



Isle of Man

Ellan Vannin

AT 13 of 1995

**REPRESENTATION OF THE PEOPLE ACT
1995**

**[AS PROSPECTIVELY AMENDED^a BY THE
ELECTORAL REFORM BILL 2011]**

**[PRODUCED TO ASSIST THE
LEGISLATIVE COUNCIL AT THE REQUEST
OF MR CALLISTER MLC]**

^a Amendments highlighted in yellow for ease of reference.



Isle of Man
Ellan Vannin

REPRESENTATION OF THE PEOPLE ACT 1995

Index^b

Section	Page
PART 1 – THE HOUSE OF KEYS	7
<i>Qualifications for membership of the Keys</i>	7
1* <i>Qualifications for membership of the Keys</i>	7
<i>Term of the Keys</i>	8
2 <i>Term of the Keys</i>	8
3 <i>Summoning, prorogation and dissolution of the Keys</i>	8
4* <i>Extension of term of Keys in emergency</i>	8
<i>Vacancies in the Keys</i>	9
5 <i>Report of casual vacancies</i>	9
6* <i>Vacancy in seat</i>	9
7 <i>Penalty for sitting or voting when seat vacant</i>	11
<i>Further provisions as to the Keys</i>	11
8 <i>Members to take oaths</i>	11
9 <i>Election of Speaker</i>	11
9A <i>Election of Deputy Speaker</i>	12
9B <i>Disqualifications</i>	12
10 <i>Saving for privileges of the Keys</i>	13
[*PART 1A – THE LEGISLATIVE COUNCIL	13
10A* <i>Term of members of the Council</i>	13
10B* <i>Casual vacancy in office of elected member</i>	13
10C* <i>Sitting and voting</i>]	14
PART 2 – ORGANISATION OF ELECTIONS	14
<i>Constituencies etc.</i>	14
[11* <i>Constituencies</i>]	14
12 <i>Polling districts</i>	14

^b * indicates that the provision is prospectively amended, substituted or inserted by clause 2 of the Electoral Reform Bill 2011.

	<i>Returning officers</i>	15
13	Appointment of returning officers.....	15
14*	Disqualification as returning officer etc.....	15
15*	Returning officer may be elected and may vote	16
16	Returning officer to take oath of office.....	16
17	Powers of returning officer for maintenance of peace	16
18	Deputy returning officers.....	17
19	Powers and duties of deputy returning officers	17
	<i>Financial provisions</i>	17
20	Payment of official expenses.....	17
PART 3 – HOLDING OF ELECTIONS		18
	<i>Writs of election</i>	18
21	Writs of election.....	18
	<i>Conduct of elections</i>	18
22	Election rules.....	18
23	Effect of non-compliance with rules.....	18
	<i>Voting at election</i>	19
24	Entitlement to vote at election.....	19
25	Place and manner of voting	19
26	Absent voting.....	19
27	Proxy votes.....	20
28	Employers to grant facilities for voting.....	21
	<i>Supplemental provisions as to elections</i>	21
29	Effect of registers	21
30	Public notices	21
31	Postage of election addresses to be paid by Treasury.....	21
PART 4 – OFFENCES ETC. IN CONNECTION WITH ELECTIONS		22
	<i>Corrupt and illegal practices</i>	22
32	Corrupt and illegal practices	22
	<i>Corrupt practices</i>	23
33	Personation.....	23
34	Bribery.....	23
35	Treating.....	25
36	Undue influence	25
	<i>Illegal practices</i>	25
37	Election publications.....	25
38	Imitation poll cards	26
39	Corrupt withdrawal from candidature	27
40	Premises not to be used as committee rooms.....	27
41	Bands of music.....	27
42	Providing money for illegal purposes.....	27

43	Voting offences.....	28
	<i>Criminal offences</i>	29
44	Offences of corrupt practices etc.....	29
45	Breach of official duty	29
46	Offences in respect of nomination papers etc.....	30
47	Requirement of secrecy	30
48	Refusal to obey lawful commands of returning officer.....	31
49	Defacing of notices.....	32
50	Display of lists showing how persons will vote.....	32
51	Issue etc of certain election documents	32
52	Officials not to act for candidates.....	32
53	Canvassing by police officers.....	32
	<i>Supplemental</i>	33
54	Rights of creditors.....	33
55*	Interpretation of Part 4.....	33
PART 5 – LEGAL PROCEEDINGS		33
	<i>Questioning of an election</i>	33
56*	Election petition	33
57	Report as to candidate guilty of corrupt or illegal practices	34
	<i>Consequences of finding of corrupt or illegal practice</i>	34
58	Avoidance of election if candidate reported guilty	34
59	Disciplinary action on report etc of corrupt practice.....	35
	<i>Avoidance of elections etc.: further provisions</i>	35
60	Avoidance of election for general corruption.....	35
61	Avoidance of election for employing corrupt agent.....	36
62	Votes to be struck off for corrupt or illegal practices	36
63	Relief for innocent act.....	36
	<i>Prosecutions for corrupt practices etc.</i>	37
64	Prosecution for corrupt practices etc	37
65	Prosecution of offences disclosed on election petition.....	37
	<i>Incapacities</i>	39
66*	Incapacities on report or conviction of corrupt or illegal practice.....	39
67	Mitigation and remission of incapacities.....	40
	<i>General provisions as to prosecutions</i>	41
68	Time limit for prosecutions	41
69	Offences by corporations	41
70	Evidence by certificate of holding of elections	42
71	Functions of Attorney General	42
	<i>Supplemental</i>	42
72	Injunction restraining false statement.....	42
73	Rules of court.....	42
74	Service of notices.....	42

75	Interpretation of Part 5	43
PART 6 – MISCELLANEOUS AND SUPPLEMENTAL		43
76	[Repealed].....	43
	<i>Supplemental</i>	43
77*	Interpretation: general	43
78	[Repealed].....	44
79	Local elections.....	44
80	Regulations.....	44
81	Transitional provisions, amendments, repeals and revocations	44
82	Short title and commencement.....	45
SCHEDULE 1		47
AREAS OF CONSTITUENCIES		47
SCHEDULE 2*		48
ELECTION RULES		48
SCHEDULE 3*		73
PROCEDURE ON ELECTION PETITION		73
SCHEDULE 4		82
SCHEDULE 5		82
SUBSTITUTED SCHEDULE 1 TO THE LOCAL ELECTIONS ACT 1986		82
SCHEDULE 6*		82
TRANSITIONAL PROVISIONS		82
SCHEDULE 7		85
AMENDMENT OF ENACTMENTS		85
SCHEDULE 8		85
REPEALS AND REVOCATIONS		85
ENDNOTES		87
TABLE OF LEGISLATION HISTORY		87
TABLE OF RENUMBERED PROVISIONS		87
TABLE OF ENDNOTE REFERENCES		87



Isle of Man
Ellan Vannin

REPRESENTATION OF THE PEOPLE ACT 1995

Received Royal Assent: 18 October 1995
Passed: 19 October 1995
Commenced: 1 January 1996

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

PART 1 – THE HOUSE OF KEYS

Qualifications for membership of the Keys

1 Qualifications for membership of the Keys

[1976/2/2; 1979/22/1/14; 1983/10/1/8; 1985/8/Sch 3; 1989/4/1/1]

- (1) Any person may stand as a candidate for and be elected a member of the Keys for a constituency if at the time he is nominated as a candidate —
 - (a) he is of full age; and
 - (b) he either is a British citizen or has the right to remain in the Island; and
 - (c) he is not the holder of an office of profit under the government of any country or territory outside the Island; and
 - [(ca) he is not a member of the Council; and^c]
 - (d) he is ordinarily resident in the Island and has been so resident for a period of, or for periods amounting in the aggregate to, 5 years or more; and
 - (e) he is not subject to any incapacity by virtue of this or any other Act.
- (2) For the purpose of subsection (1)(b) a person has the right to remain in the Island if —

^c Paragraph inserted by clause 2(2).

- (a) he has indefinite leave to remain in the Island, within the meaning of the Immigration Act 1971 (an Act of Parliament), as it has effect in the Island; or
 - (b) he does not under the said Act of 1971 require leave to enter or remain in the Island, by virtue of section 7(1) of the Immigration Act 1988 (an Act of Parliament), as it has effect in the Island;
- and, in either case, he is not liable to deportation under section 3(5) or (6) of the said Act of 1971.

Term of the Keys

2 Term of the Keys

[1981/16/1/3]

The Keys, subject as hereinafter provided and unless sooner dissolved under section 3, shall be dissolved on 18 August 2011 and thereafter on the Thursday during the fifth succeeding month of August (computed from the day on which the last general election of the Keys has been held) following the third Tuesday in that month.¹

3 Summoning, prorogation and dissolution of the Keys

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

4 Extension of term of Keys in emergency

- (1) During any period of national emergency the Governor may by order —
 - (a) extend the term of the Keys or the term of office of [any elected member of the Council^d], by a period of one year from the date

^d The words “any member of the Council elected by the Keys” substituted by clause 2(3).

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

Vacancies in the Keys

5 Report of casual vacancies

The Speaker shall, within 7 days of any casual vacancy in the Keys coming to his notice otherwise than by reason of his own resignation under section 6(10), report the vacancy in writing to the Governor, stating the name of the constituency by which the new member is to be returned.³

6 Vacancy in seat

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

- (1) If any sitting member of the Keys is punished with custody (whether or not suspended) for any offence triable on information, his seat shall be vacant —
- (a) if he appeals, or applies for leave to appeal, against his conviction or sentence, on the determination or withdrawal of the appeal or, if leave to appeal is refused, on the refusal of such leave;

- (b) if he does not so appeal or apply, on the expiration of the period within which the appeal or application must be made.
- (2) The Keys may by resolution declare the seat of a member of the Keys to be vacant where he —
- (a) has been certified by the Clerk of the Rolls to the Speaker to be incapable by reason of mental disorder of taking care of himself or of managing his own affairs; or
- (b) fails to attend at least three-quarters of the total number of sittings of the Keys and Tynwald within any period of 12 months.
- (3) For the purpose of subsection (2)(b) a member of the Keys shall not be treated as failing to attend any sitting of the Keys or of Tynwald in respect of which he is granted leave of absence by the Speaker or the Keys, or by the President of Tynwald, as the case may be.
- (4) If the holder of any office of profit under the Government of the Island is elected as a member of the Keys, his seat shall become vacant unless within 7 days from the date of his election to the Keys, he gives such notice or takes such other step as is necessary to vacate that office on the earliest practicable day thereafter; and if he subsequently withdraws that notice or revokes that step, he shall be treated for the purpose of subsection (6) as having accepted that office.
- (5) If any sitting member of the Keys is adjudicated bankrupt, the High Court shall certify the fact to the Speaker; and if within 6 months of the date of the order of adjudication —
- (a) the adjudication is not annulled, and
- (b) the member does not obtain his discharge, with a certificate under section 16(2)(b) of the *Bankruptcy Code 1892* (bankruptcy caused by misfortune without misconduct),
- the High Court shall on the expiry of that period certify the fact to the Speaker, and the seat of the member shall thereupon be vacant.
- (6) If any sitting member of the Keys —
- (a) accepts an office of profit under the Government of the Island or the government of any country or territory outside the Island, or
- (b) becomes a member of [...] a local authority,
- his seat shall thereupon be vacant.
- (7) For the purpose of subsection (6) —
- (a) a person shall not be treated as accepting an office of profit by reason only —
- (i) of accepting any payment under the *Payment of Members' Expenses Act 1989*, or

^e The words “the Council or of” deleted by clause 2(4).

- (ii) during a national emergency, of enlisting in or being appointed to a commission in any of Her Majesty's forces;
 - (b) a person becomes a member of a local authority on his making a declaration of acceptance of office as such pursuant to section 10 of the *Local Elections Act 1986*.
- (8) A member of the Keys who accepts an office of profit shall be eligible for re-election to any constituency on his vacating such office.
- (9) A sitting member of the Keys other than the Speaker may resign his seat on giving to the Speaker one month's previous notice in writing of his intention so to do, and at the expiry of such notice his seat shall thereupon become vacant.⁴
- (10) The Speaker may resign his seat on giving to the Governor one month's previous notice in writing of his intention so to do, and at the expiry of such notice his seat shall thereupon become vacant.⁵

7 Penalty for sitting or voting when seat vacant

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

Further provisions as to the Keys

8 Members to take oaths

No member of the Keys shall be permitted to sit and to vote in the Keys until he has taken and subscribed the oaths required by law.

9 Election of Speaker

- (1) The members of the Keys shall —
- (a) on their first assembling after every general election, and
 - (b) on the vacation of the office of Speaker under subsection (2)(a), (b) or (c),
- forthwith proceed to elect one of their number to be Speaker.
- (1A) The members of the Keys shall appoint an acting Speaker to preside over an election under subsection (1).⁶
- (1B) The office of acting Speaker terminates automatically upon the election of the Speaker under subsection (1).⁷
- (2) The office of Speaker shall be vacated —
- (a) on the death of the Speaker;

- (b) on his resignation by notice in writing to the members of the Keys of his office, or by his seat becoming vacant under section 6;⁸
- (c) on his removal by a vote of the Keys;
- (d) by the dissolution of the Keys.

