



# Representation of the People Act 1983

## 1983 CHAPTER 2

### PART II

#### THE ELECTION CAMPAIGN

##### Modifications etc. (not altering text)

- C1** Pt. II (ss. 67-119) applied with modifications (E.W.) by S.I. 1987/1, Rules, 2, 6 and S.I. 1986/2215, Rules 2, 9 (which S.I. was revoked (2.1.2007) by S.I. 2006/3305, rule1(4), Sch. 1)

#### *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 [<sup>F1</sup>(or deemed 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.

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- (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.

#### Textual Amendments

**F1** Words inserted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, **Sch. 4 para. 20**

#### Modifications etc. (not altering text)

- C2** S. 67 applied (N.I.) by [S.I. 1986/2250](#), regs. 2, 3, 5, **Sch. 1 Pt. I**
- C3** S. 67 applied (E.W.S.) by [S.I. 1986/2209](#), regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C4** S. 67 applied (with modifications) (N.I.) (4.5.1996) by [S.I. 1996/1220](#), art. 3(1)(5)–(8), **Sch. 1**
- C5** S. 67(7) modified (1.3.1995) by [S.I. 1995/493](#), **art. 9(9)**

## 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) [<sup>F2</sup>Not later than the second 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,

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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.

#### Textual Amendments

**F2** Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\), s. 24, Sch. 4 para. 21](#)

#### Modifications etc. (not altering text)

**C6** [S. 68](#) applied with modifications (N.I.) by [S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. 1](#)

**C7** [S. 68](#) applied with modifications (E.W.S.) by [S.I. 1986/2209, regs. 2, 3, 5\(1\)\(6\)–\(8\), Sch. 1 Pt. 1](#)

**C8** [S. 68](#) applied (with modifications) (N.I.) (4.5.1996) by [S.I. 1996/1220, art. 3\(1\)\(5\)–\(8\), Sch. 1](#)

[S. 68](#) applied (with modifications) (N.I.) (4.5.1996) by [S.I. 1996/1220, art. 3\(1\)\(b\)\(6\)\(d\)\(7\)](#)

## 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 [<sup>F3</sup>is declared to him]; 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 [<sup>F4</sup>or in a Welsh county or county borough, or 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 [<sup>F4</sup>or in a Welsh county or county borough, or 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.

#### Textual Amendments

**F3** Words inserted by [Representation of the People Act 1985 \(c. 50, SIF 42\), s. 24, Sch. 4 para. 22](#)

**F4** Words in [s. 69\(2\)\(a\)\(b\)](#) substituted (20.3.1995) by [1994 c. 19, s. 66\(6\), Sch. 16 para. 68\(13\)](#) (with [ss. 54\(4\)\(7\), 55\(5\), Sch. 17 paras. 22\(1\), 23\(2\)](#)); [S.I. 1995/546, art. 3, Sch.](#) (with [arts. 4-8](#))

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#### **Modifications etc. (not altering text)**

- C9** S. 69 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**  
**C10** S. 69 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**  
**C11** S. 69 applied (with modifications) (N.I.) (4.5.1996) by 1996/1220, art. 3(1)(5)–(8), Sch. 1

## **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 reappointed) election agent.
- [<sup>F5</sup>(3A) The deemed appointment of a candidate as his own election agent may be revoked as if it were an actual appointment.]
- (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.

#### **Textual Amendments**

- F5** S. 70(3A) inserted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, **Sch. 4 para. 23**

#### **Modifications etc. (not altering text)**

- C12** S. 70 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**  
**C13** S. 70 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**

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**C14** S. 70 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, Sch. 1)

**C15** S. 70 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)-(8), Sch. 1

VALID FROM 14/12/1999

**[<sup>F6</sup>70A Application of s.70 in relation to election of London members of the London Assembly.**

- (1) Where a registered political party submits a list of candidates to be London members of the London Assembly at an ordinary election—
  - (a) section 70 shall not apply in relation to those candidates, but
  - (b) the following provisions of this section shall have effect in place of that section.
- (2) If no person's name and address is given as required by virtue of section 67(1A) as the election agent of all of the candidates included in the list who remain validly nominated at the latest time for delivery of notices of withdrawals—
  - (a) the candidate whose name appears highest on the list shall be deemed at that time to have been named on behalf of the party as election agent for all of the candidates; and
  - (b) any appointment of another person as election agent for those candidates shall be deemed to have been revoked.
- (3) If—
  - (a) the person whose name and address have been so given as those of the election agent for the candidates dies, and
  - (b) a new appointment is not made on the day of the death or on the following day,  
the candidate whose name appears highest on the list shall be deemed to have been named on behalf of the party as election agent for all of the candidates as from the time of death.
- (4) If the appointment of the election agent for the candidates is revoked without a new appointment being made, the candidate whose name appears highest on the list shall be deemed to have been appointed (or re-appointed) election agent.
- (5) The deemed appointment of a candidate as election agent may be revoked as if it were an actual appointment.
- (6) Where a candidate included in the list is by virtue of this section to be treated as 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.
- (7) The appropriate officer, on being satisfied that a candidate is by virtue of this section to be treated as 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.]

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### Textual Amendments

- F6** S. 70A inserted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 para. 15** (with Sch. 12 para. 9(1)); S.I. 1999/3376, **art. 2**

## 71 Elections where election agent not required.

A candidate—

- (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.

VALID FROM 01/07/2001

### *[<sup>F7</sup> Donations to candidates]*

### Textual Amendments

- F7** S. 71A and cross-heading inserted (1.7.2001) by 2000 c. 41, s. **130(2)(4)** (with s. 156(6)); S.I. 2001/222, **art. 4, Sch. 2 Pt. I** (subject to transitional provisions in Sch. 2 Pt. II)

## <sup>F8</sup>71A Control of donations to candidates.

- (1) In the case of any candidate at an election, any money or other property provided (whether as a gift or loan)—
  - (a) by any person other than the candidate or his election agent, and
  - (b) for the purpose of meeting election expenses incurred by or on behalf of the candidate,
 must be provided to the candidate or his election agent.
- (2) Subsection (1) above does not apply to any money or other property so provided for the purpose of meeting any such expenses which may be lawfully paid by a person other than the candidate, his election agent or any sub-agent (in the case of an election where sub-agents may be appointed).
- (3) A person who provides any money or other property in contravention of subsection (1) above shall be guilty of an illegal practice.
- (4) Schedule 2A to this Act shall have effect for the purpose of controlling donations to candidates.
- (5) In this section and that Schedule “property” includes any description of property, and references to the provision of property accordingly include the supply of goods.]

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### Textual Amendments

**F8** S. 71A and cross-heading inserted (1.7.2001) by 2000 c. 41, s. 130(2)(4) (with s. 156(6)); S.I. 2001/222, art. 4, Sch. 2 Pt. I (subject to transitional provisions in Sch. 2 Pt. II)

### Modifications etc. (not altering text)

**C16** S. 71A 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, Sch. 1)

## 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.

### Modifications etc. (not altering text)

- C17** S. 72 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I
- C18** S. 72 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), Sch. 1 Pt. I
- C19** S. 72(3) applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)–(8), Sch. 1

### 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 [<sup>F</sup>£20], 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 subagents are allowed, be taken as references to the election agent acting by himself or a sub-agent.

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- (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.

#### Textual Amendments

**F9** “£20” substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\), s. 14\(1\)](#)

#### Modifications etc. (not altering text)

**C20** [S. 73](#) applied (N.I.) by [S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I](#)

**C21** [S. 73](#) applied (E.W.S.) by [S.I. 1986/2209, regs. 2, 3, 5\(1\)\(6\)–\(8\), Sch. 1 Pt. I](#)

**C22** [S. 73\(1\)\(b\)](#) applied (with modifications) (N.I.) (4.5.1996) by [S.I. 1996/1220, art. 3\(1\)\(5\)–\(8\), Sch. 1](#)

## 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 [<sup>F10</sup>£600], and any further personal expenses so incurred by him shall be paid by his election agent.
- (2) The candidate shall 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.

#### Textual Amendments

**F10** “£600” substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\), s. 14\(2\)](#)

#### Modifications etc. (not altering text)

**C23** [S. 74](#) applied (N.I.) by [S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I](#)

**C24** [S. 74](#) applied (E.W.S.) by [S.I. 1986/2209, regs. 2, 3, 5\(1\)\(6\)–\(8\), Sch. 1 Pt. I](#)

**C25** [S. 74](#) applied (N.I.) (4.5.1996) by [S.I. 1996/1220, art. 3\(1\)\(b\)\(5\)–\(8\), Sch. 1](#)



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VALID FROM 01/07/2001

#### **[<sup>F11</sup>74A Expenses incurred otherwise than for election purposes.**

- (1) Neither section 73 above nor sections 78 and 79 below shall apply to election expenses—
  - (a) which are incurred by or on behalf of a candidate otherwise than for the purposes of the candidate’s election, but
  - (b) which by virtue of section 90A(1) below fall to be regarded as election expenses by reason of the property, services or facilities in respect of which they were incurred being used for the purposes of the candidate’s election.
- (2) The candidate’s election agent shall make a declaration of the amount (determined in accordance with section 90B below) of any election expenses falling within subsection (1) above.
- (3) In this section “for the purposes of the candidate’s election” has the same meaning as in sections 90A to 90C below.]

#### **Textual Amendments**

**F11** S. 74A inserted (1.7.2001) by 2000 c. 41, s. 138(1)(2), **Sch. 18 para. 5** (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2 Pt. I** (subject to transitional provisions in **Sch. 2 Pt. II**)

#### **Modifications etc. (not altering text)**

**C26** S. 74A applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3(1), **Sch. 1**

#### **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 [<sup>F12</sup>or by Sianel Pedwar Cymru or in a programme included in any service licensed under Part I or III of the Broadcasting Act 1990 [<sup>F13</sup>or Part I or II of the Broadcasting Act 1996];] or
  - (ii) apply to any expenses not exceeding in the aggregate the sum of [<sup>F14</sup>£5] 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—

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- (a) that person shall [<sup>F15</sup>within 21 days after the day on which the result of the election is declared deliver] 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 [<sup>F16</sup>21 days after the day on which the result of the election is declared] 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 [<sup>F17</sup>deliver or] 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.

