



Representation of the People Act 1983

1983 CHAPTER 2

PART II

THE ELECTION CAMPAIGN

The election agent

67 Appointment of election agent

- (1) Not later than the latest time for the delivery of notices of withdrawals for an election, a person shall be named by or on behalf of each candidate as the candidate's election agent, and the name and address of the candidate's election agent shall be declared in writing by the candidate or some other person on his behalf to the appropriate officer not later than that time.
- (2) A candidate may name himself as election agent, and upon doing so shall, so far as circumstances admit, be subject to the provisions of this Act both as a candidate and as an election agent, and, except where the context otherwise requires, any reference in this Act to an election agent shall be construed to refer to the candidate acting in his capacity of election agent.
- (3) One election agent only shall be appointed for each candidate, but the appointment, whether the election agent appointed be the candidate himself or not, may be revoked.
- (4) If whether before, during or after the election the appointment of an election agent is revoked or an election agent dies, another election agent shall be appointed forthwith and his name and address declared in writing to the appropriate officer.
- (5) The declaration as a candidate's election agent of a person other than the candidate shall be of no effect under this section unless it is made and signed by that person or is accompanied by a written declaration of acceptance signed by him.
- (6) Upon the name and address of an election agent being declared to the appropriate officer, the appropriate officer shall forthwith give public notice of that name and address.

- (7) In this Part of this Act the expression "appropriate officer " means—
- (a) in relation to a parliamentary election, the returning officer;
 - (b) in relation to a local government election, the proper officer of the authority for which the election is held.

68 Nomination of sub-agent at parliamentary elections

- (1) In the case of a parliamentary election for a county constituency an election agent for a candidate may appoint to act in any part of the constituency one, but not more than one, deputy election agent (in this Act referred to as a sub-agent).
- (2) As regards matters in a part of the constituency for which there is a sub-agent the election agent may act by the sub-agent and—
 - (a) anything done for the purposes of this Act by or to the sub-agent in his part of the constituency shall be deemed to be done by or to the election agent; and
 - (b) any act or default of a sub-agent which, if he were the election agent, would be an illegal practice or other offence against this Act shall be an illegal practice and offence against this Act committed by the sub-agent, and the sub-agent shall be liable to punishment accordingly ; and
 - (c) the candidate shall suffer the like incapacity as if that act or default had been the election agent's act or default.
- (3) One clear day before the day of the poll the election agent shall declare in writing the name and address of every sub-agent to the appropriate officer, and the appropriate officer shall forthwith give public notice of the name and address of every sub-agent so declared.
- (4) The appointment of a sub-agent—
 - (a) shall not be vacated by the election agent who appointed him ceasing to be election agent, but
 - (b) may be revoked by whoever is for the time being the candidate's election agent,
 and in the event of the revocation of the appointment or of the death of a sub-agent another sub-agent may be appointed, and his name and address shall be forthwith declared in writing to the appropriate officer, who shall forthwith give public notice of the name and address so declared.
- (5) The declaration to be made to the appropriate officer, and the notice to be given by him, under subsection (3) or subsection (4) above shall specify the part of the constituency within which any sub-agent is appointed to act.

69 Office of election agent and sub-agent

- (1) Every election agent and every sub-agent shall have an office to which all claims, notices, writs, summonses and documents may be sent, and the address of the office shall be—
 - (a) declared to the appropriate officer at the same time as the appointment of the agent; and
 - (b) stated in the public notice of the name of the agent.
- (2) The office—

- (a) of the election agent for a parliamentary election shall be within the constituency or an adjoining constituency or in a London borough or district which is partly comprised in or adjoins the constituency, and that of a sub-agent shall be in the area within which he is appointed to act; and
 - (b) of an election agent for a local government election shall be within the local government area or in the constituency or one of the constituencies in which the area is comprised or in a London borough or district which adjoins it.
- (3) Any claim, notice, writ, summons or document delivered at the office of the election agent or sub-agent and addressed to him, shall be deemed to have been served on him and every election agent or sub-agent may in respect of any matter connected with the election in which he is acting be sued in any court having jurisdiction at the place where his office is situated.

70 Effect of default in election agent's appointment

- (1) If no person's name and address is given as required by section 67 above as the election agent of a candidate who remains validly nominated at the latest time for delivery of notices of withdrawals, the candidate shall be deemed at that time to have named himself as election agent and to have revoked any appointment of another person as his election agent.
- (2) If—
- (a) the person whose name and address have been so given as those of the candidate's election agent (not being the candidate himself) dies, and
 - (b) a new appointment is not made on the day of the death or on the following day, the candidate shall be deemed to have appointed himself as from the time of death.
- (3) If the appointment of a candidate's election agent is revoked without a new appointment being made, the candidate himself shall be deemed to have been appointed (or re-appointed) election agent.
- (4) Where a candidate is by virtue of this section to be treated as his own election agent, he shall be deemed to have his office—
- (a) at his address as given in the statement as to persons nominated; or
 - (b) if that address is outside the permitted area for the office, at the qualifying address of the person (or first person) named in that statement as his proposer.
- (5) Where in a local government election in Scotland a candidate is by virtue of this section to be treated as his own election agent, he shall be deemed to have his office—
- (a) at his address as given in his nomination paper or papers, or
 - (b) if that address is outside the permitted area for the office, at the address of the person named as the proposer of the candidate in the nomination paper first delivered in which the address of the proposer is in the local government area.
- (6) The appropriate officer on being satisfied that a candidate is by virtue of this section to be treated as his own election agent, shall forthwith proceed to publish the like notice as if the name and address of the candidate and the address of his office had been duly given to him under sections 67 and 69 above.

71 Elections where election agent not required

A candidate—

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- (a) at an election in England of parish councillors, or in Wales of community councillors, or
- (b) at any election under the local government Act which is not a local government election,

need not have an election agent, and accordingly the foregoing provisions of this Part of this Act do not apply to those elections.

Election expenses

72 Making of contracts through election agent

- (1) The election agent of a candidate shall appoint every polling agent, clerk and messenger employed for payment on behalf of the candidate at an election, and hire every committee room hired on behalf of the candidate.
- (2) A contract by which any election expenses are incurred shall not be enforceable against a candidate at the election unless made by the candidate himself or by his election agent, but this subsection does not relieve the candidate from the consequences of any corrupt or illegal practice having been committed by his agent.
- (3) The references in this section to an election agent shall, in relation to a parliamentary election where sub-agents are allowed, be taken as references to the election agent acting by himself or a sub-agent.

73 Payment of expenses through election agent

- (1) Except as permitted by section 74 below, or in pursuance of section 78 or section 79 below, no payment and no advance or deposit shall be made—
 - (a) by a candidate, or
 - (b) by any agent on behalf of a candidate, or
 - (c) by any other person,
 at any time in respect of election expenses otherwise than by or through the candidate's election agent.
- (2) Every payment made by an election agent in respect of any election expenses shall, except where less than £2, be vouched for by a bill stating the particulars and by a receipt.
- (3) The references in the foregoing provisions of this section to an election agent shall, in relation to a parliamentary election where sub-agents are allowed, be taken as references to the election agent acting by himself or a sub-agent.
- (4) All money provided by any person other than the candidate for any election expenses, whether as gift, loan, advance or deposit, shall be paid to the candidate or his election agent and not otherwise.
- (5) The foregoing provisions of this section shall not be deemed to apply to any sum disbursed by any person out of his own money for any small expense legally incurred by him if the sum is not repaid to him.
- (6) A person who makes any payment, advance or deposit in contravention of subsection (1) above, or pays in contravention of subsection (4) above any money so provided as mentioned above, shall be guilty of an illegal practice.

