

**Frank B McArdle**

Returning Officer

Civic Offices, Civic Way,  
Swadlincote, Derbyshire DE11 0AH

**www.southderbyshire.gov.uk**

**Please ask for Electoral Services**

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**Election of a Parish Councillor  
Nomination Paper Pack**

Please find enclosed a Nomination Paper pack as requested. The pack contains the following items:

- Candidate checklist
- Nomination paper
- Home address form
- Candidate's consent to nomination
- Section 80 Local Government Act 1972
- Section 34 Localism Act 2011
- Certificate of authorisation
- Request for a party emblem
- Declaration of Secrecy
- Notice of Withdrawal
- Election Timetable

To be a candidate at the above election the nomination paper and consent to nomination must be delivered to the Returning Officer, Civic Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH, by **4:00 PM** on **Wednesday, 3 April 2019**.

Guidance and resources are available for candidates or agents at parish elections on the Electoral Commission's website at:

<https://www.electoralcommission.org.uk/i-am-a/candidate-or-agent/local-elections-in-england>.

The Local Elections (Parishes and Communities) (England and Wales) (Amendment) (England) Rules 2018 have now been made and will apply for all parish elections held in England on or after 2 May 2019. These remove the requirement for candidates to have their home address published on the ballot paper and statement of persons nominated.

The Electoral Commission have updated nomination packs and parts 2a and 2b of their guidance for candidates and agents to reflect the amended regulations. If you had already downloaded a copy of the nomination packs from the Electoral

Commission website, or parts 2a or 2b, please make sure you download the updated versions.

If you require any further information or assistance, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Frank B McArdle', written in a cursive style.

Frank B McArdle  
Returning Officer

**This nomination pack is for use by candidates who are standing at a parish council election in England on or after 2 May 2019**

**You must print off the forms in this pack before submitting them**

**The following papers must be delivered by hand:**

1a: Nomination paper

1b: Home address form

1c: Candidate's consent to nomination

**The following papers can be delivered by hand or by post:**

2: Certificate of authorisation

3: Request for a party emblem

The notice of election published by the Returning Officer will specify the times and exact location to which nomination papers must be delivered.

Ensure that where signatures are required, you submit the **original signed version** of each completed paper. Documents without original signatures cannot be accepted.

### **General Data Protection Regulation (GDPR)**

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.

When collecting subscriber information, you should point out what the information will be used for, and how personal data will be processed and kept secure. The lawful basis to collect the information in these forms is that it is necessary for the performance of a task carried out in the public interest and exercise of official authority as set out in the Representation of the People Act 1983 and associated regulations.

You should also explain that the information will be shared with the Returning Officer. For further information on data protection and data processing you should refer to the Returning Officer's privacy notice on their website.

This checklist is designed to assist candidates standing in a parish council election<sup>1</sup> in England in preparing to submit their nomination, and should be read alongside the Electoral Commission's [Guidance for candidates and agents](#).

Task	Tick
<b>Nomination paper (all candidates)</b>	
Add your full name – surname in the first box and all other names in the second	
Optional - Use the commonly used name(s) box(es) if you are commonly known by a name other than your full name and want it to be used instead of your full name	
Description – Party candidates can use a party name or party description shown on the Electoral Commission's website and supported by a certificate of authorisation from that party. Any candidate may use a description that is not likely to lead electors to associate the candidate with a registered political party or can use 'Independent' or leave this blank. Whatever you enter in this box will appear as your description on the ballot paper	
Subscribers – both subscribers must sign and have their name printed. Use your copy of the electoral register to make sure the elector number of both subscribers is accurate. When collecting subscriber information ensure that you explain what the information will be used for and that the information will be shared with the Returning Officer.	
Method of submitting the form to the RO: in person (but not limited to yourself), by hand, to be accompanied by the home address form. It cannot be submitted by post, fax, e-mail or other electronic means.	
<b>Candidate's home address form (all candidates)</b>	
Add your full name	
Add your home address in full	
Add your qualifying address, or qualifying addresses, and indicate which of the qualifications you've declared on your consent to nomination the address(es) relate to.	
Add the full name and home address in full of the witness to your consent to nomination form	
Optional - If you do not want to have your home address printed on the ballot papers, complete part 2 of the form, giving the name of the relevant area or, where outside the UK, the country in which your home address is situated and sign the form.	
Method of submitting the form to the RO: in person (but not limited to you), by hand, to be accompanied by the nomination form. It cannot be submitted by post, fax, e-mail or other electronic means.	
<b>Candidate's consent (all candidates)</b>	
You must be a British, Commonwealth or other European Union Citizen and not require leave to enter or remain in the United Kingdom or have indefinite leave to remain. You must also be 18 years old or older on the date you sign this form.	
You must meet at least one of the listed qualifications (a, b, c or d), and mark the form to show which qualification applies. You should mark as many qualifications as apply.	
You must not sign the form if you are disqualified to stand. Make sure that you read the Electoral Commission guidance on standing for election as well as the legislation listed. If you are not sure if you are able to stand you should contact the Electoral Commission or, if necessary, take your own legal advice.	