9A Election of Deputy Speaker

- (1) The members of the Keys shall —
 - (a) on their first assembling following the election of the Speaker under section 9(1); and
 - (b) on the vacation of the office of Deputy Speaker under subsection (2)(a), (b) or (c),forthwith proceed to elect one of their number to be Deputy Speaker.
- (2) The office of Deputy Speaker shall be vacated —
 - (a) on the death of the Deputy Speaker;
 - (b) on his or her resignation by notice in writing to the members of the Keys of his or her office, or by his or her seat becoming vacant under section 6;
 - (c) on his or her removal by a vote of the Keys;
 - (d) by the dissolution of the Keys.
- (3) The Deputy Speaker shall deputise in the absence of the Speaker and assume the powers of the Speaker when the Speaker is absent from the Island or is not present at any sitting of the Keys.⁹

9B Disqualifications

- (1) Neither the Speaker nor an acting Speaker nor the Deputy Speaker is eligible for nomination or appointment as Chief Minister or as a Minister.
- (2) The Speaker is not eligible for nomination or appointment as a member of a Department or Statutory Board.
- (3) An acting Speaker and the Deputy Speaker are each eligible for nomination and appointment as a member of a Department or Statutory Board.
- (4) If the Chief Minister or a Minister is elected or appointed to be Speaker, acting Speaker or Deputy Speaker, he or she shall go out of office as Chief Minister or Minister, as the case may be.
- (5) If a member of a Department or Statutory Board is elected to be Speaker, he or she shall go out of office as member of that Department or Statutory Board, as the case may be.
- (6) No nomination, appointment or election (before the date on which the *Presiding Officers Act 2008* comes into operation) of a person to an office

specified in this section shall be invalid by reason only that the person was nominated, appointed or elected when disqualified from such nomination, appointment or election under the provisions of any enactment as they had effect at the time of the nomination, appointment or election.

- (7) To avoid doubt, the definition of ‘the Speaker’ in section 3 of the *Interpretation Act 1976* does not apply to the interpretation of this section.¹⁰

10 Saving for privileges of the Keys

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

[PART 1A – THE LEGISLATIVE COUNCIL

10A Term of members of the Council

- (1) An elected member of the Council shall serve until the Thursday following the third Tuesday in August –
- (a) in the case of a member standing in a designated constituency, 2 years after the last general election of the Keys; and
- (b) in the case of a member standing in any other constituency, 4 years after the last general election of the Keys.
- (2) In each year in which a member goes out of office in accordance with subsection (1) an election shall be held on the last Thursday of the September in those constituencies in which the member has gone out of office.
- (3) In this section “designated constituency” shall be construed in accordance with paragraph 8(1) of Schedule 6.

10B Casual vacancy in office of elected member

If a casual vacancy occurs in the office of elected member of the Council, whether by reason of death, resignation, disqualification by virtue of sections 12 to 18 of the *Isle of Man Constitution Amendment Act 1919* or otherwise, the President of Tynwald shall report the vacancy in writing to the Governor,

stating the name of the constituency by which the new member is to be returned.

10C Sitting and voting

Sections 7 and 8 apply to elected members of the Council as they apply to members of the Keys.^f]

PART 2 – ORGANISATION OF ELECTIONS

Constituencies etc.

[11 Constituencies

- (1) For the purposes of an election, the Island shall be divided into 8 constituencies, drawn up by the Boundary Committee subject to the approval of Tynwald, each of which shall return 3 members of the Keys and 1 member of the Council.
- (2) In drawing up the constituencies the Boundary Committee shall have regard to the desirability of having, as far as is reasonably practicable when taking into account population distribution, a similar number of voters in each constituency.
- (3) The Treasury shall prepare a map of the Island showing the boundaries of each constituency and shall cause the map to be deposited in the General Registry.
- (4) The Chief Registrar shall make the map prepared under subsection (3), or a copy of it, available for inspection by any person at the General Registry at all reasonable times and shall supply a copy of the map to any person on payment of such reasonable charge as the Treasury may determine.
- (5) In this section “Boundary Committee” means a committee appointed by the Governor in Council of such persons as the Governor in Council thinks appropriate.^g]

12 Polling districts

[1985/8/12; GC192/86]

- (1) Unless an order under subsection (2) is in force in relation to a constituency, the whole constituency shall constitute a single polling district.

^f Part 1A inserted by clause 2(5).

^g Section 11 substituted by clause 2(6).

- (2) The Treasury, after consulting each local authority whose district includes the whole or any part of the constituency, may by order divide any constituency into 2 or more polling districts specified in the order.
- (3) An order under subsection (2) shall not have effect unless it is approved by Tynwald.

Returning officers

13 Appointment of returning officers

- (1) The Governor shall by writing under his hand appoint a returning officer in respect of each constituency.
- (2) A returning officer may be appointed for more than one constituency.
- (3) It is the duty of a returning officer to do everything at an election which is necessary for effectually conducting the election in accordance with the election rules.
- (4) Subject to subsection (5), the appointment of a returning officer shall be for such term (not exceeding 5 years) as is specified in the instrument by which it is made.
- (5) A returning officer shall retire on the Governor declaring his office to be vacant —
 - (a) if he has given to the Governor notice of his desire to do so; or
 - (b) if it appears to the Governor expedient that he should do so.

14 Disqualification as returning officer etc

- (1) The following persons are disqualified for being appointed a returning officer or to any other office concerned with the conduct of an election —
 - (a) any minister of religion who follows no secular occupation other than that of a teacher;
 - (b) any coroner;
 - (c) any constable or other person having the powers and privileges of a constable;
 - (d) any officer of an institution (within the meaning of the *Custody Act 1995*);
 - (e) the Chief Registrar, and any member of the staff of the General Registry;
 - (f) any member of the Council or the Keys;

- (g) any person who has served as a member of the Keys [or the Council^h] in the session immediately preceding the election, or in the current session in the case of a by-election.
- (2) If any such person is appointed to act and acts as returning officer, or in any other office concerned with the conduct of an election, he is guilty of an offence and liable on summary conviction to a fine not exceeding £500.

15 Returning officer may be elected and may vote

Nothing in this Act prevents any returning officer —

- (a) from being elected a member of the Keys [or the Council^h] for any constituency, other than that for which he acts as returning officer; or
- (b) from exercising his vote at any election.

16 Returning officer to take oath of office

- (1) A returning officer, before proceeding to any election, shall take and subscribe before a justice of the peace or commissioner for oaths an oath in the prescribed form.
- (2) The returning officer shall annex to the return of the writ of election a certificate of his oath so sworn, signed by the person administering it; and if he fails to do so he is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

17 Powers of returning officer for maintenance of peace

- (1) A returning officer shall maintain order at an election, and for that purpose shall, from the time of the issue of the writ for the election until the day next after the final closing of the election, be invested with all the powers of a justice of the peace for the arrest, detention or admission to bail, trial and conviction of any person who offends against any of the provisions of this Act.
- (2) A returning officer may —
- (a) require the assistance of any constable or other person to aid him in the maintenance of the peace, and may swear in as many special constables as he thinks necessary for that purpose;
- (b) arrest, or cause to be arrested by verbal order, any person disturbing the peace at an election;
- (c) cause a person so arrested to be detained by any constable, or to be detained in custody under an order signed by him, until any

^h Words inserted by clause 2(7)(a).

ⁱ Words inserted by clause 2(7)(b).

time not later than the final closing of the election, but without prejudice to any further penalties to which that person may be liable;

- (d) demand and receive from any person at an election any offensive weapon with which that person is armed, or has in his hands or personal possession.

18 Deputy returning officers

- (1) A returning officer may, by writing under his hand, appoint a fit and proper person to be his deputy for all or any of the purposes of the election.
- (2) No person may be appointed deputy returning officer who would not be eligible for appointment as a returning officer.
- (3) On the appointment of a deputy returning officer, the returning officer shall forthwith administer to him an oath in the prescribed form, and shall annex the certificate of the oath, signed by the returning officer, to the appointment of the deputy returning officer.

19 Powers and duties of deputy returning officers

- (1) Anything required or authorised to be done by, to or before the returning officer in relation to the election may, so far as the deputy is authorised to act, be done by, to or before the deputy returning officer.
- (2) If necessary to prevent the interruption of the proceedings at any election arising from the death, illness or absence of the returning officer, the deputy returning officer shall forthwith assume the functions of the returning officer and shall act in all respects as though he had been appointed returning officer under this Act, unless and until his authority is superseded by the returning officer.

Financial provisions

20 Payment of official expenses

- (1) The Treasury shall pay out of money provided by Tynwald the fees and expenses of the returning officers for the performance of their duties under this Act at the rates fixed by order under subsection (2).
- (2) The Treasury shall by order fix the rates of fees and expenses payable under subsection (1), and in making such an order the Treasury shall have regard to the increase in the cost of living since the making of the last order under this subsection.
- (3) An order under subsection (2) shall not have effect unless it is approved by Tynwald.

- (4) The Treasury may, with the approval of Tynwald, pay out of money provided by Tynwald any expenses of returning officers and other officials appointed under this Act which are not provided for by an order under subsection (2).
- (5) The accounts for all fees and expenses under the Act shall be furnished in duplicate to the Treasury, with all necessary particulars and vouchers, within 3 months of the final closing of the election.

PART 3 – HOLDING OF ELECTIONS

Writs of election

21 Writs of election

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

Conduct of elections

22 Election rules

[1976/2/3]

- (1) The proceedings at an election shall be conducted in accordance with the election rules in Schedule 2.
- (2) At an election no person shall vote otherwise than in accordance with the election rules.
- (3) The Governor in Council may by order amend, vary or repeal any of the election rules; but an order under this subsection shall not have effect unless it is approved by Tynwald.

23 Effect of non-compliance with rules

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

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

*Voting at election***24 Entitlement to vote at election**

[1982/16/2/2]

- (1) Subject to subsections (2) and (3), every person registered as an elector for a constituency and entitled to vote shall be entitled to demand and receive a ballot paper and to vote in that constituency.
- (2) A person shall not be entitled to demand or receive a ballot paper or to vote if it appears from the register of electors that he is under the age of 16 years on the date of the poll.¹¹
- (3) Nothing in subsection (1) —
 - (a) entitles any person to vote who is prohibited from voting by any enactment or rule of law, or
 - (b) relieves any such person from any penalty to which he may be liable for voting.

25 Place and manner of voting

[1976/2/1]

Where a person is entitled to vote at an election —

- (a) he may do so in person at the polling station allotted to him under the election rules, unless he is entitled to vote by post under paragraph (b);
- (b) he may do so by post, if his application under section 26 to be treated as an absent voter has been allowed; or
- (c) he may do so by proxy, if he has applied under section 27 to vote by proxy, unless he applies at the polling station allotted to him under the election rules for a ballot paper for the purpose of voting in person before a ballot paper has been issued for him to vote by proxy.

26 Absent voting

- (1) A person who is or will be entitled to vote at voting an election may apply to the returning officer of the constituency in which that person seeks to exercise his or her vote to be treated as an absent voter.
- (2) An application under subsection (1) shall be allowed if the returning officer —
 - (a) is satisfied that the applicant is or will be entitled to vote at the election; and
 - (b) has no reason to doubt the identity of the applicant.
- (3) An application to be treated as an absent voter shall include —

- (a) an address in the Island or elsewhere to which a ballot paper is to be sent for the purpose of the election;
 - (b) such other particulars as are prescribed; and
 - (c) such evidence of identity as is required.
- (4) Regulations may make provision with respect to any matters incidental to this Act so far as it relates to absent voters.¹²

27 Proxy votes

[P1983/50/8]

- (1) A person who is or will be entitled to vote at an election (an 'elector') may apply to the registration officer for the appointment of a person named in the application as a proxy to vote for him at that election.¹³
- (2) A person may not be appointed proxy to vote on behalf of an elector in any constituency if that person —
- (a) has not attained the age of 16 years, or¹⁴
 - (b) is subject to any incapacity to vote at an election.
- (3) A person may not be appointed proxy to vote on behalf of more than 2 electors in any constituency unless that person is the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of each of those electors.¹⁵
- (4) An application under subsection (1) shall be allowed by the registration officer if he is satisfied, by such evidence as may be prescribed —
- (a) that the elector is likely to be absent from the Island on the date of the poll in any election within the period specified in the application, and
 - (b) that the person to be appointed proxy —
 - (i) is not disqualified under subsection (2) or (3), and
 - (ii) is capable of and willing to be appointed.
- (5) Not more than one person may be appointed as proxy to vote for any elector at an election.
- (6) An appointment of a person as a proxy to vote for an elector at an election shall be revoked —
- (a) by notice by the elector to the registration officer;
 - (b) on the appointment of another person as a proxy to vote for the elector.
- (7) Regulations may make provision with respect to any matters incidental to this Act so far as it relates to proxy votes.

28 Employers to grant facilities for voting

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

*Supplemental provisions as to elections***29 Effect of registers**

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

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

30 Public notices

[1976/2/5]

- (1) Wherever public notice is required by this Act to be given, and no mode or place of publication is expressly provided for, publication shall be effected —
 - (a) by insertion in one or more newspapers published and circulating within the Island; and
 - (b) by placard posted up in some public and conspicuous situation in each polling district to which the notice refers.
- (2) The notices inserted in newspapers shall be so inserted at least once in each of 2 successive weeks, and every placard shall remain posted for a period of not less than 5 days, next after the day on or before which it is by this Act required to be published.
- (3) If any placard so posted is destroyed, mutilated, effaced or removed before the expiration of the required period, it shall be replaced as soon as knowledge of it comes to the notice of the person responsible for publishing it.

31 Postage of election addresses to be paid by Treasury

- (1) Subject to regulations under subsection (3), a person who has been nominated as a candidate at an election and gone to the poll shall be entitled to be paid, after the date of the election, by the Treasury out of money provided by Tynwald the amount (not exceeding the postage rate for the time being in force) expended by him in the postage of a copy of one postal communication relating to the election not exceeding 50

grammes in weight to each elector on the register of electors of the constituency for which he is a candidate.

- (2) Where 2 or more candidates issue any such postal communication jointly, they shall be deemed to be one candidate for the purpose of this section.
- (3) Regulations may make provision for —
 - (a) the making of claims for the payment of sums under subsection (1);
 - (b) the verification of such claims;
 - (c) the payment to a candidate before the date of the election of sums on account of sums expended or to be expended by him as mentioned in subsection (1); and
 - (d) the recovery by the Treasury of sums so paid on account, where a claim is not duly made in accordance with regulations under paragraph (a), or where an overpayment has been made.