74 Candidate's personal expenses, and petty expenses

- (1) The candidate at an election may pay any personal expenses incurred by him on account of or in connection with or incidental to the election, but the amount which a candidate at a parliamentary election may pay shall not exceed £100, and any further personal expenses so incurred by him shall be paid by his election agent.
- (2) The candidate "hall send to his election agent within the time limited by this Act for sending in claims a written statement of the amount of personal expenses paid as mentioned above by the candidate.
- (3) Any person may, if so authorised in writing by the candidate's election agent, pay any necessary expenses for stationery, postage, telegrams (or any similar means of communication) and other petty expenses, to a total amount not exceeding that named in the authority, but any excess above the total amount so named shall be paid by the election agent.
- (4) A statement of the particulars of payments made by any person so authorised shall be sent to the election agent within the time limited by this Act for sending in claims, and shall be vouched for by a bill containing that person's receipt.

75 Prohibition of expenses not authorised by election agent

- (1) No expenses shall, with a view to promoting or procuring the election of a candidate at an election, be incurred by any person other than the candidate, his election agent and persons authorised in writing by the election agent on account—
 - (a) of holding public meetings or organising any public display; or
 - (b) of issuing advertisements, circulars or publications; or
 - (c) of otherwise presenting to the electors the candidate or his views or the extent or nature of his backing or disparaging another candidate,but paragraph (c) of this subsection shall not—
 - (i) restrict the publication of any matter relating to the election in a newspaper or other periodical or in a broadcast made by the British Broadcasting Corporation or the Independent Broadcasting Authority; or
 - (ii) apply to any expenses not exceeding in the aggregate the sum of 50p which may be incurred by an individual and are not incurred in pursuance of a plan suggested by or concerted with others, or to expenses incurred by any person in travelling or in living away from home or similar personal expenses.
- (2) Where a person incurs any expenses required by this section to be authorised by the election agent—
 - (a) that person shall within 14 days after the date of publication of the result of the election send to the appropriate officer a return of the amount of those expenses, stating the election at which and the candidate in whose support they were incurred, and
 - (b) the return shall be accompanied by a declaration made by that person (or in the case of an association or body of persons, by a director, general manager, secretary or other similar officer of the association or body) verifying the return and giving particulars of the matters for which the expenses were incurred,but this subsection does not apply to any person engaged or employed for payment or promise of payment by the candidate or his election agent.

- (3) The return and declaration under the foregoing provisions of this section shall be in the prescribed form, and the authority received from the election agent shall be annexed to and deemed to form part of the return.
- (4) A copy of every return and declaration made under subsection (2) above in relation to a parliamentary election in England, Wales or Northern Ireland shall be sent to the Clerk of the Crown within 14 days after the date of publication of the result of the election by the person making the return or declaration, and rule 57 of the parliamentary elections rules applies to any documents sent to the Clerk of the Crown under this subsection. In this subsection references to the Clerk of the Crown in relation to an election in Northern Ireland are references to the Clerk of the Crown for Northern Ireland.
- (5) If a person—
- (a) incurs, or aids, abets, counsels or procures any other person to incur, any expenses in contravention of this section, or
 - (b) knowingly makes the declaration required by subsection (2) falsely,
- he shall be guilty of a corrupt practice; and if a person fails to send any declaration or return or a copy of it as required by this section he shall be guilty of an illegal practice, but—
- (i) the court before whom a person is convicted under this subsection may, if they think it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by virtue of section 173 below; and
 - (ii) a candidate shall not be liable, nor shall his election be avoided, for a corrupt or illegal practice under this subsection committed by an agent without his consent or connivance.
- (6) Where any act or omission of an association or body of persons, corporate or unincorporate, is an offence declared to be a corrupt or illegal practice by this section, any person 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, shall be deemed to be guilty of that offence, unless he proves—
- (a) that the act or omission took place without his consent or connivance; and
 - (b) that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

76 Limitation of election expenses

- (1) No sum shall be paid and no expense shall be incurred by a candidate at an election or his election agent, whether before, during or after an election, on account of or in respect of the conduct or management of the election, in excess of the maximum amount specified in this section, and a candidate or election agent knowingly acting in contravention of this subsection shall be guilty of an illegal practice.
- (2) That maximum amount is—
- (a) for a candidate at a parliamentary election—
 - (i) in a county constituency, £2,700 together with an additional 3.1p for every entry in the register of electors to be used at the election (as first published); and
 - (ii) in a borough constituency, £2,700 together with an additional 2.3p for every entry in the register of electors to be used at the election (as first published);

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- (b) for a candidate at a local government election—
 - (i) at an election to the Greater London Council, £500 together with an additional 3p for every entry in the register of electors to be used at the election (as first published);
 - (ii) at any other local government election, £120 together with an additional 2.4p for every entry in the register of electors to be used at the election (as first published).
- (3) The Secretary of State may by order vary a maximum amount of candidates' election expenses specified in subsection (2) above where in his opinion there has been a change in the value of money since the last occasion on which that amount was varied by such an order, and the variation shall be such as in his opinion is justified by that change.

An order under this subsection shall not be made unless a draft of the order has been laid before, and approved by resolution of, each House of Parliament; and the power to make the order is exercisable by statutory instrument.

- (4) If the register to be used at the election is not published before the day of publication of the notice of election then for any reference in subsection (2) above to an entry in that register there shall be substituted a reference to an entry in the electors lists for that register as first published which gives the name of a person appearing from those lists to be entitled to be registered.
- (5) The maximum amount mentioned above for a candidate at a parliamentary election is not required to cover the candidate's personal expenses.
- (6) Where at an election a poll is countermanded or abandoned by reason of a candidate's death, the maximum amount of election expenses shall, for any of the other candidates who then remain validly nominated, be twice or, if there has been a previous increase under this subsection, three times what it would have been but for any increase under this subsection; but the maximum amount shall not be affected for any candidate by the change in the timing of the election or of any step in the proceedings at the election.

77 Expenses limit for joint candidates at local election

- (1) Where there are two or more joint candidates at a local government election the maximum amount mentioned in section 76 above shall, for each of those joint candidates, be reduced by a quarter or, if there are more than two joint candidates, by one-third.
- (2) Where two or more candidates appoint the same election agent, or by themselves or any agent or agents—
 - (a) employ or use the services of the same clerks or messengers at the election, or
 - (b) hire or use the same committee rooms for the election, or
 - (c) publish a joint address, circular or notice at the election,those candidates shall for the purposes of this section be deemed to be joint candidates; but—
 - (i) the employment and use of the same clerk, messenger or committee room, if accidental or casual, or of a trivial and unimportant character, shall not be deemed of itself to constitute persons joint candidates;
 - (ii) nothing in this subsection shall prevent candidates from ceasing to be joint candidates.