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**Changes to legislation:** Representation of the People Act 1983, Part II is up to date with all changes known to be in force on or before 29 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

### Textual Amendments

- F12** Words substituted by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 203(1), [Sch. 20 para. 35\(2\)\(5\)](#)
- F13** Words in s. 75(1)(i) inserted (1.10.1996) by 1996 c. 55, s. 148(1), [Sch. 10 Pt. III paras. 28, 30](#); S.I. 1996/2120, art. 4, [Sch. 1](#)
- F14** “£5” substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 14(3)
- F15** Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, [Sch. 4 para. 24\(a\)](#)
- F16** Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, [Sch. 4 para. 24\(b\)](#)
- F17** Words inserted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, [Sch. 4 para. 24\(c\)](#)

### Modifications etc. (not altering text)

- C27** S. 75 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, [Sch. 1 Pt. I](#)
- C28** S. 75 applied with modifications (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), [Sch. 1 Pt. I](#)
- C29** S. 75 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)–(8), [Sch. 1](#)
- C30** S. 75(2)(a) applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, [art. 3\(1\)\(b\)\(6\)\(d\)\(7\)](#)

VALID FROM 16/02/2001

### [<sup>F18</sup>75A Scottish local government elections: prohibition of expenses not authorised by election agent

- (1) This section applies in relation to a local government election in Scotland.
- (2) No person other than a candidate at the election, his election agent or a person authorised in writing by the election agent shall, with a view to promoting or procuring the election of the candidate, incur any expenses on account of—
  - (a) holding public meetings or organising any public display;
  - (b) issuing advertisements, circulars or publications; or
  - (c) otherwise presenting to the electors the candidate or his views or the extent or nature of his backing or disparaging another candidate.
- (3) Subsection (2)(c) above does not restrict the publication of any matter relating to the election in—
  - (a) a newspaper or other periodical;
  - (b) a broadcast made by the British Broadcasting Corporation; or
  - (c) a programme included in any service licensed under Part 1 or 3 of the Broadcasting Act 1990 (c. 42) or Part 1 or 2 of the Broadcasting Act 1996 (c. 55).
- (4) Subsection (2) does not apply to expenses incurred by any person—
  - (a) which do not exceed in the aggregate the permitted sum (and are not incurred by that person as part of a concerted plan of action); or
  - (b) in travelling or in living away from home or similar personal expenses.
- (5) For the purposes of subsection (4)(a) above—
  - (a) “the permitted sum” means, in respect of each candidate, £50 together with an additional 0.5p for every entry in the register of local government electors for the electoral area in question as it has effect on the last day for publication of notice of the election; and

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- (b) expenses are to be regarded as incurred by a person “as part of a concerted plan of action” if they are incurred by that person in pursuance of any plan or other arrangement whereby that person and one or more other persons are to incur, with a view to promoting or procuring the election of the same candidate, expenses which (disregarding subsection (4)(a)) fall within subsection (2) above.
- (6) Where a person incurs any expenses required by subsection (2) above to be authorised by the election agent, that person shall, within 21 days after the day on which the result of the election is declared, deliver to the appropriate officer—
- (a) a return of the amount of the expenses, stating the election at which, and the candidate in whose support they were incurred;
  - (b) a declaration 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; and
  - (c) the authority received from the election agent (which, for the purposes of this section, is to be treated as forming part of the return).
- (7) A person is guilty of a corrupt practice if he—
- (a) incurs, or aids, abets, counsels or procures any other persons to incur, any expenses in contravention of subsection (2) above; or
  - (b) makes a declaration required by subsection (6)(b) above which he knows to be false.
- (8) A person is guilty of an illegal practice if he fails to deliver any return or declaration as required by subsection (6) above.
- (9) The court by or before which a person is convicted of a corrupt or illegal practice under subsection (7) or (8) above may, if the court thinks it just in the special circumstances of the case, mitigate or entirely remit any incapacity incurred under section 173 or 173A of this Act by virtue of the conviction.
- (10) A candidate is not liable for, and his election is not void by reason of, a corrupt or illegal practice under subsection (7) or (8) above committed by an agent without his consent or connivance.
- (11) Where any act or omission of an association or body of persons (whether corporate or unincorporate) is a corrupt or 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, is also guilty of the corrupt or illegal practice, unless the person 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.]

#### Textual Amendments

- F18** S. 75A inserted (S.) (retrospective to 16.2.2001) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), ss. **16(2)(3)**, 63; S.S.I. 2007/26, **art. 2(1)(e)**

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## 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 [<sup>F19</sup>parliamentary general election, being an election]—
    - (i) in a county constituency, [<sup>F20</sup>£4,965] together with an additional [<sup>F20</sup>5.6p] for every entry in the register of electors to be used at the election (as first published); and
    - (ii) in a borough constituency, [<sup>F21</sup>£4,965] together with an additional [<sup>F21</sup>4.2p] for every entry in the register of electors to be used at the election (as first published);
  - [<sup>F22</sup>(aa) for a candidate at a parliamentary by-election—
    - (i) in a county constituency, [<sup>F23</sup>£19,863] together with an additional [<sup>F23</sup>22.2p] for every entry in the register of electors to be used at the election (as first published); and
    - (ii) in a borough constituency, [<sup>F24</sup>£19,863] together with an additional [<sup>F24</sup>16.9p] for every entry in the register of electors to be used at the election (as first published);]
  - (b) for a candidate at a local government election—
    - (i) [<sup>F25F26</sup>(ia)]
    - [<sup>F27</sup>(ii) at any other local government election, [<sup>F28</sup>£219] together with an additional [<sup>F28</sup>4.3p] for every entry in the register of electors to be used at the election (as first published).
- (3)
- [<sup>F29</sup>(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.

### Textual Amendments

**F19** Words substituted by [Representation of the People Act 1989 \(c. 28, SIF 42\), s. 6\(1\)\(a\)](#)

**F20** Words in s. 76(2)(a)(i) substituted (15.4.1997) by [S.I. 1997/879, art. 2](#)

**F21** Words in s. 76(2)(a)(ii) substituted (15.4.1997) by [S.I. 1997/879, art. 3](#)

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- F22** S. 76(2)(aa) inserted by Representation of the People Act 1989 (c. 28, SIF 42), s. 6(1)(b)
- F23** Words in s. 76(2)(aa)(i) substituted (15.4.1997) by S.I. 1997/879, art. 4
- F24** Words in s. 76(2)(aa)(ii) substituted (15.4.1997) by S.I. 1997/879, art. 5
- F25** S. 76(2)(b)(ia) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 19(5)(6), Sch. 9 para. 1(8)
- F26** S. 76(2)(b)(i) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, Sch. 17
- F27** S. 76(2)(b)(ia) repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237, Sch. 13 Pt. I
- F28** Words in s. 76(2)(b)(ii) substituted (15.4.1997) by S.I. 1997/879, art. 6
- F29** S. 76(3) repealed by Representation of the People Act 1985 (c. 50, SIF 42), ss. 24, 28, Sch. 4 para. 25, Sch. 5

#### Modifications etc. (not altering text)

- C31** S. 76 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I
- C32** S. 76 applied with modifications (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), Sch. 1 Pt. I
- C33** S. 76 modified by Representation of the People Act 1985 (c. 50, SIF 42), s. 20(5)
- C34** S. 76 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)–(8), Sch. 1

VALID FROM 25/11/2009

### <sup>F30</sup>76ZA Limitation of pre-candidacy election expenses for certain general elections

- (1) This section applies where—
- (a) a Parliament is not dissolved until after the period of 55 months beginning with the day on which that Parliament first met (“the 55-month period”),
  - (b) election expenses are incurred by or on behalf of a candidate at the parliamentary general election which follows the dissolution, and
  - (c) the expenses are incurred in respect of a matter which is used during the period beginning immediately after the 55-month period and ending with the day on which the person becomes a candidate at that election.

For the purposes of this section, section 90ZA(1) has effect with the omission of the words “after the date when he becomes a candidate at the election”.

- (2) Election expenses incurred as mentioned in subsection (1) must not in the aggregate exceed the permitted amount, which is the relevant percentage of the following sum—
- (a) for a candidate at an election in a county constituency, £25,000 plus 7p for every entry in the register of electors;
  - (b) for a candidate at an election in a borough constituency, £25,000 plus 5p for every entry in the register of electors.
- (3) The relevant percentage is—
- (a) 100% where the dissolution was during the 60th month of the Parliament;
  - (b) 90% where the dissolution was during its 59th month;
  - (c) 80% where the dissolution was during its 58th month;
  - (d) 70% where the dissolution was during its 57th month;
  - (e) 60% where the dissolution was during its 56th month.

For the purposes of this subsection, the “56th month” of a Parliament is the month beginning immediately after the 55-month period; and so on.

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- (4) In subsection (2) above “the register of electors” means the register of parliamentary electors for the constituency in question as it has effect on the last day for publication of notice of the election.
- (5) Where election expenses are incurred as mentioned in subsection (1) in excess of the permitted amount, any candidate or election agent who—
  - (a) incurred, or authorised the incurring of, the election expenses, and
  - (b) knew or ought reasonably to have known that the expenses would be incurred in excess of that amount,shall be guilty of an illegal practice.
- (6) The candidate's personal expenses do not count towards the permitted amount.]

#### Textual Amendments

**F30** S. 76ZA inserted (25.11.2009) by Political Parties and Elections Act 2009 (c. 12), ss. 21(1), 43(1) (with s. 21(2)); S.I. 2009/3084, art. 3(a)

### [<sup>F31</sup>76A Power to vary provisions concerning election expenses.

- (1) The Secretary of State may by order made by statutory instrument vary the sum specified in section 73(2), 74(1) or 75(1) above or a maximum amount of candidate's election expenses specified in section 76(2) above where in his opinion there has been a change in the value of money since the last occasion on which that sum or, as the case may be, amount was fixed (whether by such an order or otherwise) and the variation shall be such as in his opinion is justified by that change.
- (2) An order under subsection (1) above shall not be made unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.]

#### Textual Amendments

**F31** S. 76A inserted by Representation of the People Act 1985 (c. 50, SIF 42), s. 14(4)

### 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—

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- (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.
- (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.

**Modifications etc. (not altering text)**

C35 S. 77 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**

**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 [<sup>F32</sup>21 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 [<sup>F32</sup>21 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.



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- (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 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 <sup>M1</sup>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).

