

Status: This version of this schedule contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the Elections Act 2022, Schedule 11. (See end of Document for details)

SCHEDULES

PROSPECTIVE

SCHEDULE 11

Section 48

ILLEGAL PRACTICES

Candidates etc at parliamentary, Northern Ireland Assembly and local elections

- 1 (1) This paragraph applies if—
- (a) apart from this paragraph, a candidate at an election, or an election agent of such a candidate, would be guilty of an offence under section 48(1),
 - (b) the election is—
 - (i) a parliamentary election,
 - (ii) an election to the Northern Ireland Assembly,
 - (iii) a local government election within the meaning of section 191 or 203 of RPA 1983,
 - (iv) an election under Part 1A or 2 of the Local Government Act 2000 for the return of an elected mayor, or
 - (v) an election for the return of a mayor for the area of a combined authority, and
 - (c) the offence under section 48(1) would relate to the publication of electronic material which can reasonably be regarded as intended to achieve a purpose within—
 - (i) section 43(4) as it applies to candidates at the election, or
 - (ii) section 45(5) as it applies to candidates at the election.
- (2) The candidate or election agent is instead guilty of an illegal practice.
- (3) RPA 1983 applies in relation to the candidate or election agent and the illegal practice as it applies in relation to a candidate or election agent and an illegal practice by virtue of section 110(12) (details to appear on election publications) of that Act.
- (4) In sub-paragraph (3) references to RPA 1983 include references to that Act—
- (a) as it applies in relation to elections to the Northern Ireland Assembly by virtue of the Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599),
 - (b) as it applies in relation to an election under Part 1A or 2 of the Local Government Act 2000 for the return of an elected mayor by virtue of the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007 (S.I. 2007/1024), and
 - (c) as it applies in relation to an election for the return of a mayor for the area of a combined authority by virtue of the Combined Authorities (Mayoral Elections) Order 2017 (S.I. 2017/67).

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- (5) In this paragraph “combined authority” means a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009.

Commencement Information

11 Sch. 11 para. 1 not in force at Royal Assent, see [s. 67\(1\)](#)

Candidates etc at elections to the Scottish Parliament

- 2 (1) This paragraph applies if—
- (a) apart from this paragraph, a candidate at an election to the Scottish Parliament, or an election agent of such a candidate, would be guilty of an offence under section 48(1), and
 - (b) the offence under section 48(1) would relate to the publication of electronic material which can reasonably be regarded as intended to achieve a purpose within—
 - (i) section 43(4) as it applies to candidates at the election, or
 - (ii) section 45(5) as it applies to candidates at the election.
- (2) The candidate or election agent is instead guilty of an illegal practice.
- (3) The Scottish Parliament (Elections etc.) Order 2015 ([S.S.I. 2015/425](#)) applies in relation to the candidate or election agent and the illegal practice as it applies in relation to a candidate or election agent and an illegal practice by virtue of article 72(12) of that Order (details to appear on election publications).

Commencement Information

12 Sch. 11 para. 2 not in force at Royal Assent, see [s. 67\(1\)](#)

Candidates etc at elections to Senedd Cymru

- 3 (1) This paragraph applies if—
- (a) apart from this paragraph—
 - (i) a constituency or individual candidate at an election to Senedd Cymru or an election agent of such a candidate, or
 - (ii) a party list candidate at an election to Senedd Cymru or the election agent of a registered party in relation to that party's list at such an election,
 would be guilty of an offence under section 48(1), and
 - (b) the offence under section 48(1) would relate to the publication of electronic material which can reasonably be regarded as intended to achieve a purpose within—
 - (i) section 43(4) as it applies to candidates at the election, or
 - (ii) section 45(5) as it applies to candidates at the election.
- (2) The candidate or election agent is instead guilty of an illegal practice.

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- (3) The National Assembly for Wales (Representation of the People) Order 2007 ([S.I. 2007/236](#)) applies in relation to the candidate or election agent and the illegal practice as it applies in relation to a candidate or election agent and an illegal practice by virtue of article 76(12) of that Order (printer's name and address on election publications).
- (4) In this paragraph "constituency candidate", "individual candidate" and "party list candidate" have the same meanings as in that Order (see article 2).

