

*Status: This version of this provision is prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Elections Act 2022, Paragraph 4. (See end of Document for details)*

## SCHEDULES

PROSPECTIVE

### SCHEDULE 5

#### UNDUE INFLUENCE: FURTHER PROVISION

##### *Representation of the People Act 1983*

- 4 (1) RPA 1983 is amended as follows.
- (2) In section 160 (persons reported personally guilty of corrupt or illegal practices)—
- (a) after subsection (4A) insert—
- “(4B) Subject to section 113(2) to (6) of the Electoral Law Act (Northern Ireland) 1962, a person reported by an election court personally guilty of a corrupt practice under paragraph 3 of Schedule 9 to that Act (undue influence)—
- (a) is, during the relevant period specified in subsection (5), incapable of being elected to the House of Commons, and
- (b) if already elected to a seat in the House of Commons, must vacate the seat as from the date of the report.
- (4C) In subsection (4B) “election court” has the same meaning as in the Electoral Law Act (Northern Ireland) 1962 (see section 130 of that Act); and section 94(2) of that Act (persons treated as reported personally guilty) applies also for the purposes of subsection (4B).”;
- (b) in subsection (5), for “subsection (4)” substitute “subsections (4) and (4B)”.
- (3) In section 173 (incapacities on conviction for corrupt or illegal practice)—
- (a) after subsection (2) insert—
- “(2A) A person convicted of a corrupt practice under paragraph 3 of Schedule 9 to the Electoral Law Act (Northern Ireland) 1962 (undue influence)—
- (a) is, during the relevant period specified in subsection (3), incapable of being elected to the House of Commons, and
- (b) if already elected to a seat in the House of Commons, must vacate the seat subject to and in accordance with subsections (4) and (5).”;
- (b) in subsection (3), for “subsection (1)(a)” substitute “subsections (1)(a) and (2A)(a)”;
- (c) in subsection (4), after “subsection (1)(b)” insert “or (2A)(b)”;
- (d) after subsection (7) insert—

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- “(7A) If a person convicted of a corrupt practice under paragraph 3 of Schedule 9 to the Electoral Law Act (Northern Ireland) 1962 (undue influence) has already been elected to a seat in the House of Commons, the person is (in addition to being subject to the incapacities mentioned in subsection (2A)(a) above and section 112(1)(a)(ii) of that Act) suspended from performing any of the functions of a Member of Parliament during the period of suspension specified in subsection (8).”;
- (e) in subsection (8), for “subsection (7)” substitute “subsections (7) and (7A)”;
- (f) after subsection (9) insert—
- “(9A) Any incapacity or other requirement applying to a person by virtue of subsection (2A) or (7A) applies in addition to any punishment imposed under section 108 of the Electoral Law Act (Northern Ireland) 1962; but each of those subsections has effect subject to section 113(2) to (6) of that Act.”

#### Commencement Information

- II** Sch. 5 para. 4 not in force at Royal Assent, see [s. 67\(1\)](#)

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