PART 4 – OFFENCES ETC. IN CONNECTION WITH ELECTIONS

Corrupt and illegal practices

32 Corrupt and illegal practices

- (1) Each of the following persons is guilty of a corrupt practice —
 - (a) a person who commits, or aids, abets, counsels or procures the commission of, personation;
 - (b) a person who is guilty of bribery;
 - (c) a person who is guilty of treating;
 - (d) a person who is guilty of undue influence.
- (2) Each of the following persons is guilty of an illegal practice —
 - (a) a person who knowingly makes a false statement concerning a candidate in a nomination paper,
 - (b) a candidate concerning whom, and with whose knowledge and consent, a false statement is made in a nomination paper;
 - (c) a candidate who contravenes section 37;
 - (d) a person who contravenes section 38(1);
 - (e) a person who contravenes section 43(1);
 - (f) a person who, or any director of any body corporate which, before or during an election, for the purpose of affecting the return of any candidate at the election, makes or publishes any false

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

Corrupt practices

33 Personation

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

34 Bribery

- (1) A person is guilty of bribery if he directly or indirectly, by himself, or by any other person on his behalf —

- (a) gives any money or procures any office to or for any voter, or to or for any other person on behalf of any voter, or to or for any other person, in order to induce any voter to vote or refrain from voting; or
- (b) corruptly does any such act on account of any voter having voted or refrained from voting; or
- (c) makes any such gift or procurement to or for any person in order to induce that person to procure, or endeavour to procure, the return of any person at an election or the vote of any voter;

or if upon or in consequence of any such gift or procurement he procures or engages, promises or endeavours to procure the return of any person at an election or the vote of any voter.

- (2) For the purposes of subsection (1) —
 - (a) references to giving money include references to giving, lending, agreeing to give or lend, offering, promising, or promising to procure or endeavour to procure any money or valuable consideration; and
 - (b) references to procuring any office include references to giving, procuring, agreeing to give or procure, offering, promising, or promising to procure or to endeavour to procure any office, place or employment.
- (3) A person is guilty of bribery if he —
 - (a) advances or pays or causes to be paid any money to or to the use of any other person with the intent that that money or any part thereof shall be expended in bribery at any election, or
 - (b) knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election.
- (4) Subsections (1) to (3) do not apply to any money paid or agreed to be paid for or on account of any legal expenses incurred in good faith at or concerning an election.
- (5) A voter is guilty of bribery if before or during an election he directly or indirectly, by himself or by any other person on his behalf, receives, agrees, or contracts for any money, gift, loan or valuable consideration, office, place or employment for himself or for any other person for voting or agreeing to vote or for refraining or agreeing to refrain from voting.
- (6) A person is guilty of bribery if after an election he directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting.

- (7) In this section ‘voter’ includes any person who has or claims to have a right to vote.

35 Treating

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

36 Undue influence

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

Illegal practices

37 Election publications

- (1) A person shall not —

- (a) print or publish, or cause to be printed or published, any bill, placard or poster having reference to an election, or any printed document distributed for the purpose of promoting or procuring the election of a candidate; or
- (b) post or cause to be posted any such bill, placard or poster; or
- (c) distribute or cause to be distributed any printed document for the said purpose,

unless the bill, placard, poster or document bears upon its face the name and address of the printer and publisher.

- (2) A person shall not post or cause to be posted any such bill, placard or poster —
 - (a) within any polling station, or any building of which a polling station forms part, or
 - (b) within the curtilage of such a building.
- (3) Subsection (2) does not apply to a bill, placard or poster exhibited on a motor vehicle which is engaged in delivering a voter to or collecting a voter from the polling station.
- (4) Any person other than a candidate who acts in contravention of this section is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.
- (5) Section 11 of the *Newspapers Act 1846* (books etc. to bear printer's name and address) shall not apply to any bill, placard or poster to which this section applies.
- (6) For the purposes of this section 'printing' includes any process for multiplying copies of a document, other than copying it by hand, and 'printer' shall be construed accordingly.

38 Imitation poll cards

- (1) No person shall, for the purpose of promoting or of procuring the election of any candidate at an election, issue any poll card or document so closely resembling an official poll card as to be calculated to deceive.
- (2) Where an act or omission of an association or body of persons, corporate or unincorporate, contravenes subsection (1), any person who at the time of the act or omission was a director, general manager, secretary or other similar officer of the association or body, or was purporting to act in any such capacity, shall be treated as having contravened that subsection unless he proves —
 - (a) that the contravention took place without his consent or connivance, and

- (b) that he exercised all such diligence to prevent the contravention as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

39 Corrupt withdrawal from candidature

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

40 Premises not to be used as committee rooms

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

41 Bands of music

- (1) No payment or contract for payment shall, for the purpose of promoting or procuring the election of a candidate at an election, be made on account of bands of music.
- (2) Where any payment or contract for payment is made in contravention of this section, whether before, during or after an election —
 - (a) the person making the payment, and
 - (b) any person party to the contract or receiving the payment, if he knew that it was made contrary to law,is guilty of an illegal payment.

42 Providing money for illegal purposes

Where a person knowingly provides money —

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

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

43 Voting offences

- (1) No person shall —
 - (a) vote at an election, whether as an elector or by proxy, and whether in person or by post, knowing that he is subject to a legal incapacity to vote; or
 - (b) apply for an absent voter's ballot for himself or for some other person, knowing that he or that other person is subject to a legal incapacity to vote; or
 - (c) apply for the appointment of a proxy to vote for him at any election knowing that he or the person to be appointed is subject to a legal incapacity to vote at the election;
 - (d) vote more than once (otherwise than as a proxy) in the same constituency at any election; or
 - (e) vote in person at any election for which he has applied for and received an absent voter's ballot paper; or
 - (f) vote as proxy for some other person at an election, knowing that that person is subject to a legal incapacity to vote;
 - (g) vote in person at an election, knowing that a person appointed to vote as his proxy at the election has already voted as his proxy at the election;
 - (h) vote more than once as proxy for the same elector at the election;
 - (i) vote as proxy for an elector at the election, knowing that the elector has already voted in person at the election;
 - (j) vote at the election as proxy for more than 2 persons of whom he is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild;¹⁶
 - (k) knowingly induce or procure some other person to do an act which is, or but for that other person's want of knowledge would be, an offence by that other person under this section; or
 - (l) knowingly make any false statement or representation for the purpose of obtaining an absent voter's ballot paper for himself or for some other person, or of securing the appointment of himself or some other person as a proxy.
- (2) For the purposes of this section a person shall be treated as having voted if he —
 - (a) has applied for a ballot paper for the purpose of voting, or

- (b) has marked, whether validly or not, and returned a ballot paper issued for the purpose of voting by an absent voter.

Criminal offences

44 Offences of corrupt practices etc

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

45 Breach of official duty

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

is without reasonable cause guilty of any act or omission in breach of his official duty, he is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.
- (2) No action for damages or any penalty lies against a person to whom this section applies for breach of his official duty.
- (3) This section applies to —
 - (a) a returning officer,
 - (b) a presiding officer,

- (c) a clerk or assistant employed by a returning officer or presiding officer in connection with his official duties;

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

46 Offences in respect of nomination papers etc

- (1) Any person who —
- (a) forges or fraudulently defaces or fraudulently destroys any nomination paper, or delivers to the returning officer any nomination paper knowing the same to be forged; or
 - (b) forges or counterfeits or fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper; or
 - (c) without due authority supplies any ballot paper to any person; or
 - (d) fraudulently puts into any ballot box any paper other than the ballot paper which he is authorised by law to put in; or
 - (e) fraudulently takes out of the polling place any ballot paper; or
 - (f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purpose of the election,
- is guilty of an offence.
- (2) A person guilty of an offence under subsection (1) is liable —
- (a) if he is a returning officer or an officer or clerk in attendance at a polling station, on conviction on information to custody for a term not exceeding 2 years; and
 - (b) in any other case, on summary conviction to custody for a term not exceeding 6 months.
- (3) In any information or complaint relating to an offence in relation to the nomination papers, ballot boxes, ballot papers and marking instruments at an election, the property in such papers, boxes and instruments, and in any counterfoils, may be stated to be in the returning officer at the election.
- (4) Every person who intentionally acts in contravention of the directions or orders for the guidance of voters in the election rules is guilty of an offence and liable on summary conviction to a fine not exceeding £200.

47 Requirement of secrecy

- (1) Every person to whom this subsection applies shall maintain and aid in maintaining the secrecy of voting and shall not, except for some purpose

- authorised by law, communicate to any person before the poll is closed any information as to —
- (a) the name of any elector or proxy for an elector who has or has not applied for a ballot paper or voted at a polling station;
 - (b) the number on the register of electors of any elector who, or whose proxy, has or has not applied for a ballot paper or voted at a polling station; or
 - (c) the official mark.
- (2) Subsection (1) applies to —
- (a) a returning officer;
 - (b) a presiding officer or clerk attending at a polling station;
 - (c) every candidate or agent so attending.
- (3) Every person attending at the counting of votes shall maintain and aid in maintaining the secrecy of the voting and shall not —
- (a) ascertain at the counting of the votes the number on the back of any ballot paper;
 - (b) communicate any information obtained at the counting of the votes as to the candidates for whom any vote is given in any particular ballot paper.
- (4) No person shall —
- (a) interfere with a voter when recording his vote;
 - (b) otherwise obtain, or attempt to obtain, in a polling station information as to the candidate for whom a voter in that station is about to vote, or has voted;
 - (c) communicate at any time to any person any information obtained in a polling station as to the candidate for whom a voter in that station is about to vote or has voted, or as to the number on the back of the ballot paper given to a voter at that station;
 - (d) directly or indirectly induce a voter to display his ballot paper after he has marked it so as to make known to any person the name of the candidate for whom he has or has not voted.
- (5) If any person acts in contravention of this section, he is guilty of an offence and liable on summary conviction to custody for a term not exceeding 6 months.

48 Refusal to obey lawful commands of returning officer

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

49 Defacing of notices

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

50 Display of lists showing how persons will vote

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

51 Issue etc of certain election documents

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

52 Officials not to act for candidates

If —

- (a) any returning officer at an election,
- (b) any officer or clerk appointed under the election rules, or
- (c) any partner or clerk of a person mentioned in paragraph (a) or (b),

acts as an agent of a candidate in the conduct or management of the election, he is guilty of an offence and liable on summary conviction to a fine not exceeding £2,500.

53 Canvassing by police officers

- (1) If any constable by word, message, writing or in any other manner endeavours to persuade any person to give, or dissuade any person from

giving, his vote at an election, he is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

- (2) Nothing in this section subjects a constable to any penalty for anything done in the discharge of his duty as such.

Supplemental

54 Rights of creditors

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

55 Interpretation of Part 4

In this Part —

“**candidate**” means a person who is elected to serve in the Keys [or the Council] at an election, or a person who is nominated as a candidate at an election, or who is declared by himself or by others to be a candidate, on or after the day of the issue of the writ for the election, or after the dissolution or vacancy in consequence of which the writ was issued;

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

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

PART 5 – LEGAL PROCEEDINGS

Questioning of an election

56 Election petition

- (1) No election and no return to the Keys [or the Council^k] under this Act shall be questioned except by a petition presented in accordance with this Part (an ‘election petition’) complaining of —
- (a) an undue election,
 - (b) an undue return, or
 - (c) no return.

^j Words inserted by clause 2(7)(c).

^k Words inserted by clause 2(7)(d).

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

57 Report as to candidate guilty of corrupt or illegal practices

- (1) For the purposes of sections 58 and 66 —
 - (a) if it is reported that a corrupt practice (other than treating or undue influence) was committed with the knowledge and consent of a candidate, he shall be treated as having been reported personally guilty of that corrupt practice, and
 - (b) if it is reported that an illegal practice was committed with the knowledge and consent of a candidate, he shall be treated as having been reported personally guilty of that illegal practice.
- (2) If a candidate is reported guilty by his agents of treating, undue influence or any illegal practice, and the court further reports under paragraph 8 of Schedule 3 that the candidate has proved to the court —
 - (a) that no corrupt or illegal practice was committed in the election by the candidate or with his knowledge or consent and the offences mentioned in the said report were committed without the sanction or connivance of the candidate; and
 - (b) that the candidate and his agents took all reasonable means for preventing the commission of corrupt and illegal practices at the election; and
 - (c) that the offences mentioned in the report were of a trivial, unimportant and limited character; and
 - (d) that in all other respects the election was free from any corrupt or illegal practice on the part of the candidate and of his agents,then the candidate shall not be treated for the purposes of sections 58 and 66 as having been reported guilty by his agents of the offences mentioned in the report.

Consequences of finding of corrupt or illegal practice

58 Avoidance of election if candidate reported guilty

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

59 Disciplinary action on report etc of corrupt practice

[1980/1/1/189]

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

Avoidance of elections etc.: further provisions

60 Avoidance of election for general corruption

- (1) Where on an election petition it is shown that corrupt or illegal practices or illegal payments or hirings committed in reference to the election for the purpose of promoting or procuring the election of any person at it have so extensively prevailed that they may be reasonably supposed to have affected the result —

- (a) his election, if he has been elected, shall be void, and
 - (b) he shall be incapable of being elected to fill the vacancy or any of the vacancies for which the election was held.
- (2) An election shall not be liable to be avoided otherwise than under this section by reason of general corruption, bribery, treating or intimidation.

