



# Supplementary guidance for candidates

Parish, community and town council  
elections in England and Wales, 1 May 2008

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## The Electoral Commission

We are an independent body that was set up by the UK Parliament. Our mission is to foster public confidence and participation by promoting integrity, involvement and effectiveness in the democratic process.

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# 1 Introduction

## How to use this guide

1.1 This guide is designed to act as a supplement to the Electoral Commission's guidance for candidates and agents at elections to principal areas (i.e. metropolitan borough councils, unitary councils, district and borough councils, and Welsh unitary councils). Many aspects of elections to principal areas and to parish, community and town councils are identical and so we have concentrated in this supplement only on those aspects where the process is different and we have not sought to repeat all of the information that is contained in the principal area guidance. The Commission's guidance for candidates and agents at principal area elections is available on the Commission's website at [www.electoralcommission.org.uk](http://www.electoralcommission.org.uk)

1.2 This supplement aims to provide practical advice for anyone who wants to stand as a candidate in parish, community and town council elections in England and Wales on **1 May 2008**. It covers the main parts of the election process as they apply specifically to parish, town and community council elections and includes relevant factual material as well as a guide to sources of further information. Standing for election can be a complicated business, but we hope that the information in this supplement and in the main guide will make it as straightforward as possible.

1.3 The advice is provided only as a **guide** to the requirements for candidates during the election. It should not be relied on as legally definitive and the Electoral Commission cannot accept any responsibility for any errors or omissions, or any act arising from them. If candidates have any doubts about a particular point they are strongly recommended to consult the appropriate legislation and seek their own legal advice.

## Relevant legislation

1.4 Abbreviated references are made in the footnotes of this supplement to the legislation that underpins the local government election process. The full titles of the Acts and Regulations are provided in Table 1 below.

**Table 1: Abbreviations of Acts**

<b>Abbreviation</b>	<b>Full title</b>
LGA 1972	Local Government Act 1972 (as amended)
LGA 2000	Local Government Act 2000
RPA 1983	Representation of the People Act 1983
RPA 1985	Representation of the People Act 1985
RPA 2000	Representation of the People Act 2000
P&C Rules 2006	Local Elections (Parishes and Communities) (England and Wales) Rules 2006 (including Schedules)
1995 Regulations	Local Government Elections (Changes to the Franchise and Qualification of Representatives) Regulations 1995
PPERA	Political Parties, Elections and Referendums Act 2000
2001 Regulations	Representation of the People (England and Wales) Regulations 2001 (as amended)
EAA	Electoral Administration Act 2006

## Election timetable

1.5 Polling day for the local elections in England and Wales is **Thursday 1 May 2008**. The election timetable is prescribed in law and is given in Table 2 below. If no time is specified as the deadline for an event or requirement (e.g. 12 noon or 5pm), then the deadline will be 12 midnight on that day. **The Returning Officer has no discretion to extend any deadline for any reason.**

1.6 Election timetables are generally calculated by excluding **dies non**, which are Saturdays, Sundays, Good Friday and any other bank holiday.<sup>1</sup> Throughout this guidance, references to ‘working’ days appear where the time period in question is calculated by excluding *dies non*. Any references to ‘calendar’ days appear where the time period is calculated by counting all days, without excluding any weekend or bank holiday.

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<sup>1</sup> Please note – Maundy Thursday is no longer a *dies non*.

**Table 2: Election timetable for parish, community and town council elections in England and Wales, Thursday 1 May 2008**

<b>Event</b>	<b>Date</b>
Deadline for completed application to be received by the Commission for registration of new political parties intending to field candidates at the election, to ensure that registration is completed on time:	Monday 3 March
Notice of election to be published not later than:	Thursday 27 March
Last day for political parties intending to contest the elections to appear on the Commission's register:	Wednesday 2 April
Delivery of nomination papers:	During office hours on any day from the date of publication of the notice of election, commencing on the date of publication of the notice of election
Last day for delivery of nomination papers. Not later than:	12 noon on Friday 4 April
Publication of statement of persons nominated. Not later than:	12 noon on Tuesday 8 April
Last day for withdrawals of candidature Not later than:	12 noon on Wednesday 9 April
Deadline for applications to be included on the register of electors in order to vote in the election:	Wednesday 16 April
Last day for requests to change or cancel an existing postal vote or proxy appointment. Not later than:	5pm on Wednesday 16 April
Last day for new applications to vote by post. Not later than:	5pm on Wednesday 16 April
Last day for new applications to vote by proxy (not postal proxy), except for medical emergencies. Not later than:	5 pm on Wednesday 23 April

**Table 2 (cont.): Election timetable for parish, community and town council elections in England and Wales, Thursday 1 May 2008**

<b>Event</b>	<b>Date</b>
Publish notice of poll. Not later than:	Wednesday 23 April
Last day for notice of appointment of counting agents and polling agents:	Thursday 24 April
<b>Polling day</b>	<b>7am – 10pm Thursday 1 May</b>
Last day to apply for new applications to vote by proxy on grounds of a medical emergency. Not later than:	5pm on Thursday 1 May
Last day for receipt of claims for election expenses if result is declared <b>before</b> midnight on 1 May 2008:	Thursday 15 May
Last day for receipt of claims for election expenses if result is declared on 2 May 2008:	Friday 16 May
Last day for payment of claims for election expenses if result is declared <b>before</b> midnight on 1 May 2008:	Thursday 22 May
Last day for payment of claims for election expenses if result is declared on 2 May 2008:	Friday 23 May
Last day for the receipt of return of election expenses if declaration of result <b>before</b> midnight on 1 May 2008:	Thursday 29 May
Last day for receipt of return of election expenses if declaration of result on 2 May 2008:	Friday 30 May

## Roles and responsibilities

1.7 A number of different agencies and individual officers are responsible for or concerned with various aspects of elections in England and Wales. The different roles and duties of those specifically concerned with parish, community and town council elections are described below. Other roles and responsibilities are described in detail on pages 7–12 of the principal area guidance.

