



The
Electoral
Commission

UK Parliamentary general
election – Northern Ireland

Guidance for candidates and agents

Part 6 of 6 – After the
declaration of result

April 2017 (Updated August 2022)

This document applies to a UK Parliamentary general election in Northern Ireland. Further resources and forms are available from the Electoral Office for Northern Ireland (EONI): www.eoni.org.uk/elections/Information-for-candidates-and-agents

Guidance and resources for other elections in the UK can be accessed from the Commission's website at: www.electoralcommission.org.uk/guidance/resources-for-those-we-regulate/candidates-and-agents.

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Essential information

This section of the document contains our guidance on what happens after the results at a UK Parliamentary general election in Northern Ireland have been announced.

Supplementary information, which may only be relevant to some candidates, is provided at the back of this document. You can also view this supplementary guidance by clicking on the links within this document or by clicking on the chapter heading on the contents page.

In this document, we use 'you' to refer to the candidate. We use 'must' when we refer to a specific requirement. We use 'should' for items we consider to be minimum good practice, but which are not legal or regulatory requirements.

Deadlines mentioned in this document are generic. If a UKPGE is called, please refer to the EONI website for a date specific timetable

The EONI and the Commission are here to help if you have any questions. See our [Overview document](#) for contact details.

Data protection legislation applies to the processing of all personal data.

Please contact the [Information Commissioner's Office](#) for further information about how the legislation affects you.

Parliamentary oath or affirmation

1.1 The successful candidate will be given information on how they will be able to attend Parliament.

1.2 Before a person can sit and vote in the House of Commons they must take the Parliamentary oath or make an affirmation to the monarch. This is known as the swearing in and will take place at the start of the new Parliament. You can find more information on taking the oath or affirmation on the [UK Parliament's website](#).

Return of deposit¹

1.3 Those candidates who received more than 5% of the total number of valid votes cast in the constituency will have their deposit returned by the next working day following the declaration of result.

1.4 Those candidates who have polled equal to or less than 5% of the total number of valid votes cast in the constituency will lose their deposit.

Election petitions

1.5 The outcome of a UK Parliamentary election can be challenged through an election petition. For further details on challenging an election, see paragraph **1.10**.

What happens to the election paperwork after the result is announced?

1.6 In Northern Ireland most election documents are held by the Clerk of the Crown, except for marked registers (including

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notices of alteration) and marked postal and proxy voter lists, which are retained by the Chief Electoral Officer².

1.7 Most documents are available for public inspection. Please note that ballot papers are not open to public inspection. If you wish to inspect election documents, see the section starting at paragraph **1.18** for further information.

Submitting your election spending returns

1.8 Within 35 days of the election result being declared your election agent will need to prepare and submit to the Chief Electoral Officer an election spending return³. In addition, both you and your election agent will need to sign a declaration stating that the return is complete and correct to the best of your knowledge and belief⁴.

1.9 More information on what must be included in the return is contained in [Part 3 - Spending and donations](#). We have also produced forms which you can use to complete your return and your declaration. These forms can be found under [Part 3 on our website](#).

Political parties contesting a UK Parliamentary election must also report the details of their fundraising and campaign spending to us. Detailed information can be found in our [guidance document for political parties](#).

Supplementary information

Lodging an election petition

1.10 Only certain people can lodge an election petition, and only under specific circumstances.

1.11 A UK Parliamentary election petition can be issued by⁵:

- a person claiming to have been a candidate at the election, or
- a person claiming to have had a right to be elected or returned at the election, or
- a person who voted as an elector at the election or who had a right to vote at the election, except for an elector who is registered anonymously

1.12 The allowable grounds for a petition are that there has been an⁶:

- undue election, or
- undue return

1.13 There is a separate judicial process for challenging the election of an MP on the grounds that they were or are disqualified under the House of Commons Disqualification Act 1975 (as amended). In that case, an application may be made to the Privy Council for a declaration to that effect (provided that a petition is not pending or an Order of the House of Commons to disregard the disqualification has not been made).

1.14 The Member whose election or return is complained about must be a respondent to the petition⁷. If the petition complains about the conduct of the Chief Electoral Officer or

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their staff during the election, the Chief Electoral Officer must also be a respondent⁸.

1.15 Normally a petition must be presented within 21 days after the date of the return of the writ⁹ (which in most cases will be the day after the election) and can be lodged at any time up to, but no later than, 12 midnight on the last day. However, if the petition complains of corrupt or illegal practices involving the payment of money or other reward, or an illegal practice relating to election spending, further time may be allowed.