#### Textual Amendments

**F32** “21 days” substituted for “14 days” by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, [Sch. 4 para. 26](#)

#### Modifications etc. (not altering text)

**C36** [S. 78](#) applied (N.I.) by [S.I. 1986/2250](#), regs. 2, 3, 5, [Sch. 1 Pt. I](#)

**C37** [S. 78](#) applied (E.W.S.) by [S.I. 1986/2209](#), regs. 2, 3, 5(1)(6)–(8), [Sch. 1 Pt. I](#)

**C38** [S. 78](#) applied (with modifications) (N.I.) (4.5.1996) by [S.I. 1996/1220](#), art. 3(1)(5)–(8), [Sch. 1](#)

#### Marginal Citations

**M1** [1978 c. 23](#).

## 79 Disputed claims.

- (1) If the election agent disputes any claim sent in to him within the period of [<sup>F33</sup>21 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 nor 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 <sup>M2</sup>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.

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- (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 [<sup>F33</sup>21 days].

#### Textual Amendments

**F33** “21 days” substituted for “14 days” by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, Sch. 4 para. 26

#### Modifications etc. (not altering text)

**C39** S. 79 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I

**C40** S. 79 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), Sch. 1 Pt. I

**C41** S. 79 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), Sch. 1

#### Marginal Citations

**M2** 1981 c. 54.

## 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.

#### Modifications etc. (not altering text)

**C42** S. 80 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I

**C43** S. 80 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), Sch. 1 Pt. I

**C44** S. 80 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), Sch. 1

**C45** S. 80 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, Sch. 1)

## 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 [<sup>F34</sup>deliver] 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;
  - (b) a statement of all disputed claims of which the election agent is aware;

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- (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 [<sup>F35</sup>delivered], 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, [<sup>F34</sup>deliver] 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.

#### Textual Amendments

**F34** Word substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, [Sch. 4 para. 27\(a\)](#)

**F35** Word substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, [Sch. 4 para. 27\(b\)](#)

#### Modifications etc. (not altering text)

**C46** [S. 81](#) applied (N.I.) by [S.I. 1986/2250](#), regs. 2, 3, 5, [Sch. 1 Pt. I](#)

**C47** [S. 81](#) applied (E.W.S.) by [S.I. 1986/2209](#), regs. 2, 3, 5(1)(6)–(8), [Sch. 1 Pt. I](#)

**C48** [S. 81](#) applied (with modifications) (N.I.) (4.5.1996) by [S.I. 1996/1220](#), art. 3(1)(5)–(8), [Sch. 1](#)

## 82 Declarations as to election expenses.

- (1) The return [<sup>F36</sup>delivered] 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 [<sup>F37</sup>delivers] that return, or within seven days afterwards, the candidate shall [<sup>F37</sup>deliver] 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 [<sup>F36</sup>delivered]—
  - (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 [<sup>F36</sup>delivered] 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—

*Status: Point in time view as at 15/04/1997. This version of this part contains provisions that are not valid for this point in time.*

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- (a) in England and Wales, the chairman or proper officer of<sup>F38F39</sup>, a county council [<sup>F40</sup>, a county borough council] or a district council, or the mayor or proper officer of a London borough;
  - (b) in Scotland, the proper officer of a [<sup>F41</sup>local authority];
  - (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.

#### Textual Amendments

- F36** Word substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, **Sch. 4 para. 28(a)**
- F37** Words substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, **Sch. 4 para. 28(b)**
- F38** Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**
- F39** Words repealed by virtue of Local Government Act 1985 (c. 51, SIF 81:1), **Sch. 17** and Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237, **Sch. 13 Pt. I**
- F40** Words in s. 82(4)(a) inserted (20.3.1995) by 1994 c. 19, s. 66(6), **Sch. 16 para. 68(14)** (with ss. 54(4)(7), 55(5), Sch. 17 para. 22(1), 23(2)); S.I. 1995/546, art. 3, **Sch.** (with arts. 4-8)
- F41** Words in s. 82(4)(b) inserted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 130(6)**; S.I. 1996/323, **art. 4(1)(c)**

#### Modifications etc. (not altering text)

- C49** S. 82 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C50** S. 82 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C51** S. 82 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)–(8), **Sch. 1**

### 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.

#### Modifications etc. (not altering text)

- C52** Ss. 83, 84 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C53** Ss. 83, 84 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C54** S. 83 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, **Sch. 1**)

### 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.

*Status: Point in time view as at 15/04/1997. This version of this part contains provisions that are not valid for this point in time.*

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#### Modifications etc. (not altering text)

- C55** Ss. 83, 84 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. 1**
- C56** Ss. 83, 84 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C57** S. 84 applied (with modifications (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), **Sch. 1**
- C58** S. 84 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, **Sch. 1**)

### 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 [<sup>F42</sup>delivered] 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—
- either that return and those declarations have been [<sup>F42</sup>delivered], or
  - the date of the allowance of an authorised excuse for the failure to [<sup>F42</sup>deliver] 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—
- 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
  - £50 shall be substituted for £100 and, instead of civil proceedings for a penalty, summary proceedings may be instituted under the <sup>M3</sup>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.
- [<sup>F43</sup>(3) Civil proceedings for a penalty under this section shall be commenced within the period of one year beginning with the day in respect of which the penalty is alleged to have been incurred.]
- (4) For the purposes of subsection (3) above—
- 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 alleged offender, the issue of a writ or other process shall be deemed to be a commencement of a proceeding; but,
  - 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.

#### Textual Amendments

- F42** Word substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, **Sch. 4 para. 29(a)**
- F43** S. 85(3) substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, **Sch. 4 para. 29(b)**

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### Marginal Citations

M3 1980 c. 43.

VALID FROM 14/12/1999

### [<sup>F44</sup>85A Disqualification where no return and declarations transmitted after election of Mayor of London.

- (1) If, in the case of any candidate at an election of the Mayor of London, the return and declarations as to election expenses are not delivered before the expiry of the time limited for the purpose, the candidate shall, as respects that election, be disqualified from being elected or being the Mayor of London.
- (2) Any application under section 86 below by such a candidate for relief in respect of a failure to deliver the return and declarations as to election expenses must be made within the period of 6 weeks following the day on which the time limited for their delivery expires.
- (3) A disqualification under subsection (1) above shall not take effect unless or until—
  - (a) the period specified in subsection (2) above for making an application for relief under section 86 below expires without such an application having been made; or
  - (b) if such an application is made, the application—
    - (i) is finally disposed of without relief being granted; or
    - (ii) is abandoned or fails by reason of non-prosecution.]

### Textual Amendments

**F44** S. 85A inserted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 para. 26** (with Sch. 12 para. 9(1)); S.I. 1999/3376, **art. 2**

### 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.

[<sup>F45</sup>(1A) Where a person makes an application under this section he shall notify the Director of Public Prosecutions of the application and the Director or his assistant or any barrister, advocate or solicitor duly appointed as the Director's representative may attend the hearing of the application and make representations at the hearing in respect of it.]

- (2) Relief under this section may be granted—
  - (a) to a candidate, in respect of any failure to [<sup>F46</sup>deliver] 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

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- (b) to an election agent, in respect of the failure to [<sup>F46</sup>deliver] the return and declarations which he was required to [<sup>F46</sup>deliver], 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 <sup>M4</sup>Judicature (Northern Ireland) Act 1978,

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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.

#### Textual Amendments

- F45** S. 86(1A) inserted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, **Sch. 4 para. 30(a)**
- F46** Word substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, **Sch. 4 para. 30(b)**

#### Modifications etc. (not altering text)

- C59** S. 86 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C60** S. 86 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C61** S. 86 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)–(8), **Sch. 1**

#### Marginal Citations

- M4** 1978 c. 23.

## 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 [<sup>F47</sup>the amount of the maximum fine to which he would be liable if at the time the order is made he were convicted of a summary offence on conviction of which he was liable to a fine of level 5 on the standard scale].

#### Textual Amendments

- F47** Words substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, **Sch. 4 para. 31**

#### Modifications etc. (not altering text)

- C62** S. 87 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C63** S. 87 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C64** S. 87 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), **Sch. 1**



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**C65** S. 87 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, Sch. 1)

VALID FROM 16/02/2001

**[<sup>F48</sup>87A Duty of appropriate officer to forward returns and declarations to Electoral Commission.**

- (1) Where the appropriate officer receives any return or declaration under section 75, 81 or 82 above in respect of —
- (a) a parliamentary election, or
  - (b) an election of the Mayor of London,

he shall as soon as reasonably practicable after receiving the return or declaration deliver a copy of it to the Electoral Commission and, if so requested by the Commission, he shall also deliver to them a copy of any accompanying documents.

- (2) Where the appropriate officer receives any return or declaration under section 75, 81 or 82 in respect of any election other than one mentioned in subsection (1) above, he shall, if so requested by the Electoral Commission, deliver to them a copy of the return and any accompanying documents.]

**Textual Amendments**

**F48** S. 87A inserted (16.2.2001) by 2000 c. 41, s. 138(1)(2), Sch. 18 para. 9 (with s. 156(6)); S.I. 2001/222, art. 2, Sch. 1 Pt. I (subject to transitional provisions in Sch. 1 Pt. II)

**Modifications etc. (not altering text)**

**C66** S. 87A 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, Sch. 1)

**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 [<sup>F49</sup>delivering] 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 dispatched 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.

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#### Textual Amendments

**F49** Word substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\), s. 24, Sch. 4 para. 32](#)

#### Modifications etc. (not altering text)

**C67** [S. 88](#) applied (N.I.) by [S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I](#)

**C68** [S. 88](#) applied (E.W.S.) by [S.I. 1986/2209, regs. 2, 3, 5\(1\)\(6\)–\(8\), Sch. 1 Pt. I](#)

**C69** [S. 88](#) applied (with modifications) (N.I.) (4.5.1996) by [S.I. 1996/1220, art. 3\(1\)\(5\)–\(8\), Sch. 1](#)

### 89 Inspection of returns and declarations.

- (1) Any returns or declarations (including the accompanying documents) [<sup>F50</sup>delivered] 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 [<sup>F50</sup>delivered] under section 75 shall be returned not to the candidate (if he or his election agent so require) but to the person [<sup>F50</sup>delivering] them, if he so requires.

#### Textual Amendments

**F50** Word substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\), s. 24, Sch. 4 para. 33](#)

#### Modifications etc. (not altering text)

**C70** [S. 89](#) applied with modifications (N.I.) by [S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I](#)

**C71** [S. 89](#) applied with modifications (E.W.S.) by [S.I. 1986/2209, regs. 2, 3, 5\(1\)\(6\)–\(8\), Sch. 1 Pt. I](#)

**C72** [S. 89](#) applied (with modifications) (N.I.) (4.5.1996) by [S.I. 1996/1220, art. 3\(1\)\(5\)–\(8\), Sch. 1](#)

### 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.

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- [<sup>F51</sup>(c) section 76A (1) has effect as if for the reference to the sum specified in section 73(2), 74(1) or 75(1) above there were substituted a reference to the sum specified in paragraph 3 of Schedule 4 to this Act]
- (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.