### Election agents

1.8 There is no legal provision for election agents at parish, community and town council elections, unlike at elections for principal areas. This means that candidates have responsibility for all aspects of their election campaign and for controlling expenditure and submitting the relevant expenditure returns.

### Parish, Community and Town Clerks

1.9 A parish or community council must appoint such officers as it thinks necessary for the proper discharge of its functions.<sup>2</sup> In practice this will normally be the parish or community clerk. In addition, certain functions of the council must be carried out by the proper officer of the council, which means the officer specifically appointed for that purpose. Again, for most matters this will be the clerk. At parish or community elections the proper officer is the person who will receive notification from the Returning Officer of the persons elected.<sup>3</sup>

1.10 The Parish, Community or Town Council Clerk can be involved by the Returning Officer to a greater or lesser extent during the election. Many clerks are provided with a supply of nomination papers to distribute to potential candidates, and the name and address of the clerk may be provided as an alternative source of nomination papers within the notice of election when it is published by the Returning Officer.

1.11 Clerks will also be in possession of a copy of the register of electors, which will be needed to refer to the electoral numbers of people in the electoral area subscribing to the nomination paper.

1.12 Some clerks are happy to help with informal checks of completed nomination papers if they have been trained to do so by the Returning Officer, however, it is important to remember that it is only the Returning Officer who has the power to decide on the validity or otherwise of nomination papers. Paragraphs 2.40 and 2.41 on page 21 of the principal area guide give information on informal checking and submission of nomination papers. It is the candidate's responsibility to ensure that completed nomination papers are submitted to the office of the Returning Officer (and not the clerk) within the prescribed nomination period and before **12 noon on Friday 4 April 2008**.

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<sup>2</sup> Section 112, LGA 1972.

<sup>3</sup> Rule 50(2), P&C Rules 2006.



## 2 Running for election

### Qualifications and disqualifications

2.1 In order to become a candidate at a parish, community or town council election, a set of nomination papers must be submitted within the prescribed time period. In order to be eligible to stand for election a person must be qualified to stand and not be disqualified.

### Qualifications required for candidature

2.2 To qualify as a candidate a person **must** satisfy the following criteria on the day they are nominated and on polling day. They must:

- have attained the age of at least **18 years**<sup>4</sup> **and**
- be a British citizen, a qualifying Commonwealth citizen,<sup>5</sup> or a citizen of any other member state of the European Union<sup>6</sup>

2.3 The candidate must also meet **at least one** of the following four qualifications on the day they are nominated and on polling day:<sup>7</sup>

- they are registered as a local government elector for the parish, community or town council area in which they wish to stand, or
- they have occupied as owner or tenant any land or premises in the parish, community or town council area during the whole of the 12 months before the day they are nominated, or
- their main or only place of work during the last 12 months has been in the parish, community or town council area, or
- they have lived in the parish, community or town council area (or within 4.8 kilometres of it) during the whole of the last 12 months

**Note:** The qualification to be a registered elector is an ongoing qualification that must be satisfied (unless duly qualified under another criterion stated above) for the duration of the term of office should a candidate be successful in their candidature. It is therefore important to mark **all** of the qualifications that the candidate satisfies when completing the nomination paper.

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<sup>4</sup> Section 17, EAA.

<sup>5</sup> A qualifying Commonwealth citizen is defined in Appendix G to the principal area guidance – Glossary.

<sup>6</sup> Section 79, LGA 1972.

<sup>7</sup> Section 79(1), LGA 1972.

## Disqualifications

2.4 Certain people are disqualified from being elected to a parish, community or town council. A person cannot be a candidate if at the time of their nomination or their election:

- they are employed by the parish, community or town council or hold a paid office under that council (including employment by any joint boards or committees of the council)
- they are the subject of a bankruptcy restrictions order or interim order in England or Wales<sup>8</sup>
- they have been sentenced to a term of imprisonment of three months or more (including a suspended sentence) without the option of a fine, during the five years before election day<sup>9</sup> (i.e. since 1 May 2003)
- they have been disqualified under Part III of the RPA 1983 (which relates to donations and other offences) or under the Audit Commission Act 1998<sup>10</sup>

2.5 A person may also be disqualified from election if they have been convicted or reported guilty of a corrupt or illegal practice by an election court,<sup>11</sup> or if they have been disqualified from standing for election to a local authority following a decision of the Adjudication Panel for England or Wales.<sup>12</sup>

2.6 The full range of disqualifications for candidates at local elections is complex, and some exceptions may also apply. Candidates are strongly advised to consult the relevant legislation to ensure that none of the relevant disqualifications apply, and if in doubt, to seek their own legal advice.

## Nomination

### Getting nominated

2.7 Once the notice of election has been published (by no later than **Thursday 27 March 2008**), a person can become a candidate. To become nominated as a candidate, a person will need to complete a set of nomination papers and submit them to the Returning Officer by **12 noon on Friday 4 April 2008**.

2.8 Usually, nomination papers can only be delivered during normal office hours, but it is advisable to check with the Returning Officer who will confirm the exact arrangements as to when and where nomination papers can be delivered.

2.9 The Returning Officer will supply as many copies of the nomination form and the forms of consent to nomination as are needed. Copies may also have been provided to the clerks of the parish or community council for them to distribute. The

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<sup>8</sup> Persons who were declared bankrupt before the amendments to the bankruptcy disqualifications following commencement of the Enterprise Act 2002 and who are not in receipt of a Bankruptcy Restrictions Order are not disqualified from standing. People who were the subject of a Bankruptcy Restrictions Order prior to 1 April 2004, provided they have their discharge, are not disqualified from standing.

<sup>9</sup> Section 80(1)(d), LGA 1972.

<sup>10</sup> Section 80(1), LGA 1972.

<sup>11</sup> Sections 159 and 160, RPA 1983.

<sup>12</sup> Section 79(4)(b), LGA 2000.

Returning Officer will also prepare the nomination paper for signature if required.<sup>13</sup> Alternatively, the forms provided in Appendix A could be completed and submitted to the Returning Officer.