61 Avoidance of election for employing corrupt agent

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

62 Votes to be struck off for corrupt or illegal practices

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

63 Relief for innocent act

- (1) An application for relief under this section may be made to the High Court.
- (2) If it is shown to the High Court by such evidence as the court thinks sufficient —
- (a) that any act or omission of any person would, apart from this section, by reason of being in contravention of this Act be an illegal practice, payment or hiring; and
 - (b) that the act or omission arose from inadvertence or from accidental miscalculation or from such other reasonable cause of like nature, and in any case did not arise from any want of good faith; and

- (c) that such notice of the application as the court thinks appropriate has been given in the constituency for which the election was held;

and under the circumstances the court thinks it just that either that or any other person should not be subject to any of the consequences under this Act of the act or omission, the High Court may make an order allowing the act or omission to be an exception from the provisions of this Act making it an illegal practice, payment or hiring; and thereupon no person shall be subject to any of the consequences under this Act of the said act or omission.

Prosecutions for corrupt practices etc.

64 Prosecution for corrupt practices etc

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

65 Prosecution of offences disclosed on election petition

- (1) The Attorney General shall obey any directions given to him by the High Court with respect to the prosecution by him of offenders, and if it appears to him that any person who has not received a certificate of indemnity has been guilty of a corrupt or illegal practice, he shall, without any such direction, prosecute that person for that offence before

the High Court, or if he thinks it expedient in the interests of justice, before any other competent court.

- (2) Where a person prosecuted before the High Court appears before the court, the court shall proceed to try him summarily, unless —
 - (a) the court thinks it expedient in the interests of justice that he should be tried before some other court; and
 - (b) in the case of an allegation of a corrupt practice, he elects to be tried by a jury.
- (3) The *Summary Jurisdiction Act 1989*, so far as applicable, shall apply to the prosecution of an offence summarily before the High Court, in like manner as if it were an offence punishable only on summary conviction; and accordingly —
 - (a) the attendance of any person may be enforced,
 - (b) the case shall be heard and determined,
 - (c) any summary conviction by the High Court shall be carried into effect and enforced,
 - (d) the costs of the proceedings shall be paid, and
 - (e) the record of the proceedings shall be dealt with under that Act,in like manner as if the High Court were a court of summary jurisdiction, except that no appeal shall lie against a conviction by the High Court.
- (4) Where —
 - (a) the person prosecuted does not appear before the High Court; or
 - (b) the High Court thinks it expedient in the interests of justice that he should be tried before some other court; or
 - (c) the person prosecuted elects under subsection (2) to be tried by a jury,

and the High Court is of opinion that the evidence is sufficient to put that person upon his trial for the offence, the High Court shall order that person to be prosecuted for the offence either on information or before a court of summary jurisdiction specified in the order, as the case may require, and thereupon shall proceed as directed by subsection (6), (7) or (8).

- (5) Except where the accused has elected to be tried by a jury, a corrupt practice shall not for the purposes of subsections (6) to (9) be treated as an offence triable on information, if the High Court thinks that it should be prosecuted summarily.
- (6) If the accused is present before the High Court and the offence is an offence triable on information, the provisions of the *Summary Jurisdiction Act 1989* relating to charges before justices against persons for such offences, shall apply, so far as applicable, and the High Court shall commit him for trial.

- (7) If the accused is present before the High Court and the offence is not an offence triable on information, the High Court shall —
- (a) order him to be brought before the court of summary jurisdiction before whom he is to be prosecuted, or
 - (b) remand him on bail to appear before that court.
- (8) If the accused is not present before the High Court, the High Court shall as circumstances require issue —
- (a) a summons for his attendance before a court of summary jurisdiction, or
 - (b) a warrant to apprehend him and bring him before such a court.
- (9) The court of summary jurisdiction before whom he attends or is brought shall —
- (a) if the offence is an offence triable on information, on proof only of the summons or warrant and the identity of the accused, commit him for trial; and
 - (b) if the offence is not an offence triable on information, proceed to hear the case.

Incapacities

66 Incapacities on report or conviction of corrupt or illegal practice

- (1) A candidate who is reported by the High Court guilty of a corrupt or illegal practice is incapable, from the date of the report, of being elected to and sitting in the Keys [or the Council¹] or of being a member of a local authority in the Island —
- (a) if reported personally guilty of a corrupt practice, for 10 years;
 - (b) if reported guilty by his agents of a corrupt practice, for 7 years;
 - (c) if reported personally guilty of an illegal practice, for 7 years;
 - (d) if reported guilty by his agents of an illegal practice, during the term of the Keys [or the Council^m] for which the election was held;¹⁷
- and if at the date of the report he is a member of a local authority, then his seat shall be vacated as from that date.¹⁸
- (2) Any person reported by the High Court personally guilty of a corrupt practice is for 5 years from the date of the report incapable —
- (a) (except in the case of a candidate) of being elected to and sitting in the Keys [or the Councilⁿ] or of being a member of a local authority in the Island;¹⁹

¹ Words inserted by clause 2(7)(e).

^m Words inserted by clause 2(7)(e).

- (b) of being registered as an elector or voting at any election for the Keys [or the Council^o] or a local authority; or²⁰
- (c) of holding any public or judicial office,
and if at the date of the report he is a member of the Keys [or the Council^p] or a local authority or holds such an office, then his seat or office shall be vacated as from that date.²¹
- (3) Any person reported by the High Court personally guilty of an illegal practice is for 5 years from the date of the report incapable of being registered as an elector or voting at any election for the Keys [or the Council^q] or a local authority held for or within –
- (a) the constituency in respect of which the offence was committed, or
- (b) any constituency wholly or partly within the area of that constituency as constituted for the purposes of the election.²²
- (4) A person convicted of a corrupt practice is subject to the incapacities imposed by this section as if at the date of the conviction he had been reported personally guilty of that corrupt practice.
- (5) A person convicted of an illegal practice is subject to the incapacities imposed by this section as if at the date of the conviction he had been reported personally guilty of that illegal practice.
- (6) This section is subject to section 32(4) and (5), section 57(2) and section 67.

67 Mitigation and remission of incapacities

- (1) Where any person is subject to any incapacity by virtue of the report of the High Court, and he or some other person in respect of whose acts the incapacity was imposed is on a prosecution acquitted of any of the matters in respect of which the incapacity was imposed, the High Court may order that the incapacity shall thenceforth cease so far as it is imposed in respect of those matters.
- (2) Where any person who is subject to any such incapacity is on a prosecution convicted of any such matters, no further incapacity shall be taken to be imposed by reason of the conviction, and the High Court shall have the like power (if any) to mitigate or remit for the future the incapacity so far as it is imposed by section 66 in respect of the matters of which he is convicted, as if the incapacity had been imposed by reason of the conviction.

ⁿ Words inserted by clause 2(7)(e).

^o Words inserted by clause 2(7)(e).

^p Words inserted by clause 2(7)(e).

^q Words inserted by clause 2(7)(e).

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

General provisions as to prosecutions

68 Time limit for prosecutions

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

69 Offences by corporations

Where —

- (a) any corrupt or illegal practice, or
- (b) any illegal payment or hiring, or
- (c) any offence under section 37,

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

70 Evidence by certificate of holding of elections

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

71 Functions of Attorney General

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

Supplemental

72 Injunction restraining false statement

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

73 Rules of court

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

74 Service of notices

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

being heard by himself before any court for any purpose of this Part, may be served —

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

75 Interpretation of Part 5

In this Part —

“**candidate**” has the same meaning as in Part 4;

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

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

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

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

“**prescribed**” means prescribed by rules of court;

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

PART 6 – MISCELLANEOUS AND SUPPLEMENTAL

76 [Repealed]²³

Supplemental

77 Interpretation: general

In this Act —

“**the Board of Education**” [Repealed]²⁴

“**election**” means an election of a member or members of the Keys [or the **Council**]^r;

^r Words inserted by clause 2(7)(f).

- “**election petition**” means a petition presented in pursuance of Schedule 3;
- “**election rules**” means the election rules in Schedule 2;
- “**elector**”, in relation to an election, means any person whose name is for the time being on the register to be used at that election;
- “**legal incapacity**” includes (in addition to any incapacity by virtue of any subsisting provision of the common law) any disqualification imposed by this Act or any other enactment;
- “**member**” means a member of the Keys [or the Councils];
- “**prescribed**”, except in Part 5, means prescribed by regulations;
- “**registration officer**” has the same meaning as in the *Registration of Electors Act 2006*;²⁵
- “**regulations**” means regulations made by the Governor in Council;
- “**returning officer**” means a returning officer appointed under section 13 and, where a deputy returning officer appointed under section 18 is acting for the returning officer in accordance with his authority, includes a deputy returning officer;
- “**voter**” means a person voting at an election, and includes a person voting as an absent voter or as a proxy, and ‘vote’ shall be construed accordingly.

78 [Repealed]²⁶

79 Local elections

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

80 Regulations

- (1) The Governor in Council may make regulations prescribing anything which by this Act (except Part 5) may be prescribed.
- (2) Regulations under this Act shall not have effect unless they are approved by Tynwald.

81 Transitional provisions, amendments, repeals and revocations

- (1) The transitional provisions set out in Schedule 6 shall have effect.
- (2) The enactments specified in Schedule 7 are amended in accordance with that Schedule.
- (3) The enactments specified in Schedule 8 are repealed or, as the case may be, revoked, to the extent specified in column 3 of that Schedule.

^s Words inserted by clause 2(7)(f).

82 Short title and commencement

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

SCHEDULE 1

AREAS OF CONSTITUENCIES

Section 11²⁷

<i>Name</i>	<i>Area</i>
Ramsey	The town district of Ramsey and the area specified in article 2 of the Ramsey (Boundary Extension) Order 1992.
Ayre	The parish districts of Andreas, Bride and Lezayre, except the area specified in article 2 of the Ramsey (Boundary Extension) Order 1992.
Michael	The village district of Michael and the parish districts of Michael, Ballaugh and Jurby.
Peel	The town district of Peel.
Glenfaba	The parish districts of Patrick and German.
Garff	The village district of Laxey and the parish districts of Maughold and Lonan.
Middle	The parish districts of Braddan and Marown.
Onchan	The village district of Onchan and the parish district of Onchan.
Douglas North	That part of the borough of Douglas comprising the polling districts of Glencrutchery and St. Ninian's.
Douglas South	That part of the borough of Douglas comprising the polling districts of St. George's (except the part within the constituency of Douglas East), Quay and Pulrose.
Douglas East	That part of the borough of Douglas comprising the polling districts of Tynwald, Crescent, Strand, Windsor and Derby, that part of the polling district of St. George's lying to the north-east of a line along the middle of Upper Church Street and that part of the polling district of Murrays lying to the east of a line along the middle of Woodbourne Road.
Douglas West	That part of the borough of Douglas comprising the polling districts of Garden City, Murrays (except the part within the constituency of Douglas East), Albany, Ballabrooie and Eastfield.
Castletown	The town district of Castletown.
Malew and Santon	The parish districts of Malew and Santon.
Rushen	The village districts of Port Erin and Port St. Mary and the parish districts of Rushen and Arbory.

SCHEDULE 2
ELECTION RULES

Section 22 [1985/8/3/2]

PART 1 – PROVISIONS AS TO TIME

1. Time-table.
2. Computation of time.

**PART 2 – STAGES COMMON TO CONTESTED AND
UNCONTESTED ELECTIONS**

3. Issue of writ.
4. Particulars to be given by returning officer.
5. Notice of election.
6. Nomination of candidates.
7. Subscription of nomination paper.
8. Consent to nomination.
9. Place for delivery of nomination papers.
10. Attendance by returning officer.
11. Right to attend nomination.
12. Decisions as to validity of nomination papers.
13. Withdrawal of candidates.
14. Publication of nominations and withdrawals.
15. Method of election.

PART 3 – CONTESTED ELECTIONS

General provisions

16. Poll to be taken by ballot.

17. The ballot papers.
18. The official mark.
19. Prohibition of disclosure of votes.
20. Use of schools and public rooms.

Action to be taken before the poll

21. Notice of poll.
22. Death of candidate.
23. Absent voters' ballot papers.
24. Provision of polling stations.
25. Appointment of presiding officers and clerks.
26. Issue of official poll cards.
27. Equipment of polling stations.
28. Appointment of polling and counting agents.
29. Declaration of secrecy.

The poll

30. Admission to polling station.
31. Keeping of order in station.
32. Sealing of ballot boxes.
33. Questions to be put to voters.
34. Challenge of voter.
35. Voting procedure.
36. Votes marked by presiding officer.
37. Tendered ballot papers.
38. Spoilt ballot papers.
39. Adjournment of poll in case of riot.
40. Procedure on close of poll.

Counting of votes

41. Attendance at count.
42. The count.
43. Re-count.
44. Rejected ballot papers.
45. Decisions on ballot papers.
46. Equality of votes.

PART 4 – FINAL PROCEEDINGS IN CONTESTED AND UNCONTESTED ELECTIONS

47. Declaration of result.
48. Return of the writ.

PART 5 – DISPOSAL OF DOCUMENTS

49. Sealing up of ballot papers.
50. Delivery of documents to Clerk of the Rolls.
51. Orders for production of documents.
52. Retention and public inspection of documents.

PART 1 – PROVISIONS AS TO TIME

1 Time-table

The proceedings at an election shall be conducted in accordance with the following Table: —

	TABLE
(1) Issue of writ	(a) In the case of a bye-election, within 2 months of receiving the report of a casual vacancy; except that the Governor shall not issue the writ where it appears to him that the Keys will be dissolved within 4 months from the date on which he would otherwise have issued the writ.
	[(aa) Within 2 months of the date of an election to the Council.†]
	(b) Immediately on the dissolution of the Keys.
	(c) Where the returning officer has made a special return of a writ to the effect that the number of candidates elected is less than there are vacancies to be filled up or that no candidate has been elected, within one month of the receipt of the special return.
(2) Publication of notice of election	Not later than the 7th day after the receipt of the writ by the returning officer.
(3) Delivery of nomination papers	Between 10.00 am and 1.00 pm on a day to be fixed by the returning officer, not earlier than the 7th day and not later than the 12th day after the receipt of the writ by the returning officer. ²⁸
(4) Delivery of notices of withdrawal of candidature	Immediately on receipt of the nomination papers or as soon thereafter as any objections are disposed of.
(5) The making of objections to nominations	Within the time for the delivery of nomination papers and one hour thereafter.
(6) Publication of nominations	On the expiry of the time for the delivery of nomination papers.
(7) Polling	Between 8.00 a.m. and 8.00 p.m. on a day, to be fixed by the Governor, not earlier than

† Paragraph inserted by clause 2(8)(a).

	the 28th day and not later than the 42nd day after the receipt of the writ by the returning officer
(8) Return of the writ	Within 24 hours after completion of the count.