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(3) Where—

- (a) any excess of expenses above the maximum allowed for one of two or more joint candidates has arisen owing to his having ceased to be a joint candidate, or to his having become a joint candidate after having begun to conduct his election as a separate candidate,
- (b) the change was made in good faith,
- (c) the excess is not more than under the circumstances is reasonable, and
- (d) the total election expenses of the candidate do not exceed the maximum amount allowed for a separate candidate,

the excess shall be deemed to have arisen from a reasonable cause for the purposes of section 167 below.

78 Time for sending in and paying claims

- (1) Every claim against a candidate or his election agent in respect of election expenses which is not sent in to the election agent within 14 days after the day on which the result of the election is declared shall be barred and not paid.
- (2) All election expenses shall be paid within 28 days after that day.
- (3) An election agent who pays a claim in contravention of subsection (1) or makes a payment in contravention of subsection (2) above shall be guilty of an illegal practice; but where the election court reports that it has been proved to the court by the candidate that any payment was made by an election agent without the sanction or connivance of the candidate—
 - (a) the candidate's election shall not be void, nor
 - (b) shall he be subject to any incapacity under this Act by reason only of that payment having been made in contravention of this section.
- (4) The claimant or the candidate or his election agent may apply to the High Court or to a county court for leave to pay a claim for any election expenses, although sent in after that period of 14 days or although sent in to the candidate and not to the election agent, and the court on cause shown to their satisfaction may by order grant the leave.

In relation to an application in respect of expenses for a local government election in Scotland the reference in this subsection to the High Court shall be omitted.

- (5) Any sum specified in the order of leave may be paid by the candidate or his election agent and when paid in pursuance of the leave shall not be deemed to be in contravention of subsection (2) above.
- (6) Except in Scotland, the jurisdiction vested by subsection (4) above in the High Court in matters relating to parliamentary elections shall, subject to rules of court, be exercised by—
 - (a) one of the judges for the time being on the rota for the trial of parliamentary election petitions,
 - (b) in Northern Ireland, one of the judges of the High Court or the Court of Appeal for the time being selected under section 108 of the Judicature (Northern Ireland) Act 1978,

sitting either in court or at chambers, or by a master of the Supreme Court in manner directed by and subject to an appeal to those judges.

- (7) The jurisdiction vested by subsection (4) in a county court may, except in Northern Ireland, be exercised otherwise than in open court and, in Northern Ireland, shall be exercised in such manner as may be provided by rules of court.

An appeal lies to the High Court from any order of a county court made by virtue of subsection (4).

79 Disputed claims

- (1) If the election agent disputes any claim sent in to him within the period of 14 days mentioned in section 78 above or refuses or fails to pay the claim within the period of 28 days so mentioned, the claim shall be deemed to be a disputed claim.
- (2) The claimant may, if he thinks fit, bring an action for a disputed claim in any competent court, and any sum paid by the candidate or his agent in pursuance of the judgment or order of the court shall not be deemed to be in contravention of section 73(1) above or of section 78(2).
- (3) If the defendant in the action admits his liability but disputes the amount of the claim, that amount shall, unless the court on the plaintiff's application otherwise directs, be forthwith referred for taxation—
- (a) to a Circuit judge nominated under subsection (1)(a) of section 68 of the Supreme Court Act 1981, or
 - (b) to the master, registrar or other proper officer of the court,
- and the amount found due on the taxation shall be the amount to be recovered in the action in respect of the claim.
- (4) Subsections (4) to (7) of section 78 apply in relation to a disputed claim as they apply in relation to a claim for election expenses sent in after that period of 14 days.

80 Election agent's claim

So far as circumstances admit, this Act applies to an election agent's claim for his remuneration and to its payment in like manner as if he were any other creditor, and if any difference arises about the amount of the claim, the claim shall be a disputed claim within the meaning of this Act and be dealt with accordingly.

81 Return as to election expenses

- (1) Within 35 days after the day on which the result of the election is declared, the election agent of every candidate at the election shall transmit to the appropriate officer a true return in the form set out in Schedule 3 to this Act, or to the like effect, containing as respects that candidate a statement of all payments made by the election agent together with all the bills and receipts.
- (2) The return shall deal under a separate heading or subheading with any expenses included in it—
- (a) as respects which a return is required to be made under section 75(2) above ; or
 - (b) which are on account of the remuneration or expenses of speakers at public meetings.
- (3) The return shall also contain as respects that candidate—
- (a) a statement of the amount of personal expenses, if any, paid by the candidate;

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- (b) a statement of all disputed claims of which the election agent is aware;
 - (c) a statement of all the unpaid claims, if any, of which the election agent is aware, in respect of which application has been or is about to be made to the High Court or county court;
 - (d) a statement of all money, securities and equivalent, of money received by the election agent from the candidate or any other person for the purposes of election expenses incurred or to be incurred, with a statement of the name of every person from whom they may have been received.
- (4) Where the candidate is his own election agent, a statement of all money, securities and equivalent of money paid by the candidate shall be substituted in the return as to election expenses for the statement of money, securities and equivalent of money received by the election agent from the candidate.
- (5) Where after the date at which the return as to election expenses is transmitted, leave is given by the court under section 78(4) above for any claim to be paid, the candidate or his election agent shall, within seven days after its payment, transmit to the appropriate officer a return of the sums paid in pursuance of the leave, accompanied by a copy of the order of the court giving the leave, and in default he shall be deemed to have failed to comply with the requirements of this section without such authorised excuse as is mentioned in section 86 below.

82 Declarations as to election expenses

- (1) The return transmitted under section 81(1) above shall be accompanied by a declaration made by the election agent in the form in Schedule 3 to this Act.
- (2) At the same time that the election agent transmits that return, or within seven days afterwards, the candidate shall transmit or cause to be transmitted to the appropriate officer a declaration made by him in the form in that Schedule.
- (3) Where the candidate is out of the United Kingdom when the return is so transmitted—
- (a) the declaration required by subsection (2) above may be made by him within 14 days after his return to the United Kingdom, and
 - (b) in that case, the declaration shall be forthwith transmitted to the appropriate officer,
- but the delay authorised by this provision in making the declaration shall not exonerate the election agent from complying with the provisions of this Act relating to the return and declaration as to election expenses.
- (4) An election agent's or a candidate's declaration as to election expenses under this section may be made either before a justice of the peace or before any person who is—
- (a) in England and Wales, the chairman or proper officer of the Greater London Council, a county council or a district council, or the mayor or proper officer of a London borough;
 - (b) in Scotland, the proper officer of a regional, islands or district council;
 - (c) in Northern Ireland, the clerk of a district council.
- (5) Where the candidate is his own election agent, the declaration by an election agent as to election expenses need not be made and the declaration by the candidate as to election expenses shall be modified as specified in the form in Schedule 3.

- (6) If a candidate or election agent knowingly makes the declaration required by this section falsely, he shall be guilty of a corrupt practice.

83 Where no return and declarations needed at parliamentary elections

Notwithstanding anything in sections 81 and 82 above, no return or declaration as to election expenses shall be required in the case of a person—

- (a) who is a candidate at a parliamentary election, but is so only because he has been declared by others to be a candidate; and
- (b) who has not consented to the declaration or taken any part as a candidate in the election.

