



Representation of the People Act 1983

1983 CHAPTER 2

PART II

THE ELECTION CAMPAIGN

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)

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- ^{F1}(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.
- (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 ^{M1}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

- F1** 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)

- C1** S. 106 applied (N.I.) by [S.I. 1986/2250](#), regs. 2, 3, 5, **Sch. 1 Pt. I**
- C2** S. 106 applied (E.W.S.) by [S.I. 1986/2209](#), regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C3** S. 106 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.

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.

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Modifications etc. (not altering text)

- C4** S. 107 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C5** S. 107 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C6** S. 107 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), **Sch. 1**
- C7** 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—
- 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
 - 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)
- ^{F2}(4) This section ^{F3} applies—
- 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;
 - in Scotland, to the premises of all schools other than independent schools within the meaning of the ^{M2}Education (Scotland) Act 1980; and
 - in Northern Ireland, to the premises of all schools other than independent schools within the meaning of the ^{M3}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

- F2** 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
- F3** 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)

- C8** S. 108 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C9** S. 108 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**

Marginal Citations

- M2** 1980 c. 44.

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M3 [S.I. 1972/1263 \(N.I. 12\)](#).

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)

- C10** [S. 109](#) applied (N.I.) by [S.I. 1986/2250](#), regs. 2, 3, 5, **Sch. 1 Pt. 1**
- C11** [S. 109](#) applied (E.W.S.) by [S.I. 1986/2209](#), regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. 1**
- C12** [S. 109](#) applied (with modifications) (2.4.2001) by [S.I. 2001/1298](#), reg. 8, **Sch. 3** Table. 2
- C13** [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**
- C14** [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}
- C15** [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}
- C16** [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,

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unless the bill, placard, poster or document bears upon its face the name and address of the printer and publisher.

- (2) For the purposes of this section, any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printing and the expression “printer” shall be construed accordingly.
- (3) A candidate or election agent acting in contravention of this section shall be guilty of an illegal practice, and any other person so acting shall on summary conviction be [^{F4}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

F4 Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 23, **Sch. 3 para. 6**

Modifications etc. (not altering text)

- C17** [S. 110](#) applied (N.I.) by [S.I. 1986/2250](#), regs. 2, 3, 5, **Sch. 1 Pt. I**
- C18** [S. 110](#) applied (E.W.S.) by [S.I. 1986/2209](#), regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C19** [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**
- C20** [S. 110](#) applied (with modifications) (31.7.1997) by [1997 c. 61](#), s. 3, **Sch. 3 para. 13** Table 1
- C21** [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](#)))
- C22** [S. 110](#) applied (with modifications) (1.8.2001) by [S.I. 2001/2599](#), art. 3(1), **Sch. 1**
- C23** [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](#))
- C24** [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

[^{F5}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

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- (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.
- (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;

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- (b) any other person by whom the material is so published; and
- (c) the printer of the document,

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

- F5** 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.

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Modifications etc. (not altering text)

- C25** Ss. 111–117 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C26** Ss. 111–117 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C27** S. 111 applied (with modifications) (2.4.2001) by S.I. 2001/1298, reg. 8, **Sch. 3** Table 2
- C28** 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**
- C29** 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**
- C30** 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}
- C31** 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}
- C32** 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)

- C33** Ss. 111–117 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C34** Ss. 111–117 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C35** S. 112 applied (with modifications) (2.4.2001) by S.I. 2001/1298, reg. 8, **Sch. 3** Table 2
- C36** 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**)
- C37** 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**
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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**
- C38** 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}
- C39** 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}
- C40** S. 112 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 1

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