

# Elections Bill

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AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

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**Clause 14**

LORD TRUE

Page 21, line 13, at end insert –

“(3A) The statement must not include provision in relation to elections, referendums and other matters so far as the provision would relate to the Commission’s devolved Scottish functions or the Commission’s devolved Welsh functions.”

***Member’s explanatory statement***

*This amendment provides that a statement under the inserted section 4A of the Political Parties, Elections and Referendums Act 2000 (“PPERA”) must not include provision about matters so far as relating to the Electoral Commission’s devolved Scottish or Welsh functions.*

Page 21, line 15, at end insert –

- “(5) For the purposes of subsection (3A) –
- (a) the Commission’s “devolved Scottish functions” are the Commission’s functions in relation to –
    - (i) Scottish Parliamentary general elections, elections held under section 9 of the Scotland Act 1998 (constituency vacancies), and local government elections in Scotland, so far as those functions do not relate to reserved matters within the meaning of the Scotland Act 1998, and
    - (ii) referendums held throughout Scotland in pursuance of provision made by or under an Act of the Scottish Parliament;
  - (b) the Commission’s “devolved Welsh functions” are the Commission’s functions in relation to –
    - (i) general elections of members of Senedd Cymru,
    - (ii) elections held under section 10 of the Government of Wales Act 2006 (elections for Senedd constituency vacancies),
    - (iii) local government elections in Wales, and

**Clause 14 - continued**

- (iv) referendums held under Part 2 of the Local Government Act 2000 or Part 4 of the Local Government (Wales) Measure 2011 (referendums relating to local authority executive arrangements),  
so far as those functions do not relate to reserved matters within the meaning of the Government of Wales Act 2006.”

***Member’s explanatory statement***

*This amendment defines what is meant by the Commission’s “devolved Scottish functions” and “devolved Welsh functions” for the purposes of the new subsection (3A) added to the inserted section 4A of PPERA.*

Page 22, line 14, leave out “Public Administration and Constitutional Affairs” and insert “Levelling Up, Housing and Communities”

***Member’s explanatory statement***

*This amendment reflects a recent change in Select Committee arrangements in the House of Commons.*

Page 22, leave out lines 15 to 18

***Member’s explanatory statement***

*This amendment is consequential on the amendments in Lord True’s name relating to the inserted section 4A of PPERA.*

Page 22, line 34, leave out from beginning to end of line 16 on page 23

***Member’s explanatory statement***

*This amendment is consequential on the amendments in Lord True’s name relating to the inserted section 4A of PPERA.*

Page 23, line 21, leave out “Public Administration and Constitutional Affairs” and insert “Levelling Up, Housing and Communities”

***Member’s explanatory statement***

*See the explanatory statement for the amendment in Lord True’s name at page 22, line 14.*

Page 23, line 25, leave out “Public Administration and Constitutional Affairs” and insert “Levelling Up, Housing and Communities”

***Member’s explanatory statement***

*See the explanatory statement for the amendment in Lord True’s name at page 22, line 14.*

Page 25, line 16, leave out “Public Administration and Constitutional Affairs” and insert “Levelling Up, Housing and Communities”

***Member’s explanatory statement***

*See the explanatory statement for the amendment in Lord True’s name at page 22, line 14.*

Page 25, leave out lines 17 to 22

***Member's explanatory statement***

*This amendment is consequential on the amendments in Lord True's name relating to the inserted section 4A of PPERA.*

**Clause 18**

**LORD TRUE**

Page 28, line 7, after “(1)(b),” insert “except as it applies in relation to a local government election in Scotland or Wales,”

***Member's explanatory statement***

*This amendment confines the effect of inserted subsection (1A) for section 90C of the Representation of the People Act 1983, so that it does not apply in relation to local government elections in Scotland or Wales.*

Page 28, line 13, after “(1)(b),” insert “as it applies for the purposes of a period in relation to which any limit is imposed by paragraph 3, 7, 9, 10 or 11 of Schedule 9 (periods involving parliamentary general elections or general elections to the Northern Ireland Assembly),”

***Member's explanatory statement***

*This amendment confines the effect of inserted subsection (1A) for section 73 of the Political Parties, Elections and Referendums Act 2000 (“PPERA”), so that it applies only for the purposes of campaign expenditure incurred during a period involving a parliamentary general election or a general election to the Northern Ireland Assembly.*

Page 28, line 23, after “(1)(b),” insert “as it applies for the purposes of a period in relation to which any limit is imposed by paragraph 3, 7, 9, 10 or 11 of Schedule 10 (periods involving parliamentary general elections or general elections to the Northern Ireland Assembly),”