2 Computation of time

(1) In this rule 'excluded day' means a Sunday, Christmas Day, Good Friday, a bank holiday or a day appointed for public thanksgiving or mourning.

(2) Where by these rules anything is required or allowed to be done on or before an excluded day, then (subject to paragraph (3)) it may be done on or before the next succeeding day which is not an excluded day.

(3) Where by these rules —

- (a) anything is required or allowed to be done not later than a certain number of days before a specified event or day (however the requirement or allowance is expressed), and
- (b) apart from this paragraph the last day for doing it would be an excluded day,

it shall be done on or before the next preceding day which is not an excluded day.

(4) This rule is without prejudice to paragraph (a) (day of event not to be counted in reckoning from that day) or paragraph (c) (excluded days not to be counted in period not exceeding 6 days) of section 36 of the *Interpretation Act 1976*.

PART 2 – STAGES COMMON TO CONTESTED AND UNCONTESTED ELECTIONS

3 Issue of writ

(1) Each writ of election shall be directed to the returning officer and conveyed to him by hand.

(2) On receipt of the writ the returning officer shall forthwith endorse on it the date on which he has received it.

4 Particulars to be given by returning officer

The returning officer shall within 24 hours of receiving the writ furnish to the Chief Secretary the following particulars of the election —

- (a) the place and times at which nomination papers may be obtained;
- (b) the place and times at which nomination papers are to be delivered;
- (c) the date of the poll in the event of a contest;

- (d) the date by which (except in such circumstances as may be prescribed) —
 - (i) applications to be treated as an absent voter, and
 - (ii) other applications and notices about absent voting or proxy voting,

must reach the returning officer in order that they may be effective for the election.²⁹

5 Notice of election

(1) The Chief Secretary shall publish the notice of election in the prescribed form, which shall contain —

- (a) the particulars supplied to him by the returning officer under rule 4;
- (b) a warning as to corrupt practices; and
- (c) advice to candidates on obtaining a copy of this Act and a copy of the register of electors.

(2) The notice of election shall be a composite notice for —

- (a) all the constituencies, in the case of a general election [of the Keys^u];

[(aa) all the constituencies in which an election is to be held, in the case of an election to the Council;^v]

- (b) all the constituencies to which the writs relate, where writs for more than one bye-election are issued on the same day.

(3) The notice of election shall be published —

- (a) by insertion in one or more newspapers published and circulating in the Island, and
- (b) by posting in one or more conspicuous places in the constituency.

6 Nomination of candidates

(1) Each candidate shall be nominated by a separate nomination paper delivered by the candidate himself, or his proposer or seconder, to the returning officer at the place fixed for the purpose.

(2) The nomination paper shall be as near as may be in the prescribed form and shall state —

- (a) the full names, place of residence and description of the candidate (his surname being placed first in the list of his names);
- (b) whether the candidate complies with section 1(1)(b) of the Act;³⁰
 - (c) whether he is an undischarged bankrupt (in the Island or elsewhere); and

^u Words inserted by clause 2(8)(c).

^v Paragraph (aa) inserted by clause 2(8)(b).

- (d) whether he has at any time been convicted (in the Island or elsewhere) of an offence on conviction of which a person is liable to custody, and if so, particulars of the conviction.

(3) The description shall not refer to the candidate's political activities, and need not refer to his rank, profession or calling so long as, with the other particulars of the candidate, it is sufficient to identify him.

(4) If the description is unduly long, the returning officer, after consultation (if possible) with the candidate or his proposer or seconder, may shorten it or substitute another.

7 Subscription of nomination paper

(1) The nomination paper shall be subscribed by 2 electors as proposer and seconder, and by not less than 20 other electors as assenting to the nomination, but so that only 20 of those electors shall be treated for the purposes of paragraph (7) as having subscribed the nomination paper.

(2) The nomination paper shall give the electoral number of each person subscribing it.

(3) The returning officer shall supply any elector with a form of nomination paper at the place and during the time for the delivery of nomination papers; but it shall not be necessary for a nomination to be on a form supplied by the returning officer.

(4) The returning officer shall also cause forms of nomination papers to be supplied to each police station within the constituency during the period between the day on which notice of the election was given up to and including the last day for the delivery of nomination papers.

(5) The police officer in charge of each such police station shall supply any elector with a form of nomination paper at such station within such period and during such time as the station is open.

(6) The form of nomination paper shall include or be accompanied by the prescribed instruction as to the completion and signing of such nomination paper.

(7) The same elector may subscribe as many nomination papers as there are vacancies to be filled, but no more, and his signature shall be inoperative on any nomination paper subscribed in excess of that number and duly delivered.

(8) In this rule —

‘elector’ means a person who is registered as an elector in the constituency in the register to be used at the election;³¹

‘electoral number’ means a person's number in that register.³²

8 Consent to nomination

Where a nomination paper is not delivered by the person named as candidate himself, he shall not be validly nominated unless his consent in writing thereto, attested by one

witness, is delivered at the place and within the time appointed for the delivery of nomination papers.

9 Place for delivery of nomination papers

Nomination papers shall be delivered to the returning officer for a constituency by the candidate himself or by his proposer or seconder at such convenient place in the constituency as is specified in the notice of election under rule 4.

10 Attendance by returning officer

(1) The returning officer shall attend at the place for delivery of nomination papers during the time for delivery of them and half an hour thereafter.³³

(2) Where the proceedings for or in connection with nomination are interrupted or obstructed by riot or open violence, they shall be abandoned for that day, and shall be continued on the next day as if that day were the day for the delivery of nomination papers (subject to the further application of this paragraph if the proceedings are further interrupted or obstructed on that day).

(3) If such proceedings are abandoned under paragraph (2) —

- (a) nothing may be done after they are continued if the time for doing it had passed at the time they were abandoned; and
- (b) nothing done before they were abandoned shall be invalidated by reason thereof.

11 Right to attend nomination

(1) Except for the purpose of delivering a nomination paper or assisting the returning officer, no person shall be entitled to attend the proceedings during the time for delivery of nomination papers or making objections thereto, unless he is —

- (a) a person standing nominated as a candidate, or
- (b) the proposer or seconder of such a person, or
- (c) one other person selected by such a person.

(2) Where a person stands nominated by more than one nomination paper, only the persons subscribing, as proposer or seconder, such one of those papers as he may select or, if none is selected, such one of those papers as is first delivered, shall be entitled to attend as his proposer and seconder.

(3) The right to attend conferred by this rule includes the right to inspect, and to object to the validity of, any nomination paper.

12 Decisions as to validity of nomination papers

(1) Where a nomination paper and, where so required, the candidate's consent to nomination are delivered in accordance with these rules, the candidate shall stand nominated unless and until —

- (a) the returning officer decides that the nomination paper is invalid, or

- (b) proof is given to the satisfaction of the returning officer of the candidate's death, or
- (c) the candidate withdraws in accordance with rule 13.

(2) The returning officer may hold a nomination paper invalid at any time before the expiry of the period specified in rule 10(1).

(3) A nomination paper may not be held invalid except on one of the following grounds —

- (a) that the particulars of the candidate or the persons subscribing the paper are not as required by law; and
- (b) that the paper is not subscribed as so required.

(4) The returning officer shall give his decision on any objection to a nomination paper as soon as practicable after it is made.

(5) Where he decides that a nomination paper is invalid, he shall —

- (a) endorse and sign on the paper his decision and the reasons for it; and
- (b) as soon as practicable, notify the candidate in writing of his decision and the reasons for it.

(6) The decision of the returning officer that a nomination paper is valid shall be final and shall not be questioned in any proceeding whatsoever.

(7) Subject to paragraph (6), nothing in this rule prevents the validity of a nomination being questioned on an election petition.

13 Withdrawal of candidates

(1) A candidate may, during the time specified in rule 10(1), but not afterwards, withdraw from his candidature by giving a notice in writing to that effect to the returning officer.

(2) A notice under this rule shall be —

- (a) signed by the candidate or, if he is outside the Island, by his proposer;
- (b) if delivered by any person other than the candidate, attested by one witness; and
- (c) if signed by the proposer, accompanied by a signed declaration by the proposer as to the candidate's absence from the Island.

14 Publication of nominations and withdrawals

(1) If the returning officer, on a nomination paper being delivered to him, is satisfied that it is a valid nomination, he shall forthwith publish notice of the name of the person nominated as candidate and of the names of his proposer and seconder.

(2) Where —

- (a) a nomination is withdrawn in accordance with rule 13, or

- (b) a nomination is objected to after the time for delivery of nomination papers but before the expiry of the time specified in rule 10(1), and the objection is upheld,

the returning officer shall add to the notice of nominations a statement that the nomination has been withdrawn or is invalid, as the case may be.

- (3) A notice of nominations shall be published by posting it in a conspicuous position outside the place for the delivery of nominations.

15 Method of election

(1) If at the expiry of the time specified in rule 10(1) more candidates stand nominated than there are vacancies to be filled, a poll shall be taken in accordance with Part 3 of these rules.

(2) If at that time no more candidates stand nominated than there are vacancies to be filled, those candidates shall forthwith be declared to be elected in accordance with Part 4 of these rules.

PART 3 – CONTESTED ELECTIONS

General provisions

16 Poll to be taken by ballot

The votes at the poll shall be given by ballot, the votes given to each candidate shall be counted and the result shall be determined in accordance with the following provisions of this Part.

17 The ballot papers

(1) The ballot of every voter shall consist of a ballot paper, and the persons standing nominated and no others shall be entitled to have their names inserted in the ballot paper.

(2) Every ballot paper shall be in the prescribed form and shall be printed in accordance with the prescribed directions, and —

- (a) shall contain the names and other particulars of the candidates nominated as shown in their respective nomination papers;
- (b) shall be capable of being folded up;
- (c) shall have a number printed on the back;
- (d) shall have attached a counterfoil with the same number printed on the face.

(3) The list of candidates in the ballot paper shall be arranged alphabetically in the order of their surnames and, if there are 2 or more candidates of the same surname, in the order of their other names.

18 The official mark

(1) Every ballot paper shall be marked with an official mark in the prescribed manner so as to preclude false ballot papers being included in the count.

(2) The official mark shall be kept secret and an interval of not less than 7 years shall intervene between the use of the same official mark at elections for the same constituency.

19 Prohibition of disclosure of votes

No person who has voted at the election shall, in any legal proceedings to question the election or return, be required to state for whom he voted.

20 Use of schools and public rooms

(1) Subject to subsection (2), the returning officer may use, free of charge, for the purpose of taking the poll —

- (a) a room or rooms in any school —
 - (i) maintained by the Department of Education and Children, or³⁴
 - (ii) in respect of which grants are made out of moneys provided by Tynwald to the person or body of persons responsible for the management of the school;
- (b) a room the expense of maintaining which is payable out of any rate;
- (c) any court house.

(2) A room mentioned in paragraph (1)(a) shall only be used where, in the opinion of the returning officer, there is no adequate alternative accommodation within, or within half a mile beyond the limits of, the polling district for which the room is to be used.

(3) The returning officer shall make good any damage done to, and defray any expense incurred by the persons having control over, any room or court house mentioned in paragraph (1) by reason of its being used for the purpose of taking the poll.

(4) The use of a room in an unoccupied house for that purpose shall not render a person liable to be rated or to pay any rate for the house.

Action to be taken before the poll

21 Notice of poll

The returning officer shall, as soon as practicable after the expiration of the time specified in rule 10(1), give public notice of the poll in the prescribed form.

22 Death of candidate

(1) If after publication of the notice of the poll and before the result of the election is declared proof is given to the satisfaction of the returning officer of the death

of one of the persons shown as standing nominated, the returning officer shall countermand notice of the poll, and all proceedings with reference to the election shall be commenced afresh in all respects as if the writ had been received on the day on which proof was given to the returning officer of the death.

(2) No fresh nomination shall be necessary in the case of a person whose name has been published as standing nominated.

23 Absent voters' ballot papers

The returning officer shall, in accordance with regulations, issue to those entitled to vote as an absent voter a ballot paper and a declaration of identity in the prescribed form, together with such envelopes for their return (whether free of charge or otherwise) as may be prescribed.³⁵

24 Provision of polling stations

(1) The returning officer shall —

- (a) provide one or more polling stations for each polling district; and
- (b) if 2 or more polling stations are provided for a polling district, allot the electors to the polling stations in such manner as he thinks most convenient.

(2) 2 or more polling stations may be provided in the same room.

(3) Any polling station may be at any distance, not exceeding half a mile, beyond the limits of the polling district which it is intended to serve.

(4) The returning officer shall provide each polling station with such number of compartments as may be necessary in which the voters can mark their votes screened from observation, so that at least one compartment is provided for every 300 electors allotted to the polling station.

25 Appointment of presiding officers and clerks

(1) The returning officer shall appoint, in writing and in the prescribed form, and pay the following officers and clerks —

- (a) not more than two presiding officers to attend at each polling station, and³⁶
- (b) such poll clerks and counting clerks as may be necessary for the purposes of the election,

but shall not appoint any person who has been employed by or on behalf of a candidate in or about the election.