<sup>1</sup> This is not to be used for mayoral or principal area elections. Separate [forms and guidance are available](#).

Add your full date of birth	
Sign and date the document in the presence of another person. You must not sign the consent form earlier than one calendar month before the deadline for submitting your nomination papers	
Get the other person to complete and sign the witness section	
Method of submitting the form (which must include all pages of legislation) to the RO: in person (but not limited to yourself), by hand. It cannot be submitted by post, fax, e-mail or other electronic means.	
<b>Certificate of authorisation (party candidates only)</b>	
Ensure the certificate contains the candidate's full name	
Check the certificate allows the registered party name or description given on the nomination paper to be used (or allows the candidate to choose to use the party name or any registered description)	
Ensure it is issued by the party Nominating Officer (or someone that they have authorised to issue it on their behalf)	
Method of submitting the form to the RO: in person (but not limited to yourself) or by post	
<b>Request for party emblem (party candidates only)</b>	
Write the name or description of an emblem registered by the party and published on the Electoral Commission's website	
Ensure the request is made by the candidate	
Method of submitting the form to the RO: in person (but not limited to yourself) or by post	

Office Use only	Date received	Time received	Initials	No.

1a

Parish election in England

Nomination paper

*ELECTION OF PARISH COUNCILLORS for the			
1		*[ward of the] <i>if applicable</i>	
*parish of *Delete whichever is inappropriate		2	
Date of election:			

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

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

	Signature	Print name	Electoral number	
			Polling district	Elector number
Proposer:				
Secunder				

<sup>1</sup> Insert name of parish ward (if any).  
<sup>2</sup> Insert name of parish.

## Notes

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

Office Use only	Date received	Time received	Initials	Number

1b

Parish election in England

Home address form

Parish council [ward of parish council] of *Delete whichever is inappropriate		Date of election	
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You must complete Part 1

Only complete Part 2 if you do not wish your home address to be made public

**Part 1: To be completed by all candidates**

Full name of candidate	
Home address (in full)	
Qualifying address, or, where you have declared on your consent to nomination that you meet more than one qualification, your qualifying addresses. You must also state which of the qualifications your qualifying address or addresses relate to (a,b,c and/or d)	
Full name of the witness to the candidate's consent to nomination form	
Full home address of the witness to the candidate's consent to nomination form	

End of Part 1

If you are only completing Part 1, please now deliver this form with the nomination paper to the Returning Officer by no later than 4pm on the last day to deliver nominations

**Part 2: To be completed in full only if you do not wish your home address to be made public**

If you request that your home address is not made public then your address **will not** appear on the statement of persons nominated or the ballot paper

If you choose not to make your home address public, the name of the relevant area in which your home address is situated (or country, if outside the UK) will appear on the statement of persons nominated and the ballot papers

(continued on next page)



<b>Statement: I require my home address not to be made public</b>	
The relevant area my home address is situated in:	(insert name of relevant area) <sup>2</sup>
Or	
My home address is situated outside the UK. My home address is situated in:	(insert name of country)
Signature of candidate completing Part 2	
Candidate's signature:	
Date:	

Deliver with the nomination form to the **Returning Officer** by no later than **4pm** on the last day to deliver nominations

<sup>2</sup> the name of the "relevant area" in which your home address is situated (if your home address is in the UK)

