



# Representation of the People Act 1983

## 1983 CHAPTER 2

### PART I

#### PARLIAMENTARY AND LOCAL GOVERNMENT FRANCHISE AND ITS EXERCISE

#### *Offences*

#### **60 Personation.**

- (1) A person shall be guilty of a corrupt practice if he commits, or aids, abets, counsels or procures the commission of, the offence of personation.
- (2) A person shall be deemed to be guilty of personation at a parliamentary or local government election if he—
  - (a) votes in person or by post as some other person, whether as an elector or as proxy, and whether that other person is living or dead or is a fictitious person; or
  - (b) votes in person or by post as proxy—
    - (i) for a person whom he knows or has reasonable grounds for supposing to be dead or to be a fictitious person; or
    - (ii) when he knows or has reasonable grounds for supposing that his appointment as proxy is no longer in force.
- (3) For the purposes of this section, a person who has applied for a ballot paper for the purpose of voting in person or who has marked, whether validly or not, and returned a ballot paper issued for the purpose of voting by post, shall be deemed to have voted.

#### **Modifications etc. (not altering text)**

- C2** S. 60 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C3** S. 60 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C4** S. 60 applied with modifications (E.W.) by S.I. 1987/1, **Rules 2, 6** and S.I. 1986/2215, **Rules 2, 9** (which S.I. was revoked (2.1.2007) by S.I. 2006/3305, rule1(4), **Sch. 1**)

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- C5** S. 60 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)-(8), **Sch. 1**  
S. 60 applied (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**
- C6** S. 60 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 1  
S. 60 applied (with modifications) (E.) (2.4.2001) by S.I. 2001/1298, regs. 8(1), 10(4), **Sch. 3** Table 2, Sch. 4 (subject to regs. 9-12, 15-17, 20, 25)  
S. 60 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\(Conduct of Referendums\) \(Wales\) Regulations 2004 \(S.I. 2004/870\)](#), **reg. 8**, {Sch. 3 Table 2} (which S.I. was revoked (24.7.2008) by S.I. 2008/1848)  
S. 60 applied (with modifications) (W.) (24.3.2004) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2004 \(S.I. 2004/870\)](#), reg. 10, **Sch. 4** (which S.I. was revoked (24.7.2008) by S.I. 2008/1848)  
S. 60 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**  
S. 60 applied (with modifications) (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}
- C7** S. 60 modified (E.W.) (2.1.2007 for specified purposes) by [The Local Elections \(Parishes and Communities\) \(England and Wales\) Rules 2006 \(S.I. 2006/3305\)](#), **rule 6**
- C8** S. 60 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}
- C9** S. 60 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**)
- C10** S. 60 applied (with modifications) by [The Health Board Elections \(Scotland\) Regulations 2009 \(S.S.I. 2009/352\)](#), **reg. 5A(2)** (as inserted (15.2.2010) by S.S.I. 2010/58, regs. 1, **2(2)**)
- C11** S. 60 applied (with modifications) (E.) (9.2.2012) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2012 \(S.I. 2012/323\)](#), reg. 1, **Sch. 4 para. 1**
- C12** S. 60 applied (with modifications) (E.) (18.2.2012) by [The Local Authorities \(Conduct of Referendums\) \(Council Tax Increases\) \(England\) Regulations 2012 \(S.I. 2012/444\)](#), reg. 1, **Sch. 4 para. 1** (with reg. 27)
- C13** S. 60 applied (with modifications) (3.8.2012) by [The Neighbourhood Planning \(Referendums\) Regulations 2012 \(S.I. 2012/2031\)](#), regs. 1, 8, 12, 13, **Sch. 4 Pt. 1**
- C14** S. 60 applied (with modifications) by [The Neighbourhood Planning \(Referendums\) Regulations 2012 \(S.I. 2012/2031\)](#), reg. 17, **Sch. 8** Table 1 (as inserted (E.W.) (6.4.2013) by S.I. 2013/798, regs. 1, 7, **Sch. 3**)

## 61 Other voting offences.

(1) A person shall be guilty of an offence if—

- (a) he votes in person or by post, whether as an elector or as proxy, or applies to [<sup>F1</sup>vote by proxy or by post as elector, at a parliamentary or local government election, or at parliamentary or local government elections, knowing that he is subject to a legal incapacity to vote at the election or, as the case may be, at elections of that kind; or]
- (b) he applies for the appointment of a proxy to vote for him at [<sup>F2</sup>any parliamentary or local government election or at parliamentary or local government elections knowing that he or the person to be appointed is subject to a legal incapacity to vote at the election or, as the case may be, at elections of that kind; or]
- (c) he votes, whether in person or by post, [<sup>F3</sup>. . .], as proxy for some other person at a parliamentary or local government election, knowing that that person is subject to a legal incapacity to vote.

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For the purposes of this subsection references to a person being subject to a legal incapacity to vote do not, in relation to things done before polling day at the election or first election at or for which they are done, include his being below voting age if he will be of voting age on that day.

- (2) A person shall be guilty of an offence if—
- (a) he votes as elector otherwise than by proxy either—
    - (i) more than once in the same constituency at any parliamentary election, or more than once in the same electoral area at any local government election; or
    - (ii) in more than one constituency at a general election, or in more than one electoral area at an ordinary election of councillors for a local government area which is not a single electoral area; or
    - (iii) in any constituency at a general election, or in any electoral area at such an ordinary election as mentioned above, when there is in force an appointment of a person to vote as his proxy at the election in some other constituency or electoral area; or
  - (b) he votes as elector in person at a parliamentary or local government election at which he is entitled to vote by post; or
  - (c) he votes as elector in person at a parliamentary or local government election, knowing that a person appointed to vote as his proxy at the election either has already voted in person at the election or is entitled to vote by post at the election; or
  - (d) <sup>F4</sup>. . . , he applies for a person to be appointed as his proxy to vote for him at parliamentary elections [<sup>F5</sup>in any constituency] without applying for the cancellation of a previous appointment of a third person then in force [<sup>F5</sup>in respect of that or another constituency] or without withdrawing a pending application for such an appointment [<sup>F5</sup>in respect of that or another constituency].
- [<sup>F6</sup>(2A) In the case of Authority elections, paragraph (a) of subsection (2) above shall not have effect; but a person shall be guilty of an offence under this subsection if he votes as an elector otherwise than by proxy—
- (a) more than once at the same election of the Mayor of London;
  - (b) more than once at the same election of the London members of the London Assembly at an ordinary election;
  - (c) more than once in the same Assembly constituency at the same election of a constituency member of the London Assembly;
  - (d) in more than one Assembly constituency at the same ordinary election; or
  - (e) in any Assembly constituency at an ordinary election, or an election of the Mayor of London held under section 16 of the 1999 Act, when there is in force an appointment of a person to vote as his proxy at the election in some other Assembly constituency.]
- (3) A person shall be guilty of an offence if—
- (a) he votes as proxy for the same elector either—
    - (i) more than once in the same constituency at any parliamentary election, or more than once in the same electoral area at any local government election; or

