



Representation of the People Act 1983

1983 CHAPTER 2

PART III

LEGAL PROCEEDINGS

Prosecutions for corrupt or illegal practices

168 Prosecutions for corrupt practices.

[^{F1}(1) A person who is guilty of a corrupt practice shall be liable—

(a) on conviction on indictment—

(i) in the case of a corrupt practice under section 60 above, to imprisonment for a term not exceeding two years, or to a fine, or to both,

(ii) in any other case, to imprisonment for a term not exceeding one year, or to a fine, or to both;

(b) on summary conviction, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding the statutory maximum, or to both.]

^{F1}(2)

^{F1}(3)

^{F1}(4)

^{F2}(5)

^{F2}(6)

(7) If it appears to the court by which any person holding a licence or certificate under the Licensing Acts is convicted of the offence of bribery or treating that the offence was committed on his licensed premises—

(a) the court shall direct the conviction to be entered in the proper register of licences, and

Status: Point in time view as at 16/02/2001.

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- (b) the entry shall be taken into consideration by the licensing authority in determining whether they will or will not grant a renewal of the licence or certificate, and may be a ground, if the authority think fit, for refusing its renewal.

Textual Amendments

- F1** S. 168(1) substituted for s. 168(1)–(4) by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 23, [Sch. 3 para. 8](#)
- F2** S. 168(5)(6) repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), ss. 24, 28, [Sch. 4 para. 57](#), [Sch. 5](#)

Modifications etc. (not altering text)

- C1** S. 168 applied (E.W.S.) by [S.I. 1986/2209](#), regs. 2, 3, 5(1)(6)–(8), [Sch. 1 Pt. 1](#)
S. 168 applied (N.I.) by [S.I. 1986/2250](#), regs. 2, 3, 5, [Sch. 1 Pt. 1](#)
S. 168 applied (N.I.) (25.4.1998) by [S.I. 1998/1126](#), art. 6, [Sch. 2](#)
- C2** S. 168 applied (with modifications) (N.I.) (4.5.1996) by [S.I. 1996/1220](#), art. 3(1)(b)(5)–(8), [Sch. 1](#)
S. 168 applied (with modifications) (31.7.1997) by [1997 c. 61](#), s. 3, [Sch. 3 para. 13](#) Table 1
S. 168 applied (with modifications) (11.3.1999) by [S.I. 1999/787](#), art. 85(1)–(3), [Sch. 6 Pts. I, II](#) (which S.I. was revoked (21.11.2002 except for specified purposes) by [S.I. 2002/2779](#), [arts. 1, 2](#) (which S.I. was revoked (15.3.2007) by [S.I. 2007/937](#), [art. 2\(a\)](#)))
S. 168 applied (with modifications) (2.4.2001) by [S.I. 2001/1298](#), regs. 8, 10(4), [Sch. 3](#) Table 2 (subject to regs. 9-12, 15-17, 20, 25)
S. 168 applied (with modifications) (1.8.2001) by [S.I. 2001/2599](#), art. 3(1), [Sch. 1](#)
S. 168 applied (with modifications) (21.11.2002 except for specified purposes) by [The Scottish Parliament \(Elections etc.\) Order 2002 \(S.I. 2002/2779\)](#), [arts. 1, 81](#), [Sch. 6 Pts. I, II](#) (which S.I. was revoked (15.3.2007) by [S.I. 2007/937](#), [art. 2\(a\)](#))
S. 168 applied (W.) (24.3.2004) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2004 \(S.I. 2004/870\)](#), [reg. 8](#), {[Sch. 3 Table 2](#)} (which S.I. was revoked (24.7.2008) by [S.I. 2008/1848](#))
S. 168 applied (with modifications) (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 6(2), [Sch. 2 Pt. 2](#)

169 Prosecutions for illegal practices.

A person guilty of an illegal practice shall on summary conviction ^{F3}. . . be [^{F4}liable to a fine not exceeding level 5 on the standard scale; and] on a prosecution for an illegal practice it shall be sufficient to allege that the person charged was guilty of an illegal practice.