#### Textual Amendments

**F51** S. 90(1)(c) inserted by Representation of the People Act 1985 (c. 50, SIF 42), s. 14(5)

VALID FROM 11/09/2006

#### [<sup>F52</sup>90ZAMeaning of “election expenses”

- (1) In this Part of this Act “election expenses” in relation to a candidate at an election means (subject to subsection (2) below and section 90C below) any expenses incurred at any time in respect of any matter specified in Part 1 of Schedule 4A which is used for the purposes of the candidate's election after the date when he becomes a candidate at the election.
- (2) No election expenses are to be regarded as incurred by virtue of subsection (1) above or section 90C below in respect of any matter specified in Part 2 of Schedule 4A.
- (3) In this section and in section 90C below, “for the purposes of the candidate's election” means with a view to, or otherwise in connection with, promoting or procuring the candidate's election at the election.
- (4) For the purposes of this Part of this Act, election expenses are incurred by or on behalf of a candidate at an election if they are incurred —
  - (a) by the candidate or his election agent, or
  - (b) by any person authorised by the candidate or his election agent to incur expenses.
- (5) In this Part of this Act, any reference to election expenses incurred by or on behalf of a candidate at an election includes expenses—
  - (a) which are incurred as mentioned in subsection (1) above before the date when he becomes a candidate at the election, but
  - (b) which by virtue of that subsection fall to be regarded as election expenses.
- (6) In this Part and in Part 3 of this Act, any reference (in whatever terms) to promoting or procuring a candidate's election at an election includes doing so by prejudicing the electoral prospects of another candidate at the election.
- (7) Schedule 4A has effect.
- (8) This section does not apply to a local government election in Scotland.]

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### Textual Amendments

**F52** S. 90ZA inserted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\)](#), [ss. 27\(2\)](#), 77; S.I. 2006/1972, [art. 3](#), [Sch. 1 para. 5](#) (subject to transitional provisions in [art. 4](#), [Sch. 2](#))

### Modifications etc. (not altering text)

**C73** S. 90ZA applied (with modifications) by S.I. 2001/2599, [art. 3](#), [Sch. 1](#) (as amended (7.2.2007) by S.I. 2007/308, [art. 2\(2\)](#)) and as substituted (10.2.2009) by S.I. 2009/256, [arts. 1\(2\)](#), 3, [Sch. 1](#))

VALID FROM 01/07/2001

### [<sup>F53</sup>90A Meaning of “election expenses”.

- (1) In this Part of this Act “election expenses”, in relation to a candidate at an election, means (subject to subsections (2) and (3) and sections 90B and 90C below) any expenses incurred in respect of—
  - (a) the acquisition or use of any property, or
  - (b) the provision by any person of any goods, services or facilities, which is or are used for the purposes of the candidate’s election after the date when he becomes a candidate at the election.
- (2) Subsection (1) above applies whether the expenses are incurred before or after that date.
- (3) No election expenses shall be regarded as incurred, by virtue of subsection (1) or (2) above or sections 90B and 90C below, in respect of—
  - (a) the payment of any deposit required by rule 9 of Schedule 1 to this Act;
  - (b) the publication of any matter, other than an advertisement, relating to the election in—
    - (i) a newspaper or periodical,
    - (ii) a broadcast made by the British Broadcasting Corporation or by Sianel Pedwar Cymru, or
    - (iii) a programme included in any service licensed under Part I or III of the Broadcasting Act 1990 or Part I or II of the Broadcasting Act 1996;
  - (c) the provision of any facilities provided in pursuance of any right conferred on candidates at an election by this Act other than facilities in respect of which expenses fall to be defrayed by virtue of sections 95(4) and 96(4) below;
  - (d) the provision by any individual of his own services which he provides voluntarily in his own time and free of charge.
- (4) In this section and in sections 90B and 90C below “for the purposes of the candidate’s election” means with a view to, or otherwise in connection with, promoting or procuring the candidate’s election at the election.
- (5) For the purposes of this Part of this Act—
  - (a) election expenses are incurred by or on behalf of a candidate at an election if they are incurred—
    - (i) by the candidate or his election agent, or

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**Changes to legislation:** Representation of the People Act 1983, Part II is up to date with all changes known to be in force on or before 29 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (ii) by any person authorised by the candidate or his election agent to incur the expenses; and
- (b) any reference to election expenses incurred by or on behalf of a candidate at an election includes expenses which are incurred as mentioned in paragraph (a)(i) or (ii) above before the date when he becomes a candidate at the election but which by virtue of subsection (1) and (2) above fall to be regarded as election expenses.
- (6) In this Part, and in Part III of this Act, any reference (in whatever terms) to promoting or procuring a candidate's election at an election includes doing so by prejudicing the electoral prospects of another candidate at the election.]

#### Textual Amendments

**F53** Ss. 90A-90D inserted (1.7.2001) by 2000 c. 41, s. 134(1)(2) (with s. 156(6)); S.I. 2001/222, art. 4, Sch. 2 Pt. I (subject to transitional provisions in Sch. 2 Pt. II)

#### Modifications etc. (not altering text)

**C74** S. 90A applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3(1), Sch. 1

VALID FROM 01/07/2001

#### [<sup>F54</sup>90B Incurring of election expenses for purposes of section 90A.

- (1) The election expenses which are to be regarded as incurred for the purposes of section 90A(1) above shall (subject to subsection (2) and section 90C below) be the actual expenses incurred in respect of the acquisition or use of the property, or (as the case may be) the provision of the goods, services or facilities mentioned in section 90A(1).
- (2) Where the property, goods, services or facilities mentioned in subsection (1) above is or are not used exclusively for the purposes of the candidate's election, the election expenses to be regarded as incurred for the purposes of section 90A(1) shall be such proportion of the expenses incurred in respect of their acquisition, use or provision (as the case may be) as is reasonably attributable to the use of the property or (as the case may be) the goods, services or facilities for the purposes of the candidate's election.]

#### Textual Amendments

**F54** Ss. 90A-90D inserted (1.7.2001) by 2000 c. 41, s. 134(1)(2) (with s. 156(6)); S.I. 2001/222, art. 4, Sch. 2 Pt. I (subject to transitional provisions in Sch. 2 Pt. II)

#### Modifications etc. (not altering text)

**C75** S. 90B applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3(1), Sch. 1

*Status: Point in time view as at 15/04/1997. This version of this part contains provisions that are not valid for this point in time.*

*Changes to legislation: Representation of the People Act 1983, Part II is up to date with all changes known to be in force on or before 29 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 28/09/2021

**[<sup>F55</sup>90ZB Scottish local government elections: meaning of “election expenses”**

- (1) This section applies in relation to a local government election in Scotland.
- (2) In this Part of this Act, “election expenses”, in relation to a candidate at such an election, means any expenses incurred at any time in respect of any matter specified in Part 1 of Schedule 4B which is used for the purposes of the candidate's election.
- (3) For the purposes of subsection (2) above, it is immaterial whether any such matter is so used before or after the date when the candidate becomes a candidate at the election.
- (4) No election expenses are to be regarded as incurred by virtue of subsection (2) above or section 90C below in respect of any matter specified in Part 2 of Schedule 4B.
- (5) In this section and in section 90C below, “for the purposes of the candidate's election” means with a view to, or otherwise in connection with, promoting or procuring the candidate's election at the election.
- (6) For the purposes of this Part of this Act so far as applying to a local government election in Scotland, election expenses are incurred by or on behalf of a candidate at the election if they are incurred—
  - (a) by the candidate or his election agent; or
  - (b) by any person authorised by the candidate or his election agent to incur expenses.
- (7) In this Part of this Act so far as applying to a local government election in Scotland, any reference to election expenses incurred by or on behalf of a candidate at the election includes expenses—
  - (a) which are incurred as mentioned in subsection (2) above before the date when he becomes a candidate at the election; but
  - (b) which by virtue of that subsection and subsection (3) above fall to be regarded as election expenses.
- (8) In this Part and in Part 3 of this Act so far as applying to a local government election in Scotland, any reference (in whatever terms) to promoting or procuring a candidate's election at an election includes doing so by prejudicing the electoral prospects of another candidate at the election.]

**Textual Amendments**

**F55** S. 90ZB inserted (S.) (prosp.) before s. 90C by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), ss. **17(3)**, 63

VALID FROM 01/07/2001

**[<sup>F56</sup>90C Property, goods, services etc. provided free of charge or at a discount.**

- (1) This section applies where, in the case of a candidate at an election—

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- (a) either—
    - (i) property or goods is or are transferred to the candidate or his election agent free of charge or at a discount of more than 10 per cent. of the market value of the property or goods, or
    - (ii) property, goods, services or facilities is or are provided for the use or benefit of the candidate free of charge or at a discount of more than 10 per cent. of the commercial rate for the use of the property or for the provision of the goods, services or facilities, and
  - (b) the property, goods, services or facilities is or are made use of by or on behalf of the candidate in circumstances such that, if any expenses were to be (or are) actually incurred by or on behalf of the candidate in respect of that use, they would be (or are) election expenses incurred by or on behalf of the candidate.
- (2) Where this section applies—
- (a) an amount of election expenses determined in accordance with this section (“the appropriate amount”) shall be treated, for the purposes of this Part of this Act, as incurred by the candidate, and
  - (b) the candidate’s election agent shall make a declaration of that amount, unless that amount is not more than £50.
- This subsection has effect subject to section 90A(3) above.
- (3) Where subsection (1)(a)(i) above applies, the appropriate amount is such proportion of either—
- (a) the market value of the property or goods (where the property or goods is or are transferred free of charge), or
  - (b) the difference between the market value of the property or goods and the amount of expenses actually incurred by or on behalf of the candidate in respect of the property or goods (where the property or goods is or are transferred at a discount),
- as is reasonably attributable to the use made of the property or goods as mentioned in subsection (1)(b) above.
- (4) Where subsection (1)(a)(ii) above applies, the appropriate amount is such proportion of either—
- (a) the commercial rate for the use of the property or the provision of the goods, services or facilities (where the property, goods, services or facilities is or are provided free of charge), or
  - (b) the difference between that commercial rate and the amount of expenses actually incurred by or on behalf of the candidate in respect of the use of the property or the provision of the services or facilities (where the property, goods, services or facilities is or are provided at a discount),
- as is reasonably attributable to the use made of the property, goods, services or facilities as mentioned in subsection (1)(b) above.
- (5) Where the services of an employee are made available by his employer for the use or benefit of a candidate, then for the purposes of this section the commercial rate for the provision of those services shall be the amount of the remuneration and allowances payable to the employee by his employer in respect of the period for which his services are so made available (but shall not include any amount in respect of any

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contributions or other payments for which the employer is liable in respect of the employee).

