other reward; and the expressions "pecuniary reward" and "money" shall be deemed to 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:

The expression "Licensing Acts" means the Licensing Acts, 1872 to 1874:

Other expressions have the same meaning as in the Corrupt Practices Prevention Acts.

65. *Short titles.*—(1) The enactments described in the Third Schedule to this Act are in this Act referred to as the Corrupt Practices Prevention Acts.

(2) The Acts mentioned in the Fourth Schedule to this Act are in this Act referred to and may be cited respectively by the short titles in that behalf in that schedule mentioned.

(3) This Act may be cited as the Corrupt and Illegal Practices Prevention Act, 1883.

(4) This Act and the Corrupt Practices Prevention Acts may be cited together as the Corrupt Practices Prevention Acts, 1854 to 1883.

66. *Repeal of Acts.*—The Acts set forth in the Fifth Schedule to this Act are hereby repealed as from the commencement of this Act to the extent in the third column of that schedule mentioned, provided that this repeal or the expiration of any enactment not continued by this Act shall not revive any enactment which at the commencement of this Act is repealed, and shall not affect anything duly done or suffered before the commencement of this Act, or any right acquired or accrued or any incapacity incurred before the commencement of this Act, and any person subject to any incapacity under any enactment hereby repealed or not continued shall continue subject thereto, and this Act shall apply to him as if he had become so subject in pursuance of the provisions of this Act.

67. *Commencement of Act.*—This Act shall come into operation on the fifteenth day of October one thousand eight hundred and eighty-three, which day is in this Act referred to as the commencement of this Act.

APPLICATION OF ACT TO SCOTLAND.

68. *Application of Act to Scotland.*—This Act shall apply to Scotland, with the following modifications:

(1) The following expressions shall mean as follows:

The expression "misdemeanour" shall mean crime and offence:

The expression "indictment" shall include criminal letters:

The expression "solicitor" shall mean enrolled law agent:

The expression "revising barrister" shall mean sheriff:

The expression "barrister" shall mean advocate:

The expression "petty sessional court" shall mean sheriff court:

The expression "quarter sessions" shall mean the Court of Justiciary:

The expression "registration officer" shall mean ¹ *an assessor under the enactments relating to the registration of parliamentary voters*:

The expression "municipal borough" shall include royal burgh and burgh of regality and burgh of barony:

The expression "Acts relating to municipal corporations" shall include the General Police and Improvement (Scotland) Act, 1862, and any other Act relating to the constitution and government of burghs in Scotland:

The expression "mayor" shall mean provost or chief magistrate:

The expression "alderman" shall mean bailie:

The expression "Summary Jurisdiction Acts" shall mean the Summary Jurisdiction (Scotland) Acts 1864 and 1881 and any Acts amending the same.

(2) The provisions of this Act with respect to polling districts and the expenses of dividing a county or borough into polling districts shall not apply to Scotland.

(3) The provisions respecting the attendance at the trial of an election petition of a representative of the Director of public prosecutions shall not apply to Scotland, and in place thereof the following provisions shall have effect:

- (a) At the trial of every election petition in Scotland Her Majesty's advocate shall be represented by one of his deputed or by the procurator-fiscal of the sheriff court of the district, who shall attend such trial as part of his official duty, and shall give all necessary assistance to the judge with respect to the citation of witnesses and recovery of documents:
- (b) If the judge shall grant a warrant for the apprehension, commitment, or citation of any person suspected of being guilty of a corrupt or illegal practice, the case shall be reported to Her Majesty's advocate in order that such person may be brought to trial before the High Court of Justiciary or the sheriff, according to the nature of the case:
- (c) It shall be the duty of the advocate depute or, in his absence, the procurator fiscal, if it appears to him that a corrupt or illegal practice within the meaning of this Act has been committed by any person who has not received a certificate of indemnity, to report the case to Her Majesty's advocate in order to such person being brought to trial before the proper court, although no warrant may have been issued by the judge.

(4) The jurisdiction of the High Court of Justice under this Act shall, in Scotland, be exercised by one of the Divisions of the Court of Session, or by a judge of the said court to whom the same may be remitted by such division, and subject to an appeal thereto, and the Court of Session shall have power to make Acts of sederunt for the purposes of this Act.

(5) Court of Oyer and Terminer shall mean a circuit court of Justiciary, and the High Court of Justiciary shall have powers to make acts of adjournal regulating the procedure in appeals to the circuit court under this Act.

(6) All offences under this Act punishable on summary conviction may be prosecuted in the sheriff court in manner provided by the Summary Jurisdiction Acts, and all necessary jurisdictions are hereby conferred on sheriffs.

¹ See footnote (3) on p. 554, *supra*.

(7) The authority given by this Act to the Director of public prosecutions in England shall in Scotland be exercised by Her Majesty's advocate, and the reference to the Prosecution of Offences Act, 1879, shall not apply.

(8) The expression "Licensing Acts" shall mean "the Public Houses Acts Amendment (Scotland) Act, 1862," and "The Publicans' Certificates (Scotland) Act, 1876," and the Acts thereby amended and therein recited.

(9) The expression "register of licences" shall mean the register kept in pursuance of section twelve of the Act of the ninth year of the reign of King George the Fourth, chapter fifty-eight.

(10) The references to the Public Health Act, 1875, and to the Elementary Education Act, 1870, shall be construed to refer to the Public Health (Scotland) Act, 1867, and to the Elementary Education (Scotland) Act, 1872.

(11) Any reference to the Parliamentary Elections Returning Officers Act, 1875, shall not apply.

(12)⁵

(13) The power given by this Act to the Lord Chancellor in England shall in Scotland except so far as relates to the justices of the peace be exercised by the Lord Justice General.

(14) Any reference to the Attorney-General shall refer to the Lord Advocate.

(15) The provisions with respect to the removal of cases to the Central Criminal Court or to the trial of cases at the Royal Courts of Justice shall not apply.

(16) Section thirty-eight of the County Voters Registration (Scotland) Act, 1861, shall be substituted for section ninety-seven of the Parliamentary Registration Act, 1843, where reference is made to that section in this Act.

(17) The provision of this Act with regard to costs shall not apply to Scotland, and instead thereof the following provision shall have effect:

The costs of petitions and other proceedings under "The Parliamentary Elections Act, 1868," and under this Act, shall, subject to any regulations which the Court of Session may make by act of sederunt, be taxed as nearly as possible according to the same principles as costs between agent and client are taxed in a cause in that court, and the auditor shall not allow any costs, charges, or expenses on a higher scale.

APPLICATION OF ACT TO IRELAND.

69. *Application of Act to Ireland.*—This Act shall apply to Ireland, with the following modifications:

(1) No person shall be tried for any offence against this Act under any of the provisions of the Prevention of Crime (Ireland) Act, 1882.

(2) The expression "Summary Jurisdiction Acts" means, with reference to the Dublin Metropolitan Police District, the Acts regulating the powers and duties of justices of the peace and of the police in such district; and with reference to other parts of Ireland means the Petty Sessions (Ireland) Act, 1851, and any Acts amending the said Act.

⁵ Repealed. See sect. 47 (1) of the Representation of the People Act, 1918, p. 271, and p. 322, *supra*.

- (3) Section one hundred and three of the Act of the session of the thirteenth and fourteenth years of the reign of Her present Majesty, chapter sixty-nine, shall be substituted for section ninety-seven of the Parliamentary Registration Act, 1843, where reference is made to that section in this Act.
- (4) The provision with respect to the registration officer sending the corrupt and illegal practices list to overseers and the dealing with such list by overseers shall not apply, and in lieu thereof it is hereby enacted that the registration officer shall, after making out such list, himself publish the same . . . ⁶
- (5) The Supreme Court of Judicature in Ireland shall be substituted for the Supreme Court of Judicature.
- (6) The High Court of Justice in Ireland shall be substituted for the High Court of Justice in England.
- (7) The Lord High Chancellor of Ireland shall be substituted for the Lord High Chancellor of Great Britain.
- (8) The Attorney-General for Ireland shall be substituted for the Director of Public Prosecutions, and the reference to the Prosecution of the Offences Act, 1879, shall not apply.
- (9) . . . ⁷
- (10) Any reference to Part IV. of the Municipal Corporations Act, 1882, shall be construed to refer to the Corrupt Practices (Municipal Elections) Act, 1872.
- (11) Any reference to the Licensing Acts shall be construed to refer to the Licensing Acts (Ireland), 1872—1874.
- (12) The Public Health (Ireland) Act, 1878, shall be substituted for the Public Health Act, 1875.
- (13) The provisions with respect to the removal of cases to the Central Criminal Court, or to the trial of cases at the Royal Courts of Justice, shall not apply to Ireland.

CONTINUANCE.

70. Continuanee.—This Act shall continue in force until the thirty-first day of December one thousand eight hundred and eighty-four, and no longer, unless continued by Parliament; and such of the Corrupt Practices Prevention Acts as are referred to in Part One of the Third Schedule to this Act shall continue in force until the same day, and no longer, unless continued by Parliament.

⁶ The words of this sub-section following the word “same” are repealed. See sect. 47 (1) of the Representation of the People Act, 1918, p. 271, and p. 322, *supra*.

⁷ Repealed. See sect. 47 (1) of the Representation of the People Act, 1918, p. 271, and p. 322, *supra*.

SCHEDULES.

FIRST SCHEDULE.⁸

Sched. I.

PART I.

PERSONS LEGALLY EMPLOYED FOR PAYMENT.

- (1) One election agent and no more.
- (2) In counties one deputy election agent (in this Act referred to as a sub-agent) to act within each polling district and no more.
- (3) One polling agent in each polling station and no more.
- (4) In a borough one clerk and one messenger, or if the number of electors in the borough exceeds five hundred, a number of clerks and messengers not exceeding in number one clerk and one messenger for every complete five hundred electors in the borough, and if there is a number of electors over and above any complete five hundred or complete five hundreds of electors, then one clerk and one messenger may be employed for such number, although not amounting to a complete five hundred.
- (5) In a county for the central committee room one clerk and one messenger, or if the number of electors in the county exceeds five thousand, then a number of clerks and messengers not exceeding in number one clerk and one messenger for every complete five thousand electors in the county; and if there is a number of electors over and above any complete five thousand or complete five thousands of electors, then one clerk and one messenger may be employed for such number, although not amounting to a complete five thousand.
- (6) In a county a number of clerks and messengers not exceeding in number one clerk and one messenger for each polling district in the county, or where the number of electors in a polling district exceeds five hundred one clerk and one messenger for every complete five hundred electors in the polling district, and if there is a number of electors over and above any complete five hundred or complete five hundreds of electors, then one clerk and one messenger may be employed for such number, although not amounting to a complete five hundred: Provided always, that the number of clerks and messengers so allowed in any county may be employed in any polling district where their services may be required.
- (7)⁹
- (8) In the case of the boroughs of East Retford, Shoreham, Cricklade, Much Wenlock, and Aylesbury, the provisions of this part of this schedule shall apply as if such borough were a county.

PART II.

LEGAL EXPENSES IN ADDITION TO EXPENSES UNDER PART I.

- (1)¹⁰
- (2) The personal expenses of the candidate.
- (3) The expenses of printing, the expenses of advertising, and the expenses of publishing, issuing, and distributing addresses and notices.

⁸ See pp. 178—214, *supra*.

⁹ Repealed. See sect. 47 (1) of the Representation of the People Act, 1918, p. 271, and p. 322, *supra*.

¹⁰ Repealed. See Representation of the People Act, 1918, s. 47 (1), p. 271, and p. 322, *supra*.

Sched. I.

- (4) The expenses of stationery, messages, postage, and telegrams.
- (5) The expenses of holding public meetings.
- (6) In a borough the expenses of one committee room and if the number of electors in the borough exceeds five hundred then of a number of committee rooms not exceeding the number of one committee room for every complete five hundred electors in the borough, and if there is a number of electors over and above any complete five hundred or complete five hundreds of electors, then of one committee room for such number, although not amounting to a complete five hundred.
- (7) In a county the expenses of a central committee room, and in addition of a number of committee rooms not exceeding in number one committee room for each polling district in the county, and where the number of electors in a polling district exceeds five hundred one additional committee room may be hired for every complete five hundred electors in such polling district over and above the first five hundred.

PART III.**MAXIMUM FOR MISCELLANEOUS MATTERS.**

Expenses in respect of miscellaneous matters other than those mentioned in Part I. and Part II. of this schedule not exceeding in the whole the maximum amount of two hundred pounds, so nevertheless that such expenses are not incurred in respect of any matter or in any manner constituting an offence under this or any other Act, or in respect of any matter or thing, payment for which is expressly prohibited by this or any other Act.

PART IV.**MAXIMUM SCALE.**

The expenses mentioned above in Parts I., II., and III. of this schedule, other than personal expenses and the fee, if any, paid to the election agent (not exceeding in the case of a county election seventy-five pounds and of a borough election fifty pounds, without reckoning for the purposes of that limit any part of the fee which may have been included in the expenses first above mentioned) shall not exceed an amount equal—

in the case of a county election to sevenpence for each elector on the register;

in the case of an election for a borough to fivepence for each elector on the register.

Where there are two or more joint candidates at an election, the maximum amount of expenses mentioned in Parts III. and IV. of this schedule shall, for each of the joint candidates, be the amount produced by multiplying a single candidate's maximum by one-and-a-half and dividing the result by the number of joint candidates.¹¹

PART V.**GENERAL.**

(1) In the case of the boroughs of East Retford, Shoreham, Cricklade, Much Wenlock, and Aylesbury, the provisions of Parts II., III., and IV. of this schedule shall apply as if such borough were a county.