***Member's explanatory statement***

*This amendment confines the effect of the inserted subsection (1A) for section 86 of PPERA, so that it applies only for the purposes of controlled expenditure incurred during a period involving a parliamentary general election or a general election to the Northern Ireland Assembly.*

Page 28, line 30, leave out from “(8A)” to “only” in line 31 and insert “Where the period is one in relation to which any limit is imposed by paragraph 3, 7, 9, 10 or 11 of Schedule 10 (periods involving parliamentary general elections or general elections to the Northern Ireland Assembly), property, services or facilities are made use of on behalf of a third party for the purposes of subsection (8)(b)”

***Member's explanatory statement***

*This amendment confines the effect of the inserted subsection (8A) for section 94 of PPERA, so that it applies only for the purposes of controlled expenditure incurred during a period involving a parliamentary general election or a general election to the Northern Ireland Assembly.*

### Clause 19

LORD TRUE

Page 29, line 25, leave out subsection (2)

***Member's explanatory statement***

*This amendment removes the amendment currently made by clause 19 in relation to paragraph 14A of Schedule 4A to the Representation of the People Act 1983.*

Page 29, line 37, after “8A” insert “, other than an order of the Welsh Ministers”

***Member's explanatory statement***

*This amendment secures that the amendment made by clause 19(3) in relation to the procedure for orders under paragraph 3(7) of Schedule 8 or 8A to the Political Parties, Elections and Referendums Act 2000 does not apply where an order under either of those provisions is made by the Welsh Ministers.*

Page 29, line 37, at end insert –

“(4) In subsection (4C) of that section, for “(3)” substitute “(3)(a) or (b)”.”

***Member's explanatory statement***

*This amendment secures that the amendment made by clause 19(3) in relation to the procedure for orders under paragraph 3(7) of Schedule 8 or 8A to the Political Parties, Elections and Referendums Act 2000 does not apply to orders made by the Scottish Ministers.*

### Clause 20

LORD TRUE

Page 30, line 7, after “incurred” insert “, otherwise than in relation to a local government election in Wales,”

***Member's explanatory statement***

*This amendment confines the effect of the amendment made by clause 20 in relation to section 73(5) of the Representation of the People Act 1983, so that it does not apply to expenses incurred in relation to local government elections in Wales.*

Page 30, line 10, leave out subsection (2)

***Member's explanatory statement***

*This amendment removes the amendment currently made by clause 20 in relation to section 73 of the Representation of the People Act 1983 as it applies in relation to local government elections in Scotland.*

### Clause 24

LORD TRUE

Page 33, line 26, after “during a” insert “reserved”

***Member's explanatory statement***

*The amendments in Lord True's name relating to clause 24 restrict the provision made by that clause, so that it applies only in relation to periods involving parliamentary general elections or general elections to the Northern Ireland Assembly.*

Page 33, line 32, after “during a” insert “reserved”

***Member's explanatory statement***

*See the explanatory statement relating to the amendment in Lord True's name at page 33, line 26.*

Page 34, leave out lines 25 and 26 and insert –

““reserved regulated period” means a period in relation to which any limit is imposed by paragraph 3, 7, 9, 10 or 11 of Schedule 10 (periods involving parliamentary general elections or general elections to the Northern Ireland Assembly).”

***Member's explanatory statement***

*See the explanatory statement relating to the amendment in Lord True's name at page 33, line 26.*

Page 34, line 36, after “to” insert “reserved”

***Member's explanatory statement***

*See the explanatory statement relating to the amendment in Lord True's name at page 33, line 26.*

Page 34, line 38, leave out subsection (4) and insert –

“(4) In subsection (3), “reserved regulated period” means a period in relation to which any limit is imposed by paragraph 3, 7, 9, 10 or 11 of Schedule 10 to PPERA (periods involving parliamentary general elections or general elections to the Northern Ireland Assembly).”

***Member's explanatory statement***

*See the explanatory statement relating to the amendment in Lord True's name at page 33, line 26.*

**Clause 25****LORD TRUE**

Page 35, line 4, after “(2)” insert “, as it applies for the purposes of a period in relation to which any limit is imposed by paragraph 3, 7, 9, 10 or 11 of Schedule 10 (periods involving parliamentary general elections or general elections to the Northern Ireland Assembly),”

***Member's explanatory statement***

*This amendment limits the order-making power conferred by the inserted subsection (9) for section 88 of the Political Parties, Elections and Referendums Act 2000 so that the power can be exercised only for the purposes of periods involving parliamentary general elections or general elections to the Northern Ireland Assembly.*

Page 35, leave out lines 8 to 10

***Member's explanatory statement***

*This amendment leaves out provision that is not needed because of section 156(5) of the Political Parties, Elections and Referendums Act 2000.*

