

ELECTION PUBLICATIONS ACT 2001

EXPLANATORY NOTES

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:

“110 “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,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.

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

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