¹¹ The words in *italics* are substituted for the words originally appearing in Part IV. above by the Representation of the People Act, 1918, s. 33 (1), p. 176, *supra*, and Fourth Schedule, p. 293, *supra*.

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(2) For the purposes of this schedule the number of electors shall be taken according to the enumeration of the electors in the register of electors.

(3) Where there are two or more joint candidates at an election the maximum amount of expenses mentioned in Parts III. and IV. of this schedule shall, for each of such joint candidates, be reduced by one-fourth, or if there are more than two joint candidates by one-third.

(4) Where the same election agent is appointed by or on behalf of two or more candidates at an election, or where two or more candidates, by themselves or any agent or agents, hire or use the same committee rooms for such election, or employ or use the services of the same sub-agents, clerks, messengers, or polling agents at such election, or publish a joint address or joint circular or notice at such election, those candidates shall be deemed for the purposes of this enactment to be joint candidates at such election.

Provided that—

(a) The employment and use of the same committee room, sub-agent, clerk, messenger, or polling agent, if accidental or casual, or of a trivial and unimportant character, shall not be deemed of itself to constitute persons joint candidates.

(b) Nothing in this enactment shall prevent candidates from ceasing to be joint candidates.

(c) Where any excess of expenses above the maximum allowed for one of two or more joint candidates has arisen owing to his having ceased to be a joint candidate, or to his having become a joint candidate after having begun to conduct his election as a separate candidate, and such ceasing or beginning was in good faith, and such excess is not more than under the circumstances is reasonable, and the total expenses of such candidate do not exceed the maximum amount allowed for a separate candidate, such excess shall be deemed to have arisen from a reasonable cause within the meaning of the enactments respecting the allowance by the High Court or election court of an exception from the provisions of this Act which would otherwise make an act an illegal practice, and the candidate and his election agent may be relieved accordingly from the consequences of having incurred such excess of expenses.

SECOND SCHEDULE.

Sched. II.

PART I.

FORM OF DECLARATIONS AS TO EXPENSES.

Form for Candidate.

I , having been a candidate at the election for the county [or borough] of on the day of , do hereby solemnly and sincerely declare that I have examined the return of election expenses [about to be] transmitted by my election agent [or if the candidate is his own election agent, "by me"] to the returning officer at the said election, a copy of which is now shown to me and marked , and to the best of my knowledge and belief that return is correct;

And I further solemnly and sincerely declare that, except as appears from that return, I have not, and to the best of my knowledge and belief no person, nor any club, society, or association, has, on my behalf, made any payment, or given, promised, or offered any reward,

Sched. II.

office, employment, or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said election;

And I further solemnly and sincerely declare that I have paid to my election agent [*if the candidate is also his own election agent, leave out "to my election agent"*] the sum of pounds and no more for the purpose of the said election, and that, except as specified in the said return, no money, security, or equivalent for money has to my knowledge or belief been paid, advanced, given, or deposited by anyone to or in the hands of my election agent [*or if the candidate is his own election agent, "myself"*] or any other person for the purpose of defraying any expenses incurred on my behalf on account of or in respect of the conduct or management of the said election;

And I further solemnly and sincerely declare that I will not, except so far as I may be permitted by law, at any future time make or be party to the making or giving of, any payment, reward, office, employment, or valuable consideration for the purpose of defraying any such expenses as last mentioned, or provide or be party to the providing of any money, security, or equivalent for money for the purpose of defraying any such expenses.

Signature of declarant C.D.

Signed and declared by the above-named declarant on the day of , before me.

(Signed) E.F.

Justice of the Peace for .

Form for Election Agent.

I, , being election agent to , candidate at the election for the county [*or borough*] of , on the day of , do hereby solemnly and sincerely declare that I have examined the return of election expenses about to be transmitted by me to the returning officer at the said election, and now shown to me and marked , and to the best of my knowledge and belief that return is correct;

And I hereby further solemnly and sincerely declare that, except as appears from that return, I have not and to the best of my knowledge and belief no other person, nor any club, society, or association has on behalf of the said candidate made any payment, or given, promised, or offered any reward, office, employment, or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said election;

And I further solemnly and sincerely declare that I have received from the said candidate pounds and no more [*or nothing*] for the purpose of the said election, and that, except as specified in the said return sent by me, no money, security, or equivalent for money has been paid, advanced, given, or deposited by any one to me or in my hands, or, to the best of my knowledge and belief, to or in the hands of any other person for the purpose of defraying any expenses incurred on behalf of the said candidate on account of, or in respect of the conduct or management of the said election.

Signature of declarant A.B.

Signed and declared by the above-named declarant on the day of before me.

(Signed) E.F.

Justice of the peace for .

FORM OF RETURN OF ELECTION EXPENSES.

I, *A.B.*, being election agent to *C.D.*, candidate at the election for the county [or borough] of _____ on the _____ day of _____, make the following return respecting election expenses of the said candidate at the said election [or where the candidate has named himself as election agent, "I, *C.D.*, candidate at the election for the county [or borough] of _____ on the _____ day of _____, acting as my own election agent, "make the following return respecting my election expenses at the "said election"].

Receipts.

Received of [the above-named candidate] [or where the candidate is his own election agent, "Paid by me"] £
 Received of *J.K.* £
 [Here set out the name and description of every person, club, society, or association, whether the candidate or not, from whom any money, securities, or equivalent of money was received in respect of expenses incurred on account of or in connexion with or incidental to the above election, and the amount received from each person, club, society, or association separately.]

Expenditure.

.....¹² £
 Personal expenses of the said *C.D.*, paid by himself [or if the candidate is his own election agent, "Paid by me as candidate"] £
 Do. do. paid by me [or if the candidate is his own election agent, add "acting as election agent"] £
 Received by me for my services as election agent at the said election [or if the candidate is his own election agent, leave out this item] £
 Paid to *G.H.* as sub-agent of the polling district of £
 [The name and description of each sub-agent and the sum paid to him must be set out separately.]
 Paid to _____ as polling agent £
 Paid to _____ as clerk for _____ days services £
 Paid to _____ as messenger for _____ days services ... £
 [The names and descriptions of every polling agent, clerk, and messenger, and the sum paid to each, must be set out separately either in the account or in a separate list annexed to and referred to in the account, thus, "Paid to polling agent (or as the case may be) as per annexed list £ _____."]
 Paid to the following persons in respect of goods supplied or work and labour done:
 To *P.Q.* (printing) £
 To *M.N.* (advertising) £
 To *R.S.* (stationery) £

[The name and description of each person, and the nature of the goods supplied, or the work and labour done by each, must be set out separately

¹² Repealed. See Representation of the People Act, 1918, s. 47 (1), p. 271, and p. 322, *supra*.

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either in the account or in a separate list annexed to and referred to in the account.]

Paid for postage	£
Paid for telegrams	£
Paid for the hire of rooms as follows:—	
For holding public meetings	£
For committee rooms	£

[A room hired for a public meeting or for a committee room must be named or described so as to identify it; and the name and description of every person to whom any payment was made for each such room, together with the amount paid, must be set out separately either in the account or in a separate list annexed to and referred to in the account.]

Paid for miscellaneous matters, namely—

£
[The name and description of each person to whom any sum is paid, and the reason for which it was paid to him, must be set out separately either in the account or in a separate list annexed to and referred to in the account.]

In addition to the above, I am aware, as election agent for C.D., [or if the candidate is his own election agent, leave out "as election agent for C.D."] of the following disputed and unpaid claims; namely,—

Disputed claims.

By T.U. for

£
[Here set out the name and description of each person whose claim is disputed, the amount of the claim, and the goods, work, or other matter on the ground of which the claim is based.]

Unpaid claims allowed by the High Court to be paid after the proper time or in respect of which application has been or is about to be made to the High Court.

By M.O. for

£
[Here state the name and description of each person to whom any such claim is due, and the amount of the claim, and the goods, work, and labour or other matter on account of which the claim is due.]

(Signed) A.B.

PART II.**FORM OF DECLARATION AS TO EXPENSES.**

Form for candidate who declared a candidate or nominated in his absence and taking no part in the election.

I, _____, having been nominated [or having been declared by others] in my absence [to be] a candidate at the election for the county or borough of _____ held on the _____ day of _____, do hereby solemnly and sincerely declare that I have taken no part whatever in the said election.

And I further solemnly and sincerely declare that [or with the exception of _____] I have not, and no person, club, society, or association at my expense has, made any payment or given, promised, or offered, any reward, office, employment, or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said election.

Sched. II.

And I further solemnly and sincerely declare that [or with the exception of] I have not paid any money or given any security or equivalent for money to the person acting as my election agent at the said election, or to any other person, club, society, or association on account of or in respect of the conduct or management of the said election, and that [or with the exception of] I am entirely ignorant of any money security or equivalent for money having been paid, advanced, given, or deposited by any one for the purpose of defraying any expenses incurred on account of or in respect of the conduct or management of the said election.

And I further solemnly and sincerely declare that I will not, except so far as I may be permitted by law, at any future time make or be party to the making or giving of any payment, reward, office, employment, or valuable consideration for the purpose of defraying any such expenses as last mentioned, or provide or be party to the providing of any money, security, or equivalent of money for the purpose of defraying any such expenses.

Signature of declarant C.D.

Signed and declared by the above-named declarant on the day
of , before me,

(Signed) E.F.
Justice of the Peace for .

THIRD SCHEDULE.

Sched. III.

CORRUPT PRACTICES PREVENTION ACTS.

Session and Chapter.	Title of Act.	Enactments referred to as being the Corrupt Practices Prevention Acts.
PART ONE.		
<i>Temporary.</i>		
17 & 18 Vict. c. 102.	The Corrupt Practices Prevention Act, 1854.	The whole Act so far as unrepealed.
26 & 27 Vict. c. 29..	An Act to amend and continue the law relating to corrupt practices at elections of members of Parliament.	The whole Act so far as unrepealed.
31 & 32 Vict. c. 125.	The Parliamentary Elections Act, 1868.	The whole Act so far as unrepealed.
35 & 36 Vict. c. 33..	The Ballot Act, 1872	Part III. so far as unrepealed.
42 & 43 Vict. c. 75..	The Parliamentary Elections and Corrupt Practices Act, 1879.	The whole Act so far as unrepealed.
PART TWO.		
<i>Permanent.</i>		
30 & 31 Vict. c. 102.	The Representation of the People Act, 1867.	Sections eleven, forty-nine, and fifty.
31 & 32 Vict. c. 48..	The Representation of the People (Scotland) Act, 1868.	Sections eight and forty-nine.
31 & 32 Vict. c. 49..	The Representation of the People (Ireland) Act, 1868.	Sections eight and thirteen.
44 & 45 Vict. c. 40..	The Universities Elections Amendment (Scotland) Act, 1881.	Sub-section seventeen of section two.

Sched. III.

PART THREE.

ENACTMENTS DEFINING THE OFFENCES OF BRIBERY AND PERSONATION.
The Corrupt Practices Prevention Act, 1854, 17 & 18 Vict. c. 102,
ss. 2, 3.

S. 2. *Bribery defined.*—The following persons shall be deemed guilty of bribery, and shall be punishable accordingly:—

- (1) Every person who shall, directly or indirectly, by himself, or by any other person on his behalf, give, lend, or agree to give or lend, or shall offer, promise, or promise to procure or to endeavour to procure, any money or valuable consideration to or for any voter, or to or for any 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 shall corruptly do any such act as aforesaid on account of such voter having voted or refrained from voting at any election:
- (2) Every person who shall, directly or indirectly, by himself, or by any other person on his behalf, give or procure, or agree to give or procure, or offer, promise, or promise to procure or to endeavour to procure, any office, place, or employment to or for any voter, or to or for any person on behalf of any voter, or to or for any other person in order to induce such voter to vote or refrain from voting, or shall corruptly do any such act as aforesaid on account of any voter having voted or refrained from voting at any election:
- (3) Every person who shall, directly or indirectly, by himself, or by any other person on his behalf, make any such gift, loan, offer, promise, procurement, or agreement as aforesaid to or for any person, in order to induce such person to procure or endeavour to procure the return of any person to serve in Parliament, or the vote of any voter at any election:
- (4) Every person who shall, upon or in consequence of any such gift, loan, offer, promise, procurement, or agreement, procure or engage, promise, or endeavour to procure the return of any person to serve in Parliament, or the vote of any voter at any election:
- (5) Every person who shall advance or pay, or cause to be paid, any money to or to the use of any other person with the intent that such money or any part thereof shall be expended in bribery at any election, or who shall knowingly pay or cause 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. Provided always, that the aforesaid enactment shall not extend or be construed to extend to any money paid or agreed to be paid for or on account of any legal expenses bonâ fide incurred at or concerning any election.

S. 3. *Bribery further defined.*—The following persons shall also be deemed guilty of bribery, and shall be punishable accordingly:—

- (1) Every voter who shall, before or during any election, directly or indirectly, by himself or by any other person on his behalf, receive, agree, or contract for any money, gift, loan, or valuable consideration, office, place, or employment, for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election:
- (2) Every person who shall, after any election, directly or indirectly, by himself or by any other person on his behalf, receive any

Sched. III.

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 at any election.