- **For home addresses in England:**
  - if the address is within a district for which there is a district council, that district;
  - if the address is within a county in which there are no districts with councils, that county;
  - if the address is within a London borough, that London borough;
  - if the address is within the City of London (including the Inner and Middle Temples), the City of London; and
  - if the address is within the Isles of Scilly, the Isles of Scilly
- **For home addresses in Wales:**
  - if the address is within a county, that county;
  - if the address is within a county borough, that county borough
- **For home addresses in Scotland:**
  - the local government area in which the address is situated
- **For home addresses in Northern Ireland:**
  - the local government district in which the address is situated

1c

Parish election in England

Candidate's consent to form

\*Delete whichever is inappropriate

Date of election:			
I (name in full):			
hereby consent to my nomination as a candidate for election as councillor for the:			* ward [if applicable]
of the *parish of:			
I declare that on the day of my nomination, I am qualified and that, if there is a poll on the day of election, I will be qualified to be so elected by virtue of being on that day or those days a qualifying Commonwealth citizen, a citizen of the Republic of Ireland or a citizen of a Member State of the European Union, who has attained the age of 18 years and that			
*a. I am registered as a local government elector for the area of the parish of .....;			
or			
*b. I have, during the whole of the 12 months preceding that day or those days occupied as owner or tenant land or other premises in the parish named above;			
or			
*c. my principal or only place of work during those 12 months has been in the parish named above;			
or			
*d. I have during the whole of those 12 months resided in that parish named above or within 4.8 kilometres of it.			
I declare that to the best of my knowledge and belief I am not disqualified for being elected by reason of any disqualification set out in, or decision made under, section 80 of the Local Government Act 1972 or section 34 of the Localism Act 2011 (copies of which are printed overleaf).			
Date of birth:		Signature:	
		Date of consent:	
Witness: I confirm the above-mentioned candidate signed the declaration in my presence.			
Witness (name in full):			
Witness's signature:			

Notes: A candidate who is qualified by more than one qualification may complete any of those which may apply.

## Local Government Act 1972

### 80. Disqualifications for election and holding office as member of local authority.

(1) Subject to the provisions of section 81 below, a person shall be disqualified for being elected or being a member of a local authority if he –

- (a) holds any paid office or employment (other than the office of chairman, vice-chairman, deputy chairman, presiding member or deputy presiding member or, in the case of a local authority which are operating executive arrangements which involve a leader and cabinet executive, the office of executive leader or member of the executive) appointments or elections to which are or may be made or confirmed by the local authority or any committee or sub-committee of the authority or by a joint committee or National Park authority on which the authority are represented or by any person holding any such office or employment; or
- (b) is the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order, or a debt relief restrictions order under Schedule 4ZB of the Insolvency Act 1986; or
- (c) [This has been removed and no longer applies]
- (d) has within five years before the day of election or since his election been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine; or
- (e) is disqualified for being elected or for being a member of that authority under Part III of the Representation of the People Act 1983.

(2) Subject to the provisions of section 81 below, a paid officer of a local authority who is employed under the direction of –

- (a) a committee or sub-committee of the authority any member of which is appointed on the nomination of some other local authority; or
- (b) a joint board, joint authority, economic prosperity board, combined authority, joint waste authority or joint committee on which the authority are represented and any member of which is so appointed;

shall be disqualified for being elected or being a member of that other local authority.

(2AA) A paid member of staff of the Greater London Authority who is employed under the direction of a joint committee the membership of which includes –

- (a) one or more persons appointed on the nomination of the Authority acting by the Mayor, and
- (b) one or more members of one or more London borough councils appointed to the committee on the nomination of those councils,

shall be disqualified for being elected or being a member of any of those London borough councils.

(2A) Subsection (2) above shall have effect as if the reference to a joint board included a reference to a National Park authority.

(2B) For the purposes of this section a local authority shall be treated as represented on a National Park authority if it is entitled to make any appointment of a local authority member of the National Park authority.

(3) Subsection (1)(a) shall have effect in relation to a teacher in a school maintained by the local authority who does not hold an employment falling within that provision as it has effect in relation to a teacher in such a school who holds such an employment.

(5) For the purposes of subsection (1)(d) above, the ordinary date on which the period allowed for making an appeal or application with respect to the conviction expires or, if such an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of the non-prosecution thereof shall be deemed to be the date of the conviction.

