
STATUTORY INSTRUMENTS

2012 No. 1917

The Police and Crime Commissioner Elections Order 2012

PART 3

The election campaign

Other illegal practices, payments or employments

False statements as to candidates

- 61.**—(1) A person who, or any director of any body or association corporate which—
- (a) before or during a PCC election, and
 - (b) for the purpose of affecting the election of any candidate as police and crime commissioner,
- makes or publishes any false statement of fact in relation to the candidate's personal character or conduct is guilty of an illegal practice, unless the person can show that the person had reasonable grounds for believing, and did believe, the statement to be true.
- (2) A candidate is not liable nor is the candidate's election to be avoided for an illegal practice under paragraph (1) which is committed by an agent, other than the election agent, of the candidate unless—
- (a) it can be shown that the candidate or the candidate's election agent has authorised or consented to the committing of the illegal practice by that other agent or has paid for the circulation of the false statement constituting the illegal practice, or
 - (b) an election court find and report that the election of the candidate was procured or materially assisted in consequence of the making or publishing of such false statements.
- (3) A person making or publishing any false statement of fact as mentioned above may be restrained by interim or perpetual injunction by the High Court or the county court from any repetition of that false statement or of a false statement of a similar character in relation to the candidate and, for the purpose of granting an interim injunction, prima facie proof of the falsity of the statement is sufficient.
- (4) Any person who, before or during a PCC election, knowingly publishes a false statement of a candidate's withdrawal at the election for the purpose of promoting or procuring the election of another candidate is guilty of an illegal practice.
- (5) A candidate is not liable, nor is the candidate's election to be avoided, for an illegal practice under paragraph (4) committed by an agent of the candidate other than the candidate's election agent.

Corrupt withdrawal from candidature

- 62.** Any person who corruptly induces or procures any other person to withdraw from being a candidate at a PCC election, in consideration of any payment or promise of payment, and any person withdrawing in pursuance of the inducement or procurement, is guilty of an illegal payment.

Payments for exhibition of election notices

63.—(1) No payment or contract for payment may, for the purpose of promoting or procuring the election of a candidate at a PCC election, be made to an elector or the elector's proxy on account of the exhibition of, or the use of any house, land, building or premises for the exhibition of, any address, bill or notice, unless—

- (a) it is the ordinary business of the elector or proxy as an advertising agent to exhibit for payment bills and advertisements, and
- (b) the payment or contract is made in the ordinary course of that business.

(2) If any payment or contract for payment is knowingly made in contravention of this article either before, during or after a PCC election—

- (a) the person making the payment or contract, and
- (b) any person who receives the payment or is a party to the contract knowing it to be in contravention of this Order,

is guilty of an illegal practice.

Details to appear on election publications

64.—(1) This article applies to any material which can reasonably be regarded as intended to promote or procure the election of a candidate at a PCC election (whether or not it can be so regarded as intended to achieve any other purpose as well).

(2) No material to which this article applies may be published unless—

- (a) in the case of material which is, or is contained in, such a document as is mentioned in paragraph (4), (5) or (6), the requirements of that paragraph are complied with, or
- (b) in the case of any other material, any requirements falling to be complied with in relation to the material by virtue of regulations under paragraph (7) are complied with.

(3) For the purposes of paragraphs (4) to (6), the following details are “the relevant details” in the case of any material falling within paragraph (2)(a), namely—

- (a) the name and address of the printer of the document,
- (b) the name and address of the promoter of the material, and
- (c) the name and address of any person on behalf of whom the material is being published (and who is not the promoter).

(4) Where the material is a document consisting (or consisting principally) of a single side of printed matter, the relevant details must appear on the face of the document.

(5) Where the material is a printed document other than one to which paragraph (4) applies, the relevant details must appear either on the first or the last page of the document.

(6) Where the material is an advertisement contained in a newspaper or periodical—

- (a) the name and address of the printer of the newspaper or periodical must appear either on its first or last page, and
- (b) the relevant details specified in paragraph (3)(b) and (c) must be included in the advertisement.

(7) The [F1Secretary of State] may, after consulting the Commission, by regulations made by statutory instrument make provision for and in connection with the imposition of requirements as to the inclusion in material falling within paragraph (2)(b) of the following details, namely—

- (a) the name and address of the promoter of the material, and

(b) the name and address of any person on behalf of whom the material is being published (and who is not the promoter).