- (6) In this section “market value”, in relation to any property or goods, means the price which might reasonably be expected to be paid for the property or goods on a sale in the open market; and paragraph 2(6)(a) of Schedule 2A to this Act shall apply with any necessary modifications for the purpose of determining, for the purposes of subsection (1) above, whether property or goods is or are transferred to a candidate or his election agent.]

#### Textual Amendments

**F56** Ss. 90A-90D inserted (1.7.2001) by 2000 c. 41, s. 134(1)(2) (with s. 156(6)); S.I. 2001/222, art. 4, Sch. 2 Pt. I (subject to transitional provisions in Sch. 2 Pt. II)

#### Modifications etc. (not altering text)

**C76** S. 90C applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3(1), Sch. 1

VALID FROM 01/07/2001

#### [<sup>F57</sup>90D Modification of sections 90A to 90C in relation to election of London members of the London Assembly.

- (1) Sections 90A to 90C above shall have effect, in their application in relation to candidates at an election of London members of the London Assembly at an ordinary election, subject to the following modifications.
- (2) In relation to any such candidates included in a list of candidates submitted by a registered political party in connection with the election—
- references to anything done by or on behalf of, or in relation to, a candidate at the election shall be construed as a reference to any such thing done by or on behalf of, or in relation to, all or any of the candidates on the list; and
  - “for the purposes of the candidate’s election” shall (instead of having the meaning given by section 90A(4) above) be construed as meaning with a view to, or otherwise in connection with promoting or procuring electoral success for the party, that is to say, the return at the election of all or any of the candidates on the list.
- (3) Section 90A above shall have effect with the substitution of the following subsection for subsection (5)—
- “(5) In this Part, and in Part III of this Act, any reference (in whatever form) to promoting or procuring a candidate’s election at an election, or to promoting or procuring electoral success for a party, includes doing so by prejudicing the electoral prospects of other candidates or parties at the election.”]

#### Textual Amendments

**F57** Ss. 90A-90D inserted (1.7.2001) by 2000 c. 41, s. 134(1)(2) (with s. 156(6)); S.I. 2001/222, art. 4, Sch. 2 Pt. I (subject to transitional provisions in Sch. 2 Pt. II)



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### Publicity at parliamentary elections

#### 91 Candidate's right to send election address post free.

[<sup>F58</sup>(1) A candidate at a parliamentary election is, subject to Post Office regulations, entitled to send free of charge for postage either—

- (a) one unaddressed postal communication, containing matter relating to the election only and not exceeding 60 grammes in weight, to each place in the constituency which, in accordance with those regulations, constitutes a delivery point for the purposes of this subsection; or
- (b) one such postal communication addressed to each elector.]

(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.

#### Textual Amendments

**F58** S. 91(1) substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, [Sch. 4 para. 34](#)

#### Modifications etc. (not altering text)

**C77** S. 91 applied with modifications (N.I.) by [S.I. 1986/2250](#), regs. 2, 3, 5, [Sch. 1 Pt. I](#)

**C78** S. 91 applied with modifications (E.W.S.) by [S.I. 1986/2209](#), regs. 2, 3, 5(1)(6)–(8), [Sch. 1 Pt. I](#)

**C79** S. 91 applied (with modifications) (N.I.) (4.5.1996) by [S.I. 1996/1220](#), art. 3(1)(5)–(8), [Sch. 1](#)

S. 91 applied (with modifications) (N.I.) (25.4.1998) by [S.I. 1998/1126](#), art. 6, [Sch. 2](#)

#### 92 Broadcasting from outside United Kingdom.

[<sup>F59</sup>(1) No person shall, with intent to influence persons to give or refrain from giving their votes at a parliamentary or local government election, include, or aid, abet, counsel or procure the inclusion of, any matter relating to the election in any programme service (within the meaning of the Broadcasting Act 1990) provided from a place outside the United Kingdom otherwise than in pursuance of arrangements made with:—

- (a) the British Broadcasting Corporation;

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- (b) Sianel Pedwar Cymru; or
- (c) the holder of any licence granted by the Independent Television Commission or the Radio Authority,

for the reception and re-transmission of that matter by that body or the holder of that licence]]<sup>F60</sup> or in pursuance of arrangements made with—

- (i) the Independent Television Commission or the Radio Authority, or
- (ii) any programme contractor whose contract continues in force by virtue of Part II or IV of Schedule 11 to the Broadcasting Act 1990,

for the matter to be received by that body or contractor and re-transmitted by that body in the provision of any broadcasting service in accordance with the said Schedule 11.]

- (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.

#### Textual Amendments

**F59** S. 92(1) substituted by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 203(1), [Sch. 20 para. 35\(3\)\(5\)](#)

**F60** Words added by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 203(4), [Sch. 22 para. 6\(b\)](#)

#### Modifications etc. (not altering text)

**C80** S. 92 applied (N.I.) by [S.I. 1986/2250](#), regs. 2, 3, 5, [Sch. 1 Pt. I](#)

**C81** S. 92 applied (E.W.S.) by [S.I. 1986/2209](#), regs. 2, 3, 5(1)(6)–(8), [Sch. 1 Pt. I](#)

**C82** S. 92 applied (with modifications) (2.4.2001) by [S.I. 2001/1298](#), reg. 8, [Sch. 3](#) Table 2

**C83** S. 92 applied (with modifications) (1.8.2001) by [S.I. 2001/2599](#), art. 3(1), [Sch. 1](#)

**C84** S. 92 applied (with modifications) (N.I.) (4.5.1996) by [S.I. 1996/1220](#), art. 3(1)(b)(5)–(8), [Sch. 1](#)

S. 92 applied (with modifications) (W.) (24.3.2004) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2004 \(S.I. 2004/870\)](#), [reg. 8](#), {[Sch. 3](#) Table 2} (which S.I. was revoked (24.7.2008) by [S.I. 2008/1848](#))

S. 92 applied (with modifications) (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 6(2), [Sch. 2 Pt. 2](#)

S. 92 applied (with modifications) (E.) (28.7.2007) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2007 \(S.I. 2007/2089\)](#), [regs. 8, 11, 13](#), {[Sch. 4](#) Table 1}

**C85** S. 92 applied (31.7.1997) by [1997 c. 61](#), s. 3, [Sch. 3 para. 13](#) Table 1

**C86** S. 92(1) amended by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 203(4), [Sch. 22 para. 6](#)

## 93 Broadcasting during elections.

- (1) In relation to a parliamentary or local government election—

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- (a) pending such an election it shall not be lawful for any item about the constituency or electoral area to be
- [<sup>F61</sup>(i) broadcast by the British Broadcasting Corporation or Sianel Pedwar Cymru, or
- (ii) included in any service licensed under Part I or III of the Broadcasting Act 1990 or Part I or II of the Broadcasting Act 1996]
- 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 byelection, 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 <sup>M5</sup>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 [<sup>F62</sup>with the last date on which notice of the election may be published in accordance with rules made under section 36 or, in Scotland, section 42 above]

[<sup>F63</sup>(3<sup>F64</sup>)

#### Textual Amendments

- F61** S. 93(1)(a)(i)(ii) substituted (1.10.1996) for s. 93(1)(a)(b) by 1996 c. 55, s. 148(1), Sch. 10 Pt. III paras. 29, 30; S.I. 1996/2120, art. 4, Sch. 1
- F62** Words substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, Sch. 4 para. 35
- F63** S. 93(3) added by Cable and Broadcasting Act 1984 (c. 46, SIF 96), s. 57(1), Sch. 5 para. 44(2)
- F64** S. 93(3) repealed by Broadcasting Act 1990 (c. 42, SIF 96), s. 203(1)(3), Sch. 12 Pt. II para. 1, Sch. 20 para. 35(4)(b)(5), Sch. 21

#### Modifications etc. (not altering text)

- C87** S. 93 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I
- C88** S. 93 applied with modifications (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), Sch. 1 Pt. I

#### Marginal Citations

- M5** 1975 c. 66.

*Status:* Point in time view as at 15/04/1997. This version of this part contains provisions that are not valid for this point in time.

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## 94 Imitation poll cards.

No person shall for the purpose of promoting or procuring the election of any candidate at a parliamentary election [<sup>F65</sup>or a local government election to which this section applies] 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.

[<sup>F66</sup>(2) This section applies to any local government election in relation to which rules made under section 36 or, in Scotland, section 42 above require an official poll card to be sent to electors in a form prescribed by the rules.]

### Textual Amendments

**F65** Words inserted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, **Sch. 4 para. 36(1)**

**F66** S. 94(2) inserted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, **Sch. 4 para. 36(2)**

### Modifications etc. (not altering text)

**C89** S. 94 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**

**C90** S. 94 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**

**C91** S. 94 applied (with modifications) (2.4.2001) by S.I. 2001/1298, reg. 8, **Sch. 3 Table 2**

**C92** S. 94 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), **Sch. 1**

S. 94 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, **art. 3(1)(6)(d)(7)**

S. 94 applied (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**

**C93** S. 94 applied (with modifications) (W.) (24.3.2004) by The Local Authorities (Conduct of Referendums) (Wales) Regulations 2004 (S.I. 2004/870), **reg. 8**, {Sch. 3 Table 2} (which S.I. was revoked (24.7.2008) by S.I. 2008/1848)

S. 94 applied (with modifications) (E.) (28.7.2007) by The Local Authorities (Conduct of Referendums) (England) Regulations 2007 (S.I. 2007/2089), **regs. 8, 11, 13**, {Sch. 4 Table 1}

**C94** S. 94 applied (with modifications) (W.) (24.7.2008) by The Local Authorities (Conduct of Referendums) (Wales) Regulations 2008 (S.I. 2008/1848), **reg. 8**, {Sch. 4 para. 1 Table 1}

**C95** S. 94 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, **Sch. 1**)

**C96** S. 94(1) applied (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13 Table 1**

## 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 [<sup>F67</sup>free of charge] of reasonable times between the receipt of the writ and [<sup>F68</sup>the day preceding] 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 [<sup>F69</sup>voluntary schools and grant-maintained schools] of which the premises are situated in the constituency or an adjoining constituency, and

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- (b) in Scotland, to any school of which the premises are so situated, not being an independent school within the meaning of the <sup>M6</sup>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) [<sup>F70</sup>shall defray any 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.