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- (ii) in more than one constituency at a general election, or in more than one electoral area at an ordinary election of councillors for a local government area which is not a single electoral area; or
  - (b) he votes in person as proxy for an elector at a parliamentary or local government election at which he is entitled to vote by post as proxy for that elector; or
  - <sup>F7</sup>(c) .....
  - (d) he votes in person as proxy for an elector at a parliamentary or local government election knowing that the elector has already voted in person at the election.
- <sup>F8</sup>(3A) In the case of Authority elections, paragraph (a) of subsection (3) above shall not have effect; but a person shall be guilty of an offence under this subsection if he votes as proxy for the same elector—
- (a) more than once at the same election of the Mayor of London;
  - (b) more than once at the same election of the London members of the London Assembly at an ordinary election;
  - (c) more than once in the same Assembly constituency at the same election of a constituency member of the London Assembly; or
  - (d) in more than one Assembly constituency at the same ordinary election.]
- (4) A person shall also be guilty of an offence if he votes at a parliamentary election in any constituency [<sup>F9</sup>or at a local government election in any electoral area] as proxy for more than two persons of whom he is not the [<sup>F10</sup>spouse, civil partner,] parent, grandparent, brother, sister, child or grandchild.
- (5) A person shall also be guilty of an offence if he knowingly induces or procures some other person to do an act which is, or but for that other person's want of knowledge, would be, an offence by that other person under the foregoing subsections of this section.
- (6) For the purposes of this section a person who has applied for a ballot paper for the purpose of voting in person, or who has marked, whether validly or not, and returned a ballot paper issued for the purpose of voting by post, shall be deemed to have voted, but for the purpose of determining whether an application for a ballot paper constitutes an offence under subsection (4) above, a previous application made in circumstances which entitle the applicant only to mark a tendered ballot paper shall, if he does not exercise that right, be disregarded.
- <sup>F11</sup>(6A) A person is not guilty of an offence under subsection (2)(b) or (3)(b) above only by reason of his having marked a tendered ballot paper in pursuance of rule 40(1ZC) or (1ZE) of the parliamentary elections rules.]
- <sup>F12</sup>(6A) Where a person is alleged to have committed an offence under subsection (2)(a)(i) or (3)(a)(i) above by voting on a second or subsequent occasion at a parliamentary election, he shall not be deemed by virtue of subsection (6) above to have voted by applying on a previous occasion for a ballot paper for the purpose of voting in person unless he then marked a tendered ballot paper under rule 40(1C) of the parliamentary elections rules.]
- <sup>F13</sup>(6B) Sub-paragraph (2) above does not prevent a person, at the polling station allotted to him at a local government election in Scotland, marking a tendered ballot paper in pursuance of any provision—

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- (a) made under section 3(1) of the Local Governance (Scotland) Act 2004 (asp 9) as to the conduct of elections of councillors, and
  - (b) which entitles him to do so despite the fact that he is or may be entitled to an absent vote at the election.]
- (7) An offence under this section shall be an illegal practice, but—
- (a) the court before whom a person is convicted of any such offence may, if they think it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by virtue of section 173 below; and
  - (b) a candidate shall not be liable, nor shall his election be avoided, for an illegal practice under this section of any agent of his other than an offence under subsection (5) above.

#### Textual Amendments

- F1** Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\), s. 11, Sch. 2 para. 2\(a\)](#)
- F2** Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\), s. 11, Sch. 2 para. 2\(b\)](#)
- F3** Words repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\), ss. 11, 28, Sch. 2 para. 2\(c\)](#), Sch. 5
- F4** Words repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\), s. 11, Sch. 2 para. 2\(d\)](#), Sch. 5
- F5** Words inserted by [Representation of the People Act 1985 \(c. 50, SIF 42\), s. 11, Sch. 2 para. 2\(d\)](#)
- F6** S. 61(2A) inserted (14.12.1999) by [1999 c. 29, s. 17, Sch. 3 para. 10\(1\)\(2\)](#) (with Sch. 12 para. 9(1)); [S.I. 1999/3376, art. 2](#)
- F7** S. 61(3)(c) repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\), ss. 11, 28, Sch. 2 para. 2\(e\)](#), Sch. 5
- F8** S. 61(3A) inserted (14.12.1999) by [1999 c. 29, s. 17, Sch. 3 para. 10\(1\)\(3\)](#) (with Sch. 12 para. 9(1)); [S.I. 1999/3376, art. 2](#)
- F9** Words inserted by [Representation of the People Act 1985 \(c. 50, SIF 42\), s. 11, Sch. 2 para. 2\(f\)](#)
- F10** Words in s. 61(4) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), ss. 261\(1\), 263, Sch. 27 para. 83](#); [S.I. 2005/3175, art. 2, Sch. 1](#)
- F11** S. 61(6A) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006 \(c. 22\), ss. 38\(3\), 77](#); [S.I. 2006/3412, art. 3, Sch. 1 para. 14\(s\)](#) (subject to transitional provisions in art. 6, Sch. 2); [S.I. 2008/1316, arts 2, 4](#)
- F12** S. 61(6A) inserted (N.I.) by [Elections \(Northern Ireland\) Act 1985 \(c. 2, SIF 42\), s. 2\(5\)](#)
- F13** S. 61(6B) inserted (S.) (17.2.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 27\(1\), 63\(2\)](#); [S.S.I. 2007/26, art. 3\(1\)\(e\)](#) (with art. 3(2))

