



Elections (Northern Ireland) Act 1985

1985 CHAPTER 2

Parliamentary elections

3 Offences relating to specified documents.

- (1) A person commits an offence if, on the day of or the day next preceding the poll for a parliamentary election, he has possession of a document to which this section applies, with the intention of committing or of enabling another person to commit the offence of personation at the election.
- (2) This section applies to—
 - (a) a document which is not, but purports to be, a specified document within the meaning of rule 37 of the parliamentary elections rules on Schedule 1 to the 1983 Act, and
 - (b) a specified document within the meaning of that rule which either falsely bears the name of the person in possession or does not bear that name.
- (3) If a constable has reasonable grounds for suspecting that a person has possession of a document in contravention of subsection (1), the constable may—
 - (a) search that person, and detain him for the purpose of searching him;
 - (b) search any vehicle in which the constable suspects that the document may be found, and for that purpose require the person in control of the vehicle to stop it;
 - (c) seize and retain, for the purpose of proceedings for an offence under subsection (1), any document found in the course of a search if there are reasonable grounds for suspecting that it is a document to which this section applies.
- (4) If a resident magistrate is satisfied by complaint on oath that there are reasonable grounds for suspecting that a person has possession on any premises of a document in contravention of subsection (1), he may grant a warrant authorising any constable—
 - (a) to enter, if need be by force, the premises named in the warrant,
 - (b) to search the premises and any person found there, and

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- (c) to seize and retain, for the purpose of proceedings for an offence under subsection (1), any document found in the course of the search if there are reasonable grounds for suspecting that it is a document to which this section applies.
- (5) A person commits an offence if he—
- (a) intentionally obstructs a constable in the exercise of his powers under this section, or
 - (b) conceals from a constable acting in the exercise of those powers any document to which this section applies.
- (6) A constable may arrest without warrant a person who has committed or whom the constable has reasonable grounds for suspecting to have committed, an offence under subsection (1) or (5) if—
- (a) he has reasonable grounds for believing that that person will abscond unless arrested,
 - (b) the name and address of that person are unknown to, and cannot be ascertained by, him, or
 - (c) he is not satisfied that a name and address furnished by that person as his name and address are true.
- (7) A person is guilty of a corrupt practice if he commits or aids, abets, counsels or procures the commission of an offence under subsection (1); and the provisions of the 1983 Act relating to corrupt practices shall apply in such a case, but reading for the words “one year” in section [F1 168(1)(a)(ii)] (penalty on indictment) the words “two years”.
- (8) A person guilty of an offence under subsection (5) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale (as provided by Article 5 of the ^{M1}Fines and Penalties (Northern Ireland) Order 1984) or to imprisonment for a term not exceeding 6 months or to both.
- (9) A prosecution shall not be instituted in respect of an offence under subsection (1) except by or with the consent of the Director of Public Prosecutions for Northern Ireland.
- (10) In this section—
- “premises” includes any place and, in particular, includes any movable structure, and
- “vehicle” means a vehicle intended or adapted for use on land (however propelled, and including a caravan or other vehicle intended or adapted to be drawn).

Textual Amendments

- F1** "168(1)(a)(ii)" substituted for "168(2)(b)" by [Representation of the People Act 1985 \(c. 50, SIF 42\), s. 25\(2\)](#)

Modifications etc. (not altering text)

- C1** [S. 3](#) applied by [S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. II](#)
[S. 3](#) applied (with modifications) (4.5.1996) by [S.I. 1996/1220, art. 3\(1\)\(5\)-\(8\), Sch. 1](#)
[S. 3](#) applied (with modifications) (25.4.1998) by [S.I. 1998/1126, art. 6\(1\), Sch. 2](#)
[S. 3](#) applied (with modifications) (28.5.1998) by [S.I. 1998/1287, arts. 1\(2\), 3\(1\)\(3\), Sch. 1](#)

Changes to legislation: *There are currently no known outstanding effects for the Elections (Northern Ireland) Act 1985, Section 3. (See end of Document for details)*

S. 3 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3, Sch. 1 (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3(1)(2), Sch. 1)

Marginal Citations

M1 S.I. 1984/703(N.I.3).

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