**Clause 26**

LORD TRUE

Page 36, line 15, after “period” insert “in relation to which any limit is imposed by paragraph 3, 7, 9, 10 or 11 of Schedule 10 (periods involving parliamentary general elections or general elections to the Northern Ireland Assembly)”

***Member's explanatory statement***

*This amendment restricts the provision made by clause 26, so that it applies only in relation to periods involving parliamentary general elections or general elections to the Northern Ireland Assembly.*

Page 36, line 24, after “or” insert “, where the regulated period is one in relation to which any limit is imposed by paragraph 3, 7, 9, 10 or 11 of Schedule 10,”

***Member's explanatory statement***

*See the explanatory statement relating to the amendment in Lord True's name at page 36, line 15.*

Page 37, line 22, at end insert –

- “(13) The amendments made by the preceding provisions of this section have effect only in relation to reserved regulated periods beginning on or after the day on which this section comes fully into force.
- (14) In subsection (13), “reserved regulated period” means a period in relation to which any limit is imposed by paragraph 3, 7, 9, 10 or 11 of Schedule 10 to PPERA (periods involving parliamentary general elections or general elections to the Northern Ireland Assembly).”

***Member's explanatory statement***

*This amendment inserts transitional provision in connection with the amendments made by clause 26.*

**Clause 27**

LORD TRUE

Page 38, line 37, after “a” insert “reserved”

***Member's explanatory statement***

*The amendments in Lord True's name relating to clause 27 restrict the provision made by that clause, so that it applies only in relation to periods involving parliamentary general elections or general elections to the Northern Ireland Assembly.*

Page 39, line 14, after “a” insert “reserved”

**Member's explanatory statement**

*See the explanatory statement relating to the amendment in Lord True's name at page 38, line 37.*

Page 39, line 27, at end insert –

“(7A) In this section, “reserved regulated period” means a period in relation to which any limit is imposed by paragraph 3, 7, 9, 10 or 11 of Schedule 10 (regulated periods for parliamentary general elections or general elections to the Northern Ireland Assembly).”

**Member's explanatory statement**

*See the explanatory statement relating to the amendment in Lord True's name at page 38, line 37.*

**Schedule 1**

## LORD TRUE

Page 72, line 12, leave out from “to” to end of line 19 and insert “a relevant provision.

(1A) For the purposes of paragraph (1)(b), “relevant provision” means –

- (a) where the person is or will be registered in a register of parliamentary electors in Northern Ireland, section 10(4A)(b), 10A(1A)(b) or 13A(2A)(b), and
- (b) where the person is or will be registered in a register of parliamentary electors in Great Britain and does not also fall within sub-paragraph (a), section 8(7A) of the Representation of the People Act 1985.”

**Member's explanatory statement**

*This amendment clarifies the requirement relating to preparation of date of birth lists for polling stations in Northern Ireland, so far as that requirement relates to date of birth lists for proxy voters.*

Page 74, leave out lines 23 and 24 and insert –

“the form must include details of the documents the voter needs to bring to the polling station, namely –

- (i) in the case of an elector (other than an elector with an anonymous entry) or a proxy, any of the forms of identification for the time being referred to in rule 37(1H);
- (ii) in the case of an elector with an anonymous entry, the elector's official poll card and an anonymous elector's document showing the same electoral number as the electoral number shown on the official poll card.”

**Member's explanatory statement**

*This amendment ensures that, in inserted paragraph (3ZA) for rule 28 of Schedule 1 to the Representation of the People Act 1983, the reference to rule 37(1H) catches documents listed in rule 37(1I) and (1J) of that Schedule (as amended by the Bill). The amendment also makes separate provision about the details to be included in poll cards sent to electors with anonymous entries.*

Page 74, leave out lines 39 and 40 and insert –

- “(a) details of the documents the voter needs to produce when applying for a ballot paper, namely –
- (i) in the case of an elector (other than an elector with an anonymous entry) or a proxy, any of the forms of identification for the time being referred to in rule 37(1H);
  - (ii) in the case of an elector with an anonymous entry, the elector’s official poll card and an anonymous elector’s document showing the same electoral number as the electoral number shown on the official poll card, and”.