#### Modifications etc. (not altering text)

- C15** S. 61 applied (E.W.S.) by [S.I. 1986/2209, regs. 2, 3, 5\(1\)\(6\)-\(8\), Sch. 1 Pt. I](#)  
S. 61 applied (N.I.) by [S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I](#)
- C16** S. 61 applied (with modifications) (N.I.) (4.5.1996) by [S.I. 1996/1220, art. 3\(1\)\(5\)-\(8\), Sch. 1](#)  
S. 61 applied (with modifications) (31.7.1997) by [1997 c. 61, s. 3, Sch. 3 para. 13 Table 1](#)  
S. 61 applied (with modifications) (N.I.) (25.4.1998) by [S.I. 1998/1126, art. 6, Sch. 2](#)  
S. 61 applied (with modifications) (E.) (2.4.2001) by [S.I. 2001/1298, regs. 8\(1\), 10\(4\), Sch. 3 Table 2, Sch. 4](#) (subject to regs. 9-12, 15-17, 20, 25) (as amended (5.12.2005) by [S.I. 2005/2114, art. 2\(12\), Sch. 12 para. 9\(2\)\(a\)](#))  
S. 61 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}](#) (as amended (W.) (5.12.2005) by [S.I. 2005/3302, art. 2, Sch. para. 27\(a\)](#)) (which applying S.I. was revoked (24.7.2008) by [S.I. 2008/1848](#))

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- S. 61 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**
- S. 61 applied (with modifications) (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}
- C17** S. 61 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}
- C18** S. 61 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** and amended (31.10.2023) by [Elections Act 2022 \(c. 37\)](#), s. 67(1), **Sch. 6 para. 36**; S.I. 2023/1145, **reg. 2(g)(viii)**)
- C19** S. 61 applied (with modifications) by [The Health Board Elections \(Scotland\) Regulations 2009 \(S.S.I. 2009/352\)](#), **reg. 5A(3)** (as inserted (15.2.2010) by S.S.I. 2010/58, **regs. 1, 2(2)**)
- C20** S. 61 applied (with modifications) (E.) (9.2.2012) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2012 \(S.I. 2012/323\)](#), reg. 1, **Sch. 4 para. 1**
- C21** S. 61 applied (with modifications) (E.) (18.2.2012) by [The Local Authorities \(Conduct of Referendums\) \(Council Tax Increases\) \(England\) Regulations 2012 \(S.I. 2012/444\)](#), reg. 1, **Sch. 4 para. 1** (with reg. 27)
- C22** S. 61 applied (with modifications) (3.8.2012) by [The Neighbourhood Planning \(Referendums\) Regulations 2012 \(S.I. 2012/2031\)](#), **regs. 1, 8, 12, 13**, **Sch. 4 Pt. 1**
- C23** S. 61(1)(3)-(7) applied (with modifications) by [The Neighbourhood Planning \(Referendums\) Regulations 2012 \(S.I. 2012/2031\)](#), reg. 17, **Sch. 8** Table 1 (as inserted (E.W.) (6.4.2013) by S.I. 2013/798, **regs. 1, 7**, **Sch. 3**)

## 62 Offences as to declarations. **E+W+S**

[<sup>F14</sup>(1) A person who—

(a) makes a declaration of local connection or a service declaration—

(i) when he is not authorised to do so by section 7B(1) or section 15(1) above, or

(ii) except as permitted by this Act, when he knows that he is subject to a legal incapacity to vote, or

(iii) when he knows that it contains a statement which is false, or

(b) attests a service declaration when he knows—

(i) that he is not authorised to do so, or

(ii) that it contains a false statement as to any particulars required by regulations under section 16 above,

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

[<sup>F15</sup>(1A) A person who makes a declaration under section 9B(1)(b) above—

(a) except as permitted by this Act, when he knows that he is subject to a legal incapacity to vote, or

(b) when he knows that it contains a statement which is false,

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

(2) Where the declaration is available only for local government elections [<sup>F16</sup>the references in subsections (1) and (1A) above to a legal incapacity to vote refer] to a legal incapacity to vote at local government elections.

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#### Extent Information

- E1** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

#### Textual Amendments

- F14** S. 62(1) substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 8(a), **Sch. 1 para. 17**; S.I. 2001/116, **art. 2(1)(2)** (with art. 2(4))
- F15** S. 62(1A) inserted (E.W.S.) (1.1.2007) by **Electoral Administration Act 2006 (c. 22)**, ss. 10, 77, **Sch. 1 para. 9(2)**; S.I. 2006/3412, **art. 3**, **Sch. 1 para. 1, 12(a)** (subject to transitional provisions in art. 6, Sch. 2)
- F16** Words in s. 62(2) substituted (E.W.S.) (1.1.2007) by **Electoral Administration Act 2006 (c. 22)**, ss. 10, 77, **Sch. 1 para. 9(3)**; S.I. 2006/3412, **art. 3**, **Sch. 1 para. 1, 12(a)** (subject to transitional provisions in art. 6, Sch. 2)

#### Modifications etc. (not altering text)

- C24** S. 62 extended (N.I.) (with modifications) by **Elected Authorities (Northern Ireland) Act 1989 (c. 3**, **SIF 42**), ss. 2, 13(6), **Sch. 1 Pt. 1**
- C25** S. 62 applied (with modifications) (9.4.2001) by S.I. 2001/1184, **reg. 9**, **Sch. Pt. I** (as substituted (17.3.2009) by S.I. 2009/726, **regs. 1(1), 2(3)(4)**, **Sch.**)
- C26** S. 62 applied (with modifications) (S.) (8.8.2013) by **Scottish Independence Referendum (Franchise) Act 2013 (asp 13)**, ss. 6, 13(1), **sch. 1 Pts. 1, 2** (with s. 13(2))

## 62 Offences as to declarations. **N.I.**

[<sup>F14</sup>(1) A person who—

- (a) makes a declaration of local connection or a service declaration—
- (i) when he is not authorised to do so by section 7B(1) or section 15(1) above, or
  - (ii) except as permitted by this Act, when he knows that he is subject to a legal incapacity to vote, or
  - (iii) when he knows that it contains a statement which is false, or
- (b) attests a service declaration when he knows—
- (i) that he is not authorised to do so, or
  - (ii) that it contains a false statement as to any particulars required by regulations under section 16 above,

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

- (2) Where the declaration is available only for local government elections the reference in subsection (1) above to a legal incapacity to vote refers to a legal incapacity to vote at local government elections.