The Representation of the People Act, 1867, 30 & 31 Vict. c. 102, s. 49.

Corrupt payment of rates to be punishable as bribery.—Any person, either directly or indirectly, corruptly paying any rate on behalf of any ratepayer for the purpose of enabling him to be registered as a voter, thereby to influence his vote at any future election, and any candidate or other person, either directly or indirectly, paying any rate on behalf of any voter for the purpose of inducing him to vote or refrain from voting, shall be guilty of bribery, and be punishable accordingly; and any person on whose behalf and with whose privity any such payment as in this section is mentioned is made, shall also be guilty of bribery, and punishable accordingly.

The Representation of the People (Scotland) Act, 1868,
31 & 32 Vict. c. 48, s. 49.

Corrupt payment of rates to be punishable as bribery.—Any person, either directly or indirectly, corruptly paying any rate on behalf of any ratepayer for the purpose of enabling him to be registered as a voter, thereby to influence his vote at any future election, and any candidate or other person, either directly or indirectly, paying any rate on behalf of any voter for the purpose of inducing him to vote or refrain from voting, shall be guilty of bribery, and be punishable accordingly; and any person on whose behalf and with whose privity any such payment as in this section mentioned is made shall also be guilty of bribery, and punishable accordingly.

The Universities Elections Amendment (Scotland) Act, 1881,
44 & 45 Vict. c. 40, s. 2.

17. *Corrupt payment of registration fee to be punishable as bribery.*—Any person, either directly or indirectly, corruptly paying any fee for the purpose of enabling any person to be registered as a member of the general council, and thereby to influence his vote at any future election, and any candidate or other person, either directly or indirectly, paying such fee on behalf of any person for the purpose of inducing him to vote or to refrain from voting, shall be guilty of bribery, and shall be punishable accordingly; and any person on whose behalf and with whose privity any such payment as in this section mentioned is made, shall also be guilty of bribery, and punishable accordingly.

The Ballot Act, 1872, 35 & 36 Vict. c. 33, s. 24.

Personation defined.—A person shall for all purposes of the laws relating to parliamentary and municipal elections be deemed to be guilty of the offence of personation who, at an election for a county or borough, or at a municipal election, applies for a ballot paper in the name of some other person, whether that name be that of a person living or dead, or of a fictitious person, or who, having voted once at any such election, applies at the same election for a ballot paper in his own name.

Sched. IV.

FOURTH SCHEDULE.

SHORT TITLES.

Session and Chapter.	Long Title.	Short Title.
15 & 16 Vict. c. 57..	An Act to provide for more effectual inquiry into the existence of corrupt practices at the election of members to serve in Parliament-	Election Commissioners Act, 1852.
26 & 27 Vict. c. 29..	An Act to amend and continue the law relating to corrupt practices at elections of members of Parliament.	The Corrupt Practices Prevention Act, 1863.

Sched. V.

FIFTH SCHEDULE.

ENACTMENTS REPEALED.

NOTE.—Portions of Acts which have already been specifically repealed are in some instances included in the repeal in this Schedule in order to preclude henceforth the necessity of looking back to previous Acts.

A description or citation of a portion of an Act is inclusive of the words, section, or other part first or last mentioned, or otherwise referred to as forming the beginning or as forming the end of the portion comprised in the description or citation.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
60 Geo. 3 & 1 Geo. 4, c. 11.	An Act for the better regulation of polls, and for making further provision touching the election of members to serve in Parliament for Ireland.	Section thirty-six.
1 & 2 Geo. 4, c. 58..	An Act to regulate the expenses of election of Members to serve in Parliament for Ireland.	The whole Act except section three.
4 Geo. 4, c. 55	An Act to consolidate and amend the several Acts now in force so far as the same relate to the election and return of members to serve in Parliament for the counties of cities and counties of towns in Ireland.	Section eighty-two.
17 & 18 Vict. c. 102.	The Corrupt Practices Prevention Act, 1854.	Section one. Section two, from "and any person so offending" to "with full costs of suit." Section three, from "and any person so offending" to the end of the section.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
17 & 18 Vict. c. 102.	The Corrupt Practices Prevention Act, 1854.	Section four. Section five. Section six. Section seven, from "and all payments" to the end of the section. Section nine, section fourteen, section twenty-three, section thirty-six, section thirty-eight, from "and the words personal expenses" to the end of the section, and section thirty-nine and Schedule A.
21 & 22 Vict. c. 87..	An Act to continue and amend the Corrupt Practices Prevention Act, 1854.	The whole Act.
26 & 27 Vict. c. 29..	An Act to amend and continue the law relating to corrupt practices at elections of Members of Parliament.	The whole Act, except section six.
30 & 31 Vict. c. 102.	The Representation of the People Act, 1867.	Section thirty-four, from "and in other boroughs the justices" to "greater part thereof is situate" and section thirty-six.
31 & 32 Vict. c. 48..	The Representation of the People (Scotland) Act, 1868.	Section twenty-five.
31 & 32 Vict. c. 49..	The Representation of the People (Ireland) Act, 1868.	Section twelve.
31 & 32 Vict. c. 58..	The Parliamentary Electors Registration Act, 1868.	Section eighteen, from "the power of dividing their county" to the end of the section.
31 & 32 Vict. c. 125.	The Parliamentary Elections Act, 1868.	So much of section three as relates to the definitions of "candidate." Section sixteen. Section thirty-three. Section thirty-six. Section forty-one, from "but according to the same principles" to "the High Court of Chancery." Section forty-three. Section forty-five.

Sched. V.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
31 & 32 Vict. c. 125.	The Parliamentary Elections Act, 1868.	Section forty-six. Section forty-seven. Section fifty-eight, from "The principles" down to "in the court of session," being sub-section sixteen.
35 & 36 Vict. c. 33..	The Ballot Act, 1872	Section five, from the beginning down to "one hundred registered electors." Section twenty-four, from "The offence of personation, or of aiding," to "hard labour," and from "The offence of personation shall be deemed to be" to the end of the section.
42 & 43 Vict. c. 75..	The Parliamentary Elections and Corrupt Practices Act, 1879.	Section three and schedule.
43 Vict. c. 18.....	The Parliamentary Elections and Corrupt Practices Act, 1880.	The whole Act, except sections one and three.

No. 6.

MUNICIPAL ELECTIONS (CORRUPT AND ILLEGAL PRACTICES) ACT, 1884 (47 & 48 VICT. c. 70).¹

An Act for the better Prevention of Corrupt and Illegal Practices at Municipal and other Elections.

[14th August, 1884.]

[*Preamble.*]

1. *Short title.*—This Act may be cited as the Municipal Elections (Corrupt and Illegal Practices) Act, 1884.

CORRUPT PRACTICES.

2. *Definition and punishment of corrupt practice at municipal election.*—(1) The expression “corrupt practice” in this Act means any of the following offences, namely, treating, undue influence, bribery, and personation as defined by the enactments set forth in Part One of the Third Schedule to this Act, and aiding, abetting, counselling, and procuring the commission of the offence of personation.

(2) A person who commits any corrupt practice in reference to a municipal election shall be guilty of the like offence, and shall on conviction be liable to the like punishment, and subject to the like incapacities, as if the corrupt practice had been committed in reference to a parliamentary election.

3. *Incapacity of candidate reported guilty of corrupt practice.*—

(1) Where upon the trial of an election petition respecting a municipal election for a borough or ward of a borough it is found by the report of an election court made in pursuance of section ninety-three of the Municipal Corporations Act, 1882, that any corrupt practice, other than treating and undue influence, has been proved to have been committed in reference to such election by or with the knowledge and consent of any candidate at such election, or that the offence of treating or undue influence has been proved to have been committed in reference to such election by any candidate at such election, that candidate shall not be capable of ever holding a corporate office in the said borough, and if he has been elected his election shall be void; and he shall further be subject to the same incapacities as if at the date of the said report he had been convicted of a corrupt practice.

(2) Upon the trial of an election petition respecting a municipal election for a borough or ward of a borough in which a charge is made of any corrupt practice having been committed in reference to such election, the election court shall report in writing to the High Court whether any of the candidates at such election has been guilty by his agents of any corrupt practice in reference to such election, and if the report is that any candidate at such election has been guilty by his agents of a corrupt practice in reference to such election, that candidate shall not be capable of being elected to or holding any corporate office in the said borough, during a period of three years from the date of the report, and if he has been elected, his election shall be void.

¹ This Act was made permanent by sect. 35 of the Representation of the People Act, 1918. See pp. 221—222, *supra*.

ILLEGAL PRACTICES.

4. *Certain expenditure to be illegal practice.*—(1) No payment or contract for payment shall, for the purpose of promoting or procuring the election of a candidate at a municipal election, be made—

- (a) on account of the conveyance of electors to or from the poll whether for the hiring of horses or carriages, or for railway fares, or otherwise; or
- (b) to an elector on account of the use of any house, land, building, or premises for the exhibition of any address, bill, or notice, or on account of the exhibition of any address, bill, or notice; or
- (c) on account of any committee room in excess of the number allowed by this Act (that is to say), if the election is for a borough one committee room for the borough, and if the election is for a ward one committee room for the ward, and if the number of electors in such borough or ward exceeds two thousand, one additional committee room for every two thousand electors and incomplete part of two thousand electors, over and above the said two thousand.

(2) Subject to such exception as may be allowed in pursuance of this Act, if any payment or contract for payment is knowingly made in contravention of this section either before, during, or after a municipal election, the person making such payment or contract shall be guilty of an illegal practice, and any person receiving such payment or being a party to any such contract, knowing the same to be in contravention of this Act, shall also be guilty of an illegal practice.

(3) Provided that where it is the ordinary business of an elector as an advertising agent to exhibit for payment bills and advertisements, a payment to or contract with such elector if made in the ordinary course of business, shall not be deemed to be an illegal practice within the meaning of this section.

5. *Expense in excess of maximum to be illegal practice.*—(1) Subject to such exception as may be allowed in pursuance of this Act, no sum shall be paid and no expense shall be incurred by or on behalf of a candidate at an election, whether before, during, or after an election, on account of or in respect of the conduct or management of such election, save that in the case of an election of a councillor a sum may be paid and expense incurred not in excess of the maximum amount following; (that is to say,)

The sum of twenty-five pounds, and, if the number of electors in the borough or ward exceeds five hundred, an additional amount of threepence for each elector above the first five hundred electors.

(2) Any candidate or agent of a candidate or person who knowingly acts in contravention of this section shall be guilty of an illegal practice.

(3) Where there are two or more joint candidates at an election the maximum amount of expenses shall, for each of such joint candidates, be reduced by one fourth, or if there are more than two joint candidates by one third.

(4) Where two or more candidates at the election, by themselves or any agent or agents, hire or use the same committee rooms for such election, or employ or use the services of the same clerks, messengers, or polling agent at such election, or publish a joint address or joint circular or notice at such election, those candidates shall be deemed for the purposes of this enactment to be joint candidates at such election: Provided that—

- (a) The employment and use of the same committee room, clerk, messenger, or polling agent, if accidental or casual, or of a

trivial and unimportant character, shall not be deemed of itself to constitute persons joint candidates:

- (b) Nothing in this enactment shall prevent candidates from ceasing to be joint candidates:
- (c) Where any excess of expenses above the maximum allowed for one of two or more joint candidates has arisen owing to his having ceased to be a joint candidate, or to his having become a joint candidate after having begun to conduct his election as a separate candidate, and such ceasing or beginning was in good faith, and such excess is not more than under the circumstances is reasonable, and the total expenses of such candidate do not exceed the maximum amount allowed for a separate candidate, such excess shall be deemed to have arisen from a reasonable cause within the meaning of the enactments respecting the allowance by the High Court or election court of an exception from the provisions of this Act which would otherwise make an act an illegal practice, and the candidate may be relieved accordingly from the consequences of having incurred such excess of expenses.

6. Voting by prohibited persons and publishing of false statements of withdrawal to be illegal.—(1) If any person votes or induces or procures any person to vote at a municipal election, knowing that he or such person is prohibited, whether by this or any other Act, from voting at such election, he shall be guilty of an illegal practice.

(2) Any person who before or during a municipal election knowingly publishes a false statement of the withdrawal of a candidate at such election for the purpose of promoting or procuring the election of another candidate shall be guilty of an illegal practice.

(3) Provided that a candidate shall not be liable, nor shall his election be avoided, for any illegal practice under this section committed without his knowledge and consent.

7. Punishment on conviction of illegal practice.—A person guilty of an illegal practice in reference to a municipal election, shall on summary conviction be liable to a fine not exceeding one hundred pounds and be incapable during a period of five years from the date of his conviction of being registered as an elector or voting at any election (whether it be a parliamentary election or an election for a public office within the meaning of this Act) held for or within the borough in which the illegal practice has been committed.

8. Incapacity of candidate reported guilty of illegal practice.—(1) An illegal practice within the meaning of this Act shall be deemed to be an offence against Part Four of the Municipal Corporations Act, 1882, and a petition alleging such illegal practice may be presented and tried accordingly.

(2) Upon the trial of an election petition respecting a municipal election for a borough or ward of a borough in which a charge is made of any illegal practice having been committed in reference to such election, the election court shall report in writing to the High Court whether any of the candidates at such election has been guilty by himself or his agents of an illegal practice in reference to such election, and if the report is that a candidate at such election has been guilty by himself or his agents of an illegal practice in reference to such election, the candidate shall not be capable of being elected to or of holding any corporate office in the said borough during the period for which he was elected to serve, or for which if elected he might have served, and if he was elected, his election shall be void; and, if the report is that such candidate has himself been guilty of such illegal practice, he shall also be subject to the same incapacities

as if at the date of the report he had been convicted of such illegal practice.

