



Municipal Corporations Act 1882

1882 CHAPTER 50

PART IV

CORRUPT PRACTICES AND ELECTION PETITIONS.

Corrupt Practices.

77 Definitions.

In this Part—

" Bribery, " " treating, " " undue influence, " and " personation, " include respectively anything done before, at, after, or with respect to a municipal election, which if done before, at, after, or with respect to a parliamentary election would make the person doing the same liable to any penalty, punishment, or disqualification for bribery, treating, undue influence, or personation, as the case may be, under any Act for the time being in force with respect to parliamentary elections:

" Corrupt practice " means bribery, treating, undue influence, or personation:

" Candidate " means a person elected, or having been nominated, or having declared himself a candidate for election, to a corporate office:

" Canvasser " means any person who solicits or persuades, or attempts to persuade, any person to vote or to abstain from voting at a municipal election, or to vote or to abstain from Voting for a candidate at a municipal election :

" Voter " means a burgess or a person who votes or claims to vote at a municipal election :

" Election court " means a court constituted under this Part for the trial of an election petition:

" Municipal election petition " or " election petition " means a petition under this Part complaining of an undue municipal election:

" Parliamentary election petition " means a petition under the Parliamentary Elections Act, 1868 :

" Prescribed " means prescribed by general rules made under this Part:

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

" Borough " and " election " when used with reference to a petition mean the borough and election to which the petition relates.

78 General penalties for corrupt practices.

A person guilty of a corrupt practice at a municipal election shall be liable to the like actions, prosecutions, penalties, forfeitures, and punishments as if the corrupt practice had been committed at a parliamentary election.

79 Disqualifications and avoidance of election for corrupt practices by candidates.

- (1) Where it is found by the report of an election court that a corrupt practice has been committed by or with the knowledge and consent of a candidate at a municipal election, that candidate shall be deemed to have been personally guilty of a corrupt practice at the election, and his election, if he has been elected, shall be void ; and he shall (whether elected or not) during seven years from the date of the report be subject to the following disqualifications :

He shall be incapable of—

- (a) Holding or exercising any corporate office or municipal franchise, or being enrolled or voting as a burgess :
 - (b) Acting as a justice or holding any judicial office :
 - (c) Being elected to or sitting or voting in Parliament:
 - (d) Being registered or voting as a parliamentary voter :
 - (e) Being employed by a candidate in a parliamentary or municipal election:
 - (f) Acting as overseer or as guardian of the poor.
- (2) If any person is on indictment or information found guilty of a corrupt practice at a municipal election, or is in any action or proceeding adjudged to pay a penalty or forfeiture for a corrupt practice at a municipal election, he shall, whether he was a candidate at the election or not, be subject during seven years from the date of the conviction or judgment to all the disqualifications mentioned in this section.
- (3) If after a person has become disqualified under this Part any witness on whose testimony he has become disqualified is, on his prosecution, convicted of perjury in respect of that testimony, the High Court may, on motion, and on proof that the disqualification was procured by means of that perjury, order that the disqualification shall cease.

80 Disqualifications and avoidance of election for corrupt practices by agents, and for offences against this Part.

If it is found by an election court that a candidate has by an agent been guilty of a corrupt practice at a municipal election, or that any offence against this Part has been committed at a municipal election by a candidate, or by an agent for a candidate with the candidate's knowledge and consent, the candidate shall during the period for which he was elected to serve, or for which, if elected, he might have served, be disqualified for being elected to and for holding any corporate office in the borough, and if he was elected his election shall be void.

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81 Avoidance of election for general corruption.

A municipal election shall be wholly avoided by such general corruption, bribery, treating, or intimidation at the election as would by the common law of Parliament avoid a parliamentary election.

82 Paid agents and canvassers.

- (1) A Burgess of a borough shall not be retained or employed for payment or reward by or on behalf of a candidate at a municipal election for that borough or any ward thereof as a canvasser for the purposes of the election.
- (2) If any person is retained or employed in contravention of this prohibition, that person and also the person by whom he is retained or employed shall be guilty of an offence against this Part, and shall be liable on summary conviction to a fine not exceeding ten pounds.
- (3) An agent or canvasser retained or employed for payment or reward for any of the purposes of a municipal election shall not vote at the election, and if he votes he shall be guilty of an offence against this Part, and shall be liable on summary conviction to a fine not exceeding ten pounds.

83 Payment for conveyance of voters.

If a candidate or an agent for a candidate pays or agrees to pay any money on account of the conveyance of a voter to or from the poll, he shall be guilty of an offence against this Part, and shall be liable on summary conviction to a fine not exceeding five pounds.

84 Prosecutions for corrupt practices.

- (1) The costs and expenses of a prosecutor and his witnesses in the prosecution of any person for bribery, undue influence, or personation at a municipal election, with compensation for trouble and loss of time, shall, unless the court otherwise directs, be allowed, paid, and borne as in cases of felony.
- (2) The clerk of the peace of the borough, or, if there is none, of the county in which the borough is situate, shall, if so directed by an election court, prosecute any person for bribery, undue influence, or personation at the election in respect of which the court acts, or sue or proceed against any person for penalties for bribery, treating, undue influence, or any offence against this Part at the election.

85 Striking off votes.

The votes of persons in respect of whom any corrupt practice is proved to have been committed at a municipal election shall be struck off on a scrutiny.

86 Personation.

The enactments for the time being in force for the detection of personation and for the apprehension of persons charged with personation at a parliamentary election shall apply in the case of a municipal election.