#### Extent Information

- E2** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

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#### Textual Amendments

**F14** S. 62(1) substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 8(a), **Sch. 1 para. 17**; S.I. 2001/116, **art. 2(1)(2)** (with art. 2(4))

#### Modifications etc. (not altering text)

**C24** S. 62 extended (N.I.) (with modifications) by **Elected Authorities (Northern Ireland) Act 1989 (c. 3, SIF 42)**, ss. 2, 13(6), **Sch. 1 Pt. I**

**C25** S. 62 applied (with modifications) (9.4.2001) by S.I. 2001/1184, reg. 9, Sch. Pt. I (as substituted (17.3.2009) by S.I. 2009/726, regs. 1(1), 2(3)(4), **Sch.**)

**C26** S. 62 applied (with modifications) (S.) (8.8.2013) by **Scottish Independence Referendum (Franchise) Act 2013 (asp 13)**, ss. 6, 13(1), sch. 1 Pts. 1, 2 (with s. 13(2))

### [<sup>F17</sup> 62A Offences relating to applications for postal and proxy votes

- (1) A person commits an offence if he—
  - (a) engages in an act specified in subsection (2) at a parliamentary or local government election, and
  - (b) intends, by doing so, to deprive another of an opportunity to vote or to make for himself or another a gain of a vote to which he or the other is not otherwise entitled or a gain of money or property.
- (2) These are the acts—
  - (a) applying for a postal or proxy vote as some other person (whether that other person is living or dead or is a fictitious person);
  - (b) otherwise making a false statement in, or in connection with, an application for a postal or proxy vote;
  - (c) inducing the registration officer or returning officer to send a postal ballot paper or any communication relating to a postal or proxy vote to an address which has not been agreed to by the person entitled to the vote;
  - (d) causing a communication relating to a postal or proxy vote or containing a postal ballot paper not to be delivered to the intended recipient.
- (3) In subsection (1)(b), property includes any description of property.
- (4) In subsection (2) a reference to a postal vote or a postal ballot paper includes a reference to a proxy postal vote or a proxy postal ballot paper (as the case may be).
- (5) A person who commits an offence under subsection (1) or who aids, abets, counsels or procures the commission of such an offence is guilty of a corrupt practice.
- (6) This section does not apply to anything done at a local government election in Scotland.]

#### Textual Amendments

**F17** S. 62A inserted (11.9.2006) by **Electoral Administration Act 2006 (c. 22)**, ss. 40, 77; S.I. 2006/1972, **art. 3, Sch. 1 para. 7** (subject to art. 4, Sch. 2)

#### Modifications etc. (not altering text)

**C27** S. 62A modified (E.W.) (2.1.2007 for specific purposes) by **The Local Elections (Parishes and Communities) (England and Wales) Rules 2006 (S.I. 2006/3305)**, rules 1(2)(3), 6



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- C28** S. 62A applied (with modifications) (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}
- C29** S. 62A 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}
- C30** S. 62A applied (with modifications) 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**)
- C31** S. 62A applied (with modifications) (E.) (9.2.2012) by [The Local Authorities \(Conduct of Referendums\)\(England\) Regulations 2012 \(S.I. 2012/323\)](#), reg. 1, **Sch. 4 para. 1**
- C32** S. 62A applied (with modifications) (E.) (18.2.2012) by [The Local Authorities \(Conduct of Referendums\) \(Council Tax Increases\) \(England\) Regulations 2012 \(S.I. 2012/444\)](#), reg. 1, **Sch. 4 para. 1** (with reg. 27)
- C33** S. 62A applied (with modifications) (3.8.2012) by [The Neighbourhood Planning \(Referendums\) Regulations 2012 \(S.I. 2012/2031\)](#), regs. 1, 8, 12, 13, **Sch. 4 Pt. 1**
- C34** S. 62A applied in part (with modifications) by [The Neighbourhood Planning \(Referendums\) Regulations 2012 \(S.I. 2012/2031\)](#), reg. 17, **Sch. 8** Table 1 (as inserted (E.W.) (6.4.2013) by [S.I. 2013/798](#), regs. 1, 7, **Sch. 3**)

## [<sup>F18</sup>**62B** Scottish local government elections: offences relating to applications for postal and proxy votes

- (1) This section applies in relation to a local government election in Scotland.
- (2) A person commits an offence if he—
  - (a) engages in any of the acts specified in subsection (3) below at the election; and
  - (b) intends, by doing so, to deprive another of an opportunity to vote or to make for himself or another a gain of a vote to which he or the other is not otherwise entitled or a gain of money or property.
- (3) The acts referred to in subsection (2)(a) above are—
  - (a) applying for a postal or proxy vote as some other person (whether that other person is living or dead or is a fictitious person);
  - (b) otherwise making a false statement in, or in connection with, an application for a postal or proxy vote;
  - (c) inducing the registration officer or returning officer to send a postal ballot paper or any communication relating to a postal or proxy vote to an address which has not been agreed to by the person entitled to the vote;
  - (d) causing a communication relating to a postal or proxy vote or containing a postal ballot paper not to be delivered to the intended recipient.
- (4) In subsection (2)(b) above, property includes any description of property.
- (5) In subsection (3) above a reference to a postal vote or a postal ballot paper includes a reference to a proxy postal vote or a proxy postal ballot paper (as the case may be).
- (6) A person who commits an offence under subsection (2) above or who aids, abets, counsels or procures the commission of such an offence is guilty of a corrupt practice.

[ This subsection and subsection (6) extend to the whole of the United Kingdom, but <sup>F19</sup>(7) otherwise this section extends only to Scotland. ]

*Status: Point in time view as at 08/08/2013.*

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#### Textual Amendments

- F18** S. 62B inserted (S.) (29.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 15**, 63; S.S.I. 2007/26, **art. 2(1)(d)**
- F19** S. 62B(7) inserted (3.5.2007) by [The Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(Consequential Provisions and Modifications\) Order 2007 \(S.I. 2007/931\)](#), **art. 2(2)**

### [<sup>F20</sup>63 Breach of official duty.

- (1) If a person to whom this section applies is, without reasonable cause, guilty of any act or omission in breach of his official duty, he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (2) No person to whom this section applies shall be liable for breach of his official duty to any penalty at common law and no action for damages shall lie in respect of the breach by such a person of his official duty.
- (3) The persons to whom this section applies are—
  - (a) the Clerk of the Crown (or, in Northern Ireland, the Clerk of the Crown for Northern Ireland),
  - (b) any <sup>F21</sup>... registration officer, returning officer or presiding officer,
  - (c) any other person whose duty it is to be responsible after a [<sup>F22</sup>parliamentary or] local government election for the used ballot papers and other documents (including returns and declarations as to expenses),
  - (d) any [<sup>F23</sup>official designated by a universal postal service provider], and
  - (e) any deputy of a person mentioned in any of paragraphs (a) to (d) above or any person appointed to assist or in the course of his employment assisting a person so mentioned in connection with his official duties;

and “official duty” shall for the purposes of this section be construed accordingly, but shall not include duties imposed otherwise than by the law relating to parliamentary or local government elections or the registration of parliamentary or local government electors.]