**Note:** If a candidate is validly nominated for more than one electoral area within the same local government area (e.g. for different wards within the same parish or community), they must withdraw from all areas but one by the last time for withdrawals. If they do not do this, they will be deemed to have withdrawn from all of them.<sup>14</sup>

## The nomination paper

2.10 Anyone wishing to stand as a candidate needs to complete a nomination paper following the prescribed form<sup>15</sup> – a copy of the form can be found in Appendix A.

2.11 Nomination papers must be completed in English, except at an election in Wales, where a nomination paper may be submitted in Welsh – a copy of this form can be obtained by contacting the Commission's Wales office.

2.12 The nomination paper must contain the **full name** of the person wishing to stand as a candidate, their **full home address** and be signed by two registered electors from the parish, community or town (or relevant ward if the area is warded) – these electors are known as subscribers.<sup>16</sup>

2.13 A candidate may use a description which will appear under their name on the ballot paper, although it is not compulsory and the description section may be left blank (see below for further details on the use of a description). A candidate may also use any commonly used name they have rather than their full name. The details stated on the nomination paper<sup>17</sup> will be reproduced on the published statement of persons nominated, the notice of poll and, finally, the ballot paper.

### Name

2.14 The nomination form must include the candidate's surname, then other names in full.<sup>18</sup> A candidate risks having their nomination paper rejected by the Returning Officer if they use initials. It is also possible that the use of a name that is not as it appears on the electoral register may be challenged if it is entered in the 'surname' or 'other names in full' sections and not the 'commonly used' sections of the form.

2.15 'Commonly used' surname(s) and forename(s) are now permitted. A candidate can only state a commonly used name on the nomination paper if they actually commonly use a name which is different from their full name.<sup>19</sup> There is no requirement to use a commonly used name: candidates have the option to stand either under their full name or any commonly used name they have. If a candidate is commonly called by a name which is not their full name, they are not required to put

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<sup>13</sup> Rule 6(4)(b), P&C Rules 2006.

<sup>14</sup> Rule 12, P&C Rules 2006.

<sup>15</sup> Rule 4(1), P&C Rules 2006.

<sup>16</sup> Rule 6(1), P&C Rules 2006.

<sup>17</sup> Subject to the commonly used name provisions as outlined below.

<sup>18</sup> Rule 4(2), P&C Rules 2006.

<sup>19</sup> Rule 4(3), P&C Rules 2006.

it on the nomination paper. If a candidate wishes to use their full name they should leave the commonly used name box(es) blank.

2.16 The Returning Officer will allow the use of the commonly used name(s) if satisfied that they are not likely to mislead or confuse electors, and are not obscene or offensive.<sup>20</sup> If the name(s) are not permissible, the Returning Officer will write to the candidate stating the reason for disallowing the commonly used name, and in that instance the candidate's full names will be used.

2.17 Titles or prefixes such as Mr, Mrs or Dr should not be used.

2.18 The exact wording of the candidate's name, as entered on the nomination paper, will appear on the statement of persons nominated, the notice of poll and on the ballot paper. If the Returning Officer does allow the commonly used name(s), they will appear on each of these occasions instead of the candidate's full name.<sup>21</sup>

### **Description**

2.19 A candidate may choose to use a description which will appear under the candidate's details on the ballot paper although there is no requirement to do so.

2.20 Candidates representing a registered political party can use a party description, but this may only be one of up to 12 possible descriptions registered with the Commission or the registered name of the party.<sup>22</sup> A certificate of authorisation from the registered party's nominating officer (or a person appointed by them to act on their behalf) giving them permission to use that description must be submitted to the Returning Officer before the close of nominations (see also 2.40 below). If a description is used which has not been registered with the Commission then the Returning Officer must hold the entire nomination invalid.<sup>23</sup>

2.21 Any other candidate may also use a description of **no more than** six words in English or, in Wales, Welsh, which does not have to be registered. This can be any description and does not have to refer to the candidate's rank, profession or calling providing that it is sufficient to identify the candidate along with the other particulars. Examples of types of descriptions that might commonly be used are 'Farmer', 'Baker in High Street', 'Member of Village Action Team', or 'Independent' or 'Annibynno'. The Returning Officer will hold the entire nomination paper invalid if the description exceeds six words.

2.22 In summary, therefore, candidates have four main options with regard to the description:

- (a) Leave the description part of the form blank, in which case no description will appear on the ballot paper
- (b) Use a non-registered description of **no more than** six words in English and/or Welsh. This can include the description 'Independent' or 'Annibynno'
- (c) Use a description that is registered with the Commission and has been authorised in writing by the nominating officer of a registered political party or someone appointed to act on their behalf

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<sup>20</sup> Rule 9(4), P&C Rules 2006.

<sup>21</sup> Rule 9(3), P&C Rules 2006.

<sup>22</sup> Section 28A, PPERA, as inserted by Section 49, EAA; Rule 5, P&C Rules 2006.

<sup>23</sup> Rule 8(4), P&C Rules 2006.

- (d) Use the name of the party as it is registered with the Commission, with the authorisation in writing from the nominating officer of a registered political party or someone acting on their behalf

2.23 If a candidate wants to register a political party, thus enabling them to use a party political description, details about the process for doing so can be found later in this section.

### **Address**

2.24 The candidate's home address must be completed **in full**, and should not contain any abbreviations. The address must be the candidate's current home address, and not a business address. The address does not need to be in the electoral area in which the candidate wishes to stand, as long as the candidate meets one of the qualifications for standing set out above.

### **Signatures of subscribers**

2.25 Each nomination paper needs to be signed (subscribed) by two registered electors from the ward in which the person wants to stand as a candidate. The first will sign as **proposer** and the second as **second**.<sup>24</sup> Where a nomination paper has the signatures of more than the required number of persons as proposing or seconding the nomination, the signatures up to the required number appearing first on the paper in each category must be accepted. Care should be taken to ensure it is accurately subscribed, as any other names provided after the number required will not be considered. Therefore, even if one of the first names is not in fact a registered elector and thus is not entitled to subscribe the nomination, the whole nomination will still be invalid.<sup>25</sup>

2.26 The electoral number of each elector, including the distinctive numbers or letters of the polling district, must be entered on the nomination paper.