Textual Amendments

- F3** Words repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 28, [Sch. 5](#)
- F4** Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 23, [Sch. 3 para. 9](#)

Modifications etc. (not altering text)

- C3** S. 169 applied (E.W.S.) by [S.I. 1986/2209](#), regs. 2, 3, 5(1)(6)–(8), [Sch. 1 Pt. 1](#)
S. 169 applied (N.I.) by [S.I. 1986/2250](#), regs. 2, 3, 5, [Sch. 1 Pt. 1](#)
S. 169 applied (N.I.) (25.4.1998) by [S.I. 1998/1126](#), art. 6, [Sch. 2](#)
S. 169 applied (E.) (28.7.2007) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2007 \(S.I. 2007/2089\)](#), [regs. 8, 11, 13](#), {[Sch. 4 Table 1](#)}

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- C4** S. 169 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)-(8), **Sch. 1**
S. 169 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 1
S. 169 applied (with modifications) (11.3.1999) by S.I. 1999/787 art. 85, Sch. 6 Pts. I, II (which S.I. was revoked (21.11.2002 except for specified purposes) by S.I. 2002/2779, **arts. 1, 2** (which S.I. was revoked (15.3.2007) by S.I. 2007/937, **art. 2(a)**))
S. 169 applied (with modifications) (2.4.2001) by S.I. 2001/1298, regs. 8, 10(4), **Sch. 3** Table 2 (subject to regs. 9-12, 15-17, 20, 25)
S. 169 applied (with modifications) (21.11.2002 except for specified purposes) by The Scottish Parliament (Elections etc.) Order 2002 (S.I. 2002/2779), arts. 1, 81, **Sch. 6 Pts. I, II** (which S.I. was revoked (15.3.2007) by S.I. 2007/937, art. 2(a))
S. 169 applied (W.) (24.3.2004) by The Local Authorities (Conduct of Referendums) (Wales) Regulations 2004 (S.I. 2004/870), **reg. 8**, {Sch. 3 Table 2} (which S.I. was revoked (24.7.2008) by S.I. 2008/1848)
S. 169 applied (23.7.2004) by The Regional Assembly and Local Government Referendums Order 2004 (S.I. 2004/1962), art. 6(2), **Sch. 2 Pt. 2**
S. 169 applied (with modifications) (15.3.2007 except for specified purposes) by The Scottish Parliament (Elections etc.) Order 2007 (S.I. 2007/937), arts. 1, 83, **Sch. 6 Pts. I, II**
- C5** S. 169 applied (with modifications) (W.) (24.7.2008) by The Local Authorities (Conduct of Referendums) (Wales) Regulations 2008 (S.I. 2008/1848), **reg. 8**, {Sch. 4 para. 1 Table 1}
- C6** S. 169 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3, Sch. 1 (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, **Sch. 1**)

170 Conviction of illegal practice on charge of corrupt practice etc.

A person charged with a corrupt practice may, if the circumstances warrant such finding, be found guilty of an illegal practice (which offence shall for that purpose be an indictable offence), and a person charged with an illegal practice may be found guilty of that offence notwithstanding that the act constituting the offence amounted to a corrupt practice.

Modifications etc. (not altering text)