#### Textual Amendments

- F67** Words inserted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, [Sch. 4 para. 37\(a\)\(i\)](#)
- F68** Words inserted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, [Sch. 4 para. 37\(a\)\(ii\)](#)
- F69** Words substituted by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237, [Sch. 12 Pt. 1 para. 30](#)
- F70** Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, [Sch. 4 para. 37\(b\)](#)

#### Modifications etc. (not altering text)

- C97** [S. 95](#) applied with modifications (E.W.S.) by [S.I. 1986/2209](#), regs. 2, 3, 5(1)(6)–(8), [Sch. 1 Pt. 1](#)
- C98** [S. 95](#) applied (with modifications) (31.7.1997) by [1997 c. 61](#), s. 3, [Sch. 3 para. 13](#) Table 1

#### Marginal Citations

- M6** [1980 c. 44](#).

*Status:* Point in time view as at 15/04/1997. This version of this part contains provisions that are not valid for this point in time.

*Changes to legislation:* Representation of the People Act 1983, Part II is up to date with all changes known to be in force on or before 29 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

## [<sup>F71</sup>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 last day on which notice of the election may be published in accordance with rules made under section 36 or, in Scotland, section 42 above and the day preceding the day of election of—
- (a) a suitable room in the premises of a school to which this section applies; or
  - (b) a meeting room to which this section applies.
- (2) This section applies—
- (a) in England and Wales, to a county [<sup>F72</sup>voluntary or grant-maintained] school situated in the electoral area for which the candidate is standing (or, if there is no such school in the area, in any such school in an adjacent electoral area) or in a parish or community, as the case may be, in part comprised in that electoral area; and
  - (b) in Scotland, to any school (not being an independent school within the meaning of the <sup>M7</sup>Education (Scotland) Act 1980) situated in the electoral area for which the candidate is standing (or, if there is no such school in the area, in any such school in an adjacent electoral area).
- (3) This section applies—
- (a) in England and Wales, to any meeting room situated in the electoral area for which the candidate is standing or in a parish or community, as the case may be, in part comprised in that electoral area, 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;
  - (b) in Scotland, to any meeting room the expense of maintaining which is payable by [<sup>F73</sup>a local authority].
- (4) Subsections (4), (5) and (7) of section 95 above and paragraph 1(1) of Schedule 5 to this Act shall apply for the purposes of this section as they apply for the purposes of that section, and any person stating himself to be, or to be authorised by, a candidate at a local government election in respect of an electoral area which falls (or partly falls) within a constituency, or his election agent, shall be entitled to inspect the lists prepared under Schedule 5 to this Act in relation to the constituency or a copy of them at all reasonable hours during the period beginning with the day on which notice of the election is published and ending with the day preceding the day of election.]

### Textual Amendments

- F71** S. 96 substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, **Sch. 4 para. 38**
- F72** Words substituted by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237, **Sch. 12 Pt. I para. 31**
- F73** Words in s. 96(3)(b) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 130(7)**; S.I. 1996/323, **art. 4(1)(c)**

### Marginal Citations

- M7** 1980 c.44 (41:2).

**Status:** Point in time view as at 15/04/1997. This version of this part contains provisions that are not valid for this point in time.

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## 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 [<sup>F74</sup>in the period beginning with the last date on which notice of the election may be published in accordance with rules made under section 36 or, in Scotland, section 42 above and ending with], 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, [<sup>F75</sup>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.

### Textual Amendments

- F74** Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, [Sch. 4 para. 39](#)
- F75** Words repealed (E.W.) by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 119(2), [Sch. 7 Pt. I](#)

### Modifications etc. (not altering text)

- C99** S. 97 applied (with modifications) (E.W.S.) by [S.I. 1986/2209](#), regs. 2, 3, 5(1)(6)-(8), [Sch. 1 Pt. I](#)
- S. 97 applied (with modifications) (N.I.) by [S.I. 1986/2250](#), regs. 2, 3, 5, [Sch. 1 Pt. I](#)
- S. 97 applied (with modifications) (N.I.) (4.5.1996) by [S.I. 1996/1220](#), art. 3(1)(5)-(8), [Sch. 1](#)
- S. 97 applied (with modifications) (31.7.1997) by [1997 c. 61](#), s. 3, [Sch. 3 para. 13](#) Table 1
- S. 97 applied (with modifications) (N.I.) (25.4.1998) by [S.I. 1998/1126](#), art. 6, [Sch. 2](#)
- S. 97 applied (with modifications) (2.4.2001) by [S.I. 2001/1298](#), reg. 8, [Sch. 3](#) Table 2
- S. 97 applied (with modifications) (W.) (24.3.2004) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2004 \(S.I. 2004/870\)](#), [reg. 8](#), {Sch. 3 Table 2} (which S.I. was revoked (24.7.2008) by [S.I. 2008/1848](#))
- S. 97 applied (with modifications) (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 6(2), [Sch. 2 Pt. 2](#)
- S. 97 applied (with modifications) (E.) (28.7.2007) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2007 \(S.I. 2007/2089\)](#), [regs. 8, 11, 13](#), {Sch. 4 Table 1}
- C100** S. 97 applied (with modifications) (W.) (24.7.2008) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2008 \(S.I. 2008/1848\)](#), [reg. 8](#), {Sch. 4 para. 1 Table 1}

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**C101** S. 97 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, Sch. 1)

**[<sup>F76</sup>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.]

**Textual Amendments**

**F76** S. 98 repealed (E.W.S.) by Local Government Finance Act 1988 (c. 41, SIF 81:1, 103:2), s. 149, Sch. 13 Pt. I

**Modifications etc. (not altering text)**

**C102** S. 98 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I

**C103** S. 98 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3(1), Sch. 1

**C104** S. 98 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)-(8), Sch. 1

S. 98 applied (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, Sch. 2

**C105** S. 98 modified (S.) (31.7.1997) by 1997 c. 61, s. 3, Sch. 3 para. 4(1)

*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.

[<sup>F77</sup>(2) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.]

**Textual Amendments**

**F77** S. 99(2) substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 23, Sch. 3 para. 4

**Modifications etc. (not altering text)**

**C106** S. 99 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I

**C107** S. 99 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)-(8), Sch. Pt. I

**C108** S. 99 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)-(8), Sch. 1

S. 99 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(6)(d)(7)

S. 99 applied (with modifications) (23.7.2004) by The Regional Assembly and Local Government Referendums Order 2004 (S.I. 2004/1962), art. 6(2), Sch. 2 Pt. 2



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**C109** S. 99 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, Sch. 1)

## **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 [F78 on summary conviction to a fine not exceeding level 3 on the standard scale, 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.

### **Textual Amendments**

**F78** Words substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 23, Sch. 3 para. 5

### **Modifications etc. (not altering text)**

- C110** S. 100 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I
- C111** S. 100 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), Sch. 1 Pt. I
- C112** Ss.100 applied (with modifications) (2.4.2001) by S.I. 2001/1298, reg. 8, Sch. 3 Table 2
- C113** S. 100 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), Sch. 1  
S. 100 applied (with modifications) (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, Sch. 2  
S. 100 applied (with modifications) (23.7.2004) by The Regional Assembly and Local Government Referendums Order 2004 (S.I. 2004/1962), art. 6(2), Sch. 2 Pt. 2
- C114** S. 100 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, Sch. 1)
- C115** S. 100(1)(2) applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, Sch. 3 para. 13 Table 1  
S. 100(1)(2) applied (with modifications) (W.) (24.3.2004) by The Local Authorities (Conduct of Referendums) (Wales) Regulations 2004 (S.I. 2004/870), reg. 8, {Sch. 3 Table 2} (which S.I. was revoked (24.7.2008) by S.I. 2008/1848)  
S. 100(1)(2) applied (with modifications) (E.) (28.7.2007) by The Local Authorities (Conduct of Referendums) (England) Regulations 2007 (S.I. 2007/2089), regs. 8, 11, 13, {Sch. 4 Table 1}
- C116** S. 100(1)(2) applied (with modifications) (23.7.2004) by The Regional Assembly and Local Government Referendums Order 2004 (S.I. 2004/1962), art. 6(2), Sch. 2 Pt. 2
- C117** S. 100(1)(2) applied (with modifications) (W.) (24.7.2008) by The Local Authorities (Conduct of Referendums) (Wales) Regulations 2008 (S.I. 2008/1848), reg. 8, {Sch. 4 para. 1 Table 1}

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### 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.

##### Modifications etc. (not altering text)

- C118** Ss. 101, 102 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C119** Ss. 101, 102 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C120** S. 101 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), **Sch. 1**  
S. 101 applied (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**
- C121** Ss. 101-104 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 1

#### 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.

##### Modifications etc. (not altering text)

- C122** Ss. 101, 102 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C123** Ss. 101, 102 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C124** S. 102 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), **Sch. 1**  
S. 102 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, **art. 3(1)(6)(d)(7)**  
S. 102 applied (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**
- C125** Ss. 101-104 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 1

#### 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.

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(2<sup>F79</sup>)

#### Textual Amendments

**F79** S. 103(2) repealed by Representation of the People Act 1985 (c. 50, SIF 42), ss. 24, 28, Sch. 4 para. 40, Sch. 5

#### Modifications etc. (not altering text)

**C126** S. 103 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I

**C127** S. 103 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), Sch. 1 Pt. I

**C128** S. 103 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), Sch. 1

S. 103 applied (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, Sch. 2

**C129** Ss. 101-104 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, Sch. 3 para. 13 Table 1

### 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, <sup>F80</sup> 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.

#### Textual Amendments

**F80** Words repealed by Representation of the People Act 1985 (c. 50, SIF 42), s. 28, Sch. 5

#### Modifications etc. (not altering text)

**C130** S. 104 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I

**C131** S. 104 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), Sch. 1 Pt. I

**C132** S. 104 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), Sch. 1

S. 104 applied (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, Sch. 2

**C133** Ss. 101-104 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, Sch. 3 para. 13 Table 1

### 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.

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- (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.

**Modifications etc. (not altering text)**

**C134** S. 105 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**

**C135** S. 105 applied with modifications (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**

**C136** S. 105(1)(3) applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 1

*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, that 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)
- <sup>F81</sup>(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.

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- (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 <sup>M8</sup>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).