84 Penalty for failure as respects return or declarations

Subject to the provisions of section 86 below, if a candidate or election agent fails to comply with the requirements of section 81 or section 82 above he shall be guilty of an illegal practice.

85 Penalty for sitting or voting where no return and declarations transmitted

- (1) If, in the case of any candidate, the return and declarations as to election expenses are not transmitted before the expiry of the time limited for the purpose, that candidate shall not, after the expiry of that time, sit or vote in the House of Commons as member for the constituency for which the election was held until—

- (a) either that return and those declarations have been transmitted, or
- (b) the date of the allowance of an authorised excuse for the failure to transmit that return and those declarations,

and if he sits or votes in contravention of this subsection he shall forfeit £100 for every day on which he so sits or votes.

- (2) In the application of subsection (1) above to a candidate at a local government election—

- (a) the reference to sitting or voting in the House of Commons for the constituency for which the election was held shall be taken as a reference to sitting or voting in the council for the local government area for which the election was held; and

- (b) £50 shall be substituted for £100 and, instead of civil proceedings for a penalty, summary proceedings may be instituted under the Magistrates' Courts Act 1980, or, in Scotland, in the sheriff court, and the person charged shall be liable on conviction to a fine not exceeding the amount of the penalty which would be recoverable in civil proceedings.

- (3) A proceeding for an offence under this section shall be commenced within one year after the offence was committed and the time so limited by this section shall, in the case of any proceeding under the Magistrates' Courts Act 1980, be substituted for any limitation of time contained in that Act.

- (4) For the purposes of subsection (3) above—

- (a) where the service or execution of the writ or other process on or against the alleged offender is prevented by the absconding or concealment or act of the

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alleged offender, the issue of a writ or other process shall be deemed to be a commencement of a proceeding; but,

- (b) where paragraph (a) does not apply, the service or execution of the writ or other process on or against the alleged offender, and not its issue, shall be deemed to be the commencement of the proceeding.

(5) Subsections (3) and (4) above do not apply in Scotland;

86 Authorised excuses for failures as to return and declarations

- (1) A candidate or his election agent may apply for relief under this section to—
 - (a) the High Court, except in relation to a local government election in Scotland;
 - (b) an election court; or
 - (c) a county court.
- (2) Relief under this section may be granted—
 - (a) to a candidate, in respect of any failure to transmit the return and declarations as to election expenses, or any part of them, or in respect of any error or false statement in them; or
 - (b) to an election agent, in respect of the failure to transmit the return and declarations which he was required to transmit, or any part of them, or in respect of any error or false statement in them.
- (3) The application for relief may be made on the ground that the failure, error or false statement arose—
 - (a) by reason of the applicant's illness; or
 - (b) where the applicant is the candidate, by reason of the absence, death, illness or misconduct of his election agent or sub-agent or of any clerk or officer of such agent; or
 - (c) where the applicant is the election agent, by reason of the death or illness of any prior election agent of the candidate, or of the absence, death, illness or misconduct of any sub-agent, clerk or officer of any election agent of the candidate ; or
 - (d) by reason of inadvertence or any reasonable cause of a like nature, and not by reason of any want of good faith on the applicant's part.
- (4) The court may—
 - (a) after such notice of the application in the constituency or local government area, as the case may be, as it considers fit, and
 - (b) on production of such evidence of the grounds stated in the application and of the good faith of the application, and otherwise, as it considers fit,

make such order for allowing an authorised excuse for the failure, error or false statement as it considers just.
- (5) Where it is proved to the court by the candidate—
 - (a) that any act or omission of the election agent in relation to the return and declarations was without the sanction or connivance of the candidate, and
 - (b) that the candidate took all reasonable means for preventing the act or omission,

the court shall relieve the candidate from the consequences of the act or omission of his election agent.

- (6) An order under subsection (4) above may make the allowance conditional on the making of the return and declaration in a modified form or within an extended time, and upon the compliance with such other terms as to the court seem best calculated for carrying into effect the objects of this Part of this Act.
- (7) An order under subsection (4) shall relieve the applicant for the order from any liability or consequences under this Act in respect of the matter excused by the order.
- (8) The date of the order, or if conditions and terms are to be complied with, the date at which the applicant fully complies with them, is referred to in this Act as the date of the allowance of the excuse.
- (9) Except in Scotland, the jurisdiction vested by the foregoing provisions of this section in the High Court in matters relating to parliamentary elections shall, subject to rules of court, be exercised by—
 - (a) one of the judges for the time being on the rota for the trial of parliamentary election petitions,
 - (b) in Northern Ireland, one of the judges of the High Court or the Court of Appeal for the time being selected under section 108 of the Judicature (Northern Ireland) Act 1978,sitting either in court or at chambers, but shall not be exercisable by a master.
- (10) The jurisdiction vested by this section in a county court may, except in Northern Ireland, be exercised otherwise than in open court and, in Northern Ireland, shall be exercised in such manner as may be provided by rules of court.
- (11) An appeal lies to the High Court from any order of a county court made by virtue of this section.

87 Court's power to require information from election agent or sub-agent

- (1) Where on an application under section 86 above it appears to the court that any person who is or has been an election agent or sub-agent has refused or failed to make such return, or to supply such particulars, as will enable the candidate and his election agent respectively to comply with the provisions of this Act as to the return or declarations as to election expenses, the court, before making an order under that section, shall order that person to attend before the court.
- (2) The court shall on the attendance of that person, unless he shows cause to the contrary, order him—
 - (a) to make the return and declaration, or
 - (b) to deliver a statement of the particulars required to be contained in the return, as the court considers just, within such time, to such person and in such manner as it may direct, or may order him to be examined with respect to the particulars.
- (3) If a person fails to comply with any order of the court under this section, the court may order him to pay a fine not exceeding £500.

88 Publication of time and place for inspection of returns and declarations

At a parliamentary election—

- (a) the returning officer shall, within 10 days after the end of the time allowed for transmitting to him returns as to election expenses, publish in not less than two

newspapers circulating in the constituency for which the election was held, and shall send to each of the election agents, a notice of the time and place at which the returns and declarations (including the accompanying documents) can be inspected ; but

- (b) if any return or declaration has not been received by the returning officer before the notice is despatched for publication, the notice shall so state, and a like notice about that return or declaration, if afterwards received, shall within 10 days after the receipt be published in like manner and sent to each of the election agents other than the agent who is in default or is agent for the candidate in default.

89 Inspection of returns and declarations

- (1) Any returns or declarations (including the accompanying documents) sent to the appropriate officer under section 75, section 81 or section 82 above—
 - (a) shall be kept at the appropriate officer's office or some convenient place appointed by him, and
 - (b) shall at all reasonable times during the two years next after they are received by him be open to inspection by any person on payment of the prescribed fee, and the appropriate officer shall on demand and at the prescribed fee provide copies of them or any part of them.
- (2) After the expiry of those two years the appropriate officer—
 - (a) may cause those returns and declarations (including the accompanying documents) to be destroyed, or
 - (b) if the candidate or his election agent so require, shall return them to the candidate.
- (3) Any returns or declarations sent under section 75 shall be returned not to the candidate (if he or his election agent so require) but to the person sending them, if he so requires.