2.27 The candidate must ensure that the names of the people signing their nomination paper appear in the relevant electoral register for the parish, community or town (or relevant ward if the area is warded) where they wish to stand. The register is published on 1 December each year, and alterations are published at the beginning of each month thereafter up to (and including) September. The register as at the last day for the publication of the notice of election (i.e. the register as at **1 March 2008**) will be the valid electoral register for the purpose of nominations.

2.28 To ensure the nomination paper is completed correctly, candidates are entitled to receive a copy of the register for the parish, community or town (or ward if the area is warded) they are contesting and should make a request to receive the register in writing to the Electoral Registration Officer for the area.<sup>26</sup> Further information on this process can be found in 'Section 3 – The campaign' in the principal area guidance for candidates and agents. Candidates may be asked to sign a form undertaking to use the register and list of absent voters in accordance with law. The information contained within the register and the lists must only be used for electoral purposes – it is an offence to use this information or allow it to be used for any other purpose.

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<sup>24</sup> Rule 6(1), P&C Rules 2006.

<sup>25</sup> Rule 6(2), P&C Rules 2006.

<sup>26</sup> Regulations 102 and 104, 2001 Regulations.

2.29 All the candidate's particulars must be completed before the nomination papers are subscribed – it cannot be altered after signatures have been added.

2.30 In parish, community or town council elections, electors may only subscribe as many nomination papers as there are vacancies in the ward or area being contested.<sup>27</sup> For example, in the case of a parish or community ward with only one vacancy, electors can only subscribe to one candidate's nomination paper. This means that if two candidates submit a set of nomination papers for a ward with only one vacancy that have been subscribed by the same person, the nomination papers that were submitted first will be accepted; and the second and subsequent nominations will be invalid. However, in the case of a parish or community ward with two vacancies, an elector may subscribe two nomination papers; if there are three vacancies a person may subscribe three nomination papers; and so on.

2.31 Once a nomination paper has been formally accepted by the Returning Officer, signatures cannot be withdrawn.

### Consent to nomination

2.32 In order for the nomination as a candidate to be valid, the candidate must also formally give their consent to nomination in writing.<sup>28</sup> The candidate will be asked to state that they are qualified and not disqualified from standing and to give their date of birth. Candidates can use the form in Appendix A; the Returning Officer may also provide a form for this purpose.

2.33 Candidates must sign and date the consent to nomination within one calendar month before the last day for delivery of nomination papers (between **Wednesday 5 March** and **12 noon on Friday 4 April 2008**). The candidate's signature must be witnessed, and the witness must also sign the form and give their full name and address. The rules do not specify who can witness this form, and so there are no restrictions on who can do this. The declaration of consent should be delivered in person to the Returning Officer with the other nomination papers and must be delivered before **12 noon on Friday 4 April 2008**.<sup>29</sup>

### Deposit

2.34 No deposit is required for a candidate to stand at an election of parish, community and town council councillors.

### Registering as a political party

2.35 There is detailed information on registering a new political party name for candidates to use at the local elections on page 21 of the principal area guidance for candidates and agents. Please note that it can take some time for an application to be processed and we would recommend that any application be submitted by no later than **Monday 3 March 2008**.

### Registering as a minor political party

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<sup>27</sup> Rule 6(5), P&C Rules 2006.

<sup>28</sup> Rule 7, P&C Rules 2006.

<sup>29</sup> Rule 7, P&C Rules 2006.

2.36 Minor parties are registered to contest only parish or town council elections in England and town or community council elections in Wales. There is no requirement to register a name in order to use it at parish and community elections in England and Wales, since candidates are allowed to use a description of up to six words at these elections without being registered.

2.37 Parties that register as minor parties may subsequently choose to amend their registration to enable them to contest other elections in Great Britain. Their names will also be protected in the part(s) of Britain in which they are registered.

2.38 Registered minor parties are not subject to the financial controls that other parties are required to comply with. Groups applying to register as minor parties are therefore not required to submit as much information to the Commission when applying to register.

### Standing for a political party

2.39 It is a candidate's choice if they want to stand as an independent candidate, use their own description or have no description on the ballot paper. However, if a candidate wants to stand for a political party, they will have to complete some extra documentation.

### Certificate of authorisation from a political party

2.40 As explained above, if candidates want to use a description on the ballot paper that associates them with a registered political party on the ballot paper, they must also supply a certificate of authorisation, issued by a registered political party.<sup>30</sup> The wording of the certificate of authorisation is not prescribed by law, but a sample certificate which candidates can use is provided in Appendix A.

2.41 The certificate of authorisation **must** be signed by the registered nominating officer of the political party or by someone else who can provide evidence of authorisation from the nominating officer to act on his or her behalf. It should be delivered to the Returning Officer together with a candidate's nomination papers before **12 noon on Friday 4 April 2008**.

2.42 Candidates must make sure that the description used in their nomination paper exactly matches the description authorised by the political party officer. If the descriptions do not match, the nomination paper will be invalid.

### Request to use emblem on the ballot paper

2.43 If candidates have been authorised by a political party to use a description on the ballot paper, they can also request that one of the party's official emblems is used on the ballot paper next to their name.<sup>31</sup> Each registered party can register up to three emblems, and they can be viewed or downloaded from the Electoral Commission's website.<sup>32</sup>

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<sup>30</sup> A registered political party for the 1 May 2008 elections is a party which appears in the Electoral Commission's Great Britain register of political parties on Wednesday 2 April 2008.

<sup>31</sup> Rule 14(2A) P&C Rules.

<sup>32</sup> <http://www.electoralcommission.org.uk>

2.44 The request to use an emblem must be made **in writing** by the candidate, and they must deliver it to the Returning Officer together with their other nomination papers before **12 noon on Friday 4 April 2008**.<sup>33</sup> The candidate's request must state both the name of the political party and the description of the emblem to be used. Candidates cannot use any variation on a registered emblem.