### [<sup>F24</sup>(4) Where—

- (a) a returning officer for an election to which section 46 of the Electoral Administration Act 2006 applies is guilty of an act or omission in breach of his official duty, but
  - (b) he remedies that act or omission in full by taking steps under subsection (1) of that section,
- he shall not be guilty of an offence under subsection (1) above.
- (5) Subsection (4) does not affect any conviction which takes place, or any penalty which is imposed, before the date on which the act or omission is remedied in full.]

#### Textual Amendments

- F20** S. 63 substituted for ss. 63, 64 by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, **Sch. 4 para. 19**
- F21** Words in s. 63(3)(b) repealed (26.3.2010) by [Political Parties and Elections Act 2009 \(c. 12\)](#), ss. 25(a), 43(1), **Sch. 7**; S.I. 2010/969, art. 2(a)(c) (with art. 3)

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- F22** Words in s. 63 inserted (1.1.2007 for E.W.S. and 14.5.2008 for N.I.) by [Electoral Administration Act 2006 \(c. 22\), ss. 41\(8\), 77; S.I. 2006/3412, art. 3, Sch. 1 para. 14\(t\)](#) (subject to transitional provisions in art. 6, Sch. 2); [S.I. 2008/1316, arts. 2, 3](#)
- F23** Words in s. 63(3)(d) substituted (26.3.2001) by [S.I. 2001/1149, art. 3\(1\), Sch. 1 para. 57\(2\)](#)
- F24** S. 63(4)(5) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006 \(c. 22\), ss. 46\(6\), 77; S.I. 2006/3412, art. 3, Sch. 1 para. 14\(v\)](#) (subject to transitional provisions in art. 6, Sch. 2); [S.I. 2008/1316, arts. 2, 4](#)

#### **Modifications etc. (not altering text)**

- C35** S. 63 applied (with modifications) (E.W.S.) by [S.I. 1986/2209, regs. 2, 3, 5\(1\)\(6\)-\(8\), Sch. 1 Pt. 1](#)  
S. 63 applied (with modifications) (N.I.) by [S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. 1](#)  
S. 63 applied (with modifications) (E.W.) by [S.I. 1986/1081, regs. 2, 14\(3\)\(4\)\(5\), Sch. 3 Pt. 1](#) (which S.I. was revoked (23.3.2004) by [S.I. 2004/294, reg. 3](#))  
S. 63 applied (with modifications) (N.I.) by [S.I. 1986/1091, regs. 2, 14\(3\)\(4\)\(5\), Sch. 3 Pt. 1](#)  
S. 63 applied (with modifications) (S.) by [S.I. 1986/1111, regs. 2, 13\(3\)\(4\)\(5\), Sch. 3 Pt. 1](#)  
S. 63 applied (with modifications) (N.I.) (4.5.1996) by [S.I. 1996/1220, art. 3\(1\)\(5\)-\(8\), Sch. 1](#)  
S. 63 applied (with modifications) (31.7.1997) by [1997 c. 61, s. 3, Sch. 3 para. 13 Table 1](#)  
S. 63 applied (with modifications) (N.I.) (25.4.1998) by [S.I. 1998/1126, art. 6, Sch. 2](#)  
S. 63 applied (with modifications) (E.W.) (16.2.2001) by [S.I. 2001/341, reg. 13\(4\)\(5\), Sch. 4 Pt. 1](#)  
S. 63 applied (with modifications) (N.I.) (16.2.2001) by [S.I. 2001/400, reg. 13\(3\)\(4\), Sch. 4 Pt. 1](#)  
S. 63 applied (with modifications) (9.4.2001) by [S.I. 2001/1184, reg. 9, Sch. Pt. 1](#) (as substituted (17.3.2009) by [S.I. 2009/726, regs. 1\(1\), 2\(3\)\(4\), Sch.](#))  
S. 63 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](#)  
S. 63 applied (with modifications) (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}](#)
- C36** S. 63 applied (17.2.1994) by [S.I. 1994/342, regs. 1\(2\)\(3\), 2\(2\), 8\(2\)\(3\)](#)
- C37** S. 63 applied (with modifications) (N.I.) (1.7.2008) by [The Representation of the People \(Northern Ireland\) Regulations 2008 \(S.I. 2008/1741\), reg. 14\(3\)\(4\), Sch. 4](#)
- C38** S. 63 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}](#)
- C39** S. 63 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](#))
- C40** S. 63 applied (with modifications) (E.) (9.2.2012) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2012 \(S.I. 2012/323\), reg. 1, Sch. 4 para. 1](#)
- C41** S. 63 applied (with modifications) (18.2.2012) by [The Local Authorities \(Conduct of Referendums\) \(Council Tax Increases\) \(England\) Regulations 2012 \(S.I. 2012/444\), reg. 1, Sch. 4 para. 1](#) (with reg. 27)
- C42** S. 63 applied (with modifications) (3.8.2012) by [The Neighbourhood Planning \(Referendums\) Regulations 2012 \(S.I. 2012/2031\), regs. 1, 8, 12, 13, Sch. 4 Pt. 1](#)
- C43** S. 63 applied (with modifications) by [The Neighbourhood Planning \(Referendums\) Regulations 2012 \(S.I. 2012/2031\), reg. 17, Sch. 8 Table 1](#) (as inserted (E.W.) (6.4.2013) by [S.I. 2013/798, regs. 1, 7, Sch. 3](#))
- C44** S. 63 applied (with modifications) (S.) (8.8.2013) by [Scottish Independence Referendum \(Franchise\) Act 2013 \(asp 13\), ss. 6, 13\(1\), sch. 1 Pts. 1, 2](#) (with s. 13(2))