***Member’s explanatory statement***

*This amendment amends inserted paragraph (4A) for rule 29 of Schedule 1 to the Representation of the People Act 1983 by requiring the large notice displayed inside each polling station in England, Wales and Scotland to contain information about the relevant proof of identity requirements for electors with anonymous entries as well as for others voting in person.*

Page 77, line 24, after “Britain” insert “and does not also fall within sub-paragraph (a)”

***Member’s explanatory statement***

*This amendment is consequential on the amendment in Lord True’s name at page 72, line 12.*

Page 80, line 37, leave out “current”

***Member’s explanatory statement***

*The definition of “electoral number” in the inserted paragraph (1L) of rule 37 of Schedule 1 to the Representation of the People Act 1983 means that the word “current”, in the inserted paragraph (1K), is not needed. This amendment therefore leaves it out.*

**Clause 7**

LORD TRUE

Page 9, leave out lines 21 to 24

***Member’s explanatory statement***

*This amendment leaves out paragraph (c) from inserted section 66(3A) of the Representation of the People Act 1983.*

Page 9, leave out lines 25 to 28 and insert –

- “(d) obtain or attempt to obtain information, in the circumstances mentioned in subsection (3AA), as to the candidate for whom a person voting by post at a relevant election (“V”) is about to vote or has voted;
  - (e) communicate at any time to any other person information obtained in contravention of paragraph (d).
- (3AA) The circumstances referred to in subsection (3A)(d) are where V is about to mark, is in the process of marking, or has just marked, a ballot paper sent to V for voting by post at the election.”

**Member's explanatory statement**

*This amendment inserts, in substitution for paragraph (d) of inserted section 66(3A) of the Representation of the People Act 1983, provision clarifying the scope of the prohibition on obtaining or communicating information about the candidate for whom a postal voter has voted.*

Page 9, line 33, leave out “any of paragraphs (a), (c) and (d)” and insert “paragraph (a) or (d)”

**Member's explanatory statement**

*This amendment updates cross-references in consequence of the amendment in Lord True's name at page 9, lines 21 to 24.*

Page 9, line 37, leave out “any of paragraphs (a), (c) and (d)” and insert “paragraph (a) or (d)”

**Member's explanatory statement**

*This amendment updates cross-references in consequence of the amendment in Lord True's name at page 9, lines 21 to 24.*

Page 9, line 38, at end insert –

- “(3BA) Subsection (3A)(d) and (e) does not apply where the purpose (or main purpose) for which the information is sought or communicated is its use for the purposes of –
  - (a) a published statement relating to the way in which voters intend to vote or have voted at the relevant election, or
  - (b) a published forecast as to the result of that election which is based on information given by voters.
- (3BB) In subsection (3BA) –
  - (a) “forecast” includes estimate;
  - (b) “published” means made available to the public at large or to any section of the public, in whatever form and by whatever means;
  - (c) the reference to the result of the relevant election is a reference to the result of the election either as a whole or so far as any particular candidate or candidates at the election is or are concerned.”

**Member's explanatory statement**

*This amendment ensures that no criminal liability arises where information is sought from, or given by, a postal voter at an election for the purposes of an opinion poll or exit poll.*

**Clause 8**

LORD TRUE

Page 10, leave out line 30 and insert –

“(1) After section 114 of RPA 1983 insert –

**“114A Undue influence**

**Clause 8 - continued**

- (1) A person is guilty of a corrupt practice if the person is guilty of undue influence.”

***Member’s explanatory statement***

*This amendment inserts section 114A into the Representation of the People Act 1983, which contains a new undue influence provision that applies in relation to parliamentary elections and in relation to local government elections in England.*

Page 11, line 23, at end insert –

- “(7) This section does not have effect in relation to a local government election in Scotland or Wales.”

***Member’s explanatory statement***

*This amendment provides that the inserted section 114A does not apply in relation to local government elections in Scotland or Wales.*

Page 11, line 23, at end insert –

“(1A) In section 115 of RPA 1983 (undue influence) –

- (a) in subsection (1), after “influence” insert “in relation to a local government election in Scotland or Wales”;
- (b) in subsection (2), after “influence” insert “in relation to a local government election in Scotland or Wales”;
- (c) in the heading, after “influence” insert “: local government elections in Scotland and Wales”.”

***Member’s explanatory statement***

*This amendment confines the existing undue influence provision, section 115 of the Representation of the People Act 1983, to local government elections in Scotland and Wales.*

**Schedule 5**

LORD TRUE

Page 109, leave out lines 23 to 32

***Member’s explanatory statement***

*This amendment confines the amendment to section 80(1) of the Local Government Act 1972 so that it does not cover incapacity where the holder of a devolved office in Scotland or Wales is reported guilty or convicted of undue influence.*

Page 110, line 4, leave out paragraph 3

***Member’s explanatory statement***

*This amendment removes the amendment to section 80A of the Local Government Act 1972.*

Page 110, line 41, leave out from beginning to end of line 7 on page 111

**Member's explanatory statement**

*This amendment confines the amendment to section 4(1) of the Local Government Act (Northern Ireland) 1972 so that it does not cover incapacity where the holder of a devolved office in Scotland or Wales is reported guilty or convicted of undue influence.*