ILLEGAL PAYMENT, EMPLOYMENT, AND HIRING.

9. *Providing of money for illegal practice or payment to be illegal payment.*—Where a person knowingly provides money for any payment which is contrary to the provisions of this Act, or for any expenses incurred in excess of any maximum amount allowed by this Act, or for replacing any money expended in any such payment, except where the same may have been previously allowed in pursuance of this Act to be an exception, such person shall be guilty of illegal payment.

10. *Employment of hackney carriages, or of carriages and horses kept for hire.*—(1) A person shall not let, lend, or employ for the purpose of the conveyance of electors to or from the poll at a municipal election any public stage or hackney carriage, or any horse or other animal kept or used for drawing the same, or any carriage, horse, or other animal which he keeps or uses for the purpose of letting out for hire, and if he lets, lends, or employs such carriage, horse, or other animal, knowing that it is intended to be used for the purpose of the conveyance of electors to or from the poll, he shall be guilty of illegal hiring.

(2) A person shall not hire, borrow, or use for the purpose of the conveyance of electors to or from the poll any carriage, horse, or other animal which he knows the owner thereof is prohibited by this section to let, lend, or employ for that purpose, and if he does so he shall be guilty of illegal hiring.

(3) Nothing in this Act shall prevent a carriage, horse, or other animal being let to or hired, employed, or used by an elector, or several electors at their joint cost, for the purpose of conveying him or them to or from the poll.

(4) No person shall be liable to pay any duty or to take out a license for any carriage by reason only of such carriage being used without payment or promise of payment for the conveyance of electors to or from the poll at an election.

11. *Corrupt withdrawal from a candidature.*—Any person who corruptly induces or procures any other person to withdraw from being a candidate at a municipal election, in consideration of any payment or promise of payment, shall be guilty of illegal payment, and any person withdrawing in pursuance of such inducement or procurement shall also be guilty of illegal payment.

12. *Certain expenditure to be illegal payment.*—(1) No payment or contract for payment shall, for the purpose of promoting or procuring the election of a candidate at a municipal election, be made on account of bands of music, torches, flags, banners, cockades, ribbons, or other marks of distinction.

(2) Subject to such exception as may be allowed in pursuance of this Act, if any payment or contract for payment is made in contravention of this section, either before, during, or after an election, the person making such payment shall be guilty of illegal payment, and any person being a party to any such contract or receiving such payment shall also be guilty of illegal payment if he knew that the same was made contrary to law.

13. *Certain employment to be illegal.*—(1) No person shall, for the purpose of promoting or procuring the election of a candidate at a municipal election, be engaged or employed for payment or promise of payment for any purpose or in any capacity whatever, except as follows (that is to say),

(a) a number of persons may be employed, not exceeding two for

a borough or ward, and if the number of electors in such borough or ward exceeds two thousand one additional person may be employed for every thousand electors and incomplete part of a thousand electors over and above the said two thousand, and such persons may be employed as clerks and messengers, or in either capacity; and

(b) one polling agent may be employed in each polling station:

Provided that this section shall not apply to any engagement or employment for carrying into effect a contract *bonâ fide* made with any person in the ordinary course of business.

(2) Subject to such exception as may be allowed in pursuance of this Act, if any person is engaged or employed in contravention of this section, either before, during, or after an election, the person engaging or employing him shall be guilty of illegal employment, and the person so engaged or employed shall also be guilty of illegal employment if he knew that he was engaged or employed in contravention of this Act.

(3)²

14. *Name and address of printer on placards.*—Every bill, placard, or poster having reference to a municipal election shall bear upon the face thereof the name and address of the printer and publisher thereof; and any person printing, publishing, or posting, or causing to be printed, published, or posted, any such bill, placard, or poster as aforesaid, which fails to bear upon the face thereof the name and address of the printer and publisher, shall, if he is a candidate, be guilty of an illegal practice, and if he is not the candidate, shall be liable on summary conviction to a fine not exceeding one hundred pounds.

15. *Saving for creditors.*—The provisions of this Act prohibiting certain payments and contracts for payments, and the payment of any sum, and the incurring of any expense, in excess of a certain maximum, shall not affect the right of any creditor who, when the contract was made or the expense was incurred, was ignorant of the same being in contravention of this Act.

16. *Use of certain premises for committee rooms or meetings to be illegal hiring.*—(1) (a) Any premises, which are licensed for the sale of any intoxicating liquor for consumption on or off the premises, or on which refreshment of any kind (whether food or drink) is ordinarily sold for consumption on the premises, or

(b) Any premises where any intoxicating liquor is supplied to members of a club, society, or association, or any part of any such premises,

shall not, for the purpose of promoting or procuring the election of a candidate at a municipal election, be used either as a committee room or for holding a meeting, and if any person hires or uses any such premises or any part thereof in contravention of this section he shall be guilty of illegal hiring, and the person letting or permitting the use of such premises or part thereof, if he knew it was intended to use the same, in contravention of this section, shall also be guilty of illegal hiring.

(2) Provided that nothing in this section shall apply to any part of such premises which is ordinarily let for the purpose of chambers or offices or the holding of public meetings or of arbitrations, if such part has a separate entrance and no direct communication with any part of the premises on which any intoxicating liquor or refreshment is sold or supplied as aforesaid.

² Repealed. See Representation of the People Act, 1918, s. 47 (1), p. 271, and p. 322, *supra*.

17. *Punishment of illegal payment, employment, or hiring.*—(1) A person guilty of an offence of illegal payment, employment, or hiring shall, on summary conviction, be liable to a fine not exceeding one hundred pounds.

(2) Where an offence of illegal payment, employment, or hiring is committed by a candidate, or with his knowledge and consent, such candidate shall be guilty of an illegal practice.

18. *Avoidance of election for extensive illegal practices, &c.*—Where upon the trial of an election petition respecting a municipal election for a borough or ward of a borough it is found by the election court that illegal practices or offences of illegal payment, employment, or hiring, committed in reference to such election for the purpose of promoting the election of a candidate at that election, have so extensively prevailed that they may be reasonably supposed to have affected the result of that election, the election court shall report such finding to the High Court, and the election of such candidate, if he has been elected, shall be void, and he shall not, during the period for which he was elected to serve, or for which, if elected, he might have served, be capable of being elected to or holding any corporate office in the said borough.

EXCUSE AND EXCEPTION FOR CORRUPT OR ILLEGAL PRACTICE OR ILLEGAL PAYMENT, EMPLOYMENT, OR HIRING.

19. *Report exonerating candidate in certain cases of corrupt and illegal practice by agents.*—Where, upon the trial of an election petition respecting a municipal election, the election court reports that a candidate at such election has been guilty by his agents of the offence of treating and undue influence, and illegal practice, or of any of such offences, in reference to such election, and the election court further report that the candidate has proved to the court—

- (a) That no corrupt or illegal practice was committed at such election by the candidate or with his knowledge or consent, and the offences mentioned in the said report were committed without the sanction or connivance of such candidate; and
- (b) That all reasonable means for preventing the commission of corrupt and illegal practices at such election were taken by and on behalf of the candidate; and
- (c) That the offences mentioned in the said 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 such candidate and of his agents;

then the election of such candidate shall not, by reason of the offences mentioned in such report, be void, nor shall the candidate be subject to any incapacity under this Act.

20. *Power of High Court and election court to except innocent act from being illegal practice, &c.*—Where, on application made, it is shown to the High Court or to a municipal election court by such evidence as seems to the Court sufficient—

- (a) that any act or omission of a candidate at a municipal election for a borough or ward of a borough, or of any agent or other person, would, by reason of being in contravention of any of the provisions of this Act, be but for this section an illegal practice, payment, employment, or hiring; and
- (b) that such act or omission arose from inadvertence or from accidental miscalculation or from some other reasonable cause of a like nature, and in any case did not arise from any want of good faith; and

(c) that such notice of the application has been given in the said borough as to the Court seems fit;

and under the circumstances it seems to the Court to be just that the said candidate, agent and person, or any of them, should not be subject to any of the consequences under this Act of the said act or omission, the Court may make an order allowing such act or omission to be an exception from the provisions of this Act which would otherwise make the same an illegal practice, payment, employment, or hiring, and thereupon such candidate, agent, or person shall not be subject to any of the consequences under this Act of the said act or omission.

21. Sending in claims and making payments for election expenses.

—(1) Every claim against any person in respect of any expenses incurred by or on behalf of a candidate at an election of a councillor on account of or in respect of the conduct or management of such election shall be sent in within fourteen days after the day of election, and if not so sent in shall be barred and not paid, and all expenses incurred as aforesaid shall be paid within twenty-one days after the day of election, and not otherwise, and any person who makes a payment in contravention of this section, except where such payment is allowed as provided by this section, shall be guilty of an illegal practice, but if such payment was made without the sanction or connivance of the candidate, the election of such candidate shall not be void, nor shall he be subject to any incapacity under this Act by reason only of such payment having been made in contravention of this section.

(2) Every agent of a candidate at an election of a councillor shall, within twenty-three days after the day of election, make a return to the candidate in writing of all expenses incurred by such agent on account of or in respect of the conduct or management of such election, and if he fails so to do shall be liable, on summary conviction, to a fine not exceeding fifty pounds.

(3) Within twenty-eight days after the day of election of a councillor every candidate at such election shall send to the town clerk a return of all expenses incurred by such candidate or his agents on account of or in respect of the conduct or management of such election, vouched (except in the case of sums under twenty shillings) by bills stating the particulars and receipts, and accompanied by a declaration by the candidate made before a justice in the form set forth in the Fourth Schedule to this Act, or to the like effect.

(4) After the expiration of the time for making such return and declaration the candidate, if elected, shall not, until he has made the return and declaration (in this Act referred to as the return and declaration respecting election expenses), or until the date of the allowance of such authorised excuse, as is mentioned in this Act, sit or vote in the council, and if he does so shall forfeit fifty pounds for every day on which he so sits or votes to any person who sues for the same.

(5) If the candidate without such authorised excuse as is mentioned in this Act fails to make the said return and declaration he shall be guilty of an illegal practice, and if he knowingly makes the said declaration falsely he shall be guilty of an offence, and on conviction thereof on indictment shall be liable to the punishment for wilful and corrupt perjury, and such offence shall also be deemed to be a corrupt practice within the meaning of this Act.

(6) The county court for the district in which the election was held, or the High Court, or an election court, may, on application either of the candidate or a creditor, allow any claim to be sent in and any

expense to be paid after the time limited by this section, and a return of any sum so paid shall forthwith after payment be sent to the town clerk.

(7) If the candidate applies to the High Court or an election court, and shows that the failure to make the said return and declaration, or either of them, or any error or false statement therein, has arisen by reason of his illness or absence, or of the absence, death, illness, or misconduct of any agent, clerk, or officer, or by reason of inadvertence, or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the applicant, the court may, after such notice of the application and on production of such evidence of the grounds stated in the application, and of the good faith of the applicant, and otherwise as to the court seems fit, make such order for allowing the authorised excuse for the failure to make such return and declaration, or for an error or false statement in such return or declaration, as to the court seems just.

(8) The order may make the allowance conditional upon compliance with such terms as to the court seems calculated for carrying into effect the objects of this Act, and the order shall relieve the applicant from any liability or consequences under this Act in respect of the matters excused by the order.

(9) The date of the order, or if conditions and terms are to be complied with, the date at which the applicant fully complies with them, is referred to in this Act as the date of the allowance of the excuse.

(10) The return and declaration sent in pursuance of this Act to the town clerk shall be kept at his office, and shall at all reasonable times during the twelve months next after they are received by him be open to inspection by any person on payment of the fee of one shilling, and the town clerk shall, on demand, furnish copies thereof or of any part thereof at the price of twopence for every seventy-two words.

(11) After the expiration of the said twelve months the town clerk may cause the return and declaration to be destroyed, or if the candidate so require shall return the same to him.

DISQUALIFICATION OF ELECTORS.

22. Prohibition of persons guilty of offences from voting.—Every person guilty of a corrupt or illegal practice or of illegal employment, payment, or hiring at a municipal election is prohibited from voting at such election, and if any such person votes his vote shall be void, and shall be struck off on a scrutiny.

23. Application of ss. 37 & 38 of 46 & 47 Vict. c. 51.—So much of sections thirty-seven and thirty-eight of the Corrupt and Illegal Practices Prevention Act, 1883, as is set forth in Part Two of the Third Schedule to this Act, shall apply as part of this Act.

24. List in burgess roll of persons incapacitated for voting by corrupt or illegal practices.—(1) The town clerk in every municipal borough shall annually in July make out a list containing the names and description of all persons who, though otherwise qualified to be enrolled as burgesses of such borough, have under this Act, or under the Corrupt and Illegal Practices Prevention Act, 1883, or under any other Act for the time being in force relating to a parliamentary election or an election to any public office, become after the commencement of this Act, by reason of conviction of a corrupt or illegal practice, or of the report of any election court or election commissioners, incapable of voting at a municipal election in such borough or any ward thereof, and the town clerk shall state in the list (in this Act referred

to as the corrupt and illegal practices list), the offence of which each person has been found guilty.

