



Elections Act 2022

2022 CHAPTER 37

PART 5

DISQUALIFICATION OF OFFENDERS FOR HOLDING ELECTIVE OFFICE ETC

PROSPECTIVE

30 Disqualification orders

- (1) This section applies where—
 - (a) a person (“the offender”) is convicted of a [Schedule 9](#) offence,
 - (b) the offender was aged 18 or over when the offence was committed, and
 - (c) the court is satisfied beyond reasonable doubt that the offence is aggravated by hostility related to persons falling within any of sections 32 to 34.
- (2) The court must, when dealing with the offender for the offence, also make an order (a “disqualification order”) that the offender is disqualified, for the period of 5 years beginning with the date on which the order is made—
 - (a) for being nominated for election to a relevant elective office, and
 - (b) for being elected to or holding a relevant elective office.
- (3) Subsection (2) does not apply where the court considers that there are particular circumstances relating to the offence or to the offender which would make it unjust in all the circumstances to make the order; and in such a case the court must state in open court the reasons for not making the order.
- (4) For the purposes of this section an offence is aggravated by hostility related to persons falling within any of sections 32 to 34 if—
 - (a) at the time of committing the offence, or immediately before or after doing so, the offender demonstrated towards the victim of the offence hostility based on the victim being (or being presumed to be) a person falling within any of sections 32 to 34, or

Status: This version of this provision is prospective.

*Changes to legislation: There are currently no known outstanding effects
for the Elections Act 2022, Section 30. (See end of Document for details)*

- (b) the offence was motivated (wholly or partly) by hostility towards persons falling within any of those sections in their capacity as such.
- (5) For the purposes of subsection (4) it is immaterial whether or not the offender's hostility is also based, to any extent, on any other factor not mentioned in that subsection.
- (6) For the purpose of deciding whether to make a disqualification order the court may consider evidence led by the prosecution and the defence.
- (7) It is immaterial whether evidence led in pursuance of subsection (6) would have been admissible in the proceedings in which the offender was convicted.
- (8) Where a [Schedule 9](#) offence is found to have been committed—
 - (a) over a period of 2 or more days, or
 - (b) at some time during a period of 2 or more days,it is to be taken for the purposes of subsection (1)(b) to have been committed on the last of those days.
- (9) In this section—
 - “presumed” means presumed by the offender;
 - “Schedule 9 offence” means an offence listed in [Schedule 9](#) (and any reference in that Schedule to an offence includes a reference to that offence committed by aiding, abetting, counselling or procuring the commission of that offence).

Commencement Information

II S. 30 not in force at Royal Assent, see [s. 67\(1\)](#)

Status:

This version of this provision is prospective.

Changes to legislation:

There are currently no known outstanding effects for the Elections Act 2022, Section 30.