Page 111, line 15, leave out paragraph 5

**Member's explanatory statement**

*This amendment removes the amendment to section 31 of the Local Government (Scotland) Act 1973.*

Page 113, leave out lines 15 to 25

**Member's explanatory statement**

*This amendment confines the amendment to section 21 of the Greater London Authority Act 1999 so that it does not cover incapacity arising where the holder of a devolved office in Scotland or Wales is reported guilty or convicted of undue influence.*

Page 114, line 2, leave out paragraph 8

**Member's explanatory statement**

*This amendment removes the amendment to Schedule 1A to the Government of Wales Act 2006.*

Page 114, leave out lines 14 to 23

**Member's explanatory statement**

*This amendment confines the amendment to paragraph 9(1) of Schedule 5B to the Local Democracy, Economic Development and Construction Act 2009 so that it does not cover incapacity arising where the holder of a devolved office in Scotland or Wales is reported guilty or convicted of undue influence.*

Page 115, leave out lines 4 to 9

**Member's explanatory statement**

*This amendment confines the amendment to section 66(3) of the Police Reform and Social Responsibility Act 2011 so that it does not cover incapacity arising where the holder of a devolved office in Wales is reported guilty or convicted of undue influence.*

Page 115, line 24, leave out paragraph 11

**Member's explanatory statement**

*This amendment removes the consequential repeals made by paragraph 11 of Schedule 5.*

### After Clause 9

LORD TRUE

Insert the following new Clause—

*“Addresses of candidates at parliamentary elections*

#### **Home address form: statement of local authority area**

- (1) Schedule 1 to RPA 1983 (Parliamentary elections rules) is amended as follows.
- (2) In rule 6 (nomination of candidates)—
  - (a) in paragraph (5)(b), for the words from “state” to the end substitute “—
    - (i) where the candidate’s home address is in the United Kingdom, state the constituency or the relevant area within which that address is situated;
    - (ii) where the candidate’s home address is outside the United Kingdom, state the country within which that address is situated.”;
  - (b) after paragraph (5) insert—
    - “(6) In paragraph (5)(b)(i), “relevant area” means—
      - (a) in relation to a home address in England—
        - (i) if the address is within a district for which there is a district council, that district;
        - (ii) if the address is within a county in which there are no districts with councils, that county;
        - (iii) if the address is within a London borough, that London borough;
        - (iv) if the address is within the City of London (including the Inner and Middle Temples), the City of London;
        - (v) if the address is within the Isles of Scilly, the Isles of Scilly;
      - (b) in relation to a home address in Wales—
        - (i) if the address is within a county, that county;
        - (ii) if the address is within a county borough, that county borough;
      - (c) in relation to a home address in Scotland, the local government area in which the address is situated;
      - (d) in relation to a home address in Northern Ireland, the local government district in which the address is situated.”
  - (3) In the Appendix of forms, in the Form of Front of Ballot Paper, for the address after “Catherine Angelina Smith” substitute “(address in [relevant area]).”

#### ***Member’s explanatory statement***

*This amendment amends Schedule 1 to the Representation of the People Act 1983 to give candidates at parliamentary elections the option of stating the name of the local authority area in which their home address is located on the home address form required by rule 6(4) of that Schedule.*

## Schedule 6

### LORD TRUE

Page 116, line 30, leave out from “to” to end of line 40 and insert “a relevant provision.

- (1A) For the purposes of paragraph (1)(b), “relevant provision” means –
- (a) where the person is or will be registered in a register of local electors in Northern Ireland, section 10(4A)(b), 10A(1A)(b) or 13A(2A)(b) of the Representation of the People Act 1983 (as applied by Schedule 1 to the Elected Authorities (Northern Ireland) Act 1989), and
  - (b) where the person is or will be registered in a register of local government electors in Great Britain and does not also fall within sub-paragraph (a), paragraph 9(1) of Part 1 of Schedule 2 to the Local Elections (Northern Ireland) Order 1985.”

***Member’s explanatory statement***

*This amendment clarifies the requirement relating to preparation of date of birth lists for polling stations in Northern Ireland, so far as that requirement relates to date of birth lists for proxy voters.*

Page 120, line 21, after “Britain” insert “and does not also fall within sub-paragraph (a)”

***Member’s explanatory statement***

*This amendment is consequential on the amendment in Lord True’s name at page 116, line 30.*

Page 126, leave out lines 23 to 26

***Member’s explanatory statement***

*This amendment leaves out paragraph (c) from inserted paragraph 27(3A) of Schedule 9 to the Electoral Law Act (Northern Ireland) 1962.*

Page 126, leave out lines 27 to 30 and insert –

- “(d) obtains or attempts to obtain information, in the circumstances mentioned in sub-paragraph (3AA), as to the candidate for whom a person voting by post at a local election (“V”) is about to vote or has voted; or
  - (e) communicates at any time to any other person information obtained in contravention of paragraph (d).
- (3AA) The circumstances referred to in sub-paragraph (3A)(d) are where V is about to mark, is in the process of marking, or has just marked, a ballot paper sent to V for voting by post at the election.”

