



Elections Act 2022

2022 CHAPTER 37

PART 6

INFORMATION TO BE INCLUDED WITH ELECTRONIC MATERIAL

Enforcement

52 Further provision about notice under section 51

- (1) Before giving a notice under section 51(2) to a person the Commission must give the person a notice in writing of its intention to do so.
- (2) The person may, within the period specified in the notice under subsection (1), make written representations to the Commission in relation to the proposal to give the person a notice under section 51(2).
- (3) The Commission may give the person a notice under section 51(2) only if—
 - (a) the period for making representations has ended, and
 - (b) having taken any representations made by the person into account, the Commission is still of the view that it should give the person the notice under section 51(2).
- (4) A notice under subsection (1) must include information as to—
 - (a) the grounds for the proposal to give a notice to the person under section 51(2),
 - (b) the proposed effect of such a notice,
 - (c) the right to make representations, and
 - (d) the period within which representations may be made.
- (5) The period specified under subsection (4)(d) must not be less than 14 days beginning with the day on which the notice is given.
- (6) A notice under section 51(2) must include information as to—
 - (a) the grounds for serving the notice,
 - (b) rights of appeal, and

Status: This is the original version (as it was originally enacted).

- (c) the consequences of not complying with the notice.
- (7) The Commission may by notice in writing withdraw or vary a notice under section 51(2) at any time.
- (8) A person to whom a notice under section 51(2) has been given may appeal against the notice on the ground that—
- (a) the decision to give the notice was based on an error of fact,
 - (b) the decision was wrong in law,
 - (c) the decision was unreasonable, or
 - (d) any action specified in the notice is unreasonable.
- (9) An appeal under subsection (8) is to—
- (a) in England and Wales, the county court,
 - (b) in Scotland, a sheriff, or
 - (c) in Northern Ireland, a county court.
- (10) On an appeal under subsection (8) the county court or the sheriff may—
- (a) withdraw, confirm or vary the notice, or
 - (b) remit the decision whether to withdraw, confirm or vary the notice to the Commission.