## Withdrawing as a candidate

2.45 Once the Returning Officer has accepted a candidate's nomination papers, they can still withdraw from the election if they deliver a written notice to the Returning Officer before **12 noon on Wednesday 9 April 2008**.<sup>34</sup> The notice must be signed by the candidate and witnessed by one other person. Please note that after the above time and date, it is not possible to withdraw a candidate's name from the election, and the candidate's name will appear on the ballot paper.

## Uncontested elections

2.46 If, after the close of nominations and the time allowed for withdrawals, the total number of validly nominated candidates in a parish, community or town council area or ward is less than or equal to the number of seats to be filled at the election, those candidates are declared to be elected.<sup>35</sup> As soon as possible after the latest time for delivery of withdrawals of nominations (**12 noon on Wednesday 9 April 2008**) the Returning Officer must declare to be elected those candidates who remain validly nominated, and give notice of their names to the proper officer of the parish or community council for which the election is held and to the proper officer of the principal area council within which the parish or community is situated. The Returning Officer must also give public notice of the names of those declared as elected.<sup>36</sup>

2.47 It is important to note that if declared to be elected in an uncontested election, candidates must still make a declaration and return as to election expenses, even if none have been incurred.

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<sup>33</sup> Rule 14(2B) P&C Rules 2006.

<sup>34</sup> Rules 1 and 13, P&C Rules 2006.

<sup>35</sup> Rule 14(2), P&C Rules 2006.

<sup>36</sup> Rule 50(2), P&C Rules 2006.



## 3 Election expenses

**Note:** All candidates contesting parish and community level elections are subject to controls on their election expenses<sup>37</sup> and are required to submit a return of election expenses to the proper officer of the authority within **28 days** after the day of the election. This return must be accompanied by a declaration by the candidate as to their election expenses.

### General guidance

3.1 The following notes provide general guidance on election expenditure. Information on completing an election expenditure return can be found in paragraphs 4.2 to 4.5 in Section 4 of this supplement. More detailed information on election expenditure can be found in sections 4 and 5 (pages 37–58) of the principal area guidance to candidates and agents.

3.2 As there is no provision in law for election agents at a parish, community or town council election, it is the responsibility of candidates to control their election expenditure and to complete the return and declaration as to expenses incurred.

### Limits on expenditure

3.3 A candidate at a parish, community or town council election is allowed to incur expenditure up to a limit of £600 plus 5p for every entry in the register of electors on the last date for the publication of notice of election (candidates are advised to obtain written confirmation of this figure).

#### **Example:**

Number of electorate on register at date of notice of election: 2371

Calculation of maximum expenses limit:  $600 + (2371 \times 0.05)$

Maximum expenses limit for a candidate: £718.55

### Limits for joint candidates

3.4 Maximum limits for expenditure are reduced in the case of joint candidates. Candidates are to be considered joint candidates when they employ or use the services of the same clerks or messengers,<sup>38</sup> hire or use the same committee rooms at an election, or publish joint addresses, circulars or notices at elections. Where there are two joint candidates the limit for each candidate is reduced by a quarter, and where there are three or more joint candidates the limit for each is reduced by a third.

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<sup>37</sup> Schedule 4 of the Representation of the People Act 1983.

<sup>38</sup> This does not include the accidental, casual or trivial use of the same clerks or messengers.

**Example:**

Number of electorate on register at date of notice of election: 2371

Calculation of maximum expenses limit:  $600 + (2371 \times 0.05)$

Maximum expenses limit for a candidate: £718.55

**Expenses limit for joint candidates:**

- Two candidates (25% reduction): £538.91 per candidate
- Three candidates (33.3% reduction): £481.43 per candidate

### Time for sending in and paying claims

3.5 Any claim against any person in respect of election expenses incurred by or on behalf of a candidate that is not sent in to the candidate within **14 days** of the day after the election must not be paid. Further, all election expenses must be paid within **21 days** of the day after the election; otherwise they must not be paid.

3.6 On application by either a creditor or a candidate a court order may be granted allowing any claim sent in and any payment made to be paid after the time limits detailed above.

## 4 After the election

### Declaration of acceptance of office

4.1 The appointment of successful candidates as councillors becomes effective on the fourth day after the election. If successfully elected, the candidate must sign a declaration of acceptance of office, in which they agree to follow the council's code of conduct in the performance of their duties, before they can act as a councillor. This declaration must be made before or at the first meeting of the parish, community or town council after the candidate's election or, if the council at that meeting so permit, before or at a later meeting of the council. If the declaration of acceptance of office is not submitted by this deadline, the seat is declared vacant and a by-election must be held to fill the vacancy.

### Election expenses returns

#### Submitting an election expenses return

4.2 Detailed information about what constitutes election expenses and information on donations can be found in sections 4 and 5 of the principal area guidance for candidates and agents. Candidates should check those sections carefully if they are in any doubt as to what should be included in their expenses return.

4.3 After an election to a parish, community or town council, every candidate must submit a return as to their election expenses to the appropriate officer within 28 days after the day of the election.<sup>39</sup> This return must be accompanied by a declaration by the candidate as to their election expenses.

4.4 Copies of the required forms can be found in Appendix A. Forms and guidance can also be downloaded from the Commission's website at: [www.electoralcommission.org.uk](http://www.electoralcommission.org.uk)

**Note:** It is important to note that a 'nil' return must be submitted even where no expenses are incurred. Election expenses are not reimbursed.

4.5 Candidates should note that for all payments of £10 or more an accompanying invoice or receipt must be submitted with the return.

### Declarations

4.6 Candidates are also required to submit declarations vouching for their election expenses return. The content of these declarations is prescribed by law. The declaration for use at a parish, community or town council election may be found in Appendix A.

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<sup>39</sup> Paragraph 3, Schedule 4, RPA 1983.