#### Textual Amendments

**F81** S. 106(4) repealed by Representation of the People Act 1985 (c. 50, SIF 42), ss. 24, 28, Sch. 4 para. 41, Sch. 5

#### Modifications etc. (not altering text)

**C137** S. 106 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. 1

**C138** S. 106 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), Sch. 1 Pt. 1

**C139** S. 106 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)–(8), Sch. 1

#### Marginal Citations

**M8** 1978 c. 23.

## 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.

#### Modifications etc. (not altering text)

**C140** S. 107 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. 1

**C141** S. 107 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), Sch. 1 Pt. 1

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**C142** S. 107 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)-(8), **Sch. 1**

**C143** S. 107 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, **Sch. 1**)

## 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)

<sup>F82</sup>(4) This section <sup>F83</sup> 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 <sup>M9</sup>Education (Scotland) Act 1980; and
- (c) in Northern Ireland, to the premises of all schools other than independent schools within the meaning of the <sup>M10</sup>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.

### Textual Amendments

**F82** S. 108(3) repealed by Representation of the People Act 1985 (c. 50, SIF 42), ss. 24, 28, **Sch. 4 para. 42(a)**, Sch. 5

**F83** Word repealed by Representation of the People Act 1985 (c. 50, SIF 42), ss. 24, 28, **Sch. 4 para. 42(b)**, Sch. 5

### Modifications etc. (not altering text)

**C144** S. 108 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**

**C145** S. 108 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**

### Marginal Citations

**M9** 1980 c. 44.

**M10** S.I. 1972/1263 (N.I. 12).

**Status:** Point in time view as at 15/04/1997. This version of this part contains provisions that are not valid for this point in time.

**Changes to legislation:** Representation of the People Act 1983, Part II is up to date with all changes known to be in force on or before 29 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

## 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.

### Modifications etc. (not altering text)

- C146** S. 109 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. 1**
- C147** S. 109 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. 1**
- C148** S. 109 applied (with modifications) (2.4.2001) by S.I. 2001/1298, reg. 8, **Sch. 3** Table 2
- C149** S. 109 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), **Sch. 1**  
S. 109 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, **art. 3(1)(b)(6)(d)(7)**  
S. 109 applied (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**  
S. 109 applied (W.) (24.3.2004) by The Local Authorities (Conduct of Referendums) (Wales) Regulations 2004 (S.I. 2004/870), **reg. 8**, {Sch. 3 Table 2} (which S.I. was revoked (24.7.2008) by S.I. 2008/1848)  
S. 109 applied (23.7.2004) by The Regional Assembly and Local Government Referendums Order 2004 (S.I. 2004/1962), art. 6(2), **Sch. 2 Pt. 2**
- C150** S. 109 applied (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 1  
S. 109 applied (E.) (28.7.2007) by The Local Authorities (Conduct of Referendums) (England) Regulations 2007 (S.I. 2007/2089), **regs. 8, 11, 13**, {Sch. 4 Table 1}
- C151** S. 109 applied (with modifications) (W.) (24.7.2008) by The Local Authorities (Conduct of Referendums) (Wales) Regulations 2008 (S.I. 2008/1848), **reg. 8**, {Sch. 4 para. 1 Table 1}
- C152** S. 109 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, **Sch. 1**)

## 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.

*Status: Point in time view as at 15/04/1997. This version of this part contains provisions that are not valid for this point in time.*

*Changes to legislation: Representation of the People Act 1983, Part II is up to date with all changes known to be in force on or before 29 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (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 [<sup>F84</sup>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.

### Textual Amendments

**F84** Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 23, **Sch. 3 para. 6**

### Modifications etc. (not altering text)

- C153** S. 110 applied (N.I.) by [S.I. 1986/2250](#), regs. 2, 3, 5, **Sch. 1 Pt. I**
- C154** S. 110 applied (E.W.S.) by [S.I. 1986/2209](#), regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C155** S. 110 applied (with modifications) (N.I.) (4.5.1996) by [S.I. 1996/1220](#), art. 3(1)(b)(5)–(8), **Sch. 1 S. 110** applied (with modifications) (N.I.) (25.4.1998) by [S.I. 1998/1126](#), art. 6, **Sch. 2**
- C156** S. 110 applied (with modifications) (31.7.1997) by [1997 c. 61](#), s. 3, **Sch. 3 para. 13** Table 1
- C157** S. 110 has effect (except in relation to local government elections in Scotland) on or after “the commencement date” (16.2.2001) in the form in which it had effect immediately before that date, by virtue of [2001 c. 5](#), **ss. 1(2)–(4)** (with s. 3(6)) (which affecting provision ceased to have effect (1.1.2007) by virtue of [S.I. 2006/3416](#), **art. 4** (subject to art. 5))
- C158** S. 110 applied (with modifications) (1.8.2001) by [S.I. 2001/2599](#), art. 3(1), **Sch. 1**
- C159** S. 110 applied (with modifications) (2.4.2001) by [S.I. 2001/1298](#), reg. 8, **Sch. 3** Table 2
- S. 110 modified (E.W.S.) (23.3.2004) by [The European Parliamentary Elections Regulations 2004 \(S.I. 2004/293\)](#), **reg. 74(5)(6)**
- S. 110 applied (with modifications) (W.) (24.3.2004) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2004 \(S.I. 2004/870\)](#), **reg. 8**, {Sch. 3 Table 2} (which S.I. was revoked (24.7.2008) by [S.I. 2008/1848](#))
- C160** S. 110(1) applied (with modifications) (N.I.) (4.5.1996) by [S.I. 1996/1220](#), **art. 3(1)(b)(6)(d)(7)**

VALID FROM 29/01/2007

### [<sup>F85</sup>110A Scottish local government elections: details to appear on election publications

- (1) This section applies to any material which can reasonably be regarded as intended to promote or procure the election of a candidate at a local government election in Scotland (whether or not it can be so regarded as intended to achieve any other purpose as well).
- (2) No material to which this section applies is to be published unless—
  - (a) in the case of material which is, or is contained in, such a document as is mentioned in subsection (4), (5) or (6) below, the requirements of that subsection are complied with; or
  - (b) in the case of any other material, any requirements falling to be complied with in relation to the material by virtue of regulations under subsection (7) below are complied with.



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*Changes to legislation:* Representation of the People Act 1983, Part II is up to date with all changes known to be in force on or before 29 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (3) For the purposes of subsections (4) to (6) below the following details are “the relevant details” in the case of any material falling within subsection (2)(a) above, namely—
  - (a) the name and address of the printer of the document;
  - (b) the name and address of the promoter of the material; and
  - (c) the name and address of any person on whose behalf the material is being published (and who is not the promoter).
- (4) Where the material is a document consisting (or consisting principally) of a single side of printed matter, the relevant details must appear on the face of the document.
- (5) Where the material is a printed document other than one to which subsection (4) above applies, the relevant details must appear on either the first or the last page of the document.
- (6) Where the material is an advertisement contained in a newspaper or periodical—
  - (a) the name and address of the printer of the newspaper or periodical must appear on either its first or last page; and
  - (b) the relevant details specified in subsection (3)(b) and (c) above must be included in the advertisement.
- (7) The Scottish Ministers may by regulations make provision for and in connection with the imposition of requirements as to the inclusion in material falling within subsection (2)(b) above of the following details, namely—
  - (a) the name and address of the promoter of the material; and
  - (b) the name and address of any person on whose behalf the material is being published (and who is not the promoter).
- (8) Regulations under subsection (7) above may, in particular, specify—
  - (a) the manner and form in which such details are to be included in any such material for the purpose of complying with any such requirement;
  - (b) circumstances in which—
    - (i) any such requirement does not have to be complied with by a person of any description specified in the regulations; or
    - (ii) a breach of any such requirement by a person of any description so specified is not to result in the commission of an offence under this section by that person or by a person of any other such description;
  - (c) circumstances in which material is, or is not, to be taken for the purposes of the regulations to be published or (as the case may be) published by a person of any description so specified.
- (9) Regulations under subsection (7) may contain such incidental, supplemental, saving or transitional provision as the Scottish Ministers think fit.
- (10) A statutory instrument containing regulations under subsection (7) above is subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (11) Where any material falling within subsection (2)(a) above is published in contravention of subsection (2), then (subject to subsections (13) and (14) below)—
  - (a) the promoter of the material;
  - (b) any other person by whom the material is so published; and
  - (c) the printer of the document,

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shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(12) Where any material falling within subsection (2)(b) above is published in contravention of subsection (2), then (subject to regulations made by virtue of subsection (8)(b) above and to subsections (13) and (14) below)—

- (a) the promoter of the material; and
- (b) any other person by whom the material is so published,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(13) It shall be a defence for a person charged with an offence under this section to prove—

- (a) that the contravention of subsection (2) above arose from circumstances beyond his control; and
- (b) that he took all reasonable steps, and exercised all due diligence, to ensure that that contravention would not arise.

(14) Where a candidate or his election agent would (apart from this subsection) be guilty of an offence under subsection (11) or (12) above, he shall instead be guilty of an illegal practice.

(15) In this section—

“print” means print by whatever means, and “printer” shall be construed accordingly;

“the promoter”, in relation to any material to which this section applies, means the person causing the material to be published;

“publish” means make available to the public at large, or any section of the public, in whatever form and by whatever means.

(16) For the purpose of determining whether any material is material such as is mentioned in subsection (1) above, it is immaterial that it does not expressly mention the name of any candidate.]