- C7** S. 170 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
S. 170 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)-(8), **Sch. 1 Pt. I**
S. 170 applied (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**
S. 170 applied (E.) (28.7.2007) by The Local Authorities (Conduct of Referendums) (England) Regulations 2007 (S.I. 2007/2089), **regs. 8, 11, 13**, {Sch. 4 Table 1}
- C8** S. 170 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)-(8), **Sch. 1**
S. 170 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 1
S. 170 applied (with modifications) (11.3.1999) by S.I. 1999/787, art. 85(1)-(3), **Sch. 6 Pt. I** (which S.I. was revoked (21.11.2002 except for specified purposes) by S.I. 2002/2779, **arts. 1, 2** (which S.I. was revoked (15.3.2007) by S.I. 2007/937, **art. 2(a)**))
S. 170 applied (with modifications) (2.4.2001) by S.I. 2001/1298, regs. 8, 10(4), **Sch. 3** Table 2 (subject to regs. 9-12, 15-17, 20, 25)
S. 170 applied (with modifications) (21.11.2002 except for specified purposes) by The Scottish Parliament (Elections etc.) Order 2002 (S.I. 2002/2779), arts. 1, 81, **Sch. 6 Pts. I, II** (which S.I. was revoked (15.3.2007) by S.I. 2007/937, art. 2(a))
S. 170 applied (W.) (24.3.2004) by The Local Authorities (Conduct of Referendums) (Wales) Regulations 2004 (S.I. 2004/870), **reg. 8**, {Sch. 3 Table 2} (which S.I. was revoked (24.7.2008) by S.I. 2008/1848)
S. 170 applied (23.7.2004) by The Regional Assembly and Local Government Referendums Order 2004 (S.I. 2004/1962), art. 6(2), **Sch. 2 Pt. 2**

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- S. 170 applied (with modifications) (15.3.2007 except for specified purposes) by [The Scottish Parliament \(Elections etc.\) Order 2007 \(S.I. 2007/937\)](#), arts. 1, 83, [Sch. 6 Pts. I, II](#)
- C9** S. 170 applied (with modifications) (W.) (24.7.2008) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2008 \(S.I. 2008/1848\)](#), [reg. 8](#), {Sch. 4 para. 1 Table 1}
- C10** S. 170 applied (with modifications) (1.8.2001) by [S.I. 2001/2599](#), art. 3, [Sch. 1](#) (as substituted (10.2.2009) by [S.I. 2009/256](#), arts. 1(2), 3, [Sch. 1](#))

^{F5}**171**

Textual Amendments

- F5** S. 171 repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), ss. 24, 28, [Sch. 4 para. 58](#), [Sch. 5](#)

^{F6}**172**

Textual Amendments

- F6** S. 172 repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), ss. 24, 28, [Sch. 4 para. 59](#), [Sch. 5](#)

[^{F7}**173** Incapacities on conviction of corrupt or illegal practice.

- (1) Subject to subsection (2) below, a person convicted of a corrupt or illegal practice—
- (a) shall, during the relevant period specified in subsection (3) below, be incapable of—
 - (i) being registered as an elector or voting at any parliamentary election in the United Kingdom or at any local government election in Great Britain, or
 - (ii) being elected to the House of Commons, or
 - (iii) holding any elective office; and
 - (b) if already elected to a seat in the House of Commons or holding any such office, shall vacate the seat or office subject to and in accordance with subsections (4) and (5) below.
- (2) The incapacity imposed by subsection (1)(a)(i) above applies only to a person convicted of a corrupt practice under section 60 above or of an illegal practice under section 61 above.
- (3) For the purposes of subsection (1)(a) above the relevant period is the period beginning with the date of the conviction and ending—
- (a) in the case of a person convicted of a corrupt practice, five years after that date, or
 - (b) in the case of a person convicted of an illegal practice, three years after that date,

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except that if (at any time within that period of five or three years) a court determines on an appeal by that person against the conviction that it should not be upheld, the relevant period shall end at that time instead.