1.16 For any questions relating to election petitions, including to confirm the deadlines for lodging an election petition, you should contact:

The Clerk of the Crown
Royal Courts of Justice
Chichester Street
Belfast
BT1 3JF

Phone: 030 0200 7812

Email: adminoffice@courtsni.gov.uk

1.17 There are costs attached to an election petition. If you are considering lodging an election petition, we strongly recommend that you take independent legal advice.

Inspection and supply of election-related documents

Inspection and supply of the marked registers and absent voters' lists¹⁰

1.18 The marked electoral registers and absent voters' lists show who has been issued with a ballot paper, who has returned their postal ballot paper, and who has had a proxy vote cast on their behalf.

1.19 You can inspect or obtain copies of the marked register of electors and absent voters' lists after the election if you make a request in writing to the Chief Electoral Officer.

1.20 Note that you can only use the information obtained from these documents for research or electoral purposes.

1.21 The request for inspection must specify¹¹:

- which documents are requested
- the purposes for which the information in any document will be used
- where the request is to inspect the marked register or lists, any reason why inspecting the full register or unmarked lists would not be sufficient to achieve that purpose
- who will inspect the documents
- the date on which they wish to inspect the documents, and
- whether they would prefer to inspect the documents in a printed or data form

1.22 Inspection is under supervision and will be free of charge. You won't be able to take copies, but may make handwritten notes.

1.23 The request for supply must specify¹²:

- which of the marked register or lists (or the relevant part of the register or lists) are requested
- whether a printed copy of the records or lists is requested or a copy in data form
- the purposes for which the marked register or lists will be used and why the supply or purchase of a copy of the full register or unmarked lists would not be sufficient to achieve that purpose

1.24 The requested document will be supplied for a fee based on the number of entries¹³:

- In data form: £20 + £1.50 for each 1,000 entries (or remaining part of 1,000 entries)

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- In printed form: £10 + £5 for each 1,000 entries (or remaining part of 1,000 entries)

1.25 Note that after 12 months these documents will be destroyed, unless a court order directs otherwise¹⁴.

1.26 Under the General Data Protection Regulation (GDPR), personal data processed for any purpose shall not be kept for longer than is necessary for that purpose. If you request and are supplied with any of the information listed above, once the purpose for collecting this data has passed, you need to consider if there is a reason for you to retain that data. If there is not you should ensure secure destruction of any data held.

Inspection of other election documents¹⁵

1.27 You can inspect most election documents held by the Clerk of the Crown, but you will not be allowed to make any notes or take copies of these documents. The only documents that cannot be inspected are:

- the ballot papers
- the corresponding number lists
- the certificates allowing polling station staff to vote at the polling station they are working at
- nomination papers

1.28 After 12 months all of the election documents will be destroyed, unless a court order directs otherwise¹⁶.

Election spending returns¹⁷

1.29 Spending returns can be inspected by any person after they have been submitted. Copies can also be made for a fee of 20p per side.

1.30 Spending returns are kept for two years. You can request to have them returned to you or your agent at the end of this period. If you or your agent does not want them back, they may be destroyed.

Nomination papers may only be inspected during the time for delivery of nomination papers, and only by candidates, their election agent, their proposer and seconder. Further details can be found in [Part 2a](#) and [Part 2b](#).

What happens if a spending return or declaration isn't submitted?

1.31 Failure to submit a spending return or declaration by the deadline without an authorised excuse is a criminal offence¹⁸.

1.32 The Electoral Commission has a legal remit to secure compliance with the rules on candidates' spending and donations, but no sanctioning powers in respect of breaches. Suspected breaches of the rules should be referred to the police.

1.33 If a candidate has been elected but the spending return and/or declaration has not been submitted by the deadline they are barred from sitting or voting, and can be subject to a forfeit or fine of £100 per day if they do¹⁹.

¹ Representation of the People Act 1983 (RPA 1983) Schedule 1 rule 53

² RPA 1983 Schedule 1 rule 55

³ RPA 1983 s.81

⁴ RPA 1983 s.82

⁵ RPA 1983 s.121

⁶ RPA 1983 s.120

⁷ RPA 1983 s.121(2)

⁸ RPA 1983 s.121(2)

⁹ RPA 1983 s.122

¹⁰ Representation of the People (Northern Ireland) Regulations 2008 (RPR (NI) 2008) regs 116 and 117

¹¹ RPR (NI) 2008 reg. 117(2)

¹² RPR (NI) 2008 reg. 116(3)

¹³ RPR (NI) 2008 regs. 119 and 109

¹⁴ RPA 1983 Schedule 1 rule 57(1)

¹⁵ RPA 1983 Schedule 1 rule 57(2) and RPR (NI) 2008 reg. 117

¹⁶ RPA 1983 Schedule 1 rule 57(1)

¹⁷ RPA 1983 s.89

¹⁸ RPA 1983 s.84

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¹⁹ RPA 1983 s.85