
DRAFT STATUTORY INSTRUMENTS

2012 No.

The Police and Crime Commissioner Elections Order 2012

PART 3

The election campaign

Publicity

Publication of election addresses of candidates

52.—(1) Each candidate at an ordinary PCC election is entitled to have an election address included on a website which is maintained by or on behalf of the Secretary of State for the purpose of publishing election addresses of candidates at such an election.

(2) No election address may be included on the website unless it has been prepared and submitted to, and approved by, the police area returning officer in accordance with Schedule 8.

(3) Any expenses incurred by or on behalf of a candidate in respect of the hosting and publication of the candidate's election address are not to be taken, for the purposes of this Part, as an amount of expenses incurred by the candidate for the purposes of the PCC election.

(4) The Secretary of State must take whatever steps the Secretary of State thinks appropriate to promote public awareness of—

- (a) the existence of the website, and
- (b) the availability of printed and other versions of election addresses of candidates.

(5) The Commission may include on the Commission's website information about—

- (a) how to access the website;
- (b) the availability of printed and other versions of election addresses of candidates,

and must include such information in any printed material which the Commission may publish in connection with PCC elections.

(6) Schedule 8 has effect.

Broadcasting from outside United Kingdom

53.—(1) No person may, with intent to influence persons to give or refrain from giving their votes at a PCC election, include, or aid, abet, counsel or procure the inclusion of, any matter relating to the election in any programme service (within the meaning of the Broadcasting Act 1990⁽¹⁾) provided from a place outside the United Kingdom otherwise than in pursuance of arrangements made with—

- (a) the British Broadcasting Corporation,
- (b) Sianel Pedwar Cymru, or
- (c) the holder of any licence granted by the Office of Communications,

(1) 1990 c.42.

for the reception and re-transmission of that matter by that body or the holder of that licence.

(2) An offence under this article is an illegal practice, but the court before which a person is convicted of an offence under this article may, if it thinks it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by virtue of section 173 of the 1983 Act read with article 77) (incapacities on conviction of corrupt or illegal practices).

(3) Where any act or omission of an association or body of persons, corporate or unincorporate, is an illegal practice under this article, any person (“P”) who at the time of the act or omission was a director, general manager, secretary or other similar officer of the association or body, or was purporting to act in any such capacity, is deemed to be guilty of the illegal practice, unless P proves—

- (a) that the act or omission took place without P’s consent or connivance, and
- (b) that P exercised all such diligence to prevent the commission of the illegal practice as P ought to have exercised having regard to the nature of P’s functions in that capacity and to all the circumstances.

Broadcasting of local items during election

54.—(1) Each broadcasting authority must adopt a code of practice with respect to the participation of candidates at a PCC election in items about the police area in question which are included in relevant services during the election period.

(2) The code for the time being adopted by a broadcasting authority under this article must be either—

- (a) a code drawn up by that authority, whether on their own or jointly with one or more other broadcasting authorities, or
- (b) a code drawn up by one or more other such authorities,

and a broadcasting authority must from time to time consider whether the code for the time being so adopted by them should be replaced by a further code falling within sub-paragraph (a) or (b).

(3) Before drawing up a code under this article a broadcasting authority must have regard to any views expressed by the Commission for the purposes of this paragraph; and any such code may make different provision for different cases.

(4) The Office of Communications must do all that they can to secure that the code for the time being adopted under this article is observed in the provision of relevant services; and the British Broadcasting Corporation and Sianel Pedwar Cymru must each observe in the provision of relevant services the code so adopted by them.

(5) For the purposes of paragraph (1), “the election period”, in relation to a PCC election, means the period beginning with the last date for publication of notice of the election and ending with the close of the poll.

(6) In this article—

“broadcasting authority” means the British Broadcasting Corporation, the Office of Communications or Sianel Pedwar Cymru;

“candidate”, in relation to a PCC election, means a candidate standing nominated at the election;

“relevant services”—

- (a) in relation to the British Broadcasting Corporation or Sianel Pedwar Cymru, means services broadcast by that body;

- (b) in relation to the Office of Communications, means services licensed under Part 1 or 3 of the Broadcasting Act 1990⁽²⁾ or Part 1 or 2 of the Broadcasting Act 1996⁽³⁾.

Imitation poll cards

55. No person may for the purpose of promoting or procuring the election of any candidate at a PCC election issue any poll card or document so closely resembling an official poll card as to be calculated to deceive, and paragraphs (2) and (3) of article 53 apply as if an offence under this article were an offence under that article.

(2) 1990 c.42.
(3) 1996 c.55.