Commencement Information

I3 Sch. 11 para. 3 not in force at Royal Assent, see [s. 67\(1\)](#)

Candidates etc at local elections in Scotland

- 4 (1) This paragraph applies if—
- (a) apart from this paragraph, a candidate at an election, or an election agent of such a candidate, would be guilty of an offence under section 48(1),
 - (b) the election is a local government election within the meaning of section 204 of RPA 1983, and
 - (c) the offence under section 48(1) would relate to the publication of electronic material which can reasonably be regarded as intended to achieve a purpose within—
 - (i) section 43(4) as it applies to candidates at the election, or
 - (ii) section 45(5) as it applies to candidates at the election.
- (2) The candidate or election agent is instead guilty of an illegal practice.
- (3) RPA 1983 applies in relation to the candidate or election agent and the illegal practice as it applies in relation to a candidate or election agent and an illegal practice by virtue of section 110A(14) of that Act (details to appear on election publications).

Commencement Information

I4 Sch. 11 para. 4 not in force at Royal Assent, see [s. 67\(1\)](#)

Candidates etc at local elections in Northern Ireland

- 5 (1) This paragraph applies if—
- (a) apart from this paragraph, a candidate at an election, or an election agent of such a candidate, would be guilty of an offence under section 48(1),
 - (b) the election is a local election within the meaning of the Electoral Law Act (Northern Ireland) 1962 (see section 130(1) of that Act), and
 - (c) the offence under section 48(1) would relate to the publication of electronic material which can reasonably be regarded as intended to achieve a purpose within—
 - (i) section 43(4) as it applies to candidates at the election, or
 - (ii) section 45(5) as it applies to candidates at the election.
- (2) The candidate or election agent is instead guilty of an illegal practice.

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- (3) The Electoral Law Act (Northern Ireland) 1962 applies in relation to the candidate or election agent and the illegal practice as it applies in relation to a candidate or election agent and an illegal practice by virtue of paragraph 14 of Schedule 9 to that Act (electoral misdemeanours).

Commencement Information

I5 Sch. 11 para. 5 not in force at Royal Assent, see [s. 67\(1\)](#)

Candidates at police and crime commissioner elections

- 6 (1) This paragraph applies if—
- (a) apart from this paragraph, a candidate at an election of a police and crime commissioner, or an election agent of such a candidate, would be guilty of an offence under section 48(1), and
 - (b) the offence under section 48(1) would relate to the publication of electronic material which can reasonably be regarded as intended to achieve a purpose within—
 - (i) section 43(4) as it applies to candidates at the election, or
 - (ii) section 45(5) as it applies to candidates at the election.
- (2) The candidate or election agent is instead guilty of an illegal practice.
- (3) The Police and Crime Commissioner Elections Order 2012 ([S.I. 2012/1917](#)) applies in relation to the candidate or election agent and the illegal practice as it applies in relation to a candidate or election agent and an illegal practice by virtue of article 64(12) of that Order (details to appear on election publications).

Commencement Information

I6 Sch. 11 para. 6 not in force at Royal Assent, see [s. 67\(1\)](#)

MPs and recall petitions

- 7 (1) This paragraph applies if—
- (a) apart from this paragraph, an MP within the meaning of the Recall of MPs Act 2015 would be guilty of an offence under section 48(1), and
 - (b) the offence under section 48(1) would relate to the publication of electronic material which can reasonably be regarded as intended to achieve a purpose within section 45(7).
- (2) The MP is instead guilty of an illegal practice.
- (3) The Recall of MPs Act 2015 (Recall Petition) Regulations 2016 ([S.I. 2016/295](#)) apply in relation to the MP and the illegal practice as they apply in relation to an MP and an illegal practice by virtue of regulation 131(9) of those regulations (details to appear on petition publications).

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Commencement Information

I7 Sch. 11 para. 7 not in force at Royal Assent, see [s. 67\(1\)](#)

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