
DRAFT STATUTORY INSTRUMENTS

2012 No.

The Police and Crime Commissioner Elections Order 2012

PART 2

Exercise of franchise for PCC elections

Offences

Personation

17.—(1) A person is guilty of a corrupt practice if the person commits, or aids, abets, counsels or procures the commission of, the offence of personation.

(2) A person (“P”) is deemed guilty of personation at a PCC election if P—

- (a) votes in person or by post as some other person, whether as an elector or as proxy, and whether that other person is living or dead or is a fictitious person, or
- (b) votes in person or by post as proxy—
 - (i) for a person whom P knows or has reasonable grounds for supposing to be dead or to be a fictitious person, or
 - (ii) when P knows or has reasonable grounds for supposing that P’s appointment as proxy is no longer in force.

(3) For the purposes of this article, a person who has applied for a ballot paper for the purpose of voting in person or who has marked, whether validly or not, and returned a ballot paper issued for the purpose of voting by post, is deemed to have voted.

(4) Section 24A of the Police and Criminal Evidence Act 1984(1) (arrest without warrant: other persons) does not permit a person other than a constable to arrest, inside a polling station, a person who commits or is suspected of committing an offence under the preceding provisions of this article.

(1) 1984 c.60. Section 24A was inserted by section 110(1) of the Serious Organised Crime and Police Act 2005 (c.15) and amended by section 2 of the Racial and Religious Hatred Act 2006 (c.1).