(1A) Where two presiding officers are appointed to attend at the same polling station, the returning officer shall make such arrangements as he thinks convenient to ensure that only one of those presiding officers is on duty at the polling station at any one time.³⁷

(2) On appointing any such officer or clerk the returning officer shall forthwith administer, and is authorised to administer, to him an oath in the prescribed form, and the certificate of the oath shall be attached to his appointment.

(3) The returning officer may, if he thinks fit, preside at a polling station, and in that case the provisions of these rules relating to a presiding officer shall apply to him with any necessary modifications.

(4) A presiding officer may do, by any clerk appointed to assist him, any act (including the asking of questions) which he is required or authorised by these rules to do at a polling station, except order —

- (a) the arrest of any person, or
- (b) the exclusion or removal of any person from the polling station.

26 Issue of official poll cards

- (1) The Treasury shall as soon as practicable send an official poll card to —
- (a) each elector, except an elector whose application under section 26 to be treated as an absent voter has been allowed, and
 - (b) each person appointed as proxy to vote for an elector.

(2) An elector's official poll card shall be sent or delivered to his qualifying address.

- (3) The official poll card shall be in the prescribed form and shall set out —
- (a) the name of the constituency;
 - (b) the elector's name, qualifying address and number on the register of electors;
 - (c) the date and hours of the poll and the situation of the elector's polling station.

- (4) Rule 7(8) applies for the interpretation of this rule.

27 Equipment of polling stations

(1) The returning officer shall provide each presiding officer with such number of ballot boxes and ballot papers as in the opinion of the returning officer may be necessary.

(2) Every ballot box shall be so constructed that the ballot papers can be put in it, but cannot be withdrawn from it without it being unlocked.

- (3) The returning officer shall provide each polling station with —
- (a) materials to enable voters to mark the ballot papers;
 - (b) subject to any regulations prescribing the form of ballot papers, instruments for stamping the official mark on them;
 - (c) copies of the register of electors, or such part of it as contains the names of the electors allotted to the station, but with the names

ruled out of those electors whose applications to be treated as absent voters have been allowed;

- (d) a copy of the list of electors in respect of whom appointments of proxies have been made and not revoked, or such part thereof as contains the names of electors allotted to the station.

(4) A notice in the prescribed form, giving directions for the guidance of the voters in voting, shall be printed in conspicuous characters and exhibited outside every polling station and in every compartment of every polling station.

28 Appointment of polling and counting agents

(1) Each candidate may, before the date of the poll, appoint —

- (a) not more than 2 polling agents to attend at each polling station in the constituency for the purpose of detecting personation, and
- (b) such number of counting agents to attend at the counting of the votes as the candidate may wish, not exceeding such number as the returning officer may determine (but so that the limit shall be the same for each candidate).

(2) Notice in writing of such appointments, stating the names and addresses of the persons appointed, shall be given by the candidate to the returning officer before the date of the poll.

(3) If an agent dies, or becomes incapable of acting, the candidate may appoint another agent in his place, and shall forthwith give to the returning officer notice in writing of the name and address of the agent appointed.

(4) In the following provisions of these rules references to polling and counting agents shall be taken as references to agents whose appointments have been duly made and notified and, where the number of agents is limited, who are within the permitted number.

(5) Any notice required to be given to a counting agent by the returning officer may be delivered at or sent by post to the address stated in the notice of appointment.

(6) A candidate may himself do any act or thing which any polling or counting agent of his, if appointed, would have been authorised to do, or may assist his agent in doing any such act or thing.

(7) Where by these rules any act or thing is required or authorised to be done in the presence of the polling or counting agents, the non-attendance of any agents or agent at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

29 Declaration of secrecy

(1) Before the opening of the poll a declaration of secrecy in the prescribed form shall be made by —

- (a) the returning officer;

- (b) every officer or clerk authorised to attend at a polling station or the counting of the votes;
- (c) every candidate attending at a polling station or at the counting of the votes;
- (d) every candidate's spouse or civil partner attending at the counting of the votes;³⁸
- (e) every polling agent and counting agent;
- (f) every person permitted by the returning officer to attend at the counting of the votes, though not entitled to do so.

(2) Notwithstanding anything in paragraph (1), the following persons attending at the counting of the votes —

- (a) any candidate;
- (b) any candidate's spouse or civil partner attending by virtue of the rule authorising candidates' spouses or civil partners to attend as such;³⁹
- (c) any person permitted by the returning officer to attend, though not entitled to do so;

need not make the declaration before the opening of the poll, but shall make it before he or she is permitted to attend the counting, and a polling or counting agent appointed after the opening of the poll shall make the declaration before acting as such agent.

(3) The returning officer shall make the declaration in the presence of a justice of the peace or commissioner for oaths, and any other person shall make the declaration in the presence either of a justice of the peace or of the returning officer, and section 47 (requirement of secrecy) shall be read to the declarant by the person taking the declaration.⁴⁰

The poll

30 Admission to polling station

The presiding officer shall regulate the number of voters to be admitted to the polling station at the same time, and shall exclude all other persons except —

- (a) the candidates;
- (b) the polling agents appointed to attend at the polling station or the counting of the votes;
- (c) the poll clerks;
- (d) the constables on duty; and
- (e) the companions of blind voters.

31 Keeping of order in station

- (1) It is the duty of the presiding officer to keep order at his polling station.

(2) If a person misconducts himself in a polling station, or fails to obey the lawful orders of the presiding officer, he may immediately, by order of the presiding officer, be removed from the polling station by a constable in or near that station or by any other person authorised in writing by the returning officer to remove him, and the person so removed shall not without the permission of the presiding officer again enter the polling station during the day.

(3) Any person so removed may, if charged with the commission in the polling station of an offence, be dealt with as a person taken into custody by a constable for an offence without a warrant.

(4) The powers conferred by this rule shall not be exercised so as to prevent a voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

32 Sealing of ballot boxes

Immediately before the commencement of the poll, the presiding officer shall —

- (a) show the ballot box empty to such persons, if any, as are present in the polling station, so that they may see that it is empty,
- (b) then lock it up and place his seal on it in such manner as to prevent its being opened without breaking the seal,
- (c) place it in his view for the receipt of ballot papers, and
- (d) keep it so locked and sealed.

33 Questions to be put to voters

(1) The presiding officer may, and if required by a candidate or his polling agent shall, put to any person applying for a ballot paper at the time of his application, but not afterwards, the following questions or either of them —

- (a) in the case of a person applying as an elector —
 - (i) ‘Are you the person registered in the register of electors for this election as follows (read the whole entry from the register)?’
 - (ii) ‘Have you already voted, here or elsewhere, at this election for the constituency of [Repealed][Repealed]...., otherwise than as proxy for some other person?’
 - (iii) ‘What is your date of birth?’⁴¹
- (b) in the case of a person applying as proxy —
 - (i) ‘Are you the person whose name appears as A.B. in the list of proxies for this election as entitled to vote as proxy on behalf of C.D.?’
 - (ii) ‘Have you already voted, here or elsewhere, at this election for the constituency of [Repealed][Repealed].... as proxy on behalf of C.D.?’

(2) In the case of a person applying as proxy, the presiding officer may, and shall if required as mentioned in subsection (1), put the following additional question —

‘Are you the spouse [civil partner], parent, grandparent, brother [sister], child or grandchild of C.D.?’.

and if that question is not answered in the affirmative —

‘Have you at this election already voted in this constituency on behalf of 2 persons of whom you are not the spouse [civil partner], parent, grandparent, brother [sister], child or grandchild?’⁴²

(3) A ballot paper shall not be delivered to any person required to answer the above questions, or any of them, unless he has answered the questions or question satisfactorily.

(4) Save as authorised by this rule, no inquiry shall be permitted as to the right of any person to vote.

34 Challenge of voter

(1) If at the time a person applies for a ballot paper for the purpose of voting, or after he has applied for a ballot paper for that purpose, and before he has left the polling station, a candidate or his polling agent —

- (a) declares to the presiding officer that he has reasonable cause to believe that the applicant has committed an offence of personation, and
- (b) undertakes to substantiate the charge in a court of law,

the presiding officer may order a constable to arrest the applicant, and the order of the presiding officer shall be sufficient authority for the constable to do so.

(2) A person against whom a declaration is made under this rule shall not by reason thereof be prevented from voting.

(3) A person arrested under the provisions of this rule shall be dealt with as a person taken into custody by a constable for an offence without a warrant.

35 Voting procedure

(1) A ballot paper, marked with the official mark, shall be delivered to a voter who applies therefor, and immediately before delivery —

- (a) the number and name of the elector as stated in the copy of the register of electors shall be called out;
- (b) the number of the elector shall be marked on the counterfoil; and
- (c) a mark shall be placed on the register of electors against the number of the elector to denote that a ballot paper has been received, but without showing the particular ballot paper which has been received.

(2) The voter, on receiving the ballot paper, shall forthwith proceed alone into one of the compartments in the polling station and shall —

- (a) secretly mark his paper;
- (b) fold the paper so that his vote is concealed;
- (c) return to the presiding officer's table and show the back of the folded paper to the presiding officer so as to disclose the official mark; and
- (d) put the folded paper into the ballot box in the presence of the presiding officer.

(3) The voter shall vote without undue delay, and shall leave the polling station as soon as he has put his ballot paper into the ballot box.

(4) The voter shall not show his ballot paper after he has marked it to any person other than the presiding officer, and shall show it to the presiding officer only if the voter wishes to prove that it has been spoiled.

36 Votes marked by presiding officer

(1) The presiding officer, on the application of —

- (a) a voter who declares orally that he is incapacitated by blindness or other physical cause from voting in manner directed by these rules; or
- (b) a voter who declares that he objects on religious grounds to vote in the manner directed by these Rules; or⁴³
- (c) a voter who declares orally that he is unable to read;

shall, in the presence of the polling agents, cause the vote of the voter to be marked on a ballot paper in manner directed by the voter, and the ballot paper to be placed in the ballot box.

(2) The name and number on the register of electors of every voter whose vote is marked in pursuance of this rule and the reason why it is so marked, shall be entered on the list ('the list of votes marked by the presiding officer').

(3) In the case of a person voting as proxy for an elector, the number to be entered together with the voter's name shall be the elector's number.

37 Tendered ballot papers

(1) If a person representing himself to be —

- (a) a particular elector named on the register, whose name has not been ruled out as a person whose application to be treated as an absent voter has been allowed, or
- (b) a particular person named in the list of proxies as proxy for an elector,

applies for a ballot paper after another person has voted either as the elector or as his proxy, the applicant shall, on satisfactorily answering the questions permitted by law

to be asked at the poll, be entitled subject to the following provisions of this rule, to mark a ballot paper (a 'tendered ballot paper') in the same manner as any other voter.

- (2) A tendered ballot paper shall —
- (a) be of a different colour from the other ballot papers;
 - (b) instead of being put into the ballot box, be given to the presiding officer and endorsed by him with the name of the voter and his number in the register of electors and set aside in a separate packet.

(3) The name of the voter and his number on the register of electors shall be entered on a list ('the tendered votes list').

(4) In the case of a person voting as proxy for an elector, the number to be endorsed or entered together with the voter's name shall be the elector's number.

38 Spoilt ballot papers

A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and proving to his satisfaction the fact of the inadvertence, obtain another ballot paper in the place of the ballot paper so delivered (in these rules called a 'spoilt ballot paper'), and the spoilt paper shall be immediately cancelled.

39 Adjournment of poll in case of riot

(1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer shall adjourn the proceedings till the following day and shall forthwith give notice to the returning officer.

- (2) Where the poll is adjourned at any polling station —
- (a) the hours of polling on the day to which it is adjourned shall be the same as for the original day; and
 - (b) references in this Act to the close of the poll shall be construed accordingly.

40 Procedure on close of poll

(1) As soon as practicable after the close of the poll, the presiding officer shall, in the presence of the polling agents (if any), make up into separate packets, sealed with his own seal and the seals of such polling agents as desire to affix their seals —

- (a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers, and unopened, but with the key attached;
- (b) the unused and spoilt ballot papers placed together;
- (c) the tendered ballot papers;
- (d) the marked copies of the register of electors and of the list of proxies;

- (e) the counterfoils of the used ballot papers;
- (f) the tendered votes list, the list of voters marked by the presiding officer and a statement of the number of voters whose votes are so marked by the presiding officer under the heads 'physical incapacity', 'a person who objects on religious grounds', and 'unable to read'.⁴⁴
- (g) the appointments of the presiding officer, poll clerks and polling agents;

and shall deliver the packets to the returning officer to be taken charge of by him.

(2) The marked copies of the register of electors and of the list of proxies shall be in one packet, but shall not be in the same packet as the counterfoils of the used ballot papers.

(3) The packets shall be accompanied by a statement ('the ballot paper account') made by the presiding officer showing the number of ballot papers entrusted to him, and accounting for them under the heads of ballot papers in the ballot box, unused, spoilt and tendered ballot papers.

Counting of votes

41 Attendance at count

(1) The returning officer shall make arrangements for counting the votes in the presence of the counting agents as soon as practicable after the close of the poll, and shall give to the counting agents notice in writing of the time and place at which he will begin to count the votes.

- (2) No person other than —
 - (a) the returning officer, presiding officer, poll clerks and counting clerks;
 - (b) the candidates and their wives or husbands;
 - (c) the counting agents;

may be present at the counting of the votes, unless permitted by the returning officer to attend.

(3) The returning officer shall give the counting agents all such reasonable facilities for overseeing the proceedings (including in particular facilities for satisfying themselves that the ballot papers are correctly sorted), and all such information with respect thereto as he can give them consistently with the orderly conduct of the proceedings and the discharge of his duties in connection therewith.

(4) In particular, where the votes are counted by sorting the ballot papers according to the candidate for whom the vote is given and counting the number of ballot papers for each candidate, the counting agents shall be entitled to satisfy themselves that the ballot papers are correctly sorted.

