



# Elections Act 2022

## 2022 CHAPTER 37

### PART 6

#### INFORMATION TO BE INCLUDED WITH ELECTRONIC MATERIAL

##### *Enforcement*

PROSPECTIVE

#### **48 Offence of breaching section 41**

- (1) Where any electronic material to which section 41 applies is published in contravention of that section, the following persons are guilty of an offence—
  - (a) the promoter of the material, and
  - (b) any person on behalf of whom the material is being published (and who is not the promoter).
- (2) A person guilty of an offence under subsection (1) is liable—
  - (a) on summary conviction in England and Wales, to a fine;
  - (b) on summary conviction in Scotland or Northern Ireland, to a fine not exceeding level 5 on the standard scale.
- (3) It is a defence for a person charged with an offence under subsection (1) to prove—
  - (a) that the contravention arose from circumstances beyond the person's control, and
  - (b) that the person took all reasonable steps, and exercised all due diligence, to ensure that the contravention would not arise.
- (4) It is a defence for a person charged with an offence under subsection (1) to prove that the person acted in accordance with guidance under section 54.
- (5) It is a defence for a person charged with an offence under subsection (1) in relation to the republication of electronic material to prove that—

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

***Changes to legislation:** There are currently no known outstanding effects  
for the Elections Act 2022, Section 48. (See end of Document for details)*

- (a) the electronic material had previously been published,
  - (b) the person reasonably believed that when it was previously published—
    - (i) section 41 applied to it, and
    - (ii) it was published in compliance with that section, and
  - (c) it was not materially altered when it was republished.
- (6) In subsection (5)(c) the reference to electronic material not being materially altered includes a reference to the electronic material retaining—
  - (a) the information within section 41(3), or
  - (b) the access to such information,as a result of which the person reasonably believed its previous publication complied with section 41.
- (7) The court by or before which a person is convicted of an offence under subsection (1) must notify the Commission of the person's conviction and the sentence imposed on the conviction as soon as is practicable.
- (8) This section is subject to [Schedule 11](#), which provides for certain persons who would otherwise be guilty of an offence under this section to be guilty of an illegal practice.
- (9) See also section 49, which makes provision about the removal etc of electronic material in the event of a conviction under this section.

#### **Commencement Information**

- II** S. 48 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 48.