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

(4) Section 80(2) and (3) above shall not operate so to disqualify –

- (a) any person by reason of his being a teacher, or otherwise employed, in a school or other educational institution maintained or assisted by a county council for being a member of a district council by reason that the district council nominates members of the education committee of the county council

### **Localism Act 2011**

*Section 34(4) describes how a person may be disqualified from standing in local government elections under this section. The remaining provisions of section 34 do not directly affect a person's entitlement to stand for election*

#### **34 Offences**

- (1) A person commits an offence if, without reasonable excuse, the person—
- (a) fails to comply with an obligation imposed on the person by section 30(1) or 31(2), (3) or (7),
  - (b) participates in any discussion or vote in contravention of section 31(4), or
  - (c) takes any steps in contravention of section 31(8).
- (2) A person commits an offence if under section 30(1) or 31(2), (3) or (7) the person provides information that is false or misleading and the person—
- (a) knows that the information is false or misleading, or
  - (b) is reckless as to whether the information is true and not misleading.
- (3) A person who is guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(4) A court dealing with a person for an offence under this section may (in addition to any other power exercisable in the person's case) by order disqualify the person, for a period not exceeding five years, for being or becoming (by election or otherwise) a member or co-opted member of the relevant authority in question or any other relevant authority.

(5) A prosecution for an offence under this section is not to be instituted except by or on behalf of the Director of Public Prosecutions.

(6) Proceedings for an offence under this section may be brought within a period of 12 months beginning with the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to the prosecutor's knowledge.

(7) But no such proceedings may be brought more than three years—  
(a) after the commission of the offence, or  
(b) in the case of a continuous contravention, after the last date on which the offence was committed.

(8) A certificate signed by the prosecutor and stating the date on which such evidence came to the prosecutor's knowledge is conclusive evidence of that fact; and a certificate to that effect and purporting to be so signed is to be treated as being so signed unless the contrary is proved.

(9) The Local Government Act 1972 is amended as follows.

(10) In section 86(1)(b) (authority to declare vacancy where member becomes disqualified otherwise than in certain cases) after “ 2000 ” insert “ or section 34 of the Localism Act 2011 ”.

(11) In section 87(1)(ee) (date of casual vacancies)—  
(a) after “2000” insert “ or section 34 of the Localism Act 2011 or ”, and  
(b) after “decision” insert “ or order ”.

(12) The Greater London Authority Act 1999 is amended as follows.

(13) In each of sections 7(b) and 14(b) (Authority to declare vacancy where Assembly member or Mayor becomes disqualified otherwise than in certain cases) after sub-paragraph (i) insert—

“(ia) under section 34 of the Localism Act 2011,”.

(14) In section 9(1)(f) (date of casual vacancies)—  
(a) before “or by virtue of” insert “ or section 34 of the Localism Act 2011 ”, and  
(b) after “that Act” insert “ of 1998 or that section ”.

Office Use only	Date received	Time received	Initials	No.

2

## Parish election in England

## Certificate of authorisation

To accompany the nomination of a candidate standing on behalf of a registered political party. (Note: candidates standing on behalf of two or more parties require a certificate from each party and each must allow the same registered joint description to be used).

This certificate must be issued by the registered Nominating Officer of the party or by a person authorised to sign on their behalf.

This certificate authorises the candidate to use a specific registered description or the name of the party as registered with the Electoral Commission, or to use 'any registered description or the party name as registered with the Electoral Commission'.

This authorised party name or description can then be included by the candidate on the nomination form. It is this which will appear as their description on the ballot paper. Party names and registered descriptions are listed on the Electoral Commission's website (<http://search.electoralcommission.org.uk>).

**Details of candidate to be authorised and the allowed description/party name**

[Ward]/parish name:		Date of election:	
The candidate (name in full):			
Name of political party:	Political party registered with the Electoral Commission		
I hereby certify that the candidate may include the following registered description or party name in their nomination form:			
<p>Note: it is an offence to sign this form if you are not the party's registered nominating officer or authorised to do so by the party's registered nominating officer</p>			
Signature of party's registered Nominating Officer (or person authorised by the registered Nominating Officer):			
Name of person signing this form:			
Date:			

This form must be delivered to the Returning Officer by no later than 4pm on the last day to deliver nominations.

Office Use only	Date received	Time received	Initials	No.

3

Parish election in England

Request for a party emblem

This form is for a candidate of a political party who is subject to a certificate of authorisation and who wishes to have a party emblem printed on the ballot paper next to their name.

