
STATUTORY INSTRUMENTS

2012 No. 1917

The Police and Crime Commissioner Elections Order 2012

PART 4

Legal Proceedings

Application to PCC elections of existing provisions about legal proceedings

74. Schedule 9 (application to PCC elections of certain existing provisions about legal proceedings) has effect.

Persons reported personally guilty of corrupt and illegal practices

75.—(1) In section 160 of the 1983 Act ^{M1} (incapacities where a person has been reported by an election court personally guilty of a corrupt or illegal practice)—

- (a) in subsections (1), (4), (5)(a), (5A) and (7), each reference to a person guilty of a corrupt practice includes a reference to a person guilty of such a practice under—
 - (i) a provision of the 1983 Act applied by paragraph 1 of Schedule 9, or
 - (ii) a provision of this Order;
 - (b) in subsections (1), (4), (5)(b) and (7), each reference to a person guilty of an illegal practice includes a reference to a person guilty of such a practice under—
 - (i) a provision of the 1983 Act applied by paragraph 1 of Schedule 9, or
 - (ii) a provision of this Order;
 - (c) in subsections (1)(b) and (4), each reference to elective office or office includes a reference to the office of police and crime commissioner.
- (2) In the application of section 160 of the 1983 Act by virtue of paragraph (1)(a)(ii) or (b)(ii)—
- (a) the reference in subsection (1) to section 145 of the 1983 Act includes a reference to that provision as applied by paragraph 1 of Schedule 9;
 - (b) in subsection (4A)—
 - (i) the reference to a person convicted of a corrupt practice under section 60, 62A or 62B of the 1983 Act ^{M2} includes a reference to a person convicted of a corrupt practice under article 17 of, or paragraph 10 of Schedule 2 to, this Order, and
 - (ii) the reference to a person convicted of an illegal practice under section 61 of the 1983 Act includes a reference to a person convicted of an illegal practice under article 18 of this Order;
 - (c) the reference in subsection (5A) to section 174 of the 1983 Act includes a reference to that provision as applied by paragraph 1 of Schedule 9;
 - (d) the reference in subsection (7) to the provisions of the 1983 Act includes a reference to the provisions of this Order.

Changes to legislation: There are outstanding changes not yet made by the 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

Marginal Citations

- M1** Subsection (1) of section 160 was amended by paragraph 24 of, and paragraph 52 of Schedule 5 to, the [Representation of the People Act 1985 \(c.50\)](#). Subsections (4A) and (5A) were substituted by section 137(b) of, and paragraphs 1 and 8 of Schedule 17 to, the 2000 Act; subsection (4A) was amended by [S.I. 2007/931](#) and subsection (5A) was amended by section 74(1) of, and paragraphs 104 and 120(1) and (3) of Schedule 1 to, the Electoral Administration Act 2006.
- M2** [Section 62A](#) was inserted by section 40 of the Electoral Administration Act 2006; [section 62B](#) was inserted by section 15 of the Local Electoral Administration and Registration Services (Scotland) Act 2006 ([2006 asp 14](#)).

Avoidance of election for employing corrupt agent

- 76.** In section 165 of the 1983 Act ^{M3} (avoidance of election for employing corrupt agent)—
- (a) in subsections (1) and (2), each reference to local government election includes a reference to an election in accordance with Chapter 6 of Part 1 of the 2011 Act;
 - (b) the reference in subsection (1)(a) to a person convicted or reported of a corrupt or illegal practice within the meaning of the 1983 Act includes a reference to a person convicted or reported of a corrupt or illegal practice under—
 - (i) a provision of the 1983 Act applied by paragraph 1 of Schedule 9, or
 - (ii) a provision of this Order;
 - (c) the reference in subsection (4) to an election of the Mayor of London includes a reference to an election in accordance with Chapter 6 of Part 1 of the 2011 Act.

Marginal Citations

- M3** Subsection (1) of section 165 was amended by section 17(3) of, and Schedule 2 to, the [Bribery Act 2010 \(c.23\)](#). Subsection (4) was inserted by section 17 of, and paragraphs 1 and 36 of Schedule 3 to, the [Greater London Authority Act 1999 \(c.29\)](#).

Incapacities on conviction of corrupt or illegal practice

- 77.—**(1) In section 173 of the 1983 Act ^{M4} (incapacities where a person has been convicted of a corrupt or illegal practice)—
- (a) in subsections (1), (3)(a) and (7), each reference to a person convicted of a corrupt practice includes a reference to a person convicted of a corrupt practice under—
 - (i) a provision of the 1983 Act applied by paragraph 1 of Schedule 9, or
 - (ii) a provision of this Order;
 - (b) in subsections (1), (3)(b), and (7), each reference to a person convicted of an illegal practice includes a reference to a person convicted of an illegal practice under—
 - (i) a provision of the 1983 Act applied by paragraph 1 of Schedule 9, or
 - (ii) a provision of this Order;
 - (c) in subsections (1), (4), (6), (7) and (8), each reference to elective office or office includes a reference to the office of police and crime commissioner.
- (2) In the application of section 173 of the 1983 Act by virtue of paragraph (1)(a)(ii) or (b)(ii)—
- (a) in subsection (2)—

- (i) the reference to a person convicted of a corrupt practice under section 60, 62A or 62B of the 1983 Act includes a reference to a person convicted of a corrupt practice under article 17 of, or paragraph 10 of Schedule 2 to, this Order, and
 - (ii) the reference to a person convicted of an illegal practice under section 61 of the 1983 Act includes a reference to a person convicted of an illegal practice under article 18 of this Order;
- (b) the references in subsection (9) to section 168 or 169 of the 1983 Act, and section 174 of that Act, include a reference to that section as applied by paragraph 1 of Schedule 9.

Marginal Citations

M4 [Section 173](#) was substituted by section 136 of the 2000 Act and subsection (2) was amended by [S.I. 2007/931](#).

Incapacity to hold public or judicial office: Scotland

78.—(1) In section 173A of the 1983 Act ^{M5} (incapacity where a person has been convicted of a corrupt practice), the reference in subsection (1) to a person convicted of a corrupt practice includes a reference to a person convicted of a corrupt practice under—

- (a) a provision of the 1983 Act applied by paragraph 1 of Schedule 9, or
 - (b) a provision of this Order.
- (2) In the application of section 173A of the 1983 Act by virtue of paragraph (1)(b)—
- (a) the reference in subsection (1) to section 174 of the 1983 Act includes a reference to that section as applied by paragraph 1 of Schedule 9;
 - (b) the reference in subsection (2)(a) to section 173 of the 1983 Act is a reference to that section as it has effect by virtue of article 77;
 - (c) the reference in subsection (2)(b) to section 168 of the 1983 Act includes a reference to that section as applied by paragraph 1 of Schedule 9.

Marginal Citations

M5 [Section 173A](#) was substituted by section 136 of the 2000 Act and amended by section 74(1) of, and paragraphs 104 and 123 of Schedule 1 to, the Electoral Administration Act 2006, by section 34(3) of the Local Electoral Administration and Registration Services (Scotland) Act 2006 and by [S.I. 2007/931](#).

Changes to legislation:

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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. 13(1)(ea) art. 13(1)(ee) renumbered as art. 13(1)(ea) by S.I. 2024/131 reg. 22(2)(a)
- art. 13(1)(ea) words inserted by S.I. 2024/131 reg. 22(2)(b)
- 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)