(2) For the purpose of making out such list he shall examine the report of any election court or election commissioners who have respectively tried an election petition or inquired into an election where the election (whether a parliamentary election or an election to any public office) was held in the said borough or in the county in which such borough is situate.

(3) The town clerk of any municipal borough shall, not less than fourteen days before the first day appointed by law for the publication of the parish burgess lists in such borough, send the corrupt and illegal practices list to the overseers of every parish wholly or partly within the borough, and the overseers shall publish that list together with the parish burgess lists, and shall also, in the case of every person in the corrupt and illegal practices list, omit his name from the list of persons entitled to be enrolled as burgesses or to be elected councillors, or, as circumstances require, add "objected" before his name in the list of claimants published by them, in like manner as is required by law in any other cases of disqualification.

(4) Any person named in the corrupt and illegal practices list may claim to have his name omitted therefrom, and any person entitled to object to any parish burgess list may object to the omission of the name of any person from such first-mentioned list. Such claims and objections shall be sent in within the same time and be dealt with in like manner, and any such objection shall be served on the person referred to therein in like manner, as nearly as circumstances admit, as other claims and objections under the enactments relating to the enrolment of burgesses.

(5) The revising authority shall determine such claims and objections and shall revise such list in like manner, as nearly as circumstances admit, as in the case of other claims and objections and of any parish burgess list and list of persons entitled to be elected councillors.

(6) Where it appears to the revising authority that a person not named in the list is subject to have his name inserted in the corrupt and illegal practices list, he shall (whether an objection to the omission of such name from the list has or has not been made, but) after giving such person an opportunity of making a statement to show cause to the contrary, insert his name in that list and expunge his name from any list of burgesses or of persons entitled to be elected councillors.

(7) A revising authority in acting under this section shall determine only whether a person is incapacitated by conviction or by the report of any election court or election commissioners, and shall not determine whether a person has or has not been guilty of any corrupt or illegal practice.

(8) The corrupt and illegal practices list shall be appended to the burgess roll, and shall be printed and published therewith wherever the same is printed or published.

(9) Any town clerk or overseer who fails to comply with the provisions of this section shall be liable to the like fine as he is liable to under section seventy-five of the Municipal Corporations Act, 1882, for any neglect or refusal in relation to a parish burgess list as therein mentioned.

PROCEEDINGS ON ELECTION PETITIONS.

25. *Petition for illegal practice.*—(1) A municipal election petition complaining of the election on the ground of an illegal practice may be presented at any time before the expiration of fourteen days after the day on which the town clerk receives the return and declaration respecting election expenses by the candidate to whose election the petition

relates, or where there is an authorised excuse for failing to make the return and declaration then within the like time after the date of the allowance of the excuse.

(2) *Time for presentation of petition alleging illegal practices.*—A municipal election petition, complaining of the election on the ground of an illegal practice, and specifically alleging a payment of money or other act made or done since the election by the candidate elected at such election, or by an agent of the candidate, or with the privity of the candidate, in pursuance or in furtherance of such illegal practice, may be presented at any time within twenty-eight days after the date of such payment or act, whether or not any other petition against that person has been previously presented or tried.

(3) Any election petition presented within the time limited by the Municipal Corporations Act, 1882, may, for the purpose of complaining of the election upon an allegation of an illegal practice, be amended with the leave of the High Court within the time within which a petition complaining of the election on the ground of that illegal practice can, under this section, be presented.

(4) This section shall apply notwithstanding the illegal practice is also a corrupt practice.

26. *Withdrawal of election petition.*—(1) Before leave for the withdrawal of a municipal election petition is granted, there shall be produced affidavits by all the parties to the petition and their solicitors, but the High 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 his solicitor shall further state the ground on which the petition is sought to be withdrawn.

(4) If any person makes any agreement or terms, or enters into any undertaking, in relation to the withdrawal of an election petition, and such agreement, terms, or undertaking is or are for the withdrawal of the election petition in consideration of any payment, or in consideration that the seat shall at any time be vacated or in consideration of the withdrawal of any other election petition, or is or are (whether lawful or unlawful) not mentioned in the aforesaid affidavits, he shall be guilty of a misdemeanour, and shall be liable on conviction on indictment to imprisonment for a term not exceeding twelve months, and to a fine not exceeding two hundred pounds.

(5) Copies of the said affidavits shall be delivered to the Director of public prosecutions a reasonable time before the application for the withdrawal is heard, and the court may hear the Director of public prosecutions or his assistant or other representative (appointed with the approval of the Attorney-General), in opposition to the allowance of the withdrawal of the petition, and shall have power to receive the evidence on oath of any person or persons whose evidence the Director of public prosecutions or his assistant, or other representative, may consider material.

(6) Where in the opinion of the court the proposed withdrawal of a petition was the result of any agreement, terms, or undertaking prohibited by this section, the court shall have the same power with respect to the security as under section ninety-five of the Municipal

Corporations Act, 1882, where the withdrawal is induced by a corrupt consideration.

(7) In every case of the withdrawal of an election petition, by leave of the election court such court shall report in writing to the High Court whether, in the opinion of such election court, the withdrawal of such petition was the result of any agreement, terms, or undertaking, or was in consideration of any payment, or in consideration that the seat should at any time be vacated, or in consideration of the withdrawal of any other election petition, or for any other consideration, and if so, shall state the circumstances attending the withdrawal.

(8) Where more than one solicitor is concerned for the petitioner or respondent, whether as agent for another solicitor or otherwise, the affidavit shall be made by all such solicitors.

27. *Continuation of trial of election petition.*—The trial of every municipal election petition shall, so far as is practicable consistently with the interests of justice in respect of such trial, be continued *die in diem* on every lawful day until its conclusion.

28. *Attendance of Director of public prosecutions on trial of election petition, and prosecution by him of offenders.*—(1) On every trial of a municipal election petition the Director of public prosecutions shall by himself or by his assistant, or by such representative as hereinafter mentioned, attend at the trial, and it shall be the duty of such Director to obey any directions given to him by the election court with respect to the summoning and examination of any witness to give evidence on such trial, and with respect to the prosecution by him of offenders, and with respect to any person to whom notice is given to attend with a view to report him as guilty of any corrupt or illegal practice.

(2) It shall also be the duty of such Director, without any direction from the election court, if it appears to him that any person is able to give material evidence as to the subject of the trial, to cause such person to attend the trial, and with the leave of the court to examine such person as a witness.

(3) It shall also be the duty of the said Director, without any direction from the election court, if he thinks it expedient in the interests of justice so to do, to prosecute, either before the said court or before any other competent court, any person who has not received a certificate of indemnity and who appears to him to have been guilty of a corrupt or illegal practice at a municipal election.

(4) Where a person is prosecuted before an election court for any corrupt or illegal practice, and such person appears before the court, the court shall proceed to try him summarily for the said offence, and such person, if convicted thereof upon such trial, shall be subject to the same incapacities as he is subject to under this or any other Act, upon conviction, whether on indictment or in any other proceeding for the said offence; and further, may be adjudged by the court, if the offence is a corrupt practice, to be imprisoned, with or without hard labour, for a term not exceeding six months, or to pay a fine not exceeding two hundred pounds, and if the offence is an illegal practice, to pay such fine as is fixed by this Act for the offence:

Provided that, in the case of a corrupt practice, the court, before proceeding to try summarily any person, shall give such person the option of being tried by a jury.

(5) Where a person is so prosecuted for any such offence, and either he elects to be tried by a jury or he does not appear before the court, or the court thinks it in the interests of justice expedient that he should be tried before some other court, the court, if of opinion that the evidence is sufficient to put the said person upon his trial for the offence, shall order such person to be prosecuted on indict-

ment or before a court of summary jurisdiction, as the case may require, for the said offence; and in either case may order him to be prosecuted before such court as may be named in the order; and for all purposes preliminary and of and incidental to such prosecution the offence shall be deemed to have been committed within the jurisdiction of the court so named.

(6) Upon such order being made,

- (a) if the accused person is present before the court, and the offence is an indictable offence, the court shall commit him to take his trial, or cause him to give bail to appear and take his trial for the said offence; and
- (b) if the accused person is present before the court, and the offence is not an indictable offence, the court shall order him to be brought before the court of summary jurisdiction before whom he is to be prosecuted, or cause him to give bail to appear before that court; and
- (c) if the accused person is not present before the court, the court shall as circumstances require issue a summons for his attendance, or a warrant to apprehend him and bring him before a court of summary jurisdiction, and that court, if the offence is an indictable offence, shall, on proof only of the summons or warrant and the identity of the accused, commit him to take his trial, or cause him to give bail to appear and take his trial for the said offence, or if the offence is punishable on summary conviction, shall proceed to hear the case, or if such court be not the court before whom he is directed to be prosecuted shall order him to be brought before that court.

(7) Any order or act of an election court under this section shall not be subject to be discharged or varied under sub-section six of section ninety-two of the Municipal Corporations Act, 1882.

(8) The Director of public prosecutions may nominate, with the approval of the Attorney-General, any barristers or solicitors of not less than ten years standing, one of whom shall, when required, act as the representative for the purposes of this section of such Director, and when so acting shall receive such remuneration as the Treasury may approve. There shall be allowed to the Director and his assistant or representative, for the purposes of this section, such allowance for expenses as the Treasury may approve.

(9) The costs incurred in defraying expenses of the Director of public prosecutions under this section (including the remuneration of his representatives) shall, in the first instance, be paid by the Treasury, and so far as they are not in the case of any prosecution paid by the defendant, shall be deemed to be expenses of the election court, and shall be paid as the expenses of that court are directed by section one hundred and one of the Municipal Corporations Act, 1882, to be paid; but if for any reasonable cause it seems just to the court so to do, the court shall order all or part of the said costs to be repaid to the Treasury by the parties to the petition, or such of them as the court may direct.

29. Power to election court to order payment by borough or individual of costs of election petition.—(1) Where upon the trial of a municipal election petition it appears to the election court 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 that such respondent took all reasonable means to prevent corrupt practices being committed on his behalf, 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 follows;

- (a) if it appears to the court that corrupt practices extensively prevailed in reference to the said election, the court may order the whole or part of the costs to be paid by the borough; and
- (b) 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 such election, the court may, after giving such person or persons an opportunity of being heard by counsel or solicitor and of 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 such persons they shall be paid by some other of such persons or by either of the parties to the petition.

(2) Where any person appears to the court to have been guilty of the offence of a corrupt or illegal practice, the court may, after giving such 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 offence or to the said person to be paid by the said person to such person or persons as the court may direct.

(3) The rules and regulations of the Supreme Court of Judicature with respect to costs to be allowed in actions, causes, and matters in the High Court shall in principle and so far as practicable apply to the costs of petition and other proceedings under Part Four of the Municipal Corporations Act, 1882, and this Act, and the taxing officer shall not allow any costs, charges, or expenses on a higher scale than would be allowed in any action, cause or matter in the High Court on the higher scale, as between solicitor and client.

MISCELLANEOUS.

30. *General provisions as to prosecution of offences under this Act.*

—Subject to the other provisions of this Act, the procedure for the prosecution of a corrupt or illegal practice or any illegal payment, employment, or hiring committed in reference to a municipal election, and the removal of any incapacity incurred by reason of a conviction or report relating to any such offence, and the duties of the Director of public prosecutions in relation to any such offence, and all other proceedings in relation thereto (including the grant to a witness of a certificate of indemnity), shall be the same as if such offence had been committed in reference to a parliamentary election; and sections forty-five and forty-six and sections fifty to fifty-seven (both inclusive), and sections fifty-nine and sixty of the Corrupt and Illegal Practices Prevention Act, 1883, shall apply accordingly as if they were re-enacted in this Act with the necessary modifications, and with the following additions:—

- (a) Where the Director of public prosecutions considers that the circumstances of any case require him to institute a prosecution before any court other than an election court for any offence other than a corrupt practice committed in reference to a municipal election in any borough, he may, by himself or his assistant, institute such prosecution before any court of summary jurisdiction in the county in which the said borough is situate or to which it adjoins, and the offence shall be deemed for all purposes to have been committed within the jurisdiction of such court; and

- (b) General rules for the purposes of Part Four of the Municipal Corporations Act, 1882, shall be made by the same authority as rules of court under the said sections; and
- (c) The giving or refusal to give a certificate of indemnity to a witness by the election court shall be final and conclusive.

31. *Person incapacitated by conviction or report to vacate seat or office.*—If any person, in consequence of conviction or of the report of an election court under this Act, becomes not capable of being elected to or sitting in the House of Commons, or of being elected to or holding any public or judicial office, and such person, at the date of the said conviction or report, has been so elected or holds any such office, then his seat or office, as the case may be, shall be vacated as from that date.

32. *Payment and recovery of costs.*—(1) Where any costs of a petition are, under an order of a municipal election court, to be paid by a borough, such costs shall be paid out of the borough fund or borough rate.

(2) Where any costs or other sums are, under the order of an election court or otherwise under this Act, to be paid by any person, those costs shall be a simple contract debt due from such person to the person or persons to whom they are to be paid, and if payable to the Treasury shall be a debt to Her Majesty, and in either case may be recovered accordingly.