- (4) Where subsection (1)(b) applies to any person, he shall (subject to subsection (5) below) vacate the seat or office in question at the appropriate time for the purposes of this section, namely—
 - (a) the end of the period which is the period prescribed by law within which notice of appeal may be given, or an application for leave to appeal may be made, by him in respect of the conviction, or
 - (b) if (at any time within that period) that period is extended—
 - (i) the end of the period as so extended, or
 - (ii) the end of the period of three months beginning with the date of the conviction,whichever is the earlier.
- (5) If (before the appropriate time mentioned in subsection (4) above) notice of appeal is given, or an application for leave to appeal is made, by such a person in respect of the conviction, he shall vacate the seat or office in question at the end of the period of three months beginning with the date of the conviction unless—
 - (a) such an appeal is dismissed or abandoned at any earlier time (in which case he shall vacate the seat or office at that time), or
 - (b) at any time within that period of three months the court determines on such an appeal that the conviction should not be upheld (in which case the seat or office shall not be vacated by him).
- (6) Where such a person vacates a seat or office in accordance with subsection (4) or (5) above, no subsequent determination of a court that his conviction should not be upheld shall entitle him to resume the seat or office.
- (7) If a person convicted of a corrupt or illegal practice has already been elected to a seat in the House of Commons or to any elective office, he shall (in addition to being subject to the incapacities mentioned in subsection (1)(a) above) be suspended from performing any of his functions as a Member of Parliament, or (as the case may be) any of the functions of that office, during the period of suspension specified in subsection (8) below.
- (8) For the purposes of subsection (7) above the period of suspension is the period beginning with the date of the conviction and ending with—
 - (a) the date on which the seat or office is vacated in accordance with subsection (4) or (5) above, or
 - (b) where subsection (5)(b) above applies, the date on which the court determines that the conviction should not be upheld.
- (9) Any incapacities or other requirement applying to a person by virtue of subsection (1) or (7) above applies in addition to any punishment imposed under section 168 or 169 above; but each of those subsections has effect subject to section 174 below.
- (10) Without prejudice to the generality of section 205(2) below, nothing in this section affects matters relating to the Northern Ireland Assembly or local elections or holding office in Northern Ireland.]

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Textual Amendments

- F7** S. 173, 173A substituted for s. 173 (16.2.2001) by 2000 c. 41, s. 136; S.I. 2001/222, art. 2, Sch. 1 Pt. I (with Sch. 1 Pt. 2 para. 6)

Modifications etc. (not altering text)

- C11** S. 173 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3(1), Sch. 1
S. 173 applied (with modifications) (21.11.2002 except for specified purposes) by The Scottish Parliament (Elections etc.) Order 2002 (S.I. 2002/2779), arts. 1, 81, Sch. 6 Pt. I (which S.I. was revoked (15.3.2007) by S.I. 2007/937, art. 2(a))
- C12** S. 173(1)(a)(i)(2)(3) applied (with modifications) (2.4.2001) by S.I. 2001/1298, regs. 8, 10(4), Sch. 3 Table 2 (subject to regs. 9-12, 15-17, 20, 25)
S. 173(1)(a)(i)(2)(3) applied (with modifications) (W.) (24.3.2004) by The Local Authorities (Conduct of Referendums) (Wales) Regulations 2004 (S.I. 2004/870), reg. 8, {Sch. 3 Table 2} (which S.I. was revoked (24.7.2008) by S.I. 2008/1848)

[^{F8}173A Incapacity to hold public or judicial office in Scotland.

- (1) Subject to section 174 below, a person convicted of a corrupt practice—
- (a) shall for the period of five years beginning with the date of his conviction, be incapable of holding any public or judicial office in Scotland, and
 - (b) if already holding such an office, shall vacate it as from that date.
- (2) Subsection (1) above applies in addition to—
- (a) any incapacity or other requirement applying to the person by virtue of section 173 above, and
 - (b) any punishment imposed on him under section 168 above.]

Textual Amendments

- F8** Ss. 173, 173A substituted for s. 173 (16.2.2001) by 2000 c. 41, s. 136; S.I. 2001/222, art. 2, Sch. 1 Pt. I (with Sch. 1 Pt. 2 para. 6)

Modifications etc. (not altering text)

- C13** S. 173A applied (with modifications) (21.11.2002 except for specified purposes) by The Scottish Parliament (Elections etc.) Order 2002 (S.I. 2002/2779), arts. 1, 81, Sch. 6 Pts. I, II (which S.I. was revoked (15.3.2007) by S.I. 2007/937, art. 2(a))

Status:

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