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### Textual Amendments

**F25** S. 63 substituted for ss. 63, 64 by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, [Sch. 4 para. 19](#)

## 65 Tampering with nomination papers, ballot papers, etc.

- (1) A person shall be guilty of an offence, if, at a parliamentary or local government election, he—
- (a) fraudulently defaces or fraudulently destroys any nomination paper; or
  - (b) fraudulently defaces or fraudulently destroys any ballot paper, or the official mark on any ballot paper, or any [<sup>F26</sup>postal voting statement or] declaration of identity or official envelope used in connection with voting by post; or
  - (c) without due authority supplies any ballot paper to any person; or
  - (d) fraudulently puts into any ballot box any paper other than the ballot paper which he is authorised by law to put in; or
  - (e) fraudulently takes out of the polling station any ballot paper; or
  - (f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of the election; or
  - (g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts.
- (2) In Scotland, a person shall be guilty of an offence if—
- (a) at a parliamentary or local government election, he forges any nomination paper, delivers to the returning officer any nomination paper knowing it to be forged, or forges or counterfeits any ballot paper or the official mark on any ballot paper; or
  - (b) at a local government election, he signs any nomination paper as candidate or in any other capacity certifies the truth of any statement contained in it, knowing such statement to be false; or
  - (c) he fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts.
- [<sup>F27</sup>(3) If a returning officer, a presiding officer or a clerk appointed to assist in taking the poll, counting the votes or assisting at the proceedings in connection with the issue or receipt of postal ballot papers is guilty of an offence under this section, he shall be liable—
- (a) on conviction on indictment to a fine, or to imprisonment for a term not exceeding 2 years, or to both;
  - (b) on summary conviction, to a fine not exceeding the statutory maximum, or to imprisonment for a term not exceeding 6 months, or to both
- (4) If any other person is guilty of an offence under this section, he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale, or to imprisonment for a term not exceeding 6 months, or to both.]
- <sup>F27</sup>(5) .....

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### Textual Amendments

- F26** Words in s. 65(1)(b) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 47, 77, [Sch. 1 para. 72](#); S.I. 2006/3412, [art. 3](#), Sch. 1 para. 14(w)(bb)(iii) (subject to transitional provisions in [art. 6](#), [Sch. 2](#)); S.I. 2008/1316, [arts. 2](#), 4
- F27** S. 65(3)–(4) substituted for s. 65(3)–(5) by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 23, [Sch. 3 para. 2](#)

### Modifications etc. (not altering text)

- C45** S. 65 applied (with modifications) (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), [Sch. 1 Pt. 1](#)  
S. 65 applied (with modifications) (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, [Sch. 1 Pt. 1](#)  
S. 65 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, [Sch. 3 para. 13](#) Table 1  
S. 65 applied (with modifications) (N.I.) (25.4.1998) by S.I. 1998/1126, [art. 6](#), [Sch. 2](#)  
S. 65 applied (with modifications) (E.) (2.4.2001) by S.I. 2001/1298, [reg. 8\(1\)](#), [Sch. 3](#) Table 2 (subject to regs. 9–12, 15–17, 20, 25)  
S. 65 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)  
S. 65 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](#)  
S. 65 applied (with modifications) (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}
- C46** S. 65 modified (S.) (17.2.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), s. 34(1)(a), 77; S.S.I. 2007/26, [art. 3\(1\)\(h\)](#)
- C47** S. 65 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}
- C48** S. 65 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](#))
- C49** S. 65 applied (with modifications) by [The Health Board Elections \(Scotland\) Regulations 2009 \(S.S.I. 2009/352\)](#), [reg. 5A\(4\)](#) (as inserted (15.2.2010) by S.S.I. 2010/58, [regs. 1](#), 2(2))
- C50** S. 65 applied (with modifications) (E.) (9.2.2012) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2012 \(S.I. 2012/323\)](#), [reg. 1](#), [Sch. 4 para. 1](#)
- C51** S. 65 applied (with modifications) (E.) (18.2.2012) by [The Local Authorities \(Conduct of Referendums\) \(Council Tax Increases\) \(England\) Regulations 2012 \(S.I. 2012/444\)](#), [reg. 1](#), [Sch. 4 para. 1](#) (with [reg. 27](#))
- C52** S. 65 applied (with modifications) (3.8.2012) by [The Neighbourhood Planning \(Referendums\) Regulations 2012 \(S.I. 2012/2031\)](#), [regs. 1](#), 8, 12, 13, [Sch. 4 Pt. 1](#)
- C53** S. 65 applied (with modifications) by [The Neighbourhood Planning \(Referendums\) Regulations 2012 \(S.I. 2012/2031\)](#), [reg. 17](#), [Sch. 8](#) Table 1 (as inserted (E.W.) (6.4.2013) by S.I. 2013/798, [regs. 1](#), 7, [Sch. 3](#))
- C54** S. 65(1)(a) applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, [art. 3\(1\)\(5\)–\(8\)](#), [Sch. 1](#)
- C55** S. 65(3) amended (N.I.) (*prosp.*) by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 10, [Sch. 1 para. 26](#)

### [<sup>F28</sup> 65A False statements in nomination papers etc.

- (1) A person is guilty of a corrupt practice if, in the case of any relevant election, he causes or permits to be included in a document delivered or otherwise furnished to a returning officer for use in connection with the election—
- (a) a statement of the name or home address of a candidate at the election which he knows to be false in any particular; or

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- [ (where the election is a parliamentary election) a statement under rule 6(5)(b) of Schedule 1 to this Act which he knows to be false in any particular; or]
- <sup>F29</sup>(aa) (b) anything which purports to be the signature of an elector who proposes, seconds or assents to, the nomination of such a candidate but which he knows—
- (i) was not written by the elector by whom it purports to have been written, or
- (ii) if written by that elector, was not written by him for the purpose of signifying that he was proposing, seconding, or (as the case may be) assenting to, that candidate’s nomination<sup>F30</sup> or
- (c) a certificate authorising for the purposes of rule 6A of the parliamentary elections rules the use by a candidate of a description if he knows that the candidate is standing at an election in another constituency in which the poll is to be held on the same day as the poll at the election to which the certificate relates.]