## Appendix A – Forms

The following forms are provided for use by candidates. The Returning Officer for a particular local authority area will also provide specific forms on request:

- Candidate's checklist
- Nomination paper
- Candidate's consent to nomination
- Authorisation of party description and emblem
- Candidate's expenses return
- Candidate's expenses return declaration

## Candidate's checklist

You must complete and submit the following forms by **12 noon** on the last day for close of nominations, **Friday 4 April**, in order to be successfully nominated as a candidate:

- |                                     | Tick box                 |
|-------------------------------------|--------------------------|
| ● Nomination paper                  | <input type="checkbox"/> |
| ● Candidate's consent to nomination | <input type="checkbox"/> |

If you wish to stand on behalf of a political party, you must also submit this form by **12 noon on the last day for close of nominations, Friday 4 April**:

- |   |                          |
|---|--------------------------|
| ● Authorisation of party description and emblem | <input type="checkbox"/> |
|---|--------------------------|

**Note:** You must also complete and submit your return of expenses forms **not later than 4pm, 28 days after the result of the election was declared, Thursday 29 May or Friday 30 May**, in order to be compliant with the requirements of the RPA 1983.

# Parish and Communities Elections Form of Nomination Paper

Office use only

\*ELECTION OF PARISH/COMMUNITY COUNCILLOR(S)  
for the

Date received	Time received	Initials

<p>1 *ward of the</p> <p>2 *parish/community of</p> <p>Date of election:</p>
--

*\*Delete whichever is inappropriate*

We, the undersigned, being local government electors for the said \*ward/parish/ community do hereby nominate the under-mentioned person as a candidate at the said election.

Candidate's surname	Other forenames in full	Commonly used surname (if any)	Commonly used forenames (if any)
Mr/Mrs/Miss/Ms/Dr/Other			
<b>Description (if any)</b> use no more than six words		<b>Home address in full</b>	

Signature	Print name	Electoral Number	
		Polling district	Elector number
Proposer:			
Seconder:			

<sup>1</sup>Insert name of parish or community ward (if any)

<sup>2</sup>Insert name of parish or community

## Notes

1. The attention of candidates and electors is drawn to the rules for filling up nomination papers and other provisions relating to nomination papers contained in the election rules in Schedule 2 to the Local Elections (Parishes and Communities) Rules 2006.
2. Where a candidate is commonly known by some title they may be described by their title as if it were their surname.
3. Where a candidate commonly uses a name that is different from any other name they have, the commonly used name may also appear on the nomination paper, but if it does so, the commonly used name (instead of any other name) will appear on the ballot paper
4. But the ballot paper will show the other name if the returning officer thinks that the use of the commonly used name may
  - (a) be likely to mislead or confuse electors, or
  - (b) that the commonly used name is obscene or offensive.
5. An elector may not –
  - (a) subscribe more nomination papers than there are vacancies to be filled in the electoral area in which the election is held; or
  - (b) subscribe a nomination paper for more than one ward in a parish or community divided into wards.
6. In this form “elector” –
  - (a) means a person whose name is registered in the register of local government electors for the electoral area in question on the last day for the publication of notice of election; and
  - (b) includes a person then shown in the register as below voting age if (but only if) it appears from the register that he will be of voting age on the day fixed for the poll.
7. However, a person who has an anonymous entry in the register of local government electors cannot nominate a candidate for election.

*\*Delete whichever is inappropriate*

# Candidate's consent to nomination

*\*Delete whichever is inappropriate*

Date of election:		
I (name in full):		
of (home address in full):		
hereby consent to my nomination as a candidate for election as councillor for the		
		*ward of the
*parish/community of:		
I declare that on the day of my nomination I am qualified and that, if there is a poll on the day of election, I will be qualified to be so elected by virtue of being on that day or those days a qualifying Commonwealth citizen, a citizen of the Republic of Ireland or a citizen of another Member State of the European Union who has attained the age of 18 years and that:		
*a. I am registered as a local government elector for the area of the *parish/community of		
in respect of ( <i>qualifying address in full</i> ):		
and my electoral number (see Note below) is:		
Or		
*b. I have during the whole of the 12 months preceding that day or those days occupied as owner or tenant the following land or other premises in the parish/community (description and address of land or premises):		
Or		
*c. My principal or only place of work during those 12 months has been in that *parish/community at ( <i>give address of place of work and, where appropriate, name of employer</i> ):		
Or		
*d. I have during the whole of the last 12 months resided in that parish/community or within 4.8 kilometres of it at ( <i>give address in full</i> ):		
I declare that to the best of my knowledge and belief I am not disqualified for being elected by reason of any disqualification set out in Section 80 of the Local Government Act 1972, or any decision made under Section 79 of the Local Government Act 2000 (copies of which are printed overleaf).		
Date of birth:	Signature:	Date:
I confirm the above-mentioned candidate signed the declaration in my presence.		
Witness (name in full):		
of (address in full):		
Signature:		Date:

**Notes:**

1. A person's electoral number is his number in the register to be used at the election (including the distinctive letter of the parliamentary polling district in which he is registered).
2. A candidate who is qualified by more than one qualification may complete any of those that may apply