***Member’s explanatory statement***

*This amendment inserts, in substitution for paragraph (d) of inserted paragraph 27(3A) of Schedule 9 to the Electoral Law Act (Northern Ireland) 1962, provision clarifying the scope of the prohibition on obtaining or communicating information about the candidate for whom a postal voter has voted in a local election in Northern Ireland.*

Page 126, line 35, leave out “any of paragraphs (a), (c) or (d)” and insert “paragraph (a) or (d)”

***Member’s explanatory statement***

*This amendment updates cross-references in consequence of the amendment in Lord True’s name at page 126, lines 23 to 26.*

Page 126, line 40, leave out “any of paragraphs (a), (c) or (d)” and insert “paragraph (a) or (d)”

***Member’s explanatory statement***

*This amendment updates cross-references in consequence of the amendment in Lord True’s name at page 126, lines 23 to 26.*

Page 126, line 41, at end insert –

“(3BA) Sub-paragraph (3A)(d) and (e) does not apply where the purpose (or main purpose) for which the information is sought or communicated is its use for the purposes of –

- (a) a published statement relating to the way in which voters intend to vote or have voted at the election, or
- (b) a published forecast as to the result of that election which is based on information given by voters.

(3BB) In sub-paragraph (3BA) –

- (a) “forecast” includes estimate;
- (b) “published” means made available to the public at large or to any section of the public, in whatever form and by whatever means;
- (c) the reference to the result of the election is a reference to the result of the election either as a whole or so far as any particular candidate or candidates at the election is or are concerned.”

***Member’s explanatory statement***

*This amendment ensures that no criminal liability arises where information is sought from, or given by, a postal voter at a local election in Northern Ireland for the purposes of an opinion poll or exit poll.*

Page 131, line 11, at end insert –

“34A In the table, for the entry relating to section 115 of RPA 1983 substitute –

“Section 114A (undue influence)”” |

***Member’s explanatory statement***

*This amendment ensures that the undue influence provision inserted by clause 8 (which will have effect for the purposes of parliamentary elections) is applied in relation to elections to the Northern Ireland Assembly.*

Page 131, line 13, leave out “(1)(b)(ii)” and insert “(1A)(b)”

***Member’s explanatory statement***

*This amendment is consequential on the amendment in Lord True’s name at page 116, line 30.*

Page 131, line 31, after “Britain” insert “and does not also fall within sub-paragraph (a)”

***Member’s explanatory statement***

*This amendment is consequential on the amendment in Lord True’s name at page 116, line 30.*

Page 131, line 36, after “1985” insert “or section 8(7) of the Representation of the People Act 1985”

***Member’s explanatory statement***

*This amendment takes account of the possibility of a person being appointed as a proxy for an elector, at a particular election to the Northern Ireland Assembly, under section 8(7) of the Representation of the People Act (as applied to Assembly elections).*

## Schedule 8

### LORD TRUE

Page 151, line 5, leave out “or Northern Ireland”

***Member’s explanatory statement***

*The reference in paragraph 12(4)(b) of Schedule 8 to a member of a local authority in Northern Ireland is unnecessary in view of how the qualification requirements in section 3(1) of the Local Government Act (Northern Ireland) 1972 operate.*

Page 151, line 14, after “authority” insert “in England”

***Member’s explanatory statement***

*See the explanatory statement for the amendment in Lord True’s name at page 151, line 5.*

Page 151, line 15, leave out “in relation to England, a county council” and insert “a county council in England”

***Member’s explanatory statement***

*See the explanatory statement for the amendment in Lord True’s name at page 151, line 5.*

Page 151, line 18, leave out paragraph (b)

***Member’s explanatory statement***

*See the explanatory statement for the amendment in Lord True’s name at page 151, line 5.*

## Clause 30

### LORD TRUE

Page 42, line 23, after “office” insert “or a relevant Scottish elective office”

**Member's explanatory statement**

*This amendment ensures that references to a candidate in clause 30 continue to include a candidate at an election for the office of member of the Scottish Parliament or member of a Scottish local authority, notwithstanding the amendments in Lord True's name to clause 35 which narrow the general definition of "relevant elective office".*

