



Elections Act 2022

2022 CHAPTER 37

PART 6

INFORMATION TO BE INCLUDED WITH ELECTRONIC MATERIAL

Supplementary

PROSPECTIVE

57 Proceedings for an offence under this Part

- (1) Summary proceedings for an offence under this Part may, without prejudice to any jurisdiction exercisable apart from this subsection, be taken against any body, including an unincorporated association, at any place at which it has a place of business, and against an individual at any place at which the individual is for the time being.
- (2) Subsections (3) to (7) apply to—
 - (a) an offence within section 50(2)(a) or (b) (offences in relation to which the Commission may exercise enforcement functions), and
 - (b) an offence under section 49(4) or 51(3) (order or notice to take down electronic material).
- (3) Despite anything in section 127(1) of the Magistrates' Courts Act 1980, if the offence is triable by a magistrates' court in England and Wales, any information relating to the offence may be so tried if it is laid at any time within three years after the commission of the offence and within six months after the relevant date.
- (4) Despite anything in section 136 of the Criminal Procedure (Scotland) Act 1995, summary proceedings for the offence may be commenced in Scotland at any time within three years after the commission of the offence and within six months after the relevant date; and subsection (3) of that section applies for the purposes of this subsection as it applies for the purposes of that section.

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Elections Act 2022, Section 57. (See end of Document for details)

- (5) Despite anything in Article 19(1) of the Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26)), if the offence is triable by a court of summary jurisdiction in Northern Ireland, a complaint relating to the offence may be so tried if it is made at any time within three years after the commission of the offence and within six months after the relevant date.
- (6) In subsections (3) to (5) "the relevant date" means the date on which evidence sufficient in the opinion of the prosecutor to justify proceedings comes to the prosecutor's knowledge.
- (7) For the purposes of subsection (6) a certificate of any prosecutor as to the date on which such evidence came to the prosecutor's knowledge is conclusive evidence of that fact.
- (8) Subsections (9) to (15) apply to an offence under this Part other than—
 - (a) an offence within section 50(2)(a) or (b), or
 - (b) an offence under section 49(4) or 51(3).
- (9) Despite anything in section 127(1) of the Magistrates' Courts Act 1980, if the offence is triable by a magistrates' court in England and Wales, any information relating to the offence may be so tried if it is laid at any time within one year after the commission of the offence.
- (10) Despite anything in section 136 of the Criminal Procedure (Scotland) Act 1995, summary proceedings for the offence may be commenced in Scotland at any time within one year after the commission of the offence; and subsection (3) of that section applies for the purposes of this subsection as it applies for the purposes of that section.
- (11) Despite anything in Article 19(1) of the Magistrates' Courts (Northern Ireland) Order 1981, if the offence is triable by a court of summary jurisdiction in Northern Ireland, a complaint relating to the offence may be so tried if it is made at any time within one year after the commission of the offence.
- (12) A magistrates' court in England and Wales may act under subsection (13) if satisfied on an application by a constable or a Crown prosecutor—
 - (a) that there are exceptional circumstances which justify the granting of the application, and
 - (b) that there has been no undue delay in the investigation of the offence to which the application relates.
- (13) The magistrates' court may extend the time within which proceedings must be commenced in pursuance of subsection (9) to not more than two years after the commission of the offence.
- (14) An application under subsection (12) must be made not more than one year after the commission of the offence.
- (15) Any party to an application under subsection (12) who is aggrieved by the refusal of the magistrates' court to act under subsection (13) may appeal to the Crown Court.

Commencement Information

II S. 57 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 57.