[ A person is guilty of a corrupt practice if, in the case of any relevant election, he makes

- <sup>F31</sup>(1A) in any document in which he gives his consent to his nomination as a candidate—
- (a) a statement of his date of birth,
- (b) a statement as to his qualification for being elected at that election, or
- (c) a statement that he is not a candidate at an election for any other constituency the poll for which is to be held on the same day as the poll at the election to which the consent relates,

which he knows to be false in any particular.

(1B) For the purposes of subsection (1A), a statement as to a candidate's qualification is a statement—

- (a) that he is qualified for being elected,
- (b) that he will be qualified for being elected, or
- (c) that to the best of his knowledge and belief he is not disqualified for being elected.]

(2) In this section “relevant election” means—

- (a) any parliamentary election, or
- (b) [<sup>F32</sup>except for the purposes of subsections (1)(c) and (1A)(c),] any local government election in England or Wales.]

#### Textual Amendments

- F28** S. 65A inserted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 15(1), **Sch. 6 para. 5**; S.I. 2001/116, **art. 2(1)(2)** (with art. 2(4))
- F29** S. 65A(1)(aa) inserted (4.9.2009) by **Political Parties and Elections Act 2009 (c. 12)**, ss. 39, 43(1), **Sch. 6 para. 4**; S.I. 2009/2395, **art. 2** (with art. 3)
- F30** S. 65A(1)(c) and word inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by **Electoral Administration Act 2006 (c. 22)**, ss. **23(2)**, 77; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(j) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, **arts. 2, 4**
- F31** S. 65A(1A)(1B) inserted (11.9.2006 for certain purposes, 1.1.2007 for remaining purposes for E.W.S. and 1.7.2008 for N.I.) by **Electoral Administration Act 2006 (c. 22)**, ss. **23(3)**, 77; S.I. 2006/1972, **art. 3**, Sch. 1 para. 3 (subject to art. 4, Sch. 2); S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(j) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, **arts. 2, 4**

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**F32** Words in s. 65A(2)(b) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006 \(c. 22\), ss. 23\(4\), 77; S.I. 2006/3412, art. 3, Sch. 1 para. 14\(j\)](#) (subject to transitional provisions in [art. 6, Sch. 2](#)); [S.I. 2008/1316, arts. 2, 4](#)

**Modifications etc. (not altering text)**

**C56** S. 65A 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](#))

[<sup>F33</sup>**65B Scottish local government elections: false information in nomination papers etc.**

- (1) This section applies in relation to a local government election in Scotland.
- (2) A person is guilty of a corrupt practice if he causes or permits to be included in a document delivered or otherwise furnished to a returning officer for use in connection with the election—
  - (a) a statement of the name or home address of a candidate at the election which he knows to be false in any particular; or
  - (b) anything which purports to be the signature of an elector who proposes, seconds or assents to the nomination of such a candidate but which he knows—
    - (i) was not written by the elector by whom it purports to have been written; or
    - (ii) if written by that elector, was not written by him for the purpose of signifying that he was proposing, seconding or, as the case may be, assenting to that candidate's nomination.
- (3) A person is guilty of a corrupt practice if he makes in any document in which he gives his consent to his nomination as a candidate at the election—
  - (a) a statement of his date of birth; or
  - (b) a statement as to his qualification for being elected at the election, which he knows to be false in any particular.
- (4) For the purposes of subsection (3) above, a statement as to a candidate's qualification is a statement—
  - (a) that he is qualified for being elected;
  - (b) that he will be qualified for being elected; or
  - (c) that to the best of his knowledge and belief he is not disqualified for being elected.]

**Textual Amendments**

**F33** S. 65B inserted (S.) (29.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 13, 63; S.S.I. 2007/26, art. 2\(1\)\(b\)](#)

**66 Requirement of secrecy.**

- (1) The following persons—
  - (a) every returning officer and every presiding officer or clerk attending at a polling station,
  - (b) every candidate or election agent or polling agent so attending,

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- [<sup>F34</sup>(c) every person so attending by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000,]
- <sup>F35</sup>(d) .....
- shall maintain and aid in maintaining the secrecy of voting and shall not, except for some purpose authorised by law, communicate to any person before the poll is closed any information as to—
- (i) the name of any elector or proxy for an elector who has or has not applied for a ballot paper or voted at a polling station;
  - (ii) the number on the register of electors of any elector who, or whose proxy, has or has not applied for a ballot paper or voted at a polling station; or
  - (iii) the official mark.
- (2) Every person attending at the counting of the votes shall maintain and aid in maintaining the secrecy of voting and shall not—
- (a) ascertain or attempt to ascertain at the counting of the votes the number [<sup>F36</sup>or other unique identifying mark] on the back of any ballot paper;
  - (b) communicate any information obtained at the counting of the votes as to the candidate for whom any vote is given on any particular ballot paper.
- (3) No person shall—
- (a) interfere with or attempt to interfere with a voter when recording his vote;
  - (b) otherwise obtain or attempt to obtain in a polling station information as to the candidate for whom a voter in that station is about to vote or has voted;
  - (c) communicate at any time to any person any information obtained in a polling station as to the candidate for whom a voter in that station is about to vote or has voted, or as to the number [<sup>F37</sup>or other unique identifying mark] on the back of the ballot paper given to a voter at that station;
  - (d) directly or indirectly induce a voter to display his ballot paper after he has marked it so as to make known to any person the name of the candidate for whom he has or has not voted.
- (4) Every person attending the proceedings in connection with the issue or the receipt of ballot papers for persons voting by post shall maintain and aid in maintaining the secrecy of the voting and shall not—
- (a) Except for some purpose authorised by law, communicate, before the poll is closed, to any person any information obtained at those proceedings as to the official mark; or
  - (b) except for some purpose authorised by law, communicate to any person at any time any information obtained at those proceedings as to the number [<sup>F38</sup>or other unique identifying mark] on the back of the ballot paper sent to any person; or
  - (c) except for some purpose authorised by law, attempt to ascertain at the proceedings in connection with the receipt of ballot papers the number [<sup>F39</sup>or other unique identifying mark] on the back of any ballot paper; or
  - (d) attempt to ascertain at the proceedings in connection with the receipt of the ballot papers the candidate for whom any vote is given in any particular ballot paper or communicate any information with respect thereto obtained at those proceedings.
- (5) No person having undertaken to assist a blind voter to vote shall communicate at any time to any person any information as to the candidate for whom that voter intends



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to vote or has voted, or as to the number [<sup>F40</sup>or other unique identifying mark] on the back of the ballot paper given for the use of that voter.