Page 42, line 27, leave out "for a relevant elective office"

**Member's explanatory statement**

*See the explanatory statement relating to the amendment in Lord True's name at page 42, line 23.*

Page 42, line 30, after "office" insert "or a relevant Scottish elective office"

**Member's explanatory statement**

*See the explanatory statement relating to the amendment in Lord True's name at page 42, line 23.*

Page 42, line 34, leave out "relevant elective"

**Member's explanatory statement**

*See the explanatory statement relating to the amendment in Lord True's name at page 42, line 23.*

**Clause 31**

## LORD TRUE

Page 44, line 2, after "office" insert "or a relevant Scottish elective office"

**Member's explanatory statement**

*This amendment ensures that references in clause 31 to the holder of a relevant elective office continue to include the holder of the office of member of the Scottish Parliament or member of a Scottish local authority, notwithstanding the amendments in Lord True's name to clause 35 which narrow the general definition of "relevant elective office".*

Page 44, line 4, after "office" insert "or a relevant Scottish elective office"

**Member's explanatory statement**

*See the explanatory statement relating to the amendment in Lord True's name at page 44, line 2.*

**Clause 32**

## LORD TRUE

Page 45, line 37, after "office" insert "or a relevant Scottish elective office"

**Member's explanatory statement**

*This amendment ensures that "relevant election", in clause 32, continues to include an election for the office of member of the Scottish Parliament or member of a Scottish local authority, notwithstanding the amendments in Lord True's name to clause 35 which narrow the general definition of "relevant elective office".*

**Clause 35**

LORD TRUE

Page 46, line 24, leave out paragraph (b)

**Member's explanatory statement**

*This amendment removes member of the Scottish Parliament from the definition of "relevant elective office" for Part 5.*

Page 46, line 27, after "authority" insert "in England, Wales or Northern Ireland"

**Member's explanatory statement**

*This amendment, and the amendment in Lord True's name at page 47, line 1, remove member of a Scottish local authority from the definition of "relevant elective office" for Part 5.*

Page 46, line 35, at end insert –

““relevant Scottish elective office” means the office of –

- (a) member of the Scottish Parliament, or
- (b) member of a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.”

**Member's explanatory statement**

*This amendment inserts a definition of "relevant Scottish elective office" for Part 5.*

Page 47, line 1, leave out paragraph (b)

**Member's explanatory statement**

*See the explanatory amendment for the amendment in Lord True's name at page 46, line 27.*

**Schedule 10**

LORD TRUE

Page 160, line 33, leave out paragraph 4

**Member's explanatory statement**

*This amendment omits amendments currently made by the Bill to sections 35 and 36 of the Local Government (Scotland) Act 1973.*

Page 161, line 19, leave out paragraph 6

**Member's explanatory statement**

*This amendment omits amendments currently made by the Bill to section 17 of the Scotland Act 1998.*

### Clause 38

LORD TRUE

Page 48, line 1, after “office” insert “or a relevant Scottish elective office”

***Member’s explanatory statement***

*This amendment ensures that the definition of “candidate” continues to include a candidate at an election for the office of member of the Scottish Parliament or member of a Scottish local authority.*

Page 48, line 5, after “office” insert “or a relevant Scottish elective office”

***Member’s explanatory statement***

*This amendment ensures that the definition of “future candidate” continues to include a future candidate at an election for the office of member of the Scottish Parliament or member of a Scottish local authority.*

### Clause 40

LORD TRUE

Page 49, line 25, leave out subsection (2) and insert –

- “(2) The first condition is that the sole or primary purpose that the electronic material can reasonably be regarded as intended to achieve is a purpose within section 41.”

***Member’s explanatory statement***

*This amendment provides that the condition in clause 40(2) is met only where the sole or primary purpose that the electronic material can reasonably be regarded as intended to achieve is a purpose within clause 41.*

Page 49, line 30, at end insert “as an advertisement”

***Member’s explanatory statement***

*This amendment provides that the condition in clause 40(3) is met only where the promoter of the relevant material, or the person on behalf of whom the relevant material is published, has paid for the material to be published as an advertisement.*

Page 49, line 33, at end insert –

- “(5) Where the material is published on a website or mobile application of the promoter or the person on behalf of whom the material is published, the reference in subsection (3) to a person paying for material to be published does not include the person making payments related to setting up, operating or maintaining the website or mobile application.
- (6) In subsection (5) “mobile application” means application software designed and developed for use by the general public on mobile devices such as smartphones and tablets.”

