
DRAFT STATUTORY INSTRUMENTS

2012 No.

The Police and Crime Commissioner Elections Order 2012

PART 2

Exercise of franchise for PCC elections

Offences

Breach of official duty

19.—(1) If a person to whom this article applies is, without reasonable cause, guilty of any act or omission in breach of the person’s official duty, the person is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) No person to whom this article applies is liable for breach of his or her official duty to any penalty at common law and no action for damages lies in respect of the breach by such a person of the person’s official duty.

(3) The persons to whom this article applies are—

- (a) any registration officer, police area returning officer, local returning officer or presiding officer,
- (b) any other person whose duty it is to be responsible after a PCC election for the used ballot papers and other documents (including returns and declarations as to expenses),
- (c) any deputy of a person mentioned in sub-paragraph (a) or (b),
- (d) any person appointed to assist or in the course of employment assisting a person mentioned in any of sub-paragraphs (a) to (c) in connection with that person’s official duties;

and for the purposes of this article “official duty” is to be construed accordingly, but does not include duties imposed otherwise than by the law relating to PCC elections or the registration of local government electors.

(4) Where a police area returning officer or a local returning officer for a PCC election—

- (a) is guilty of an act or omission in breach of the officer’s official duty, but
- (b) remedies that act or omission in full by taking steps under regulation 6 of the Police and Crime Commissioner Elections (Functions of Returning Officers) Regulations 2012(1) (correction of procedural errors),

the officer is not guilty of an offence under paragraph (1).

(5) Paragraph (4) does not affect any conviction which takes place, or any penalty which is imposed, before the date on which the act or omission is remedied in full.