90 Election expenses at elections where election agent not required

- (1) In relation to an election of parish councillors in England or of community councillors in Wales—
 - (a) section 76(1) above has effect as if for the references to an election agent there were substituted references to any agent of the candidate;
 - (b) sections 72 to 75 and 78 to 89 above do not apply, and instead the provisions of Schedule 4 to this Act have effect but the form of declaration as to election expenses shall be that prescribed by rules under section 36 above relating to the election of parish or, as the case may be, community councillors, or a form to the like effect.
- (2) At an election under the local government Act which is not a local government election, sections 72 to 89 do not apply, and if a candidate at that election or any person on behalf of a candidate at that election knowingly pays any sum or incurs any expense, whether before, during or after that election, on account of or in respect of the conduct or management of the election he shall be guilty of an illegal practice.

Publicity at parliamentary elections

91 Candidate's right to send election address post free

- (1) A candidate at a parliamentary election is, subject to Post Office regulations, entitled to send free of any charge for postage to each elector one postal communication containing matter relating to the election only and not exceeding 2 ounces in weight.
- (2) He is also, subject as mentioned above, entitled to send free of any charge for postage to each person entered in the list of proxies for the election one such communication as mentioned above for each appointment in respect of which that person is so entered.
- (3) A person shall not be deemed to be a candidate for the purposes of this section unless he is shown as standing nominated in the statement of persons nominated, but until the publication of that statement any person who declares himself to be a candidate shall be entitled to exercise the right of free postage conferred by this section if he gives such security as may be required by the Post Office for the payment of postage should he not be shown as standing nominated as mentioned above.
- (4) For the purposes of this section, " elector" means a person—
 - (a) who is registered as a parliamentary elector in the constituency in the register to be used at the election, or
 - (b) who, pending the publication of that register, appears in the electors lists for that register (as corrected by the registration officer) to be entitled to be so registered,

and accordingly includes a person shown in the register or electors lists as below voting age if it appears from that register or those lists that he will be of voting age on the day fixed for the poll, but not otherwise.

92 Broadcasting from outside United Kingdom

- (1) No person shall, with intent to influence persons to give or refrain from giving their votes at a parliamentary or local government election, use, or aid, abet, counsel or procure the use of, any television or other wireless transmitting station outside the United Kingdom for the transmission of any matter having reference to the election otherwise than in pursuance of—
 - (a) arrangements made with the British Broadcasting Corporation for it to be received and re-transmitted by that Corporation; or
 - (b) arrangements made with the Independent Broadcasting Authority or a programme contractor (within the meaning of the Broadcasting Act 1981) for it to be received by the Authority or contractor and re-transmitted by the Authority.
- (2) An offence under this section shall be an illegal practice, but the court before whom a person is convicted of an offence under this section may, if they think it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by virtue of section 173 below.
- (3) Where any act or omission of an association or body of persons, corporate or unincorporate, is an illegal practice under this section, any person 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, shall be deemed to be guilty of the illegal practice, unless he proves—

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

93 Broadcasting during elections

- (1) In relation to a parliamentary or local government election—
- (a) pending such an election it shall not be lawful for any item about the constituency or electoral area to be broadcast from a television or other wireless transmitting station in the United Kingdom if any of the persons who are for the time being candidates at the election takes part in the item and the broadcast is not made with his consent; and
 - (b) where an item about a constituency or electoral area is so broadcast pending such an election there, then if the broadcast either is made before the latest time for delivery of nomination papers, or is made after that time but without the consent of any candidate remaining validly nominated, any person taking part in the item for the purpose of promoting or procuring his election shall be guilty of an illegal practice, unless the broadcast is so made without his consent.
- (2) For the purposes of subsection (1) above—
- (a) a parliamentary election shall be deemed to be pending during the period ending with the close of the poll and beginning—
 - (i) at a general election, with the date of the dissolution of Parliament or any earlier time at which Her Majesty's intention to dissolve Parliament is announced; or
 - (ii) at a by-election, with the date of the issue of the writ for the election or any earlier date on which a certificate of the vacancy is notified in the London Gazette in accordance with the Recess Elections Act 1975 ; and
 - (b) a local government election shall be deemed to be pending during the period ending with the close of the poll and beginning—
 - (i) at an ordinary election, 5 weeks before the day fixed as the day of election in accordance with section 37 above or, in Scotland, section 43 above ; or
 - (ii) at an election to fill a casual vacancy, with the date of publication of notice of the election.

94 Imitation poll cards

No person shall for the purpose of promoting or procuring the election of any candidate at a parliamentary election issue any poll card or document so closely resembling an official poll card as to be calculated to deceive, and subsections (2) and (3) of section 92 above apply as if an offence under this section were an offence under that section.

Election meetings

95 Schools and rooms for parliamentary election meetings

- (1) Subject to the provisions of this section, a candidate at a parliamentary election is entitled for the purpose of holding public meetings in furtherance of his candidature to the use at reasonable times between the receipt of the writ and the date of the poll of—
 - (a) a suitable room in the premises of a school to which this section applies;
 - (b) any meeting room to which this section applies.
- (2) This section applies—
 - (a) in England and Wales, to county schools and voluntary schools of which the premises are situated in the constituency or an adjoining constituency, and
 - (b) in Scotland, to any school of which the premises are so situated, not being an independent school within the meaning of the Education (Scotland) Act 1980, but a candidate is not entitled under this section to the use of a room in school premises outside the constituency if there is a suitable room in other premises in the constituency which are reasonably accessible from the same parts of the constituency as those outside and are premises of a school to which this section applies.
- (3) This section applies to meeting rooms situated in the constituency, the expense of maintaining which is payable wholly or mainly out of public funds or out of any rate, or by a body whose expenses are so payable.
- (4) Where a room is used for a meeting in pursuance of the rights conferred by this section, the person by whom or on whose behalf the meeting is convened—
 - (a) may be required to pay for the use of the room a charge not exceeding the amount of any actual and necessary expenses incurred in preparing, warming, lighting and cleaning the room and providing attendance for the meeting and restoring the room to its usual condition after the meeting; and
 - (b) shall defray any damage done to the room or the premises in which it is situated, or to the furniture, fittings or apparatus in the room or premises.
- (5) A candidate is not entitled to exercise the rights conferred by this section except on reasonable notice; and this section does not authorise any interference with the hours during which a room in school premises is used for educational purposes, or any interference with the use of a meeting room either for the purposes of the person maintaining it or under a prior agreement for its letting for any purpose.
- (6) The provisions of Schedule 5 to this Act have effect with respect to the rights conferred by this section and the arrangements to be made for their exercise.
- (7) For the purposes of this section (except those of paragraph (b) of subsection (4) above), the premises of a school shall not be taken to include any private dwelling house, and in this section—
 - (a) the expression " meeting room " means any room which it is the practice to let for public meetings ; and
 - (b) the expression "room" includes a hall, gallery or gymnasium.
- (8) This section does not apply to Northern Ireland.

