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DRAFT STATUTORY INSTRUMENTS

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**2012 No.**

**The Police and Crime Commissioner Elections Order 2012**

**PART 4**

Legal Proceedings

**Persons reported personally guilty of corrupt and illegal practices**

**75.**—(1) In section 160 of the 1983 Act<sup>(1)</sup> (incapacities where a person has been reported by an election court personally guilty of a corrupt or illegal practice)—

(a) in subsections (1), (4), (5)(a), (5A) and (7), each reference to a person guilty of a corrupt practice includes a reference to a person guilty of such a practice under—

- (i) a provision of the 1983 Act applied by paragraph 1 of Schedule 9, or
- (ii) a provision of this Order;

(b) in subsections (1), (4), (5)(b) and (7), each reference to a person guilty of an illegal practice includes a reference to a person guilty of such a practice under—

- (i) a provision of the 1983 Act applied by paragraph 1 of Schedule 9, or
- (ii) a provision of this Order;

(c) in subsections (1)(b) and (4), each reference to elective office or office includes a reference to the office of police and crime commissioner.

(2) In the application of section 160 of the 1983 Act by virtue of paragraph (1)(a)(ii) or (b)(ii)—

(a) the reference in subsection (1) to section 145 of the 1983 Act includes a reference to that provision as applied by paragraph 1 of Schedule 9;

(b) in subsection (4A)—

- (i) the reference to a person convicted of a corrupt practice under section 60, 62A or 62B of the 1983 Act<sup>(2)</sup> includes a reference to a person convicted of a corrupt practice under article 17 of, or paragraph 10 of Schedule 2 to, this Order, and
- (ii) the reference to a person convicted of an illegal practice under section 61 of the 1983 Act includes a reference to a person convicted of an illegal practice under article 18 of this Order;

(c) the reference in subsection (5A) to section 174 of the 1983 Act includes a reference to that provision as applied by paragraph 1 of Schedule 9;

(d) the reference in subsection (7) to the provisions of the 1983 Act includes a reference to the provisions of this Order.

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(1) Subsection (1) of section 160 was amended by paragraph 24 of, and paragraph 52 of Schedule 5 to, the Representation of the People Act 1985 (c.50). Subsections (4A) and (5A) were substituted by section 137(b) of, and paragraphs 1 and 8 of Schedule 17 to, the 2000 Act; subsection (4A) was amended by S.I. 2007/931 and subsection (5A) was amended by section 74(1) of, and paragraphs 104 and 120(1) and (3) of Schedule 1 to, the Electoral Administration Act 2006.

(2) Section 62A was inserted by section 40 of the Electoral Administration Act 2006; section 62B was inserted by section 15 of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (2006 asp 14).

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**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK  
Statutory Instrument: The Police and Crime Commissioner Elections Order 2012 No. 1917

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