33. *Service of notices.*—Where any summons, notice, or document is required to be served on any person with reference to any proceeding respecting a municipal election in any borough or ward of a borough, whether for the purpose of causing him to appear before the High Court or any election court, or otherwise, or for the purpose of giving him an opportunity of making a statement, or showing cause, or being heard by himself, before any such court, for any purpose of this Act, such summons, notice, or document may be served either by delivering the same to such person, or by leaving the same at, or sending the same by post by a registered letter to, his last known place of abode in the said borough, or, if the proceeding is before any court, in such other manner as the court may direct, and in proving such service by post it shall be sufficient to prove that the letter was prepaid, properly addressed, and registered with the post office.

34. *Definitions.*—In this Act expressions have the same meaning as in the Municipal Corporations Act, 1882, and in the Corrupt and Illegal Practices Prevention Act, 1883; except that the words “borough,” “election petition,” “election court,” and “candidate,” shall, unless the context otherwise requires, have the meaning given by the Municipal Corporations Act, 1882, and not the meaning given by the Corrupt and Illegal Practices Prevention Act, 1883; and except that “election” shall, unless the context otherwise requires, mean a municipal election.

For the purposes of this Act the number of electors shall be taken according to the enumeration of the electors in the burgess roll.

35. *Application to city of London of Act and of Part IV. of 45 & 46 Vict. c. 50.*—This Act and Part IV. of the Municipal Corporations Act, 1882, shall apply to a municipal election in the city of London, subject as follows:—

- (1) For the purpose of such application “municipal election” means an election to the office of mayor, alderman, common councilman, or sheriff, and includes the election of any officer elected by the mayor, aldermen, and liverymen in common hall, and the expression “corporate office” includes each of

the aforesaid offices, and the expression "borough" shall be deemed to apply to the said city:

- (2) The expression "burgess" means, in relation to each municipal election, any person entitled to vote at such election:
- (3) Any costs or expenses directed to be paid out of the borough fund or borough rate shall, if incurred in respect of the election of an alderman or common councilman for any ward, be paid out of the ward rate of that ward, and in any other case shall be paid by the chamberlain of the said city out of the city's cash:
- (4) The enactments relating to personation, polling agents, and disclosure of votes shall not apply, save that if any person commits any offence under the City of London Municipal Elections Amendment Act, 1867, in relation to the declaration required by that Act to be made at the poll, he shall, in addition, be deemed guilty of a corrupt practice under this Act:
- (5) A vacancy in any office created by the decision of an election court shall be filled by a new election, and every summoning officer is hereby authorised and required to summon the electors for such election:
- (6) In the case of an election of an alderman and common councilman a sum may be paid and expense incurred not in excess of the maximum fixed by this Act for the election of a councillor.
- (7) In the case of an election by liverymen in common hall a sum may be paid and expenses incurred, if a poll be not demanded, not exceeding forty pounds, and, if a poll be demanded, then not exceeding two hundred and fifty pounds, and, in the event of a poll being demanded, such poll shall take place on the third day after the demand for a poll be made, unless such third day be a Sunday, in which case the poll shall take place on the fourth day, and the poll shall last for one day only, and commence at the hour of eight in the morning and close at six in the evening.
- (8) The town clerk shall send the corrupt and illegal practices list, when made out by him, to the ward clerk of each ward not less than fourteen days before the day on which the list of persons entitled to vote in such ward is required to be made out, and the aldermen and common councilmen of each ward shall omit from such last-mentioned list the names of all persons mentioned in the corrupt and illegal practices list, and the corrupt and illegal practices list shall be printed and appended to every copy of the list of persons entitled to vote in such ward.

APPLICATION OF ACT TO OTHER ELECTIONS.

36. *Application of this Act and Part IV. of 45 & 46 Vict. c. 50, to other elections.*—(1) Subject as hereinafter mentioned, the provisions of this Act and of Part Four of the Municipal Corporations Act, 1882, as amended by this Act, shall extend to elections for the offices mentioned in the first column of the First Schedule to this Act as if re-enacted herein and in terms made applicable thereto, and petitions may be presented and tried, and offences prosecuted and punished, and incapacities incurred in reference to each such election accordingly.

Provided that in the application of the said provisions to any such election:

- (a) The area, officer, and rate mentioned opposite to the office in the second, third, and fourth columns of the said schedule, shall be deemed to be substituted for the borough or ward, town clerk, and borough fund or rate respectively.

- (b) The expression "corporate office" in the said provisions shall mean an office mentioned in the said schedule, and in relation to the election of a guardian of a union includes any such office in the union, and "a municipal election" shall mean an election to such office, and the expressions "municipal election court," "municipal election list," and "municipal election petition" shall be construed accordingly.
- (c) No corrupt and illegal practices list shall be made for any such election.
- (d) Vacancies created by the decision of an election court shall be filled by a new election.
- (e) A petition relating to the election of a guardian of a union may be tried at any place within the union.
- (f) Nothing in the said provisions shall render it unlawful to hold a meeting for the purpose of promoting or procuring the election of a candidate to any office mentioned in the said schedule on any licensed or other premises not situate in an urban sanitary district or in the Metropolis;
- (g) Where the poll at any election to an office in the said schedule is taken by means of voting papers, such of the said provisions as relate to personation, polling agents, disclosure of votes and conveyance of voters, shall not apply; but any offence in relation to voting papers or to personation or to voting at such election which is punishable on summary conviction (that is to say,) the offences mentioned in section three of the Poor Law Amendment Act, 1851, and in rule sixty-nine of Schedule Two to the Public Health Act, 1875, shall, without prejudice to the punishment under such section and rule of a person guilty of such offence, be deemed to be an illegal practice within the meaning of the said provisions.
- (h) The Local Government Board shall have the same power as heretofore under section eight of the Poor Law Amendment Act, 1842, to determine any question arising as to the right of a person to act as guardian, except that the Board shall not have power—
- (a) To determine, until after the expiration of twenty-one days after the election of a person as guardian, any question which can be determined upon an election petition under this section; nor
 - (b) To determine any question which is raised by an election petition under this section, and is either awaiting decision or has been decided by an election court; nor
 - (c) To determine any question of general corruption, or of any corrupt or illegal practice, except so far as appears to such Board necessary for determining the validity of any vote.
- (2) The judges for the time being on the rota for the trial of parliamentary election petitions, or any two of those judges, may annually appoint as many barristers, not exceeding five, as they may think necessary to be commissioners for the trial of election petitions under Part Four of the Municipal Corporations Act, 1882, and this Act, and shall from time to time assign the petitions (whether relating to a municipal election or to any other election to which this Act extends) to be tried by each commissioner.

37. Exemption from provisions as to maximum expenses.—The provisions of this Act which prohibit the payment of any sum, and the incurring of any expense by or on behalf of a candidate at an election, on account of, or in respect of, the conduct or management of the election, and those which relate to the time for sending in and paying

claims, and those which relate to the maximum amount of election expenses, or the return or declaration respecting election expenses, shall not apply to any of the elections mentioned in the First Schedule to this Act.

REPEAL.

38. *Repeal of Acts.*—The Acts specified in the Second Schedule to this Act are hereby repealed as from the commencement of this Act to the extent in the third column of that schedule mentioned, but such repeal shall not affect anything duly done or suffered, or any right acquired or accrued, or any incapacity incurred, before the commencement of this Act; and any person subject to any incapacity under any enactment hereby repealed, or under any enactment for which such repealed enactment was substituted, shall continue subject thereto, and this Act shall apply to him as if he had become so subject in pursuance of the provisions of this Act.

39. *Commencement of Act.*—This Act shall come into operation on the first day of October one thousand eight hundred and eighty-four, which day is in this Act referred to as the commencement of this Act.

EXTENT OF ACT.

40. *Act not to extend to Scotland or Ireland.*—This Act shall not extend to Scotland or Ireland.

41. *Duration of Act.*—This Act shall continue in force to the end of the year one thousand eight hundred and eighty-six, and no longer.

SCHEDULES.

FIRST SCHEDULE.

Sched. I.

ELECTIONS to which this Act extends.

In England.

Office.	Area.	Officer.	Rate.
Member of local board as defined by the Public Health Act, 1875.	Local Government district or ward of such district.	Clerk to the local board or person performing like duties.	The general district rate.
Member of Improvement Commissioners as defined by the Public Health Act, 1875.	Improvement Act district or ward of such district.	Clerk to the Improvement Commissioners, or person performing like duties.	The general district rate or other rate out of which the expenses of the Improvement Commissioners are payable.
Guardian elected under the Poor Law Amendment Act, 1834.	Parish or ward of a parish or united parishes.	Clerk to the guardians, or person performing like duties.	The poor rate of the parish or united parishes.
Member of school board.	School district or division of the metropolis.	Returning officer of school board.	The school fund.

Sched. II.

SECOND SCHEDULE.

ENACTMENTS REPEALED.

A description or citation of a portion of an Act is inclusive of the words, section, or other part first and last mentioned, or otherwise referred to as forming the beginning or as forming the end of the portion comprised in the description or citation.

As to England.

33 & 34 Vict. c. 75.	The Elementary Education Act, 1870.	Section thirty-three.
45 & 46 Vict. c. 50.	The Municipal Corporations Act, 1882.	Section seventy-seven, from "corrupt practice" down to "or personation," and from "canvasser" down to "candidate at a municipal election." Section seventy-eight. Section seventy-nine. Section eighty. Section eighty-two. Section eighty-three. Section eighty-four. Section ninety-two, sub-section four, from "and those judges" down to the end of the sub-section. Section ninety-four, sub-sections five, six, seven and eight. So much of section ninety-eight, sub-section two, as relates to the principles of taxation.

Sched. III.

THIRD SCHEDULE.

PART I.

Enactments defining Corrupt Practices.—Enactments defining the Offence of Bribery.

The Corrupt Practices Prevention Act, 1854,
17 & 18 Vict. c. 102, sections 2 and 3.

S. 2. *Bribery defined.*—The following persons shall be deemed guilty of bribery, and shall be punishable accordingly:—

- (1) Every person who shall, directly or indirectly, by himself or by any other person on his behalf, give, lend, or agree to give or lend, or shall offer, promise, or promise to procure or endeavour to procure, any money or valuable consideration to or for any voter, or to or for any 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 shall corruptly do any such act as aforesaid on account of such voter having voted or refrained from voting at any election.
- (2) Every person who shall, directly or indirectly, by himself or by any other person on his behalf, give or procure, or agree to give or procure, or offer, promise, or promise to procure or endeavour to procure, any office, place, or employment to or for any voter, or to or for any person on behalf of any

Sched. III.

voter, or to or for any other person, in order to induce such voter to vote or refrain from voting, or shall corruptly do any such act as aforesaid on account of any voter having voted or refrained from voting at any election.

- (3) Every person who shall, directly or indirectly, by himself or by any other person on his behalf, make any such gift, loan, offer, promise, procurement, or agreement as aforesaid, to or for any person, in order to induce such person to procure or endeavour to procure the return of any person to serve in Parliament, or the vote of any voter at any election.
- (4) Every person who shall, upon or in consequence of any such gift, loan, offer, promise, procurement, or agreement, procure, or engage, promise, or endeavour to procure the return of any person to serve in Parliament, or the vote of any voter at any election.
- (5) Every person who shall advance or pay, or cause to be paid, any money to or to the use of any other person with the intent that such money, or any part thereof, shall be expended in bribery at any election, or who shall knowingly pay or cause 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: Provided always, that the aforesaid enactment shall not extend or be construed to extend to any money paid or agreed to be paid for or on account of any legal expenses *bonâ fide* incurred at or concerning any election.

S. 3. *Bribery further defined.*—The following persons shall also be deemed guilty of bribery, and shall be punishable accordingly:—

- (1) Every voter who shall, before or during any election, directly or indirectly, by himself or by any other person on his behalf, receive, agree, or contract for any money, gift, loan, or valuable consideration, office, place, or employment, for himself or for any other person, for voting or agreeing to vote, or from refraining or agreeing to refrain from voting at any election.
- (2) Every person who shall, after any election, directly or indirectly, by himself or by any other person on his behalf, receive 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 at any election.

The Representation of the People Act, 1867, 30 & 31 Vict. c. 102, s. 49.

S. 49. *Corrupt payment of rates to be punishable as bribery.*—Any person, either directly or indirectly, corruptly paying any rate on behalf of any ratepayer for the purpose of enabling him to be registered as a voter, thereby to influence his vote at the future election, and any candidate or other person, either directly or indirectly, paying any rate on behalf of any voter for the purpose of inducing him to vote or refrain from voting, shall be guilty of bribery, and be punishable accordingly; and any person on whose behalf and with whose privity any such payment as in this section is mentioned is made, shall also be guilty of bribery, and punishable accordingly.

Enactment defining the Offence of Personation.

The Ballot Act, 1872, 35 & 36 Vict. c. 33, s. 24.

S. 24. *Personation defined.*—A person shall, for all purposes of the laws relating to parliamentary and municipal elections, be deemed to be guilty of the offence of personation who, at an election for a county

Sched. III.

or borough, or at a municipal election, applies for a ballot paper in the name of some other person, whether that name be that of a person living or dead, or of a fictitious person, or who, having voted once at any such election, applies at the same election for a ballot paper in his own name.

Enactments defining the Offences of Treating and Undue Influence.

The Corrupt and Illegal Practices Prevention Act, 1883,
46 & 47 Vict. c. 51, ss. 1 and 2.

S. 1. *What is treating.*—Any person who corruptly by himself or by any other person, either 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 meat, drink, entertainment, or provision to or for any person for the purpose of corruptly influencing that person or any other person to give or refrain from giving his vote at the election, or on account of such person or any other person having voted or refrained from voting, or being about to vote or refrain from voting at such election, shall be guilty of treating.