## Local Government Act 1972: Disqualifications for election and holding office as a member of local authority

- 80 (1) Subject to the provisions of section 81 below, a person shall be disqualified for being elected or being a member of a local authority if he –
- (a) holds any paid office or employment (other than the office of chairman, vice-chairman or deputy chairman or, in the case of a local authority which are operating executive arrangements which involve a leader and cabinet executive, the office of executive leader or member of the executive) appointments to which are or may be made or confirmed by the local authority or any committee or sub-committee of the authority or by a joint committee or National Park authority on which the authority represented or by any person holding such office or employment; or
  - (b) is a subject of a bankruptcy restrictions order or interim order;<sup>1</sup> or
  - (c) ...
  - (d) has within five years before the day of election or since his election has been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine; or
  - (e) is disqualified for being elected or for being a member of that authority under Part III of the Representation of the People Act 1983 or under the Audit Commission Act 1998.
- (2) Subject to the provisions of section 81 below, a paid officer of a local authority who is employed under the direction of –
- (a) a committee or sub-committee of the authority, any member of which is appointed on the nomination of some other local authority; or
  - (b) a joint board, joint authority or joint committee on which the authority are represented and any member of which is so appointed:
- shall be disqualified for being elected or being a member of that other local authority.
- (2AA) A paid member of staff of the Greater London Authority who is employed under the direction of a joint committee the membership of which includes –
- (a) One or more persons appointed on the nomination of the Authority acting by the mayor, and
  - (b) One or more members of one or more London borough councils appointed to the committee on the nomination of those councils
- shall be disqualified for being elected or being a member of any of those London borough councils.
- (2A) Subsection (2) above shall have effect as if the reference to a joint board included a reference a national park authority.
- (2B) For the purpose of this section a local authority shall be treated as represented on a national park authority if it is entitled to make any appointment of a local authority member of the National Park authority.
- (3) Teachers in a school maintained but not established by a local education authority shall be in the same position as respects disqualification for office as members of the authority as teachers in a school established by the authority.
- (4) ...
- (5) For the purposes of subsection (1) ... (d) above, the ordinary date on which the period allowed for making an appeal or application with respect to the ... conviction expires or, if such an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of the non-prosecution thereof shall be deemed to be the date of the ... conviction, as the case may be.

---

<sup>1</sup> Section 267, Enterprise Act 2002 substitutes Section 80(1)(b), Local Government Act 1972.

*Words were omitted from subsection (1)(a) by the Local Government and Housing Act 1989 and the words in square brackets in that subsection were inserted by Schedule 10 to the Environment Act 1995; subsection (1)(b) was substituted by the Enterprise Act 2002; the words in square brackets in subsection (1)(c) were inserted by Schedule 3 to the Audit Commission Act 1998 and Schedule 8 to the 1983 Act; subsection (2) was amended by the Local Government Act 1985; subsection (2AA) was inserted by the Greater London Authority Act 1999; subsections (2A) and (2B) were inserted by Schedule 10 to the Environment Act 1995; subsection (4) was repealed by the Transport Act 1985 and the words omitted from subsection (5) were repealed by the Local Government Finance Act 1982.*

## **Exception to provisions of section 80**

81 (1) ... (2) ... (3) ...

- (4) Section 80(2) and (3) above shall not operate so to disqualify –
- (a) any person by reason of his being a teacher, or otherwise employed, in a school ... or other educational institution maintained or assisted by a county council for being a member of a district council by reason that the district council nominates members of the education committee of the county council;
- Subsections (1) and (2) ceased to have effect from 1 April 2004 under section 267 of the Enterprise Act 2002; subsections (3) and (4)(b) were repealed by the Local Government Act 1985; and the words omitted from subsection (4)(a) were repealed by Schedule 13 to the Education Reform Act 1988.*

## **Local Government Act 2000: Decisions of case tribunals**

- 79 (1) A case tribunal which adjudicates on any matter must decide whether or not any person to which that matter relates has failed to comply with the code of conduct of the relevant authority concerned.
- (2) Where a case tribunal decides that a person has not failed to comply with the code of conduct of the relevant authority concerned, it must give notice to that effect to the standards committee of the relevant authority concerned.
- (3) Where a case tribunal decides that a person has failed to comply with the code of conduct of the relevant authority concerned, it must decide whether the nature of the failure is such that the person should be suspended or disqualified in accordance with subsection (4).
- (4) A person may be –
- (a) suspended or partially suspended from being a member or co-opted member of the relevant authority concerned, or
- (b) disqualified for being, or becoming (whether by election or otherwise), a member of that or any other relevant authority.
- (5) Where a case tribunal makes such a decision as is mentioned in subsection (4)(a), it must decide the period for which the person should be suspended or partially suspended (which must not exceed one year or, if shorter, the remainder of the person's term of office).
- (6) Where a case tribunal makes such a decision as is mentioned in subsection (4)(b), it must decide the period for which the person should be disqualified (which must not exceed five years).
- (7) Where a case tribunal decides that a person has failed to comply with the code of conduct of the relevant authority concerned but should not be suspended or disqualified as mentioned in subsection (4), it must give notice to the standards committee of the relevant authority concerned –
- (a) stating that the person has failed to comply with that code of conduct, and
- (b) specifying the details of that failure.
- (8) Where a case tribunal decides that a person has failed to comply with the code of conduct of the relevant authority concerned and should be suspended or partially

- suspended as mentioned in subsection (4)(a), it must give notice to the standards committee of the relevant authority concerned –
- (a) stating that the person has failed to comply with that code of conduct,
  - (b) specifying the details of that failure, and
  - (c) stating that the person must be suspended or partially suspended by the relevant authority concerned for the period, and in the way, which the tribunal has decided.
- (9) A relevant authority must comply with any notice given to its standards committee under subsection (8).
- (10) Where a case tribunal decides that a person has failed to comply with the code of conduct of the relevant authority concerned and should be disqualified as mentioned in subsection (4)(b), it must give notice to the standards committee of the relevant authority concerned –
- (a) stating that the person has failed to comply with that code of conduct,
  - (b) specifying the details of that failure, and
  - (c) stating that the person is disqualified for being, or becoming (whether by election or otherwise), a member of that or any other relevant authority for the period which the tribunal has decided.
- (11) The effect of a notice given to the standards committee of a relevant authority under subsection (10) is to disqualify the person concerned as mentioned in subsection (10)(c).
- (12) A copy of any notice under this section –
- (a) must be given –
    - (i) to the Standards Board for England, where the relevant authority concerned is in England,
    - (ii) to the Commission for Local Administration in Wales, where the relevant authority concerned is in Wales,
  - (b) must be given to any person who is the subject of the decision to which the notice relates, and
  - (c) must be published in one or more newspapers circulating in the area of the relevant authority concerned.
- (13) Where the person concerned is no longer a member or co-opted member of the relevant authority concerned but is a member or co-opted member of another relevant authority in the same country (that is to say, England or Wales) –
- (a) a copy of any notice under subsection (2), (7) or (10) must also be given to the standards committee of that other relevant authority,
  - (b) the references in subsections (4)(a) and (8)(c) to the relevant authority concerned are to be treated as references to that other relevant authority,
  - (c) the duty to give notice to the standards committee of the relevant authority concerned under subsection (8) is to be treated as a duty –
    - (i) to give that notice to the standards committee of that other relevant authority, and
    - (ii) to give a copy of that notice to the standards committee of the relevant authority concerned.
  - (d) the reference in subsection (12)(c) to the relevant authority concerned is to be treated as including a reference to that other relevant authority.
- (14) A case tribunal must take reasonable steps to inform any person who made any allegation which gave rise to the adjudication of the decision of the case tribunal under this section.
- (15) Where a case tribunal decides under this section that a person has failed to comply with the code of conduct of the relevant authority concerned, that person may appeal to the High Court against that decision, or any other decision under this section which relates to him.