(8) Regulations under paragraph (7) may in particular specify—

(a) the manner and form in which such details must be included in any such material for the purpose of complying with any such requirement;

(b) circumstances in which—

(i) any such requirement does not have to be complied with by a person of any description specified in the regulations, or

(ii) a breach of any such requirement by a person of any description so specified is not to result in the commission of an offence under this article by that person or by a person of any other such description;

(c) circumstances in which material is, or is not, to be taken for the purposes of the regulations to be published or (as the case may be) published by a person of a description so specified.

(9) Where any material falling within paragraph (2)(a) is published in contravention of paragraph (2), then (subject to paragraphs (11) and (12))—

(a) the promoter of the material,

(b) any other person by whom the material is so published, and

(c) the printer of the document,

is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(10) Where any material falling within paragraph (2)(b) is published in contravention of paragraph (2), then (subject to regulations made by virtue of paragraph (8)(b) and to paragraphs (11) and (12))—

(a) the promoter of the material, and

(b) any other person by whom the material is so published,

is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(11) It is a defence for a person charged with an offence under this article to prove—

(a) that the contravention of paragraph (2) 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 that contravention would not arise.

(12) Where a candidate or a candidate's election agent would (apart from this paragraph) be guilty of an offence under paragraph (9) or (10), that person is instead guilty of an illegal practice.

(13) In this article—

“print” means print by whatever means, and “printer” is to be construed accordingly;

“the promoter”, in relation to any material to which this article applies, means the person causing the material to be published;

“publish” means make available to the public at large, or any section of the public, in whatever form and by whatever means.

(14) For the purpose of determining whether any material is material such as is mentioned in paragraph (1), it is immaterial that it does not expressly mention the name of any candidate.

(15) Regulations made under paragraph (7) are subject to annulment in pursuance of a resolution of either House of Parliament.

Changes to legislation: There are outstanding changes not yet made by the [legislation.gov.uk](https://www.legislation.gov.uk) editorial team to The Police and Crime Commissioner Elections Order 2012. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

(16) For the purposes of section 1 of the Statutory Instruments Act 1946 ^{M1} (definition of “Statutory Instrument”), the power to make regulations which is conferred by paragraph (7) is to be taken to be conferred by an Act of Parliament.

F1 Words in art. 64(7) substituted (8.12.2021) by [The Transfer of Functions \(Secretary of State for Levelling Up, Housing and Communities\) Order 2021 \(S.I. 2021/1265\)](#), art. 1(2), **Sch. 2 para. 30(3)(e)** (with art. 12)

Marginal Citations

M1 1946 9&10 Geo.6 (c.36).

Prohibition of paid canvassers

65. If a person (“P”) is, either before, during or after a PCC election, engaged or employed for payment or promise of payment as a canvasser for the purpose of promoting or procuring a candidate's election—

- (a) P, and
- (b) the person engaging or employing P,

is guilty of illegal employment.

Providing money for illegal purposes

66.—(1) Where a person knowingly provides money—

- (a) for any payment which is contrary to the provisions of this Order, or
- (b) for any expenses incurred in excess of the maximum amount allowed by this Order, or
- (c) for replacing any money expended in any such payment or expenses,

except where the payment or the incurring of the expenses may have been previously allowed to be an exception in pursuance of the provision mentioned in paragraph (2), that person is guilty of an illegal payment.

(2) The provision referred to in paragraph (1) is section 167 of the 1983 Act (application for relief), as applied by paragraph 1 of Schedule 9.

