

# SCHEDULE 2 CCR ORDER 45

## THE REPRESENTATION OF THE PEOPLE

### ACT 1983

#### **Rule 1 Omitted**

#### **Rule 2 Appeal from decision of registration officer**

- (1) Where notice of appeal from a decision of a registration officer is given pursuant to regulations made under section 53 of the said Act of 1983, the registration officer shall, within 7 days after receipt of the notice by him, forward the notice by post to the court in which the appeal is required to be brought, together with the statement mentioned in those regulations.
- (2) The appeal shall be brought in the court for the district in which the qualifying premises are situated. In this paragraph "qualifying premises" means the premises in respect of which –
  - (a) the person whose right to be registered in the register of electors is in question on the appeal is entered on the electors' list or is registered or claims to be entitled to be registered; or
  - (b) the person whose right to vote by proxy or by post is in question on the appeal is or will be registered in the register of electors; or
  - (c) the elector whose proxy's right to vote by post is in question on the appeal is or will be registered in the register of electors, as the case may be.
- (3) The respondents to the appeal shall be the registration officer and the party (if any) in whose favour the decision of the registration officer was given.
- (4) On the hearing of the appeal –
  - (a) the statement forwarded to the court by the registration officer and any document containing information furnished to the court by the registration officer pursuant to the regulations mentioned in paragraph (1) shall be admissible as evidence of the facts stated therein; and
  - (b) the judge shall have power to draw all inferences of fact which might have been drawn by the registration officer and to give any decision and make any order which ought to have been given or made by the registration officer.
- (5) A respondent to an appeal other than the registration officer shall not be liable for or entitled to costs, unless he appears before the court in support of the decision of the registration officer.

#### **Rule 3 Selected appeals**

- (1) Where two or more appeals to which rule 2 relates involve the same point of law, the judge may direct that one appeal shall be heard in the first instance as a test case and thereupon the court shall send a notice of the direction to the parties to the selected appeal and the parties to the other appeals.
- (2) If within 7 days after service of such notice on him any party to an appeal other than the selected appeal gives notice to the court that he desires the appeal to which he is a party to be heard –

- (a) the appeal shall be heard after the selected appeal is disposed of;
  - (b) the court shall give the parties to the appeal notice of the day on which it will be heard;
  - (c) the party giving notice under this paragraph shall not be entitled to receive any costs occasioned by the separate hearing of the appeal to which he is a party, unless the judge otherwise orders.
- (3)** If no notice is given under paragraph (2) within the time limited –
- (a) the decision on the selected appeal shall bind the parties to each other appeal without prejudice to their right to appeal to the Court of Appeal;
  - (b) an order similar to the order in the selected appeal shall be made in each other appeal without further hearing;
  - (c) the party to each other appeal who is in the same interest as the unsuccessful party to the selected appeal shall be liable for the costs of the selected appeal in the same manner and to the same extent as the unsuccessful party to that appeal and an order directing him to pay such costs may be made and enforced accordingly.