
DRAFT STATUTORY INSTRUMENTS

2012 No.

The Police and Crime Commissioner Elections Order 2012

PART 3

The election campaign

Bribery, treating and undue influence

Bribery

67.—(1) A person (“P”) is guilty of a corrupt practice if P is guilty of bribery.

(2) P is guilty of bribery if P, directly or indirectly, by himself or herself or by any other person on P’s behalf—

- (a) gives any money or procures any office to or for—
 - (i) any voter,
 - (ii) any other person on behalf of any voter, or
 - (iii) any other person in order to induce any voter to vote or refrain from voting, or
- (b) corruptly does any such act as mentioned above on account of any voter having voted or refrained from voting, or
- (c) makes any such gift or procurement as mentioned above to or for any person in order to induce that person to procure, or endeavour to procure, the election of any person as police and crime commissioner or the vote of any voter,

or if upon or in consequence of any such gift or procurement as mentioned above P procures or engages, promises or endeavours to procure the election of any person as police and crime commissioner or the vote of any voter.

(3) For the purposes of paragraph (2)—

- (a) references to giving money include references to giving, lending, agreeing to give or lend, offering, promising, or promising to procure or endeavour to procure any money or valuable consideration, and
- (b) references to procuring any office include references to giving, procuring, agreeing to give or procure, offering, promising, or promising to procure or to endeavour to procure any office, place or employment.

(4) A person is guilty of bribery if the person advances or pays or causes to be paid any money to or for the use of any other person with the intent that that money or any part of it be expended in bribery at a PCC election or knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at a PCC election.

(5) The preceding provisions of this article do not extend and are not to be construed as extending to any money paid or agreed to be paid for or on account of any legal expenses incurred in good faith at or concerning a PCC election.

(6) A voter is guilty of bribery if before or during a PCC election the voter, directly or indirectly, by himself or herself or by any other person on the voter’s behalf receives, agrees, or contracts for any money, gift, loan or valuable consideration, office, place or employment for the voter or for any other person for voting or agreeing to vote or for refraining or agreeing to refrain from voting.

(7) A person is guilty of bribery if after a PCC election the person directly or indirectly by himself or herself or by any other person on the person’s behalf receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting.

(8) In this article the expression “voter” includes any person who has or claims to have a right to vote.

Treating

68.—(1) A person (“P”) is guilty of a corrupt practice if P is guilty of treating.

(2) P is guilty of treating if P corruptly, by himself or herself or by any other person, either before, during or after a PCC election, directly or indirectly gives or provides, or pays wholly or in part the expense of giving or providing, any meat, drink, entertainment or provision to or for any person—

- (a) for the purpose of corruptly influencing that person or any other person to vote or refrain from voting, or
- (b) on account of that person or any other person having voted or refrained from voting, or being about to vote or refrain from voting.

(3) Every elector or proxy for an elector who corruptly accepts or takes any such meat, drink, entertainment or provision is also guilty of treating.

Undue influence

69.—(1) A person (“P”) is guilty of a corrupt practice if P is guilty of undue influence.

(2) P is guilty of undue influence—

- (a) if P, directly or indirectly, by himself or herself or by any other person on P’s behalf, makes use of or threatens to make use of any force, violence or restraint, or inflicts or threatens to inflict, by himself or herself or by any other person, any temporal or spiritual injury, damage, harm or loss upon or against any person in order to induce or compel that person to vote or refrain from voting, or on account of that person having voted or refrained from voting, or
- (b) if, by abduction, duress or any fraudulent device or contrivance, P impedes or prevents, or intends to impede or prevent, the free exercise of the franchise of an elector or proxy for an elector, or so compels, induces or prevails upon, or intends so to compel, induce or prevail upon, an elector or proxy for an elector either to vote or to refrain from voting.