96 Schools and rooms for local election meetings

- (1) Subject to the provisions of this section, a candidate at a local government election is entitled for the purpose of holding public meetings in furtherance of his candidature to the use free of charge at reasonable times between the notice of election and the day preceding the day of election of—
 - (a) in England and Wales, a suitable room in the premises of a county or voluntary school situated in the electoral area for which he is a candidate, or, in a parish or community, as the case may be, in part comprised in that electoral area;
 - (b) in Scotland, a suitable room in the premises of any school (not being an independent school within the meaning of the Education (Scotland) Act 1980) situated in the electoral area for which he is a candidate (or, if there is no such school in the area, in any such school in an adjacent electoral area) or any suitable room the expense of maintaining which is payable by the council of an islands area or district.
- (2) Where a room is used for a meeting in pursuance of the rights conferred by this section, the person by whom or on whose behalf the meeting is convened shall defray any expense incurred by the persons having control over the room or any damage done to the school premises or to the furniture, fittings or apparatus in them.
- (3) A candidate is not entitled to exercise rights conferred by this section except on reasonable notice; and this section does not authorise the use of any room used as part of a private dwelling house or any interference with the hours during which the school premises are used for educational purposes.
- (4) Any question arising under this section as to what is reasonable or suitable shall be determined in England or Wales by the Secretary of State, and in Scotland, where the question arises in relation to a room in the premises of a school, by the persons having control of the school and, in the case of a room maintained by a council, by that council.

97 Disturbances at election meetings

- (1) A person who at a lawful public meeting to which this section applies acts, or incites others to act, in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together shall be guilty of an illegal practice.
- (2) This section applies to—
 - (a) a political meeting held in any constituency between the date of the issue of a writ for the return of a member of Parliament for the constituency and the date at which a return to the writ is made;
 - (b) a meeting held with reference to a local government election in the electoral area for that election on, or within three weeks before, the day of election.
- (3) If a constable reasonably suspects any person of committing an offence under subsection (1) above, he may if requested so to do by the chairman of the meeting require that person to declare to him immediately his name and address and, if that person refuses or fails so to declare his name and address or gives a false name and address, he shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale, and—
 - (a) if he refuses or fails so to declare his name and address or
 - (b) if the constable reasonably suspects him of giving a false name and address,

the constable may without warrant arrest him.

This subsection does not apply in Northern Ireland.

98 Premises not affected for rates

The use of any premises for the holding of public meetings in furtherance of any person's candidature at a parliamentary or local government election does not render any person liable to be rated or to pay any rate for the premises.

Agency by election officials and canvassing by police officers

99 Officials not to act for candidates

(1) If—

- (a) any returning officer at a parliamentary or local government election, or
- (b) any officer or clerk appointed under the parliamentary elections rules, or the rules under section 36 or section 42 above, as the case may be, or
- (c) any partner or clerk of any such person,

acts as a candidate's agent in the conduct or management of the election, he shall be guilty of an offence, but nothing in this subsection prevents a candidate from acting as his own election agent.

(2) An offence under subsection (1) in relation to an election in Scotland shall not be tried on indictment but shall be punishable on summary conviction by a fine not exceeding level 4 on the standard scale.

100 Illegal canvassing by police officers

(1) No member of a police force shall by word, message, writing or in any other manner, endeavour to persuade any person to give, or dissuade any person from giving, his vote, whether as an elector or as proxy—

- (a) at any parliamentary election for a constituency, or
- (b) at any local government election for any electoral area,

wholly or partly within the police area.

(2) A person acting in contravention of subsection (1) above shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale, or, in Northern Ireland, to a fine not exceeding £100, but nothing in that subsection shall subject a member of a police force to any penalty for anything done in the discharge of his duty as a member of the force.

(3) In this section references to a member of a police force and to a police area are to be taken in relation to Northern Ireland as references to a member of the Royal Ulster Constabulary and to Northern Ireland.

*Conveyance of voters to and from poll***101 No hiring of vehicles to convey voters**

- (1) A person shall not let, lend, or employ any public vehicle for the purpose of the conveyance of electors or their proxies to or from the poll at an election, and if he does so knowing that the public vehicle is intended to be used for that purpose he shall be guilty of an illegal hiring.
- (2) A person shall not hire, borrow or use for the purpose of the conveyance of electors or their proxies to or from the poll at an election any public vehicle the owner of which he knows to be prohibited by subsection (1) above from letting, lending or employing for that purpose, and if he does so he shall be guilty of an illegal hiring.
- (3) In this section " public vehicle " means any public stage or hackney carriage or any carriage kept or used for the purpose of letting out for hiring.

102 No payments for conveyance of voters

If any payment or contract for payment is knowingly made, either before, during or after an election, for the purpose of promoting or procuring the election of a candidate on account of the conveyance of electors or their proxies to or from the poll, whether for the hire of carriages, or for railway fares, or otherwise—

- (a) the person making the payment or contract, and
- (b) if he knew it to be in contravention of this Act, any person receiving the payment or being a party to the contract,

shall be guilty of an illegal practice.

103 Provisions supplemental to ss. 101 and 102

- (1) Nothing in sections 101 and 102 above prevents a carriage being let, hired, employed or used by an elector or his proxy or several electors or their proxies at their joint cost, for the purpose of being conveyed to or from the poll.
- (2) No person shall be liable to pay any duty or to take out a licence for any carriage by reason only of the carriage being used without payment or promise of payment for the conveyance of electors or their proxies to or from the poll.

104 " Carriage " in ss. 101 to 103

In sections 101 to 103 above—

- (a) " carriage " includes for the purposes of those sections—
 - (i) any mechanically propelled vehicle intended or adapted for use on roads, and
 - (ii) any vehicle drawn by such a vehicle,
 and any such vehicle as so described shall be deemed to be a public vehicle for the purposes of section 101 if used as such; and
- (b) the provisions of those sections, except section 103(2), apply in relation to horses or other animals as they apply in relation to carriages, and any reference in section 101 to a public vehicle includes a reference to horses or other animals kept or used for drawing such vehicles.

105 Access to polling place by sea

- (1) Where the nature of a county constituency is such that any electors or proxies for electors resident there are unable at a parliamentary election for that constituency to reach their polling place without crossing the sea or a branch or arm of the sea, nothing in this Act prevents the provision of means for conveying those electors or proxies by sea to their polling place,
- (2) The amount of any payment for such means of conveyance as are mentioned in subsection (1) above may be in addition to the maximum amount of expenses allowed by this Act.
- (3) No restriction on the expenses to be incurred by a returning officer shall prevent a returning officer employing special steamers or boats for the purposes of a parliamentary election in any constituency in Scotland having a polling place or polling places so situated as not to be accessible except by sea, but the expenses so incurred shall be included in the returning officer's account, and shall be subject to taxation.