#### Textual Amendments

**F85** S. 110A inserted (S.) (29.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 29(2)**, 63; [S.S.I. 2007/26](#), **art. 2(1)(j)** (with [art. 2\(2\)](#))

### 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.

#### Modifications etc. (not altering text)

**C161** [Ss. 111–117](#) applied (N.I.) by [S.I. 1986/2250](#), [regs. 2, 3, 5](#), [Sch. 1 Pt. I](#)

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- C162** Ss. 111–117 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C163** S. 111 applied (with modifications) (2.4.2001) by S.I. 2001/1298, reg. 8, **Sch. 3** Table 2
- C164** S. 111 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), **Sch. 1**  
S. 111 applied (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**
- C165** S. 111 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 1  
S. 111 applied (W.) (24.3.2004) by **The Local Authorities (Conduct of Referendums) (Wales) Regulations 2004 (S.I. 2004/870), reg. 8**, {Sch. 3 Table 2} (which S.I. was revoked (24.7.2008) by S.I. 2008/1848)  
S. 111 applied (23.7.2004) by **The Regional Assembly and Local Government Referendums Order 2004 (S.I. 2004/1962), art. 6(2), Sch. 2 Pt. 2**
- C166** S. 111 applied (E.) (28.7.2007) by **The Local Authorities (Conduct of Referendums) (England) Regulations 2007 (S.I. 2007/2089), regs. 8, 11, 13**, {Sch. 4 Table 1}
- C167** S. 111 applied (with modifications) (W.) (24.7.2008) by **The Local Authorities (Conduct of Referendums) (Wales) Regulations 2008 (S.I. 2008/1848), reg. 8**, {Sch. 4 para. 1 Table 1}
- C168** S. 111 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, **Sch. 1**)

## 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.

### Modifications etc. (not altering text)

- C169** Ss. 111–117 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C170** Ss. 111–117 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C171** S. 112 applied (with modifications) (2.4.2001) by S.I. 2001/1298, reg. 8, **Sch. 3** Table 2
- C172** S. 112 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, **Sch. 1**)
- C173** S. 112 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), **Sch. 1**  
S. 112 applied (with modifications) (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**  
S. 112 applied (W.) (24.3.2004) by **The Local Authorities (Conduct of Referendums) (Wales) Regulations 2004 (S.I. 2004/870), reg. 8**, {Sch. 3 Table 2} (which S.I. was revoked (24.7.2008) by S.I. 2008/1848)  
S. 112 applied (23.7.2004) by **The Regional Assembly and Local Government Referendums Order 2004 (S.I. 2004/1962), art. 6(2), Sch. 2 Pt. 2**
- C174** S. 112 applied (E.) (28.7.2007) by **The Local Authorities (Conduct of Referendums) (England) Regulations 2007 (S.I. 2007/2089), regs. 8, 11, 13**, {Sch. 4 Table 1}
- C175** S. 112 applied (with modifications) (W.) (24.7.2008) by **The Local Authorities (Conduct of Referendums) (Wales) Regulations 2008 (S.I. 2008/1848), reg. 8**, {Sch. 4 para. 1 Table 1}
- C176** S. 112 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 1

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### *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 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.

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#### Modifications etc. (not altering text)

- C177** Ss. 111–117 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C178** Ss. 111–117 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C179** S. 113 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), **Sch. 1**  
S. 113 applied (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**
- C180** Ss. 113–115 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 1

### 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.

#### Modifications etc. (not altering text)

- C181** Ss. 111–117 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C182** Ss. 111–117 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C183** Ss. 113–115 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 1  
Ss. 113–115 applied (W.) (24.3.2004) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2004 \(S.I. 2004/870\)](#), **reg. 8**, {Sch. 3 Table 2} (which S.I. was revoked (24.7.2008) by S.I. 2008/1848)
- C184** S. 114 applied (with modifications) (2.4.2001) by S.I. 2001/1298, **reg. 8**, **Sch. 3** Table 2
- C185** S. 114 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, **Sch. 1**)
- C186** S. 114 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), **Sch. 1**  
S. 114 applied (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**
- C187** S. 114 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 1  
S. 114 applied (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 6(2), **Sch. 2 Pt. 2**
- C188** S. 114 applied (E.) (28.7.2007) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2007 \(S.I. 2007/2089\)](#), **regs. 8, 11, 13**, {Sch. 4 Table 1}
- C189** S. 114 applied (with modifications) (W.) (24.7.2008) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2008 \(S.I. 2008/1848\)](#), **reg. 8**, {Sch. 4 para. 1 Table 1}

### 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—

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- (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.

#### Modifications etc. (not altering text)

- C183** Ss. 113-115 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 1  
Ss. 113-115 applied (W.) (24.3.2004) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2004 \(S.I. 2004/870\)](#), **reg. 8**, {Sch. 3 Table 2} (which S.I. was revoked (24.7.2008) by S.I. 2008/1848)
- C190** Ss. 111-117 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C191** Ss. 111-117 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)-(8), **Sch. 1 Pt. I**
- C192** S. 115 applied (with modifications) (2.4.2001) by S.I. 2001/1298, reg. 8, **Sch. 3** Table 2
- C193** S. 115 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3(1), **Sch. 1**
- C194** S. 115 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)-(8), **Sch. 1**  
S. 115 applied (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**
- C195** S. 115 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 1  
S. 115 applied (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 6(2), **Sch. 2 Pt. 2**

### 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.

#### Modifications etc. (not altering text)

- C196** Ss. 111-117 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C197** Ss. 111-117 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)-(8), **Sch. 1 Pt. I**
- C198** S. 116 applied (with modifications) (2.4.2001) by S.I. 2001/1298, reg. 8, **Sch. 3** Table 2
- C199** S. 116 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, **Sch. 1**)  
S. 116 applied (with modifications) (E.) (28.7.2007) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2007 \(S.I. 2007/2089\)](#), **regs. 8, 11, 13**, {Sch. 4 Table 1}
- C200** S. 116 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)-(8), **Sch. 1**

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- S. 116 applied (with modifications) (N.I.) (24.5.1998) by S.I. 1998/1126, art. 6, **Sch. 2**
- S. 116 applied (with modifications) (W.) (24.3.2004) by The Local Authorities (Conduct of Referendums) (Wales) Regulations 2004 (S.I. 2004/870), **reg. 8**, {Sch. 3 Table 2} (which S.I. was revoked (24.7.2008) by S.I. 2008/1848)
- S. 116 applied (with modifications) (23.7.2004) by The Regional Assembly and Local Government Referendums Order 2004 (S.I. 2004/1962), art. 6(2), **Sch. 2 Pt. 2**
- C201** S. 116 applied (with modifications) (W.) (24.7.2008) by The Local Authorities (Conduct of Referendums) (Wales) Regulations 2008 (S.I. 2008/1848), **reg. 8**, {Sch. 4 para. 1 Table 1}
- C202** S. 116(a) applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 1

## 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.

### Modifications etc. (not altering text)

- C203** Ss. 111–117 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C204** Ss. 111–117 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C205** S. 117 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, **Sch. 1**)
- C206** S. 117 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), **Sch. 1**
- S. 117 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, **art. 3(1)(b)(6)(d)(7)**
- S. 117 applied (with modifications) (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**
- C207** S. 117(2) applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 1
- S. 117(2) applied (with modifications) (23.7.2004) by The Regional Assembly and Local Government Referendums Order 2004 (S.I. 2004/1962), art. 6(2), **Sch. 2 Pt. 2**

## 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

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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 [<sup>F86</sup>delivered] with it) to be made under section 81(1) above, or, as the case may be, paragraph 3 of Schedule 4 to this Act.

#### Textual Amendments

**F86** Word substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, [Sch. 4 para. 43](#)

#### Modifications etc. (not altering text)

**C208** S. 118 applied with modifications (N.I.) by [S.I. 1986/2250](#), regs. 2, 3, 5, [Sch. 1 Pt. 1](#)

**C209** S. 118 applied with modifications (E.W.S.) by [S.I. 1986/2209](#), regs. 2, 5(1)(6)–(8), [Sch. 1 Pt. 1](#)

**C210** S. 118 applied (with modifications) (N.I.) (4.5.1996) by [S.I. 1996/1220](#), art. 3(1)(5)–(8), [Sch. 1](#)

S. 118 applied (N.I.) (25.4.1998) by [S.I. 1998/1126](#), art. 6, [Sch. 2](#)



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VALID FROM 01/07/2001

**[<sup>F87</sup>118A Meaning of candidate.**

- (1) References to a candidate in this Part of this Act shall be construed in accordance with this section (except where the context otherwise requires).
- (2) A person becomes a candidate at a parliamentary election—
  - (a) on the date of—
    - (i) the dissolution of Parliament, or
    - (ii) in the case of a by-election, the occurrence of the vacancy, in consequence of which the writ for the election is issued if on or before that date he is declared by himself or by others to be a candidate at the election, and
  - (b) otherwise, on the day on which he is so declared by himself or by others or on which he is nominated as a candidate at the election (whichever is the earlier).
- (3) A person becomes a candidate at an election under the local government Act—
  - (a) on the last day for publication of notice of the election if on or before that day he is declared by himself or by others to be a candidate at the election, and
  - (b) otherwise, on the day on which he is so declared by himself or by others or on which he is nominated as a candidate at the election (whichever is the earlier),or, in the case of a person included in a list of candidates submitted by a registered political party in connection with an election of the London members of the London Assembly at an ordinary election, on the day on which the list is submitted by the party.]

**Textual Amendments**

**F87** S. 118A inserted (1.7.2001) by 2000 c. 41, s. 135(2)(3) (with s. 156(6)); S.I. 2001/222, art. 4, Sch. 2 Pt. I (subject to transitional provisions in Sch. 2 Pt. II)

**Modifications etc. (not altering text)**

**C211** S. 118A applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3, Sch. 1 (as amended (30.10.2003) by S.I. 2003/2752, art. 2(2) and as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, Sch. 1)

**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
  - (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.

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- [<sup>F88</sup>(2) The days referred to in subsection (1) above are Saturday, Sunday, Christmas Eve, Christmas Day, Maundy Thursday, Good Friday, a bank holiday or a day appointed for public thanksgiving or mourning.
- (3) In this section “bank holiday”, in relation to any election, means a day which is a bank holiday in the part of the United Kingdom in which the constituency or, as the case may be, electoral area is situated.]

#### Textual Amendments

**F88** S. 119(2)(3) substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 19(4)

#### Modifications etc. (not altering text)

**C212** S. 119 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. 1**

**C213** S. 119 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)-(8), **Sch. 1 Pt. 1**

**C214** S.119 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3(1), **Sch. 1**

**C215** S. 119 applied (with modifications) (2.4.2001) by S.I. 2001/1298, reg. 8, **Sch. 3 Table 2**

**C216** S. 119 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)-(8), **Sch. 1**

S. 119 applied (with modifications) (W.) (24.3.2004) by The Local Authorities (Conduct of Referendums) (Wales) Regulations 2004 (S.I. 2004/870), **reg. 8**, {Sch. 3 Table 2} (which S.I. was revoked (24.7.2008) by S.I. 2008/1848)

S. 119 applied (with modifications) (23.7.2004) by The Regional Assembly and Local Government Referendums Order 2004 (S.I. 2004/1962), art. 6(2), **Sch. 2 Pt. 2**

S. 119 applied (with modifications) (E.) (28.7.2007) by The Local Authorities (Conduct of Referendums) (England) Regulations 2007 (S.I. 2007/2089), **regs. 8, 11, 13**, {Sch. 4 Table 1}

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