## Authorisation of party description and emblem

Please read our guidance carefully before filling in this form. If you are in doubt as to any aspect of the form, please contact your Returning Officer. After you have completed the relevant sections of the form, return it personally to the Returning Officer or their staff before the close of nominations.

Please write in black ink and use BLOCK LETTERS.

### Certificate of authorisation of use of party description

Complete this section if you want to use a party description on your nomination paper. Descriptions must not exceed six words in length. This certificate must be authorised by the Party Nominating Officer or by a person on their behalf, not the candidate.

In accordance with the Local Elections (Parishes and Communities) (England and Wales) Rules 2006, I hereby certify that:

I authorise, (full name of candidate):

To be a candidate for (name of political party):

And that they may include the following registered description/party name in their nomination paper:

In the election for councillor in the ward of:

In the \*parish/community of:

At the election to be held on (election date):

**Signature of party's registered Nominating Officer (or person authorised by the Nominating Officer)**

Signature:

Date:

*\*Delete whichever is inappropriate.*

## Use of a party emblem

Please complete this section if you wish to have a party emblem printed on the ballot paper next to your name.

**This section must be signed by the candidate, not the election agent or Party Nominating Officer.**

In accordance with the Local Elections (Parishes and Communities) (England and Wales) Rules 2006, I request that the ballot paper shall contain, against my name, the following registered emblem (please identify which emblem if the party has registered more than one):

Emblem to be used:
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Signature of candidate:	Date:
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**Note:** Please check with the Returning Officer that they have a good copy of your emblem and be prepared to supply a print quality copy if required in the format requested by the Returning Officer.

# Return of Election Expenditure

To be completed by the candidate and returned within 28 days after the day of the election

In the [.....ward of the] Parish/Community of ..... Date of Election..... Name of Candidate..... 1. I am the person named above as Candidate in this election. 2. I hereby make the following return of my election expenditure. Signature of Candidate ..... Date.....
---

## Part 1: Summary of expenditure

Category	Amount	
	£	pp
A. Candidate's personal expenses (i.e. travel and subsistence)		
B. Paid to individuals for services rendered (sub-agents, clerks, messengers, etc.)		
C. Paid for election offices:		
C1. Hire of rooms		
C2. Office costs (use of computers etc.)		
D. Paid for public meetings:		
D1. Hire of rooms		
D2. Paid to public speakers		
E. Paid for materials to electors:		
E1. Design and printing costs		
E2. Distribution costs (e.g. postage)		
F. Paid for advertising:		
F1. Posters/banners/billboards		
F2. Publicity materials (e.g. loudspeakers, rosettes)		
G. Paid for stationery costs		
H. Paid for communication costs (phone, fax, internet, etc.)		
I. Miscellaneous items		
<b>Total notional expenditure</b>		
<b>Total unpaid claims</b>		
<b>Total election expenses</b>		

## Part 2: Payments

### A. Breakdown of expenditure

Payments made by the candidate or any of his agents  
(A to I)

Please note: For each item of expenditure reported (except those items under £10) an invoice or receipt detailing each item of expenditure must be provided in support.

Item and Supplier Details (including the category the item falls under (A to I))	Date		Amount	Invoice no. (if attached)
	Invoice Paid	Invoice Received		
<b>Total</b>				

## B. Unpaid claims

In addition to payments listed above, I am aware of the following unpaid claims:

Item/Service	Date invoice received	Action taken or to be taken	Amount	
			£	pp
<b>Total unpaid claims</b>				

## C. Declaration of value of notional expenditure over £50

Please note: You may have few, if any, payments to report under this section. If you are unsure as to the type of expenditure that should be recorded in this section please refer to the accompanying guidance notes.

I hereby declare that the following individual amount(s) of expenditure incurred under Section 90C of the RPA 1983 and listed below at Part 2C of this return represents the full and true value as calculated in accordance with that section.

Signed ..... Date.....

Item	Date(s) or Period Expenditure Incurred	Commercial Cost of Item	Actual Cost Paid	Value of Notional Expenditure
<b>Total notional expenditure</b>				



# Declaration by candidate as to election expenses

## LOCAL GOVERNMENT: PARISH AND COMMUNITY ELECTIONS

### ELECTION OF A COUNCILLOR

To be completed by the candidate to accompany the return of election expenses

Please note: There is no longer any requirement for this declaration to be signed by a Justice of the Peace

Election for the [ \_\_\_\_\_ ward of the]  
Parish/community of \_\_\_\_\_

**Date of publication of notice of the election** \_\_\_\_\_

**Full name of candidate** \_\_\_\_\_

I solemnly and sincerely declare as follows:

1. The amount paid by me or on my behalf for my election expenses at the above election was £ .....
2. To the best of my knowledge and belief no other election expenses have been paid or incurred by me or by any other person or organisation in connection with my candidature.
3. To the best of my knowledge and belief the accompanying return of election expenses is complete and correct as required by law.
4. I understand that the law does not allow any election expenses not mentioned in the return to be defrayed except in pursuance of a court order.

**Signature of declarant** \_\_\_\_\_

**Date** \_\_\_\_\_