Other illegal practices, payments, employments or hirings

106 False statements as to candidates

- (1) A person who, or any director of any body or association corporate which—
 - (a) before or during an election,
 - (b) for the purpose of affecting the return of any candidate at the election,makes or publishes any false statement of fact in relation to the candidate's personal character or conduct shall be guilty of an illegal practice, unless he can show that he had reasonable grounds for believing, and did believe, the statement to be true.
- (2) A candidate shall not be liable nor shall his election be avoided for any illegal practice under subsection (1) above committed by his agent other than his election agent unless—
 - (a) it can be shown that the candidate or his election agent has authorised or consented to the committing of the illegal practice by the other agent or has paid for the circulation of the false statement constituting the illegal practice; or
 - (b) an election court find and report that the election of the candidate was procured or materially assisted in consequence of the making or publishing of such false statements.
- (3) A person making or publishing any false statement of fact as mentioned above may be restrained by interim or perpetual injunction by the High Court or the county court from any repetition of that false statement or of a false statement of a similar character in relation to the candidate and, for the purpose of granting an interim injunction, prima facie proof of the falsity of the statement shall be sufficient.
- (4) The foregoing provisions of this section do not apply to or in relation to an election of councillors in Scotland.
- (5) Any person who, before or during an election, knowingly publishes a false statement of a candidate's withdrawal at the election for the purpose of promoting or procuring the election of another candidate shall be guilty of an illegal practice.

Status: This is the original version (as it was originally enacted).

- (6) A candidate shall not be liable, nor shall his election be avoided, for any illegal practice under subsection (5) above committed by his agent other than his election agent.
- (7) In the application of this section to an election where a candidate is not required to have an election agent, references to an election agent shall be omitted and the reference in subsection (6) above to an illegal practice committed by an agent of the candidate shall be taken as a reference to an illegal practice committed without the candidate's knowledge and consent.
- (8) Except in Scotland, the jurisdiction vested by subsection (3) above in the High Court in matters relating to parliamentary elections shall, subject to rules of court, be exercised by—
- (a) one of the judges for the time being on the rota for the trial of parliamentary election petitions,
 - (b) in Northern Ireland, one of the judges of the High Court or the Court of Appeal for the time being selected under section 108 of the Judicature (Northern Ireland) Act 1978,
- sitting either in court or at chambers, or by a master of the Supreme Court in manner directed by and subject to an appeal to those judges.
- (9) The jurisdiction vested by subsection (3) in a county court may, except in Northern Ireland, be exercised otherwise than in open court, and, in Northern Ireland, shall be exercised in accordance with rules of court.

An appeal lies to the High Court from any order of a county court made by virtue of subsection (3).

107 Corrupt withdrawal from candidature

Any person who corruptly induces or procures any other person to withdraw from being a candidate at an election, in consideration of any payment or promise of payment, and any person withdrawing in pursuance of the inducement or procurement, shall be guilty of an illegal payment.

108 Premises not to be used as committee rooms

- (1) If a person—
- (a) hires or uses any premises to which this section applies, or any part of them, for a committee room for the purpose of promoting or procuring the election of a candidate, or
 - (b) lets any premises to which this section applies or any part of them knowing that it was intended to use them or that part as a committee room,
- he shall be guilty of an illegal hiring.
- (2) Where the election is an election under the local government Act, the reference in subsection (1) above to letting any premises or part of premises includes a reference to permitting the use of any premises or part of premises.
- (3) This section applies to any premises—
- (a) which are licensed for the sale of any intoxicating liquor for consumption on or off the premises or on which refreshment of any kind (whether food or drink) is ordinarily sold for consumption on the premises, or

(b) where any intoxicating liquor is supplied to members of a club, society or association, other than a permanent political club,
but this section does not apply to the hiring, using, letting or permitting the use of any part of premises which is ordinarily let for the purpose of—
(i) chambers, or offices, or
(ii) the holding of public meetings or of arbitrations,
if that part has a separate entrance and no direct communication with any part of the premises on which any intoxicating liquor or refreshment is sold or supplied as mentioned above.

(4) This section also applies—

- (a) in England and Wales, to the premises of all schools maintained or assisted by a local education authority and all other schools in respect of which grants are made out of moneys provided by Parliament to the person or body of persons responsible for the management of the school;
- (b) in Scotland, to the premises of all schools other than independent schools within the meaning of the Education (Scotland) Act 1980; and
- (c) in Northern Ireland, to the premises of all schools other than independent schools within the meaning of the Education and Libraries (Northern Ireland) Order 1972.

For the purposes of this section, the premises of a school shall be taken to include any dwelling house which forms part of the school and is occupied by a person employed for the purposes of the school.

109 Payments for exhibition of election notices

- (1) No payment or contract for payment shall for the purpose of promoting or procuring the election of a candidate at an election be made to an elector or his proxy on account of the exhibition of, or the use of any house, land, building or premises for the exhibition of, any address, bill or notice, unless—
- (a) it is the ordinary business of the elector or proxy as an advertising agent to exhibit for payment bills and advertisements; and
 - (b) the payment or contract is made in the ordinary course of that business.
- (2) If any payment or contract for payment is knowingly made in contravention of this section either before, during or after an election—
- (a) the person making the payment or contract, and
 - (b) if he knew it to be in contravention of this Act, any person receiving the payment or being a party to the contract,
- shall be guilty of an illegal practice.

110 Printer's name and address on election publications

- (1) A person shall not—
- (a) print or publish, or cause to be printed or published, any bill, placard or poster having reference to an election or any printed document distributed for the purpose of promoting or procuring the election of a candidate, or
 - (b) post or cause to be posted any such bill, placard or poster as mentioned above, or
 - (c) distribute or cause to be distributed any printed document for that purpose,

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unless the bill, placard, poster or document bears upon its face the name and address of the printer and publisher.

- (2) For the purposes of this section, any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printing and the expression "printer" shall be construed accordingly.
- (3) A candidate or election agent acting in contravention of this section shall be guilty of an illegal practice, and any other person so acting shall on summary conviction be liable to a fine not exceeding level 3 on the standard scale, or, in Northern Ireland, to a fine not exceeding £100.

In relation to an election where candidates are not required to have election agents the reference to an election agent shall be omitted and the reference to any person other than the candidate shall be construed accordingly.

111 Prohibition of paid canvassers

If a person is, either before, during or after an election, engaged or employed for payment or promise of payment as a canvasser for the purpose of promoting or procuring a candidate's election—

- (a) the person so engaging or employing him, and
- (b) the person so engaged or employed,

shall be guilty of illegal employment.

112 Providing money for illegal purposes

Where a person knowingly provides money—

- (a) for any payment which is contrary to the provisions of this Act, or
- (b) for any expenses incurred in excess of the maximum amount allowed by this Act, or
- (c) for replacing any money expended in any such payment or expenses,

except where the payment or the incurring of the expenses may have been previously allowed in pursuance of section 167 below to be an exception, that person shall be guilty of an illegal payment.

Bribery, treating and undue influence

113 Bribery

- (1) A person shall be guilty of a corrupt practice if he is guilty of bribery.
- (2) A person shall be guilty of bribery if he, directly or indirectly, by himself or by any other person on his behalf—
 - (a) gives any money or procures any office to or for any voter or to or for any other person on behalf of any voter or to or for any other person in order to induce any voter to vote or refrain from voting, or
 - (b) corruptly does any such act as mentioned above on account of any voter having voted or refrained from voting, or

- (c) makes any such gift or procurement as mentioned above to or for any person in order to induce that person to procure, or endeavour to procure, the return of any person at an election or the vote of any voter,

or if upon or in consequence of any such gift or procurement as mentioned above he procures or engages, promises or endeavours to procure the return of any person at an election or the vote of any voter.