And every elector who corruptly accepts or takes any such meat, drink, entertainment, or provision, shall also be guilty of treating.

S. 2. *What is undue influence.*—Every person who shall directly or indirectly, by himself or by any other person on his behalf, make use of or threaten to make use of any force, violence, or restraint, or inflict or threaten to inflict, by himself or by any other person, any temporal or spiritual injury, damage, harm, or loss upon or against any person in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election, or who shall by abduction, duress, or any fraudulent device or contrivance impede or prevent the free exercise of the franchise of any elector, or shall thereby compel, induce, or prevail upon any elector either to give or to refrain from giving his vote at any election, shall be guilty of undue influence.

Enactment defining the Offences of Bribery, Treating, Undue Influence, and Personation.

The Municipal Corporations Act, 1882, 45 & 46 Vict. c. 50, s. 77.

S. 77. *Definitions.*—“Bribery,” “treating,” “undue influence,” and “personation” include respectively anything done before, at, after, or with respect to a municipal election, which, if done before, at, after, or with respect to a parliamentary election, would make the person doing the same liable to any penalty, punishment, or disqualification for bribery, treating, undue influence, or personation, as the case may be, under any Act for the time being in force with respect to parliamentary elections.

PART II.

Enactments relating to Disqualification of Electors.

The Corrupt and Illegal Practices Prevention Act, 1883,
46 & 47 Vict. c. 51, sections 37 and 38.

S. 37. *Prohibition of disqualified persons from voting.*—Every person who, in consequence of conviction or of the report of any election court or election commissioners under this Act, or under the Corrupt Practices (Municipal Elections) Act, 1872, or under Part IV. of the Municipal Corporations Act, 1882, or under any other Act for the time being in force relating to corrupt practices at an election for any

Sched. III.

public office, has become incapable of voting at any election, whether a parliamentary election or an election to any public office, is prohibited from voting at any such election, and his vote shall be void.

S. 38. *Hearing of person before he is reported guilty of corrupt or illegal practice, and incapacity of person reported guilty.*—(1) Before a person, not being a party to an election petition nor a candidate on behalf of whom the seat is claimed by an election petition, is reported by an election court * * * to have been guilty, at an election, of any corrupt or illegal practice, the court * * * shall cause notice to be given to such person, and if he appears in pursuance of the notice, shall give him an opportunity of being heard by himself and of calling evidence in his defence to show why he should not be so reported.

(5) Every person who, after the commencement of this Act, is reported by any election court * * * to have been guilty of any corrupt or illegal practice at an election, shall, whether he obtained a certificate of indemnity or not, be subject to the same incapacity as he would be subject to if he had at the date of such election been convicted of the offence of which he is reported to have been guilty.

(6) Where a person who is a justice of the peace is reported by any election court * * * to have been guilty of any corrupt practice in reference to an election, whether he has obtained a certificate of indemnity or not, it shall be the duty of the Director of Public Prosecutions to report the case to the Lord High Chancellor of Great Britain, with such evidence as may have been given of such corrupt practice, and where any such person acts as a justice of the peace by virtue of his being or having been mayor of a borough, the Lord High Chancellor shall have the same power to remove such person from being a justice of the peace as if he was named in a commission of the peace.

(7) Where a person who is a barrister or a solicitor, or who belongs to any profession the admission to which is regulated by law, is reported by any election court * * * to have been guilty of any corrupt practice in reference to an election, whether such person has obtained a certificate of indemnity or not, it shall be the duty of the Director of Public Prosecutions to bring the matter before the Inn of Court, High Court, or tribunal having power to take cognizance of any misconduct of such person in his profession, and such Inn of Court, High Court, or tribunal may deal with such person in like manner as if such corrupt practice were misconduct by such person in his profession.

(8) With respect to a person holding a license or certificate under the Licensing Acts (in this section referred to as a licensed person) the following provisions shall have effect:—

(a) If it appears to the court by which any licensed person is convicted of the offence of bribery or treating that such offence was committed on his licensed premises, the court shall direct such conviction to be entered in the proper register of licenses:

(b) If it appears to an election court * * * that a licensed person has knowingly suffered any bribery or treating in reference to any election to take place upon his licensed premises, such court * * * (subject to the provisions of this Act as to a person having an opportunity of being heard by himself and producing evidence before being reported) shall report the same; and, whether such person obtained a certificate of indemnity or not, it shall be the duty of the Director of Public Prosecutions to bring such report before the licensing justices from whom or on whose certificate the licensed person obtained his license, and such

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licensing justices shall cause such report to be entered in the proper register of licenses:

- (c) Where an entry is made in the register of licenses of any such conviction of or report respecting any licensed person as above in this section mentioned, it shall be taken into consideration by the licensing justices in determining whether they will or will not grant to such person the renewal of his license or certificate, and may be a ground, if the justices think fit, for refusing such renewal.

* * * * *

Sched. IV.**FOURTH SCHEDULE.***Form of Declaration by Candidate as to Expenses.*

I , having been a candidate at the election of councillor for the borough [or ward] of on the day of [and my agents do hereby solemnly and sincerely declare that I have paid] for my expenses at the said election, and that, except as aforesaid, I have not, and to the best of my knowledge and belief, no person, nor any club, society, or association, has on my behalf, made any payment, or given, promised, or offered any reward, office, employment, or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said election.

And I further solemnly and sincerely declare that, except as aforesaid, no money, security, or equivalent for money, has to my knowledge or belief been paid, advanced, given, or deposited by anyone to or in the hands of myself, or any other person, for the purpose of defraying any expenses incurred on my behalf on account of or in respect of the conduct or management of the said election.

And I further solemnly and sincerely declare that I will not at any future time make or be a party to the making or giving of any payment, reward, office, employment, or valuable consideration for the purpose of defraying any such expenses as last mentioned, or provide or be a party to the providing of any money, security, or equivalent for money for the purpose of defraying any such expenses.

Signature of declarant *C.D.*

Signed and declared by the above-named declarant on the day of , before me.

(Signed) *E.F.*

Justice of the Peace for .

No. 7.

LOCAL GOVERNMENT (ELECTIONS) ACT, 1896
(59 VICT. c. 1).⁶

An Act to continue temporarily certain Powers for the Removal of Difficulties at Elections under the Local Government Act, 1894.
[6th March, 1896.]

[*Preamble.*]

1. *Power of county council to remove difficulties.*—(1) If any difficulty arises with respect to any election of parish or district councillors or of guardians, or to the first meeting after any ordinary election of such councillors or guardians, or if, from an election not being held, or being defective, or otherwise, the council or board has not been properly constituted, the county council may by order make any appointment or do anything which appears to them necessary or expedient for the proper holding of any such election or meeting, and properly constituting the council or board, and may, if it appears to them necessary, direct the holding of an election or meeting, and fix the dates for any such election or meeting.

(2) Any such order may modify the provisions of the Local Government Act, 1894, and the enactments applied by, or rules framed under, that Act, so far as may appear to the county council necessary or expedient for carrying the order into effect.

(3) A county council may delegate their powers under this section to a committee.

3. *Short title.*—This Act may be cited as the Local Government (Elections) Act, 1896.

⁶ This Act was made permanent by sect. 35 of the present Act. See pp. 221—222, *supra*.

APPENDIX V.

REPORT OF SPEAKER'S CONFERENCE.

REPORT OF THE SPEAKER'S CONFERENCE ON
ELECTORAL REFORM CONTAINED IN A
LETTER FROM THE SPEAKER TO THE PRIME
MINISTER, DATED JANUARY 27TH, 1917,¹ PRE-
SENTED TO BOTH HOUSES OF PARLIAMENT
BY COMMAND OF HIS MAJESTY.

SPEAKER'S HOUSE, S.W.,
January 27, 1917.

DEAR PRIME MINISTER,

I HAVE much pleasure in informing you that the Conference on Electoral Reform has now completed its work, and that I am authorised to report to you the resolutions at which it has arrived.

You will doubtless remember the circumstances in which it originated, but for the sake of greater accuracy I will venture to detail them.

During the debate on the second reading of the Special Register Bill on the 16th August last, Mr. Asquith, who was then Prime Minister, in the course of his speech used these words:—

“With regard to the Parliament which is going to undertake the work of reconstruction after the war, it is eminently desirable that you should provide an electoral basis which will make that Parliament reflective and representative of the general opinion of the country, and give to its decisions a moral authority which you cannot obtain from what I may call a scratch, improvised, and makeshift electorate. Let us by all means use the time—those of us who are not absolutely absorbed in the conduct of the war—in those months to see if we cannot work out by general agreement some scheme under which, both as regards the electorate and the distribution of electoral power, a Parliament can be created at the end of the war capable and adequate for discharging these tasks, and commanding the confidence of the country.” (Official Report, vol. 85, p. 1906.)

During the same debate Mr. Long, who was then President of the Local Government Board, said:—

“I myself believe that if we agreed amongst ourselves, and the Government offered any assistance which they could, and which, I believe, they would gladly do, to set up—I will not say a Com-

¹ Parliamentary Paper, Cd. 8463.

mittee, because that is not exactly what I mean—but a representative Conference, not only of parties, but of groups, a Conference which would really represent opinion on these three subjects: electoral reform, revision of your electoral power when you have got it, and registration, I believe—and I do not speak altogether out of books—that such a Conference of earnest men, holding strong views, bitterly opposed to each other, if they were face to face with these difficulties, when we are all longing with a great longing to see something of a better prospect for our country in the future, would produce an agreed system for all three questions upon which the great mass of opinion of the people of this country could come together.”

And again later in his speech he used these words:—

“I believe that a Conference such as I have suggested would have a great result. I hope that in the short time during which Parliament is released from its duties we shall all turn our attention to this question. If my honourable friends in any quarter of this House, or outside of this House were to invite me to help to get together such a Conference I would do it with the utmost pleasure. I believe that is the way in which we are more likely to find a solution to these problems than any other plan of which I have yet heard. It was recommended by the honourable gentleman the Member for Stockport in a speech he made, as being put forward either in public or private by many of those who have given time and attention to this question. I venture to say to the House it is our duty, one and all, not to criticise the Government or to find fault with this Bill, but to set ourselves to find a solution which may be a lasting settlement of a very old and difficult problem.” (Official Report, vol. 85, pp. 1949—1950.)

The idea seemed to find favour, and soon afterwards I accepted an invitation from the Prime Minister to convene a Conference of members of both Houses of Parliament and to preside over it. The Members of Parliament and Peers whom I selected appeared to me to be eminently representative of the various shades of political opinion in Parliament and in the country upon the special topics connected with Electoral Reform. Their numbers were as nearly as possible proportionate to the strength of pre-war parties in the House of Commons.

On the question of Woman Suffrage I endeavoured to obtain an equal division of opinion, so far as it could be ascertained, but many obvious difficulties presented themselves in discovering the views of gentlemen upon that important topic.

Eventually the following Peers and Members of Parliament accepted my invitation: the Marquess of Salisbury, Earl Grey, Viscount Bryce, Viscount Gladstone, Lord Burnham, Sir Ryland Adkins, Right Honourable Sir Frederick Banbury, Sir John Bethell, Sir William Bull, Colonel James Craig, Colonel Page Croft, Mr. Ellis Davies, Right Honourable W. H. Dickinson, Right Honourable Sir R. Einlay, Mr. Goldstone, Right Honourable George Lambert, Sir J. Larmor, Mr. Macmaster, Mr. J. Mooney, Mr. T. P. O'Connor, Mr. Peto, Mr. Pringle, Right Honourable Sir Harry Samuel, Mr. Seanlan, Mr. MacCallum Scott, Right Honourable Sir John Simon, Mr. Turton, Mr. Stephen Walsh, Mr. Wardle, and Mr. Aneurin Williams.

Before the Conference met, however, Lord Bryce and Mr. Laurence Hardy were obliged through illness to withdraw their acceptances, and Mr. Mooney also found himself unable to take part in the proceedings. Their places were taken by Lord Southwark, Sir Robert Williams, and Mr. Brady.

Mr. W. T. Jerred, C.B., Assistant Secretary to the Local Government Board, acted as Secretary to the Conference.

The Conference met for the first time at the offices of the Local Government Board on the 12th October last, but all subsequent meetings have been held in Committee Room 15 at the House of Commons.

The terms of reference were as follows:—

To examine, and, if possible, submit, agreed resolutions on the following matters:—

- (a) Reform of the Franchise.
- (b) Basis for Redistribution of Seats.
- (c) Reform of the System of the Registration of Electors.
- (d) Method of elections and the manner in which the costs of elections should be borne.

After our discussion had proceeded for some time, we were so unfortunate as to lose the assistance of Lord Grey, who was prevented by illness from attending, but as I was in constant expectation that he might be able to resume his attendance I did not invite any other gentleman to take his place.

Sir Robert Finlay also, on his acceptance of office as Lord Chancellor in your Government, was compelled, to the regret of all his colleagues, to leave us.

On the 14th December Lord Salisbury, Sir F. Banbury, and Colonel Craig found themselves unable to continue to assist us, and resigned their positions as members of the Conference. Their places were taken by Mr. C. B. Stuart-Wortley (now Lord Stuart of Wortley), Mr. Touche, and Mr. Archdale, and it is perhaps only fair to mention that some of the conclusions of the Conference were arrived at before they became members of it.

You will remember that when we had reached this point I consulted you as to the desirability of continuing our labours, and you expressed the desire of His Majesty's Government that the work of the Conference should proceed.