(5) Subject to paragraphs (6) and (7), the returning officer shall permit media representatives to attend the count.

(6) The returning officer may in his discretion limit the number of media representatives permitted to attend the count at any one time, and for that purpose may from time to time select the representatives who may be present and exclude any others.

(7) Any media representative permitted to attend the count shall comply with any general or special directions of the returning officer as to his conduct during the count (whether or not he is present), and if he fails to do so he may be excluded by or by order of the returning officer.

(8) In this paragraph 'media representative' means a reporter or photographer appearing to the returning officer to represent —

- (a) a bona fide newspaper or other periodical or journal, or
- (b) a person providing a programme service (within the meaning of the *Broadcasting Act 1993*).

42 The count

(1) Before the returning officer proceeds to count the votes, he shall —

- (a) in the presence of the counting agents open each ballot box and, taking out the ballot papers in it, count and record the number of them and verify each ballot paper account in accordance with paragraph (2);
- (b) count such of the absent voters' ballot papers as have been duly returned, and record the number counted; and
- (c) then mix together the whole of the ballot papers mentioned in sub-paragraphs (a) and (b).

(1A) An absent voter's ballot paper shall not be taken to be duly returned unless —

- (a) it is returned in the prescribed manner and reaches the returning officer or a polling station in the constituency before the close of the poll, and
- (b) the declaration of identity, duly signed and authenticated, is also returned in the prescribed manner and reaches him or such a polling station before that time.⁴⁵

(2) The returning officer shall verify each ballot paper account by comparing it with the number of ballot papers recorded by him, and the unused and spoilt ballot papers in his possession and the tendered votes list (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list), and shall draw up a statement as to the result of the verification, which any candidate may copy.

(3) An absent voter's ballot paper shall not be deemed to be duly returned, unless it is returned in the proper envelope so as to reach the returning officer at the address thereon stated before the close of the poll, and is accompanied by the declaration of identity duly signed and authenticated.

(4) The returning officer shall not count any tendered ballot paper.

(5) The returning officer, while counting and recording the number of ballot papers and counting the votes, shall keep the ballot papers with their faces upwards and take all proper precautions for preventing any person from seeing the numbers printed on the back of the papers.

(6) The returning officer shall, so far as practicable, proceed continuously with counting the votes, allowing time only for refreshment, except that he may exclude —

- (a) with the agreement of each candidate or counting agent present, any time between 7.00 p.m. and midnight; and
- (b) any time between midnight and 9.00 a.m.

For the purposes of this paragraph the agreement of a candidate shall be as effective as the agreement of his counting agents.

(7) During the excluded time the returning officer shall place the ballot papers and other documents relating to the election under his own seal and the seal of such of the counting agents as desire to affix their seals and shall otherwise take proper precautions for the security of the papers and documents.

43 Re-count

(1) A candidate may if present or, in his absence, any of his counting agents may, when the counting or any re-count of the votes is completed, require the returning officer to have the votes re-counted or again re-counted, but the returning officer may refuse to do so if in his opinion the request is unreasonable.

(2) No step shall be taken on the completion of the counting or any re-count of votes until the candidates then present have been given a reasonable opportunity to exercise the right conferred by this rule.

44 Rejected ballot papers

- (1) Any ballot paper —
- (a) which does not bear the official mark; or
 - (b) on which votes are given for more candidates than there are vacancies to be filled; or
 - (c) on which anything is written or marked by which the voter can be identified except the printed number on the back; or
 - (d) which is unmarked or void for uncertainty,

shall, subject to paragraph (2), be void and not counted.

(2) Where the voter is entitled to vote for more than one candidate, a ballot paper shall not be deemed to be void for uncertainty as respects any vote as to which no uncertainty arises, and that vote shall be counted.

- (3) A ballot paper on which the vote is marked —
- (a) elsewhere than in the proper place; or
 - (b) otherwise than by means of a cross; or

- (c) by more than one mark against the same candidate's name, shall not for that reason be treated as void if —
- (i) an intention that the vote shall be for one or other of the candidates clearly appears, and
 - (ii) the way the paper is marked does not of itself identify the voter and it is not shown that he can be identified by it.
- (4) The returning officer shall endorse the words 'rejected' on any ballot paper which under this rule is not to be counted, and shall add to the endorsement the words 'rejection objected to' if an objection is made by a counting agent to his decision.
- (5) The returning officer shall draw up a statement showing the number of ballot papers rejected under the following heads —
- (a) want of official mark;
 - (b) voting for more candidates than there are vacancies to be filled;
 - (c) writing or mark by which voter could be identified;
 - (d) unmarked or void for uncertainty;
- and any counting agent may copy the statement.

45 Decisions on ballot papers

The decision of the returning officer on any question arising in respect of a ballot paper shall be final, but shall be subject to review on an election petition.

46 Equality of votes

Where, after the counting of the votes (including any re-count) is completed, an equality of votes is found to exist between any candidates and the addition of a vote would entitle any of those candidates to be declared elected, the returning officer shall forthwith decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.

PART 4 – FINAL PROCEEDINGS IN CONTESTED AND UNCONTESTED ELECTIONS

47 Declaration of result

- (1) In a contested election, when the result of the poll has been ascertained, the returning officer shall forthwith —
- (a) declare to be elected the candidate or candidates to whom the majority of votes has been given; and
 - (b) give public notice of —
 - (i) the candidate or candidates elected;
 - (ii) the total number of votes given for each candidate;

- (iii) the total number of voters voting at the election (other than voters whose ballot papers have been rejected pursuant to rule 44); and
 - (iv) the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.
- (2) In an uncontested election the returning officer shall forthwith —
- (a) declare the candidate or candidates nominated to be elected; and
 - (b) publish a notice of the candidate or candidates elected.
- (3) Notice under paragraph (1)(b) and (2)(b) shall be published by posting the same in one or more conspicuous places in the constituency and by depositing a copy thereof at Government Office.
- (4) The Chief Secretary shall as soon as may be publish in one or more newspapers published and circulating in the Island a notice of the names of the candidates elected, stating (in the case of a contested election) that a copy of the notice under paragraph (1)(b) may be inspected at any reasonable time at Government Office.
- (5) The notice under paragraph (4) —
- (a) in the case of a general election [of the Keys^w], shall be a composite notice relating to all the constituencies; and
 - (b) in any other case, may be a composite notice relating to more than one constituency.

48 Return of the writ

- (1) The return of a member or members elected for any constituency shall be made by a certificate in the prescribed form endorsed by the returning officer on the writ of election.
- (2) The writ so endorsed shall be forthwith forwarded to the Clerk of the Rolls.
- (3) A duplicate of such certificate shall be handed by the returning officer to each candidate elected.
- (4) If the number of candidates elected is less than there are vacancies to be filled up, or if no candidates be elected, the returning officer shall make a special return of the writ setting forth the facts.

PART 5 – DISPOSAL OF DOCUMENTS

49 Sealing up of ballot papers

- (1) On the completion of the counting at a contested election the returning officer shall seal up in separate packages the counted and rejected ballot papers.

^w Words inserted by clause 2(8)(c).

(2) The returning officer shall not open the sealed packets of tendered ballot papers or of counterfoils, or of the marked copies of the register of electors.

50 Delivery of documents to Clerk of the Rolls

(1) The returning officer shall then (and in any case within 7 days of declaring the result of the poll) forward to the Clerk of the Rolls the following documents —

- (a) the packets of ballot papers in his possession;
- (b) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts;
- (c) the tendered votes lists, the lists of votes marked by the presiding officer and the statements relating thereto;
- (d) the packets of counterfoils;
- (e) the packets containing marked copies of registers and lists of proxies;
- (f) the oaths of himself, the deputy returning officer, the presiding officers, poll clerks and counting clerks;
- (g) the nomination papers;⁴⁶
- (h) the applications to be treated as an absent voter,⁴⁷

endorsing on each packet a description of its contents, the date of the election to which they relate and the name of the constituency for which the election was held.⁴⁸

51 Orders for production of documents

(1) An order —

- (a) for the inspection or production of any rejected ballot papers in the custody of the Clerk of the Rolls; or
- (b) for the opening of a sealed packet of counterfoils or the inspection of any counted ballot papers in his custody,

may be made —

- (i) by the Keys, or
- (ii) if satisfied by evidence on oath that the order is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of an election petition, by the High Court or a Deemster.

(2) An order under this rule may be made subject to conditions as to persons, time, place and mode of inspection, production or opening as the Keys or the High Court or Deemster making the order may think expedient.

(3) In making and carrying into effect an order for the opening of a packet of counterfoils or for the inspection of counted ballot papers, care shall be taken that the

way in which the vote of any particular elector has been given shall not be disclosed until it has been proved that his vote was given and that the vote has been declared by a competent court to be invalid.

(4) Where an order is made for the production by the Clerk of the Rolls of any document in his possession relating to any specified election, the production by him or his agent of the document ordered in such manner as may be directed by that order shall be conclusive evidence that the document relates to the specified election; and any endorsement on any packet of ballot papers so produced shall be prima facie evidence that the ballot papers are what they are stated to be by the endorsement.

(5) The production from proper custody of a ballot paper purporting to have been used at any election, and of a counterfoil marked with the same printed number and having a number marked thereon in writing, shall be prima facie evidence that the elector whose vote was given by that ballot paper was the person who at the time of the election had affixed to his name in the register of electors the same number as the number written on the counterfoil.

(6) Save as by this rule provided, no person shall be allowed to inspect any rejected or counted ballot papers in the possession of the Clerk of the Rolls or to open any sealed packets of counterfoils and certificates.

52 Retention and public inspection of documents

(1) The Clerk of the Rolls shall retain for a year all documents relating to an election forwarded to him in pursuance of these rules by a returning officer, and then, unless otherwise directed by order of the Keys or the High Court, shall cause them to be destroyed.

(2) The said documents, except ballot papers and counterfoils, shall be open to public inspection at such time and subject to such conditions as the Clerk of the Rolls may decide.

SCHEDULE 3

PROCEDURE ON ELECTION PETITION

Section 56(3)

1 Interpretation

In this Schedule —

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

“**the court**” means the High Court.

2 Presentation and service of petition

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

- (a) a person who voted as an elector at the election or who had a right so to vote;
 - (b) a person claiming to have had a right to be elected or returned at the election; or
 - (c) a person alleging himself to have been a candidate at the election.
- (2) The respondent to a petition shall be —
- (a) if the petition complains of the conduct of a returning officer, the returning officer;
 - (b) in any other case, the member whose election or return is complained of.
- (3) The petition shall —
- (a) be addressed to the court;
 - (b) be in the prescribed form;
 - (c) state the prescribed matters;
 - (d) be signed by the petitioner, or all the petitioners if more than one;
 - (e) be filed at the General Registry; and
 - (f) be served in the prescribed manner.
- (4) The Chief Registrar shall cause a copy of the petition to be sent to the returning officer of the constituency to which the petition relates, who shall forthwith publish it in that constituency.

3 Time for presentation or amendment of petition

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

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

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

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

4 Security for costs etc.

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

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

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

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

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

and the objection shall be decided by the court.

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

5 Petition at issue

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

6 Trial of petition

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

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

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

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

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

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

7 Witnesses

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

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

(3) A person called as a witness respecting an election before the court shall not be excused from answering any question relating to any offence at, or connected with, the election, on the ground that the answer thereto may criminate or tend to criminate that person or the spouse or civil partner of that person, or on the ground of privilege; but —

- (a) a witness who answers truly all questions which he is required by the court to answer shall be entitled to receive a certificate of indemnity under the hand of the Deemster presiding at the court stating that the witness has so answered; and
- (b) an answer by a person to a question put by, or before, the court shall not, except in the case of any criminal proceeding for perjury in respect of the evidence, be in any proceeding, civil or criminal, admissible in evidence against that person or the spouse or civil partner of that person.⁴⁹

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

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

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

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

8 Conclusion of trial of petition

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

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

(3) The court may at the same time make a special report to the Speaker [or the President of Tynwald as the case may be^x] as to matters arising in the course of the trial an account of which in the judgment of the court ought to be submitted to the Keys [or the Council as the case may be^y].

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

9 Further provisions as to report under paragraph 8

- (1) The report of the court under paragraph 8 shall state —
- (a) whether any corrupt or illegal practice has or has not been proved to have been committed by or with the knowledge and consent of any candidate at the election, and the nature of the corrupt or illegal practice;
 - (b) whether any of the candidates has been guilty by his agents of any corrupt or illegal practice in reference to the election;

^x Words inserted by clause 2(9)(a).

^y Words inserted by clause 2(9)(b).

^z Words inserted by clause 2(9)(b).

^{aa} Words inserted by clause 2(9)(b).

- (c) the names of all persons (if any) who have been proved at trial to have been guilty of any corrupt or illegal practice and whether they have been furnished with certificates of indemnity.

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

- (a) cause notice to be given to him, and
- (b) if he appears in pursuance of the notice, give him an opportunity of being heard by himself and of calling evidence in his defence to show why he should not be so reported.

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

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

10 Withdrawal of petition

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

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

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

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

11 Evidence required for withdrawal of petition

(1) Before leave for the withdrawal of a petition is granted, there shall be produced affidavits by all the parties to the petition and their advocates, but the court may on cause shown dispense with the affidavit of any particular person if it seems to the court on special grounds to be just so to do.

(2) Each affidavit shall state that, to the best of the deponent's knowledge and belief, no agreement or terms of any kind whatsoever has or have been made, and no undertaking has been entered into, in relation to the withdrawal of the petition; but if any lawful agreement has been made with respect to the withdrawal of the petition, the affidavit shall set forth that agreement, and shall make the foregoing statement subject to what appears from the affidavit.

(3) The affidavits of the applicant and his advocate shall further state the ground on which the petition is sought to be withdrawn.