For the purposes of this subsection—

- (i) references to giving money include references to giving, lending, agreeing to give or lend, offering, promising, or promising to procure or endeavour to procure any money or valuable consideration; and
- (ii) references to procuring any office include references to giving, procuring, agreeing to give or procure, offering, promising, or promising to procure or to endeavour to procure any office, place or employment.
- (3) A person shall be guilty of bribery if he advances or pays or causes to be paid any money to or for the use of any other person with the intent that that money or any part of it shall be expended in bribery at any election or knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election.
- (4) The foregoing provisions of this section shall not extend or be construed to extend to any money paid or agreed to be paid for or on account of any legal expenses incurred in good faith at or concerning an election.
- (5) A voter shall be guilty of bribery if before or during an election he directly or indirectly by himself or by any other person on his behalf receives, agrees, or contracts for any money, gift, loan or valuable consideration, office, place or employment for himself or for any other person for voting or agreeing to vote or for refraining or agreeing to refrain from voting.
- (6) A person shall be guilty of bribery if after an election he directly or indirectly by himself or by any other person on his behalf receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting.
- (7) In this section the expression " voter " includes any person who has or claims to have a right to vote.

114 Treating

- (1) A person shall be guilty of a corrupt practice if he is guilty of treating.
- (2) A person shall be guilty of treating if he corruptly, by himself or by any other person, either before, during or after an election, directly or indirectly gives or provides, or pays wholly or in part the expense of giving or providing, any meat, drink, entertainment or provision to or for any person—
- (a) for the purpose of corruptly influencing that person or any other person to vote or refrain from voting; or
- (b) on account of that person or any other person having voted or refrained from voting, or being about to vote or refrain from voting.
- (3) Every elector or his proxy who corruptly accepts or takes any such meat, drink, entertainment or provision shall also be guilty of treating.

115 Undue influence

- (1) A person shall be guilty of a corrupt practice if he is guilty of undue influence.
- (2) A person shall be guilty of undue influence—
 - (a) if he, directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence or restraint, or inflicts or threatens to inflict, by himself or by any other person, any temporal or spiritual injury, damage, harm or loss upon or against any person in order to induce or compel that person to vote or refrain from voting, or on account of that person having voted or refrained from voting; or
 - (b) if, by abduction, duress or any fraudulent device or contrivance, he impedes or prevents the free exercise of the franchise of an elector or proxy for an elector, or so compels, induces or prevails upon an elector or proxy for an elector either to vote or to refrain from voting.

*Supplemental***116 Rights of creditors**

The provisions of this Part of this Act prohibiting—

- (a) payments and contracts for payments,
- (b) the payment or incurring of election expenses in excess of the maximum amount allowed by this Act; or
- (c) the incurring of expenses not authorised by the election agent,

do not affect the right of any creditor, who, when the contract was made or the expense was incurred, was ignorant of that contract or expense being in contravention of this Act.

117 Savings as to parliamentary elections

- (1) Where a person has been declared by others to be a candidate at a parliamentary election without his consent, nothing in this Part of this Act shall be construed to impose any liability on that person, unless he has afterwards given his assent to the declaration or has been nominated.
- (2) Nothing in this Part makes it illegal for an employer to permit parliamentary electors or their proxies to absent themselves from his employment for a reasonable time for the purpose of voting at the poll at a parliamentary election without having any deduction from their salaries or wages on account of their absence, if the permission—
 - (a) is (so far as practicable without injury to the employer's business) given equally to all persons alike who are at the time in his employment, and
 - (b) is not given with a view to inducing any person to record his vote for any particular candidate at the election, and
 - (c) is not refused to any person for the purpose of preventing him from recording his vote for any particular candidate at the election,

but this subsection shall not be construed as making illegal any act which would not be illegal apart from this subsection.

118 Interpretation of Part II

In this Part of this Act, unless the context otherwise requires—

" appropriate officer " has the meaning given by section 67(7) above;

" candidate "—

- (a) in relation to a parliamentary election, means a person who is elected to serve in Parliament at the election or a person who is nominated as a candidate at the election, or is declared by himself or by others to be a candidate on or after the day of the issue of the writ for the election, or after the dissolution or vacancy in consequence of which the writ was issued;
- (b) in relation to an election under the local government Act, means a person elected or having been nominated or having declared himself a candidate for election, to the office to be filled at the election;

" committee room " does not include any house or room occupied by a candidate as a dwelling, by reason only of the candidate transacting business there with his agents in relation to the election, and no room or building shall be deemed to be a committee room by reason only of the candidate or any agent of the candidate addressing in it electors, committee members or others;

" date of the allowance of an authorised excuse " has the meaning given by section 86(8) above, or paragraph 7 of Schedule 4 to this Act, as the case may be;

" declaration as to election expenses " means a declaration made under section 82 above, or, as the case may be, paragraph 3 of Schedule 4 to this Act;

" disputed claim " has the meaning given by section 79(1) above as extended by section 80 above;

" election expenses " in relation to an election means expenses incurred, whether before, during or after the election, on account of or in respect of the conduct or management of the election;

" money " and " pecuniary reward " shall (except in sections 113 and 114 above) be deemed to include—

- (a) any office, place or employment, and
- (b) any valuable security or other equivalent of money, and
- (c) any valuable consideration, and expressions referring to money shall be construed accordingly;

" payment " includes any pecuniary or other reward;

" personal expenses " as used with respect to the expenditure of any candidate in relation to any election includes the reasonable travelling expenses of the candidate, and the reasonable expenses of his living at hotels or elsewhere for the purposes of and in relation to the election;

" return as to election expenses " means a return (including the bills and receipts to be transmitted with it) to be made under section 81(1) above, or, as the case may be, paragraph 3 of Schedule 4 to this Act.

119 Computation of time for purposes of Part II

- (1) Where the day or last day on which anything is required or permitted to be done by or in pursuance of this Part of this Act is any of the days mentioned in subsection (2) below—

- (a) the requirement or permission shall be deemed to relate to the first day thereafter which is not one of those days; and

Status: This is the original version (as it was originally enacted).

(b) in computing any period of not more than 7 days for the purposes of this Part any of the days so mentioned shall be disregarded.

(2) The days referred to in subsection (1) above are—

- (a) a Sunday;
- (b) a day of the Christmas break, of the Easter break, or of a bank holiday break; and
- (c) a day appointed for public thanksgiving or mourning.

(3) In this section—

"bank holiday break" means any bank holiday under the Banking and Financial Dealings Act 1971 (in England and Wales, in Scotland or in Northern Ireland, as the case may be) which is not included in the Christmas break or the Easter break and the period beginning with the last weekday before that bank holiday and ending with the next weekday which is not a bank holiday under that Act,

" Christmas break " means the period beginning with the last weekday before Christmas Day and ending with the first weekday after Christmas Day which is not a bank holiday,

" Easter break" means the period beginning with the Thursday before and ending with the Tuesday after Easter Day,

but so much of this subsection as includes in a bank holiday break a period before and after a bank holiday does not apply in Scotland or Northern Ireland to a bank holiday which is not also a bank holiday in England and Wales, except in Scotland New Year's Day.