Party emblems are listed on the Electoral Commission's website (<http://search.electoralcommission.org.uk>).

**This form must be signed by the candidate.**

Candidate's request for use of an emblem			
[Ward]/parish name:		Date of election:	
Candidate name in full:			
I request that the ballot paper shall contain, against my name, the following registered emblem (please identify which emblem if the party has registered more than one)			
Emblem to be used (Please use name or description as on the <a href="http://www.electoralcommission.org.uk">Electoral Commission's website</a> ):			
Candidate's Signature:			
Date:			

This form is only effective if delivered for a candidate standing on behalf of a political party to the Returning Officer by no later than 4pm on the last day to deliver nominations.

Candidates standing on behalf of more than one political party and using a joint description may choose one emblem from one of the parties that you are standing for. Please indicate the name of the party and the emblem name in the 'Emblem to be used' box above.

## **DECLARATION OF SECRECY ELECTION OF COUNCILLORS**

To persons attending at the taking of the poll or the counting of votes at this election

Your attention is drawn to the provisions of Section 66, sub-section (1), (2), (3) and (6) of the Representation of the People Act 1983, which are set out below.

These provisions concern the maintaining of secrecy of the voting and should be read carefully before you attend at any polling station or at the counting of the votes.

### **REPRESENTATION OF THE PEOPLE ACT, 1983 Section 66, sub-sections (1), (2), (3) and (6)**

1. The following persons:-
  - (a) every Returning Officer and every Presiding Officer or clerk attending at a polling station;
  - (b) every candidate or election agent or polling agent so attending; 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 -
    - (i) 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;
    - (ii) 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
    - (iii) the official mark.
2. Every person attending at the counting of the votes shall maintain and aid in maintaining the secrecy of voting and shall not -
  - (a) ascertain or attempt to 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 candidate for whom any vote is given on any particular ballot paper.
3. No person shall -
  - (a) interfere with or attempt to 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.
6. If any person acts in contravention of this section, he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or imprisonment for a term not exceeding six months.



**South Derbyshire District Council**  
**Election of District Councillor**  
**Date of Election: Thursday 2 May 2019**

**Notice of Withdrawal of Candidature**

I, \_\_\_\_\_  
*candidate's name*

of \_\_\_\_\_  
*candidate's full address*

hereby withdraw my candidature from the above election.

**Dated** \_\_\_\_\_ **Signed** \_\_\_\_\_  
*Candidate*

Witnessed by:

**Name and address** \_\_\_\_\_  
**of witness** \_\_\_\_\_

**Dated** \_\_\_\_\_ **Signed** \_\_\_\_\_  
*Witness*

**Note**

- This Notice of Withdrawal should be delivered to the Returning Officer at the place appointed for the delivery of nomination papers by 4:00 PM on 3 April 2019.

# South Derbyshire District Council District & Parish Timetable of Proceedings for Thursday 2 May 2019

Publication of Notice of Election	Tuesday 26 March 2019
Receipt of Nominations	4:00 pm Wednesday 3 April 2019
Withdrawal of Candidate	4:00 pm Wednesday 3 April 2019
Appointment of Election Agents	noon on Wednesday 3 April 2019
Publication of Statements of Persons Nominated	4:00 pm Thursday 4 April 2019
Publication of Notice of Election Agents	Monday 8 April 2019
Last Date for Registration	Friday 12 April 2019
Receipt of Postal Vote Applications	5:00 pm Monday 15 April 2019
Issue postal votes	10:00 am to 12:00 pm Thursday 18 April 2019
Publication of Notice of Poll	Wednesday 24 April 2019
Receipt of Proxy Vote Applications	5:00 pm Wednesday 24 April 2019
Appointment of Poll and Count Agents	Thursday 25 April 2019
First Day to Issue Replacement Lost Postal Ballot Papers	Friday 26 April 2019
Issue late postal votes	Thursday 2 May 2019
Open postal votes	Thursday 2 May 2019
Last Day to Issue Replacement Spoilt or Lost Postal Ballot Papers	5:00 pm Thursday 2 May 2019
Receipt of Emergency Proxy Vote Applications	5:00 pm Thursday 2 May 2019
Day of Poll	7:00 am to 10:00 pm Thursday 2 May 2019
Return of Election Expenses	Thursday 6 June 2019