

*These notes refer to the Election Publications Act 2001
(c.5) which received Royal Assent on 10th April 2001*

ELECTION PUBLICATIONS ACT 2001

EXPLANATORY NOTES

INTRODUCTION

1. These Explanatory Notes relate to the Election Publications Act 2001 which received Royal Assent on 10th April 2001. They have been prepared by the Home Office in order to assist the reader in understanding the Act. They do not form part of the Act and have not been endorsed by Parliament.
2. These notes need to be read in conjunction with the Act. They are not, and are not meant to be, a comprehensive description of the Act. So where a section or part of a section does not seem to require any explanation or comment none is given.

SUMMARY

3. The Act postpones the operation of new requirements relating to the imprint on election publications introduced by the Political Parties, Elections and Referendums Act 2000.

BACKGROUND

4. Prior to the Political Parties, Elections and Referendums Act 2000 (“the PPER Act”) there was a long-standing provision in section 110 of the Representation of the People Act 1983 (“the RPA 1983”) requiring material promoting or procuring the election of a candidate to include an imprint detailing the name and address of the printer and publisher of the material. There was no equivalent requirement in respect of national election material. The PPER Act made good this omission both in respect of national election material (section 143) and referendum material (section 126). Paragraph 14 of Schedule 18 to the PPER Act also substituted a new section 110 in the RPA 1983 to replace the requirement to name the “publisher” with a requirement to identify the “promoter”, as defined (ie. the person who caused the material to be published), and the person on behalf of whom the material is being published (ie. the candidate or third party). The new provisions relating to national material use identical terminology.
5. These provisions of the PPER Act were brought into force on 16th February 2001 by means of the Political Parties, Elections and Referendums Act 2000 (Commencement No.1 and Transitional Provisions) Order 2001 (SI. 2001/222). The Government subsequently received representations from the three main political parties that none of them were in a position to comply fully with the new requirements. In particular, doing so would require considerable quantities of election material already printed or commissioned to be abandoned. The Act responds to such representations by rescinding the commencement of section 143 and paragraph 14 of Schedule 18 to the PPER Act and restoring the operation of the old section 110 of the RPA 1983 in relation to material published on behalf of candidates or third parties at local level.

COMMENTARY ON SECTIONS

Section 1: Restoration of previous law relating to election publications

6. The effect of *section 1* is to undo the commencement of section 143 of and paragraph 14 of Schedule 18 to the PPER Act, and to restore section 110 of the RPA as it applied prior to 16th February 2001. *Subsection (1)* rescinds the commencement of these two provisions of the PPER Act and provides that they should be deemed not to have come into force. Section 143 of the PPER Act requires that advertisements and other election material designed to promote or procure the electoral success of a registered party or candidates who hold particular opinions must include certain specified information, namely the name and address of the printer, the promoter, and any other person on behalf of whom the material is published. Paragraph 14 of Schedule 18 to the PPER Act substituted a new section 110 of the RPA 1983, which requires the same sort of imprint information as in the case of section 143 of the PPER Act. By contrast, the old section 110 simply required the name and address of the printer and publisher to appear on election publications intended to promote or procure the election of a particular candidate.
7. Section 126 of the PPER Act made separate provision in respect of the information to appear on referendum publications. Section 126 also came into force on 16th February 2001. That section is unaffected by this Act and therefore continues in force.
8. *Subsection (2)* restores the old section 110 of the RPA 1983, which is deemed to have continued in force since 16th February 2001. The old section 110 is as follows:

“Printer’s name and address on election publications

- 110(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,
- 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 5 on the standard scale.

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.”

9. *Subsection (3)* provides that the old section 110 has effect in the form in which it had effect immediately before 16th February, despite the fact that Schedule 22 to the PPER Act repealed an amendment of that section made by paragraph 6 of Schedule 3 to the Representation of the People Act 1985.
10. As a result of the postponement of the commencement of section 143 of the PPER Act no specific imprint requirements will apply to national election material. However, the provisions of the Newspapers, Printers, and Reading Rooms Repeal Act 1869 continue to operate. Under the 1869 Act “any paper or book whatsoever which shall be meant to be published or dispersed” is required to have the name and address of the printer

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imprinted on the front (if it is a single-sided document) or on either the first or last page (in any other case).

Section 2: Introduction of new law relating to election publications

11. *Section 2* enables the Secretary of State to re-commence, by order, section 143 of and paragraph 14 of Schedule 18 to the PPER Act. The order-making power is such that the two provisions may be brought back into force on the same or different days. A new commencement order may contain transitional provisions and savings.

Section 3: Short title, construction, transitionals and extent

12. *Subsection (1)* gives the short title of the Act.
13. *Subsection (2)* is the interpretation provision.
14. *Subsection (3)*, together with the further definitions in *subsection (4)*, makes a saving for any material complying with the new section 110 in the period beginning 16th February 2001 and ending with the date on which the new section 110 is brought back into force. People who have succeeded in making arrangements to comply with the PPER Act provisions will not, therefore, have to change back again.
15. *Subsections (5) and (6)* provide that the Act extends throughout the United Kingdom save in respect of the application of section 110 of the RPA 1983 in relation to local government elections in Scotland. By virtue of section 138(2) of the PPER Act the substitution of the new section 110 did not apply to such elections.

COMMENCEMENT

16. By virtue of section 4(b) of the Interpretation Act 1978 the Act came into force on Royal Assent.

HANSARD REFERENCES

17. The following table sets out the dates and Hansard references for each stage of this Act's passage through Parliament.

<i>Stage</i>	<i>Date</i>	<i>Hansard reference</i>	
HOUSE OF LORDS			
INTRODUCTION	27 March 2001	Vol. 624	Cols. 103 - 104
SECOND READING	28 March 2001	Vol. 624	Cols. 397 – 402
REMAINING STAGES	29 March 2001	Vol. 624	Cols. 467 – 468
HOUSE OF COMMONS			
INTRODUCTION	29 March 2001		
REMAINING STAGES	4 April 2001	Vol. 366	Cols. 442 – 462
ROYAL ASSENT	10 April 2001	Vol. 366	Col. 848 (Commons)

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<i>Stage</i>	<i>Date</i>	<i>Hansard reference</i>	
		Vol. 624	Col. 1057 (Lords)