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

- Order applied by [2022 c. 37 Sch. 11 para. 6\(3\)](#)

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. A1 para. 4 applied by [S.I. 2023/1150 reg. 23](#)
- Sch. A1 inserted by [S.I. 2023/1150 Sch. 1](#)
- Sch. 2 para. 3(10) amendment to earlier affecting provision S.I. 2023/1147, reg. 17(5)(a)(iii) by [S.I. 2023/1406 reg. 19\(2\)\(a\)\(ii\)](#)
- Sch. 2 para. 3(10) inserted by [S.I. 2023/1147 reg. 17\(5\)\(a\)\(iii\)](#)
- Sch. 2 para. 4(6) inserted by [S.I. 2023/1147 reg. 17\(5\)\(b\)\(iii\)](#)
- Sch. 2 para. 10A inserted by [S.I. 2023/1147 reg. 17\(5\)\(d\)](#)
- Sch. 2 para. 11(1)(aa) inserted by [S.I. 2023/1147 reg. 17\(5\)\(e\)\(i\)](#)
- Sch. 2 para. 11(5A)(5B) inserted by [S.I. 2023/1147 reg. 17\(5\)\(e\)\(ii\)](#)
- Sch. 2 para. 11(8)-(10) inserted by [S.I. 2023/1147 reg. 17\(5\)\(e\)\(iii\)](#)
- Sch. 2 para. 14(7A)(7B) inserted by [S.I. 2023/1147 reg. 17\(5\)\(f\)\(ii\)](#)
- Sch. 2 para. 16(2)(ab) inserted by [S.I. 2023/1147 reg. 17\(5\)\(h\)\(i\)](#)
- Sch. 2 para. 16(2E) inserted by [S.I. 2023/1147 reg. 17\(5\)\(h\)\(ii\)](#)
- Sch. 2 para. 16B-16D inserted by [S.I. 2023/1147 reg. 17\(5\)\(i\)](#)
- Sch. 2 para. 17(4A)-(4E) inserted by [S.I. 2023/1147 reg. 17\(5\)\(j\)\(ii\)](#)
- Sch. 2 para. 9A inserted by [S.I. 2023/1225 reg. 8\(6\)\(a\)](#)
- Sch. 2 para. 29(1A) inserted by [S.I. 2023/1225 reg. 8\(6\)\(b\)\(ii\)](#)
- Sch. 2 para. 43(3A) inserted by [S.I. 2023/1225 reg. 8\(6\)\(d\)\(ii\)](#)
- Sch. 2 para. 43A-43D inserted by [S.I. 2023/1225 reg. 8\(6\)\(e\)](#)
- Sch. 2 para. 46A-46E inserted by [S.I. 2023/1225 reg. 8\(6\)\(g\)](#)
- Sch. 2 para. 55(6)-(9) inserted by [S.I. 2023/1225 reg. 8\(6\)\(h\)\(ii\)](#)
- Sch. 2 para. 57(1)(g) and word inserted by [S.I. 2023/1225 reg. 8\(6\)\(i\)\(ii\)](#)
- Sch. 2 para. 59A(1)(a)(ii)(iii) inserted by [S.I. 2023/1225 reg. 8\(6\)\(k\)\(iii\)\(bb\)](#)
- Sch. 2 para. 59A(1)(c)(ii) inserted by [S.I. 2023/1225 reg. 8\(6\)\(k\)\(iv\)\(bb\)](#)
- Sch. 2 para. 16C(7)(ca) inserted by [S.I. 2024/43 reg. 24\(2\)](#)
- Sch. 2 para. 7(14) inserted by [S.I. 2023/1147, reg. 17\(5\)\(ca\)\(iii\)](#) (as inserted) by [S.I. 2023/1406 reg. 19\(2\)\(b\)](#)
- Sch. 2 para. 16C(6) omitted by [S.I. 2023/1406 reg. 12\(b\)](#)
- Sch. 2 para. 16C(5) substituted by [S.I. 2023/1406 reg. 12\(a\)](#)
- Sch. 2 para. 6(5)-(7) substituted for Sch. 2 para. 6(5) by [S.I. 2023/1147 reg. 17\(5\)\(c\)](#)
- Sch. 2 para. 16C(7) word substituted by [S.I. 2023/1406 reg. 12\(c\)\(i\)](#)
- Sch. 2 para. 59A(1)(a)(i) words in Sch. 2 para. 59A(1)(a) renumbered as Sch. 2 para. 59A(1)(a)(i) by [S.I. 2023/1225 reg. 8\(6\)\(k\)\(iii\)\(aa\)](#)
- Sch. 2 para. 59A(1)(c)(i) words in Sch. 2 para. 59A(1)(c) renumbered as Sch. 2 para. 59A(1)(c)(i) by [S.I. 2023/1225 reg. 8\(6\)\(k\)\(iv\)\(aa\)](#)
- Sch. 2 para. 16C(7)(b) words substituted by [S.I. 2023/1406 reg. 12\(c\)\(ii\)](#)
- Sch. 2 para. 16C(7)(c) words substituted by [S.I. 2023/1406 reg. 12\(c\)\(ii\)](#)
- Sch. 2 para. 16C(7)(d) words substituted by [S.I. 2023/1406 reg. 12\(c\)\(iii\)](#)
- Sch. 3 rule 11(2)(c) inserted by [S.I. 2023/1141 reg. 4\(4\)\(b\)](#)
- Sch. 3 rule 34(1)(ba) inserted by [S.I. 2023/1225 reg. 8\(7\)\(b\)](#)
- Sch. 3 rule 49(2)(e) and word inserted by [S.I. 2023/1225 reg. 8\(7\)\(c\)\(ii\)](#)
- Sch. 3 rule 37 Table modified (temp.) by [S.I. 2023/1147 Sch. 2 para. 21\(2\)\(3\)](#)
- Sch. 3 rule 70 Form 11 modified (temp.) by [S.I. 2023/1147 Sch. 2 para. 23\(2\)](#)
- Sch. 3 rule 70 Form 13 modified (temp.) by [S.I. 2023/1147 Sch. 2 para. 23\(2\)](#)
- Sch. 3 rule 70 Form 12 modified (temp.) by [S.I. 2023/1147 Sch. 2 para. 23\(3\)](#)