**Member's explanatory statement**

*This amendment provides that, in a case where electronic material is published on a website or mobile application of the promoter or person on behalf of whom the material is published, the reference in clause 40(3) to a person paying for material to be published does not include making payments related to setting up, operating or maintaining the website or mobile application.*

**Clause 41**

## LORD TRUE

Page 50, line 1, after “future candidates” insert “, in their capacity as such,”

**Member's explanatory statement**

*This amendment modifies the purpose in clause 41(2)(c) so that it refers to influencing the public, or any section of the public, to give support to or withhold support from a relevant candidate or future candidate only in their capacity as such a candidate or future candidate.*

Page 50, line 11, at end insert “in their capacity as such”

**Member's explanatory statement**

*This amendment modifies the purpose in clause 41(4) so that it refers to influencing the public, or any section of the public, to give support to or withhold support from a particular candidate or particular future candidate only in their capacity as such a candidate or future candidate.*

Page 50, line 17, at end insert “in their capacity as such”

**Member's explanatory statement**

*This amendment modifies the purpose in clause 41(6) so that it refers to influencing the public, or any section of the public, to give support to or withhold support from an elected office-holder only in their capacity as such an elected office-holder.*

Page 50, line 19, after “office-holders” insert “, in their capacity as such,”

**Member's explanatory statement**

*This amendment modifies the purpose in clause 41(7) so that it refers to influencing the public, or any section of the public, to give support to or withhold support from a relevant elected office-holder only in their capacity as such an elected office-holder.*

Page 50, line 36, leave out subsection (11)

**Member's explanatory statement**

*This amendment has the effect that references to a referendum in clause 41 include a poll held under section 64 of the Government of Wales Act 2006.*

**Clause 42**

LORD TRUE

Page 51, line 14, at end insert –

- “(4) The third condition is that neither the promoter of the material, nor the person on behalf of whom the material is published, has paid for the material to be published as an advertisement.
- (5) Subsections (4) to (6) of section 40 apply in relation to subsection (4) as they apply in relation to subsection (3) of that section.”

***Member’s explanatory statement***

*This amendment provides that clause 42 does not apply in relation to electronic material where the promoter of the material or the person on behalf of whom the material is published has paid for the material to be published as an advertisement.*

**Clause 45**

LORD TRUE

Page 53, line 20, leave out “by a person (“A”)”

***Member’s explanatory statement***

*This amendment, and the other amendments to clause 45 in the name of Lord True, clarify that the republication exception in clause 45 can apply where both the original publication and the later republication are carried out by the same person.*

Page 53, line 22, leave out paragraph (a)

***Member’s explanatory statement***

*Please see the first amendment to clause 45 in the name of Lord True.*

Page 53, line 23, leave out “published by B” and insert “previously published”

***Member’s explanatory statement***

*Please see the first amendment to clause 45 in the name of Lord True.*

Page 53, line 26, leave out “by A”

***Member’s explanatory statement***

*Please see the first amendment to clause 45 in the name of Lord True.*

Page 53, line 31, leave out “publication by B” and insert “previous publication”

***Member’s explanatory statement***

*Please see the first amendment to clause 45 in the name of Lord True.*

**Clause 46**

LORD TRUE

Page 54, line 25, at end insert –

- “(4A) It is a defence for a person charged with an offence under subsection (1) in relation to the republication of electronic material to prove that –
- (a) the electronic material had previously been published,
  - (b) the person reasonably believed that when it was previously published –
    - (i) section 39 applied to it, and
    - (ii) it was published in compliance with that section, and
  - (c) it was not materially altered when it was republished.
- (4B) In subsection (4A)(c) the reference to electronic material not being materially altered includes a reference to the electronic material retaining –
- (a) the information within section 39(3), or
  - (b) the access to such information,
- as a result of which the person reasonably believed its previous publication complied with section 39.”

***Member’s explanatory statement***

*This amendment inserts an additional defence into clause 46 in relation to the republication of electronic material. The defence applies where material has previously been published, the person charged with the offence reasonably believes that, at the time of the original publication, clause 39 applied to the material and it was published in compliance with that section and the material was not materially altered when it was republished.*

**Clause 48**

LORD TRUE

Page 55, line 32, after “(referendums)” insert “where the referendum in question is a referendum to which Part 7 of PPERA applies and the electronic material is published during the referendum period (within the meaning of that Part) for that referendum”

***Member’s explanatory statement***

*This amendment provides that the Electoral Commission is able to enforce the offence in clause 46(1) in relation to the publication of electronic material which can reasonably be regarded as intended to achieve a purpose within clause 41(9)(referendums) only in relation to a referendum to which Part 7 of the Political Parties, Elections and Referendums Act 2000 applies and where the material is published during the relevant referendum period.*

# Elections Bill

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AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

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*28 February 2022*

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