Altogether the Conference held twenty-six sittings, the last of which took place on the 26th instant, when I was authorised to report to you the result of our deliberations. This appears in the following series of resolutions:—

I.—REGISTRATION OF ELECTORS.

1. The qualifying period for registration as a Parliamentary elector shall be reduced to six months.
2. There shall be a revision of the register every six months.
3. The qualifying period shall be six months prior to the 15th January and 15th July in each year.

4. The time between the preparation and coming into force of the register shall be shortened.

The foregoing resolutions (Nos. 2, 3, and 4) shall not apply to Ireland which, owing to different conditions, may require special treatment.

6. In England and Wales a Registration Officer shall be appointed in every county and borough who shall be, in the case of a county, the Clerk of the County Council, and, in the case of a borough, the Town Clerk.

7. An appeal from the decision of the Registration Officer shall lie to the County Court.

8. In the opinion of the Conference, the cost of registration should be a charge upon the local rates, subject to a contribution of one-half to be made by the State.

II.—REFORM OF THE FRANCHISE.

9.—(a) Every person of full age, not subject to any legal incapacity, who, for the qualifying period, has resided in any premises, or has occupied for the purpose of his business, profession, or trade, any premises of a clear yearly value of not less than 10*l.*, shall be entitled to be registered as a Parliamentary Elector.

(b) For the purposes of this resolution no change shall be made in the law relating to the joint occupation of business premises.

(c) A franchise based upon the foregoing qualifications shall be substituted for all existing franchises.

Provided that the representation of the Universities shall be maintained.

10. The qualification to be registered as a Parliamentary Elector shall not be lost by removal to different premises within the same constituency, or from one constituency to another in the same borough or county (including the administrative County of London), or to different premises in a contiguous county or borough.

11.—(a) A person shall not vote at a general election in more than one constituency.

Provided that a person shall be entitled to one additional vote in another constituency in respect of the occupation of his business premises, or in respect of any qualification he may have as a University voter.

(b) For the purpose of this resolution the expression "constituency" means any county, borough, or combination of places, or university or combination of universities, returning a member or members to serve in Parliament, and where a county or borough is divided for the purpose of Parliamentary elections, means a division of the county or borough so divided.

12. The law relating to the franchise and registration shall be codified.

III.—REDISTRIBUTION OF SEATS.

13. This Conference accepts as governing any scheme of redistribution the principle that each vote recorded shall, as far as possible, command an equal share of representation in the House of Commons.

14. It is desirable that there shall be a Redistribution of Seats in accordance with the following general rules:—

- (i) The number of members of the House of Commons for Great Britain shall remain substantially as at present.
- (ii) In the application of this principle the information at the disposal of the Conference indicates the taking of 70,000 as the standard unit of population for each member.
- (iii) A county or borough (other than the City of London) with a population of less than 50,000 shall cease to have separate representation.
- (iv) A county or borough with a population of 50,000, but less than 70,000, shall continue to have separate representation.
- (v) A municipal borough or urban district with a population not less than 70,000 shall become a separate Parliamentary borough.
- (vi) A county or borough at present returning two members shall not lose a member if the defect in the population is 20,000 or less.
- (vii) A member shall be given for 70,000 and for every multiple of 70,000, and an additional member for any remainder which is not less than 50,000.

(viii) The boundaries of Parliamentary constituencies shall, as far as practicable, coincide with the boundaries of administrative areas.

(ix) The City of London shall continue as at present to return two members.

15. Existing boroughs entitled to return two members shall not be divided.

16. Where there are contiguous boroughs which, if formed into a single constituency, would be entitled to return not less than three nor more than five members, it shall be an instruction to the Boundary Commissioners to unite such boroughs into a single constituency.

(This resolution would only become applicable in the event of a system of Proportional Representation being adopted, as recommended in a subsequent resolution.)

17. It shall be an instruction to the Boundary Commissioners to take the population as estimated by the Registrar-General for July, 1914, instead of the population according to the census of 1911.

18. It shall be a recommendation to the Boundary Commissioners, after ascertaining local opinion, to segregate as far as possible adjacent industrial and rural areas in forming constituencies within any county.

19. Where, under the application of these rules, a borough loses its right to separate representation in Parliament, it shall be competent for the Commissioners, after having ascertained local opinion on the subject, to combine such borough with any other such borough or boroughs lying within the county, or with any other borough in the same county having separate representation, instead of merging it in the adjacent county division.

20. Where an ancient Parliamentary borough loses its representation, the county division in which the borough becomes merged shall be named after the merged borough.

21. Where districts of burghs in Scotland comprise burghs in different counties, or where under the foregoing rules a Parliamentary borough which is a district of burghs would lose representation, it shall be an instruction to the Boundary Commissioners to consider the desirability of regrouping the burghs or adding neighbouring burghs in the same county, regard being had to their size, to a proper representation* of the urban and rural population, and to the distribution and pursuits of such population:

Provided that the representation of the county is not thereby affected.

As regards Ireland, the Conference desires to place on record that, on the subject of redistribution, it has carried on its deliberations from the point of view of Great Britain only.

IV.—UNIVERSITY REPRESENTATION.

22.—(a) The Universities of Oxford and Cambridge shall continue to return two members each; the electorate shall be widened, and, in order to secure a proper representation of minorities, each voter shall be allowed to vote for one candidate only.

(b) The Universities of Durham, Manchester, Birmingham, Liverpool, Leeds, Sheffield, Bristol, and the University of Wales, shall receive representation; these universities shall be grouped with the University of London so as to form a single constituency returning three members elected on the system of a single transferable vote.

(c) The combined Universities of Edinburgh and St. Andrews and of Glasgow and Aberdeen shall also be grouped so as to form a single constituency returning three members under the system of a single transferable vote.

(d) As regards all Universities the obtaining of a degree shall be the basis for electoral qualification.

V.—METHOD AND COSTS OF ELECTIONS.

23.—(a) A Parliamentary borough which would be entitled on a basis of population to return three or more members shall be a single constituency.

Provided that a constituency entitled to return more than five members shall be divided into two or more constituencies each returning not less than three nor more than five members.

(b) The election in any such constituency shall be held on the principle of proportional representation and each elector shall have one transferable vote.

(c) For the purposes of this rule the Metropolis (excluding the City of London) shall be treated as a single area and divided into constituencies returning not less than three nor more than five members.

24.—(a) At a general election all polls shall be held on one day.

(b) All nominations shall take place on one day.

(c) There shall be an interval of eight days between the day of nomination and the day of poll.

25. Returning Officers' charges should be paid by the State on a scale to be fixed by the Treasury.

26. The duties of Returning Officer in England and Wales shall be discharged by a deputy Returning Officer, who shall be in the case of a county the Clerk to the County Council, and in the case of a borough the Town Clerk.

27.—(a) Every candidate at the election of a Member of Parliament for any county or borough shall be required to deposit with the Returning Officer, at the time of his nomination, the sum of one hundred and fifty pounds.

(b) If a candidate is not elected, and the number of votes polled by him does not exceed in the case of a single or double member constituency one-eighth of the total number of voters polling, or in the case of a constituency returning three or more members, one-eighth divided by the number of members to be elected, the deposit instead of being returned to the candidate shall be forfeited to the Treasury.

(c) For the purposes of this resolution the number of "voters polling" shall mean the number of ballot papers counted other than spoiled ballot papers; and where the election is held under the system of a single transferable vote, the number of "votes polled" by a candidate shall mean the number of votes polled by him as first preferences.

Although the question of candidates' expenses does not appear to be strictly within their terms of reference, the Conference is strongly and unanimously of opinion that the expenditure at present entailed in fighting a contested election is unjustifiable, and should be materially reduced. This, the Conference considers can only be effectively carried out by an alteration in the maximum amounts at present allowed under the Corrupt and Illegal Practices Prevention Act, 1883. The Conference accordingly resolved that—

28.—(a) The following maximum scale of expenses shall be substituted for the maximum scale contained in Part IV. of the First Schedule to the Corrupt and Illegal Practices Prevention Act, 1883:—
Sevenpence per elector in a county.

Fivepence per elector in a borough other than a borough returning three or more members.

Fourpence per elector in a borough returning three or more members.

(b) Where there are joint candidates the total amount of the expenses of the joint candidates shall not exceed one and a half times the scale allowed for a single candidate.

(c) A duly nominated candidate, or a number of duly nominated joint candidates, shall be allowed one free postage.

In this connection the Conference has had its attention drawn to a growing and, as it considers, mischievous practice by which, at the time of an election, political and other organisations incur expenditure in the furtherance of the views of particular candidates. The practice is, in the view of the Conference, a contravention of the spirit of the Corrupt and Illegal Practices Prevention Act. The Conference realises the difficulty of dealing with the matter, but thinks that some amendment of the Act is very desirable, and resolved that—

29. Any person incurring expenditure by holding public meetings or issuing advertisements or publications for the purpose of furthering the election of a candidate, shall be guilty of a corrupt practice unless such expenditure is authorised by the candidate and returned as part of his election expenses.

30. The Ballot Act shall be made permanent.

VI.—THE LOCAL GOVERNMENT REGISTER.

The franchise for Local Government purposes is so closely connected with the Parliamentary franchise that the Conference thought it desirable to deal with the matter, and resolved that—

31.—(a) In substitution for all existing franchises for Local Government purposes every person who for a period of six months immediately preceding the 15th day of January and the 15th day of July in any year has occupied as owner or tenant any land or premises in a Local Government area in England and Wales shall be entitled to be registered and to vote as a Local Government elector in that area.

(b) For the purpose of this resolution neither sex nor marriage shall be a disqualification, provided that a husband and wife shall not both be qualified in respect of the same premises.

(c) The Conference makes no recommendation with regard to the Local Government franchise in Scotland or Ireland.

VII.—SOLDIERS AND SAILORS.

32.—(a) It shall be the duty of the Registration Officer to ascertain, as far as possible, the names and addresses of all persons of full age who ordinarily reside in his area, but who are serving in His Majesty's forces, and such persons shall be qualified to be registered and to vote as parliamentary electors within that area.

(b) In the case of a person who has served in His Majesty's forces during any part of the qualifying period, residence in a constituency for one month immediately preceding the 15th January or the 15th July, as the case may be, shall be a sufficient qualification.

All the resolutions under the foregoing sub-heads I. to VII. were agreed to unanimously.

VIII.—WOMAN SUFFRAGE.

The Conference decided by a majority that some measure of woman suffrage should be conferred. A majority of the Conference was also of opinion that if Parliament should decide to accept the principle, the most practical form would be to confer the vote in the terms of the following resolution:—

33. Any woman on the Local Government Register who has attained a specified age, and the wife of any man who is on that Register if she has attained that age, shall be entitled to be registered and to vote as a parliamentary elector.

Various ages were discussed, of which 30 and 35 received most favour.

The Conference further resolved that if Parliament decides to enfranchise women, a woman of the specified age, who is a graduate of any University having Parliamentary representation shall be entitled to vote as a University Elector.

IX.—MISCELLANEOUS.

The Conference resolved unanimously that:—

34. The maintenance in any asylum for lunatics or idiots of any person for whose maintenance any other person is responsible shall not disqualify such other person for being registered as a Parliamentary elector.

The following resolutions were passed by a majority:—

35. This Conference, having considered the recommendation of the Royal Commission on the Poor Laws and Relief of Distress, is of opinion that no person who has received poor relief other than medical relief for less than thirty days in the aggregate during the qualifying period, shall be disqualified for being registered as a parliamentary elector.

36. At any election in a single member constituency where there are more than two candidates, the election shall be held on the system of voting known as the alternative vote.

37.—(a) Provision shall be made to enable any person who is on the Parliamentary Register in any constituency to have his name entered in a List of Absent Voters, and to record his vote as such, provided that he satisfies the Registration Officer that the nature of his employment will render it probable that he will be compelled to be absent from the constituency on the day when the poll will be taken.

(b) The Absent Voters' List shall be prepared at the same time as the ordinary Register, and should remain in force during the currency of that Register.

(c) A printed ballot paper shall be sent to every voter at the address registered by him for the purpose in such form and manner as will secure the secrecy of the ballot.

(d) The ballot paper shall be returnable by post on or before the polling day, accompanied by a statutory declaration of identity in a prescribed form.

(e) A person whose name is on the Absent Voters' List shall not be entitled to vote otherwise than as an absent voter.

In conclusion, I should like to bear witness to the admirable temper and conciliatory disposition which all the members of the Conference

showed in grappling with the difficulties confronting them. They were convinced, I feel sure, of the great desirability of amicably settling these thorny questions, and of finding a solution for issues fraught with the possibility of engendering grave domestic strife and internal friction. They were desirous of rendering, at a time when the national energies were almost wholly centred upon the successful prosecution of the war, a service which might prove of the highest value to the State, and result in equipping the nation with a truly representative House of Commons, capable of dealing, and dealing effectively, with the many and gigantic problems which it will have to face and solve as soon as the restoration of peace permits of their calm and dispassionate consideration.

As a last word, I should like to say, on behalf of all the members of the Conference, how deeply they are indebted to Mr. Jerred for his unfailing courtesy, his untiring energy, and his accurate acquaintance with the technicalities of electoral matters, all of which gifts he placed unreservedly at the disposal of the Conference.

Yours very truly,

JAMES W. LOWTHER.

To the Right Hon. the Prime Minister.

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