- Sch. 3 rule 70 Form 14 modified (temp.) by S.I. 2023/1147 Sch. 2 para. 23(3)
- Sch. 3 rule 5(3) substituted by S.I. 2023/1141 reg. 4(4)(a)(ii)
- Sch. 3 rule 70 Form 11 substituted by S.I. 2023/1147 Sch. 8 Pt. 2
- Sch. 3 rule 70 Form 13 substituted by S.I. 2023/1147 Sch. 8 Pt. 2
- Sch. 3 rule 70 Form 12 substituted by S.I. 2023/1225 Sch. 6 Pt. 2
- Sch. 3 rule 70 Form 14 substituted by S.I. 2023/1225 Sch. 6 Pt. 2
- Sch. 3 rule 49(2)(c) word omitted by S.I. 2023/1225 reg. 8(7)(c)(i)
- Sch. 3 rule 37(1)(b) words inserted by S.I. 2023/1147 reg. 17(7)(a)
- Sch. 3 rule 5(1) words omitted by S.I. 2023/1141 reg. 4(4)(a)(i)
- Sch. 3 rule 37 table words omitted by S.I. 2023/1147 reg. 17(7)(b)(ii)
- Sch. 3 rule 13(3) words substituted by S.I. 2023/1141 reg. 4(4)(c)(i)
- Sch. 3 rule 13(3) words substituted by S.I. 2023/1141 reg. 4(4)(c)(ii)
- Sch. 3 rule 37 table words substituted by S.I. 2023/1147 reg. 17(7)(b)(i)
- Sch. 3 rule 32(1)(a) words substituted by S.I. 2023/1225 reg. 8(7)(a)(i)
- Sch. 3 rule 32(1)(b) words substituted by S.I. 2023/1225 reg. 8(7)(a)(ii)
- Sch. 4 para. 27(1)(a) words substituted by S.I. 2023/1225 reg. 8(8)(a)(i)
- Sch. 4 para. 27(1)(b) words substituted by S.I. 2023/1225 reg. 8(8)(a)(ii)
- Sch. 4 para. 27(2) words substituted by S.I. 2023/1225 reg. 8(8)(b)
- Sch. 10 para. 3(1)(b)(v) inserted by S.I. 2023/1225 reg. 8(10)(b)
- art. 3A inserted by S.I. 2023/1150 reg. 36(3)
- art. 18(1A) inserted by S.I. 2023/1147 reg. 17(3)(a)
- art. 18A inserted by S.I. 2023/1141 reg. 4(2)
- art. 22(5A)-(5F) inserted by S.I. 2023/1225 reg. 8(3)
- art. 87(5) inserted by S.I. 2023/1147 reg. 17(4)