(4) Copies of the said affidavits shall be delivered to the Attorney General a reasonable time before the application for the withdrawal is heard, and the court may hear the Attorney General or his assistant, or other representative, in opposition to the

allowance of the withdrawal of the petition, and may receive the evidence on oath of any person or persons whose evidence the Attorney General or his assistant or other representative may consider material.

(5) Where more than one advocate is concerned for the petitioner or respondent, whether as agent for another advocate or otherwise, the affidavit shall be made by all such advocates.

12 Corrupt withdrawal

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

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

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

13 Substitution of new petitioner

(1) On the hearing of the application for leave to withdraw, any person who might have been a petitioner in respect of the election may apply to the court to be substituted as a petitioner, and the court may, if it thinks fit, substitute him accordingly.

(2) If the proposed withdrawal is in the opinion of the court the result of any agreement or undertaking prohibited by section 39 or induced by any corrupt bargain or consideration, the court may by order direct that the security given on behalf of the original petitioner shall remain as security for any costs that may be incurred by the substituted petitioner, and that, to the extent of the sum named in the security, the original petitioner and his sureties shall be liable to pay the costs of the substituted petitioner.

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

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

14 Report on withdrawal

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

- (a) the result of any agreement or undertaking, or

- (b) in consideration of any matter specified in paragraph 12 or for any other consideration,

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

15 Withdrawal after double return

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

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

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

16 Abatement of petition

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

(2) The abatement shall not affect the liability of the petitioner or any other person to the payment of costs previously incurred.

(3) On the abatement the prescribed notice thereof shall be given in the constituency to which the petition relates; and within the prescribed time after the notice is given, any person who might have been a petitioner in respect of the election may apply to the court in the prescribed manner and at the prescribed time to be substituted as a petitioner; and the court may, if it thinks fit, substitute him accordingly.

(4) Security shall be given on behalf of a petitioner so substituted, as in the case of a new petition.

17 Withdrawal and substitution of respondents before trial

(1) If before the trial of a petition a respondent other than a returning officer —

- (a) gives the prescribed notice that he does not intend to oppose the petition, or dies; or
- (b) becomes a member of [Tynwald^{bb}],

^{bb} The words “the Council” substituted with “Tynwald” by clause 2(9)(c).

or the Keys [or the Council as the case may be^{cc}] have resolved that his seat is vacant, the prescribed notice thereof shall be given in the constituency to which the petition relates, and, within the prescribed time after the notice is given, any person who might have been a petitioner in respect of the election may apply to the court to be admitted as a respondent to oppose the petition, and shall be admitted accordingly, except that the number of persons so admitted shall not exceed 3.

(2) A respondent who has given the prescribed notice that he does not intend to oppose the petition shall not be allowed to appear or act as a party against the petition in any proceedings thereon, and he shall not sit or vote in the Keys [or the Council as the case may be^{dd}] until the Keys [or the Council as the case may be^{ee}] have been informed of the report on the petition.

(3) Where a respondent to a petition has given the prescribed notice in the prescribed time and manner, the court shall report that fact to the Speaker.

18 Costs of petition

(1) All costs of and incidental to the presentation of a petition and the proceedings consequent thereon, except as otherwise provided for, shall be defrayed by the parties to the petition in such manner and in such proportions as the court may determine; and in particular any costs which in the opinion of the court have been caused by vexatious conduct, unfounded allegations or unfounded objections on the part either of the petitioner or of the respondent, and any needless expense incurred or caused on the part of the petitioner or respondent, may be ordered to be defrayed by the parties by whom it has been incurred or caused, whether or not they are on the whole successful.

(2) If a petitioner neglects or refuses for 3 months after demand to pay to any person summoned as a witness on his behalf or to the respondent any sum certified to be due to him for his costs, and the neglect or refusal is within one year after the demand proved to the satisfaction of the court, every person who under this Act entered into a recognisance relating to the petition shall be held to have made default in the recognisance, and the court shall thereupon certify the recognisances to be forfeited and grant execution against every such person in favour of the witness or respondent, as the case may be, in respect of the sum due to him.

19 Further provisions as to costs

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

^{cc} Words inserted by clause 2(9)(b).

^{dd} Words inserted by clause 2(9)(b).

^{ee} Words inserted by clause 2(9)(b).

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

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

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

20 Appeals and jurisdiction

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

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

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

SCHEDULE 4⁵⁰

SCHEDULE 5

SUBSTITUTED SCHEDULE 1 TO THE LOCAL ELECTIONS ACT 1986

Section 79⁵¹

SCHEDULE 6

TRANSITIONAL PROVISIONS

Section 81(l)



Interpretation

1. In this Schedule ‘the 1951 Act’ means the Representation of the People Act 1951.

Polling districts

2. Any order under section 49 of the 1951 Act which is in force immediately before commencement shall have effect as if it were made under section 12(2).

Returning officers

3. Any returning officer holding office immediately before the 1st January 1996 shall be deemed to have been appointed for a term expiring 12 months after the date on which he was appointed under section 61 of the 1951 Act.

Disciplinary action

4. Until the coming into operation of the Licensing Act 1995 the references in section 59 to that Act shall be construed as references to the Licensing Act 1961.

Premises not to be used as committee rooms

5. Until the coming into operation of the Licensing Act 1995 —
 - (a) the references to liquor in section 40(2) shall be construed as references to intoxicating liquor within the meaning of the Licensing Act 1961, and
 - (b) section 40(3) shall not have effect.

Forms

6. The Appendix to Schedule 4, and Schedule 5, to the 1951 Act, as they had effect immediately before the 1st January 1996, shall have effect as if they were contained in regulations under this Act, and may be revoked or amended accordingly.⁵²

Fees

7. (1) Schedule 6 to the 1951 Act, as it had effect immediately before the 1st January 1996, shall have effect as if it were an order under subsection (2) of section 20, and may be revoked or amended accordingly.⁵³
 - (2) In its application to the first order under that subsection, that subsection shall have effect with the substitution, for the reference to the last such order, of a reference to the last order under section 75(1) of the 1951 Act.

[Arrangements prior to 2016 general election]

8. (1) Within one month of the constituencies first being approved by Tynwald under section 11(1), the President of Tynwald shall choose 4 constituencies that

together represent a reasonable representation of the whole Island in geographical terms, to be designated as those in which elections to the Council are to be held in accordance with section 10A(1)(a). Elections in the other 4 constituencies are to be held in accordance with section 10A(1)(b).

(2) The members of the Council due to go out of office in February 2013 and February 2015 shall continue in office until the Thursday following the third Tuesday in August of the year in which they were due to go out of office.

(3) Any vacancy —

(a) among the elected members of the Council arising earlier than 3 months before —

(i) the elections to Council due to be held in 2013 in the case of a member due to go out of office in 2013;

(ii) the elections to Council due to be held in 2015 in the case of a member due to go out of office in 2015;

(b) in the Keys arising earlier than 3 months before the Keys is dissolved in 2016; or

(c) to which sub-paragraph 5 applies,

shall be filled as if the *Electoral Reform Act 2013* had not been enacted and sections 2(5), 3 and 4 of, and the Schedule to, that Act shall not apply to any such vacancy.

(4) Any vacancy arising after a date mentioned in sub-paragraph (3) but before the date on which the relevant member goes out of office in 2013 or 2015 or the Keys is dissolved in 2016, as the case may be, shall be filled at the election taking place in that year.

(5) This sub-paragraph applies if no constituencies have been drawn up and approved in accordance with section 11(1) within 3 months of —

(a) the elections to Council otherwise to be held in 2013 or 2015, as the case may be,

(b) the general election of the Keys to be held in 2016,

to the vacancies to be filled by that election.

(6) If the constituencies have not been approved under section 11(1) by the date of the general election of the Keys to be held in 2016, the *Electoral Reform Act 2013* shall be deemed never to have been enacted.^{ff}

^{ff} Paragraph 8 inserted by clause 2(10).

SCHEDULE 7**AMENDMENT OF ENACTMENTS**

Section 81(2)

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

Isle of Man Constitution Amendment Act 1919 q.v.

Local Elections Act 1986 q.v.

Legal Aid Act 1986 q.v.]

SCHEDULE 8**REPEALS AND REVOCATIONS**

Section 81(3)

PART 1 – ENACTMENTS REPEALED

Part 1 repeals the following Acts wholly —

Representation of the People Act 1951

Representation of the People Act 1956

Representation of the People Act 1966

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

Representation of the People (Amendment) Act 1976

Representation of the People (Preferential Voting) Act 1982

Representation of the People Act 1985

Representation of the People Act 1990

and the following Acts in part —

Bankruptcy Code 1892

Isle of Man Constitution Amendment Act 1919

Castletown Town Act 1966

Ramsey Town Act 1970

Civil Evidence Act 1973

Statute Law Revision (Miscellaneous Provisions) Act 1979

Governor's General Functions (Transfer) Act 1980

Constitution (Amendment) Act 1981

Statute Law Revision Act 1983

Registration of Electors Act 1984
Douglas Extension of Boundaries Act 1985
Treasury Act 1985
Fines Act 1986
Local Elections Act 1986
Education Act 1986
Payment of Members' Expenses Act 1989
Ramsey (Boundary Extension) Act 1993
Broadcasting Act 1993.]

PART 2 – ORDERS REVOKED

Part 2 repeals the following Orders wholly –

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

and the following Orders in part –

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

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement

Table of Renumbered Provisions

Original	Current

Table of Endnote References

¹ S 2 amended by Representation of the People (Amendment) Act 2006 s 1(a) and (b).

² Para (b) amended by Registration of Electors Act 2006 Sch 3.

³ S 5 amended by Representation of the People (Amendment) Act 2004 s 1.

⁴ Subs (9) added by Representation of the People (Amendment) Act 2004 s 2.

⁵ Subs (10) added by Representation of the People (Amendment) Act 2004 s 2.

⁶ Subs (1A) inserted by Presiding Officers Act 2008 s 1.

⁷ Subs (1B) inserted by Presiding Officers Act 2008 s 1.

⁸ Para (b) amended by Representation of the People (Amendment) Act 2004 s 3.

⁹ S 9A inserted by Presiding Officers Act 2008 s 2.

¹⁰ S 9B inserted by Presiding Officers Act 2008 s 3.

¹¹ Subs (2) amended by Representation of the People (Amendment) Act 2006 s 4.

¹² S 26 substituted by Representation of the People (Amendment) Act 2006 s 2.

¹³ Subs (1) amended by Representation of the People (Amendment) Act 2006 s 3.

¹⁴ Para (a) amended by Representation of the People (Amendment) Act 2006 s 4.

¹⁵ Subs (3) amended by Civil Partnership Act 2011 Sch 14.

¹⁶ Para (j) amended by Civil Partnership Act 2011 Sch 14.

¹⁷ Para (d) amended by Education (Miscellaneous Provisions) Act 2009 Sch 1.

¹⁸ Subs (1) amended by Education (Miscellaneous Provisions) Act 2009 Sch 1.

¹⁹ Para (a) amended by Education (Miscellaneous Provisions) Act 2009 Sch 1.

²⁰ Para (b) amended by Education (Miscellaneous Provisions) Act 2009 Sch 1.

²¹ Subs (2) amended by Education (Miscellaneous Provisions) Act 2009 Sch 1.

²² Subs (3) amended by Education (Miscellaneous Provisions) Act 2009 Sch 1.

-
- ²³ S 76 and cross heading relating to this section repealed by Registration of Electors Act 2006 Sch 3.
- ²⁴ Definition of ‘the Board of Education’ repealed by Education (Miscellaneous Provisions) Act 2009 Sch 1.
- ²⁵ Definition of ‘registration officer’ amended by Registration of Electors Act 2006 Sch 2.
- ²⁶ S 78 repealed by Education (Miscellaneous Provisions) Act 2009 Sch 1.
- ²⁷ 1985/8/Sch 1; 1993/2/2; GC37/92
- ²⁸ Entry (3) amended by SD297/11. Entry (7) amended by SD570/06.
- ²⁹ Para (d) substituted by SD570/06.
- ³⁰ Para (b) substituted by SD570/06.
- ³¹ Definition of ‘elector’ amended by Registration of Electors Act 2006 Sch 3.
- ³² Definition of ‘electoral number’ amended by Registration of Electors Act 2006 Sch 3.
- ³³ Subrule (1) amended by SD570/06.
- ³⁴ Subitem (i) amended by SD155/10 Sch 10.
- ³⁵ Rule 23 substituted by SD570/06.
- ³⁶ Para (a) amended by SD570/06.
- ³⁷ Subrule (1A) inserted by SD570/06.
- ³⁸ Item (d) amended by Civil Partnership Act 2011 Sch 14.
- ³⁹ Item (b) amended by Civil Partnership Act 2011 Sch 14.
- ⁴⁰ Subrule (3) amended by SD570/06.
- ⁴¹ Subpara (iii) inserted by SD570/06.
- ⁴² Subpara (2) amended by Civil Partnership Act 2011 Sch 14.
- ⁴³ Paragraph (b) substituted by SD570/06.
- ⁴⁴ Para (f) amended by SD570/06.
- ⁴⁵ Subrule (1A) inserted by SD570/06.
- ⁴⁶ Para (g) inserted by SD570/06.
- ⁴⁷ Para (h) inserted by SD570/06.
- ⁴⁸ Subrule (1) amended by SD570/06. (Ed.: Please note that there is no subrule (2).)
- ⁴⁹ Subpara (3) amended by Civil Partnership Act 2011 Sch 14. Item (b) amended by Civil Partnership Act 2011 Sch 14.
- ⁵⁰ Sch 4 repealed by Education (Miscellaneous Provisions) Act 2009 Sch 1.
- ⁵¹ Sch 5 substitutes Sch 1 to Local Elections Act 1986.
- ⁵² Appendix to Sch 4 and Sch 5 repealed by SD638A/95.
- ⁵³ For order under s 20(2) see SD455/96.