(6) If a person acts in contravention of this section he shall be liable on summary conviction [<sup>F41</sup>to a fine not exceeding level 5 on the standard scale or] to imprisonment for a term not exceeding 6 months.

[<sup>F42</sup>(7) In their application in relation to an election of the London members of the London Assembly at an ordinary election, the preceding provisions of this section shall have effect with the insertion, after the words “the candidate for whom”, in each place where they occur, of “, or the registered political party towards the return of whose candidates,”.

<sup>F42</sup>(8) In relation to an election of the London members of the London Assembly at an ordinary election, any reference in this section to the return of a registered political party’s candidates is a reference to the return of candidates included in the list of candidates submitted by the registered political party for the purposes of the election.]

#### Textual Amendments

- F34** S. 66(1)(c) inserted (31.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 47, 77, [Sch. 1 para. 82](#); S.I. 2006/3412, [art. 5](#) (subject to transitional provisions in [art. 6](#), [Sch. 2](#)); S.I. 2008/1316, [arts. 2, 4](#)
- F35** S. 66(1)(d) repealed (S.) (9.2.2012) by [The Local Electoral Administration \(Scotland\) Act 2011 \(Consequential Amendments\) Order 2012 \(S.S.I. 2012/31\)](#), [arts. 2, 3](#)
- F36** Words in s. 66(2)(a) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 47, 77, [Sch. 1 para. 86\(a\)](#) (with [Sch. 1 para. 96](#)); S.I. 2006/3412, [art. 3](#), [Sch. 1 para. 14\(w\)\(bb\)\(iii\)](#) (subject to transitional provisions in [art. 6](#), [Sch. 2](#)); S.I. 2008/1316, [arts. 2, 4](#)
- F37** Words in s. 66(3)(c) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 47, 77, [Sch. 1 para. 86\(b\)](#) (with [Sch. 1 para. 96](#)); S.I. 2006/3412, [art. 3](#), [Sch. 1 para. 14\(w\)\(bb\)\(iii\)](#) (subject to transitional provisions in [art. 6](#), [Sch. 2](#)); S.I. 2008/1316, [arts. 2, 4](#)
- F38** Words in s. 66(4)(b) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 47, 77, [Sch. 1 para. 86\(c\)](#) (with [Sch. 1 para. 96](#)); S.I. 2006/3412, [art. 3](#), [Sch. 1 para. 14\(w\)\(bb\)\(iii\)](#) (subject to transitional provisions in [art. 6](#), [Sch. 2](#)); S.I. 2008/1316, [arts. 2, 4](#)
- F39** Words in s. 66(4)(c) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 47, 77, [Sch. 1 para. 86\(c\)](#) (with [Sch. 1 para. 96](#)); S.I. 2006/3412, [art. 3](#), [Sch. 1 para. 14\(w\)\(bb\)\(iii\)](#) (subject to transitional provisions in [art. 6](#), [Sch. 2](#)); S.I. 2008/1316, [arts. 2, 4](#)
- F40** Words in s. 66(5) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 47, 77, [Sch. 1 para. 86\(d\)](#) (with [Sch. 1 para. 96](#)); S.I. 2006/3412, [art. 3](#), [Sch. 1 para. 14\(w\)\(bb\)\(iii\)](#) (subject to transitional provisions in [art. 6](#), [Sch. 2](#)); S.I. 2008/1316, [arts. 2, 4](#)
- F41** Words inserted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 23, [Sch. 3 para. 3](#)
- F42** S. 66(7)(8) inserted (14.12.1999) by 1999 c. 29, s. 17, [Sch. 3 para. 11](#) (with [Sch. 12 para. 9\(1\)](#)); S.I. 1999/3376, [art. 2](#)

#### Modifications etc. (not altering text)

- C57** S. 66 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, [Sch. 1 Pt. I](#)
- C58** S. 66 applied with modifications (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), [Sch. 1 Pt. I](#)
- C59** S. 66 applied with modifications (E.W.) by S.I. 1987/1, [Rules 2, 5](#) and S.I. 1986/2215, [Rules 2, 9](#) (which S.I. was revoked (2.1.2007) by S.I. 2006/3305, rule1(4), [Sch. 1](#))
- C60** S. 66 amended (N.I.) (*prosp.*) by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 10, [Sch. 1 para. 27](#)
- C61** S. 66 applied (N.I.) (4.5.1996) by S.I. 1996/1220, [art. 3\(1\)\(b\)\(5\)–\(8\)](#), [Sch. 1](#)  
S. 66 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, [art. 3\(1\)\(b\)\(6\)\(d\)\(7\)](#)

*Status: Point in time view as at 08/08/2013.*

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- S. 66 applied (with modifications) (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**
- C62** S. 66 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 1
- S. 66 applied (with modifications) (E.) (2.4.2001) by S.I. 2001/1298, regs. 8(1), 10(4), **Sch. 3** Table 2, Sch. 4 (subject to regs. 9-12, 15-17, 20, 25)
- S. 66 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)
- S. 66 applied (with modifications) (W.) (24.3.2004) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2004 \(S.I. 2004/870\)](#), reg. 10, **Sch. 4** (which S.I. was revoked (24.7.2008) by S.I. 2008/1848)
- S. 66 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**
- S. 66 applied (with modifications) (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}
- C63** S. 66 modified (E.W.) (2.1.2007 for specified purposes) by [The Local Elections \(Parishes and Communities\) \(England and Wales\) Rules 2006 \(S.I. 2006/3305\)](#), rules 1, **6**
- S. 66 modified (S.) (17.2.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 34(1)(b), 63**; S.S.I. 2007/26, **art. 3(1)(h)** (with art. 3(2))
- C64** S. 66 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}
- C65** S. 66 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**)
- C66** S. 66 applied (with modifications) (E.) (9.2.2012) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2012 \(S.I. 2012/323\)](#), reg. 1, **Sch. 4 para. 1**
- C67** S. 66 applied (with modifications) (18.2.2012) by [The Local Authorities \(Conduct of Referendums\) \(Council Tax Increases\) \(England\) Regulations 2012 \(S.I. 2012/444\)](#), reg. 1, **Sch. 4 para. 1** (with reg. 27)
- C68** S. 66 applied (with modifications) (3.8.2012) by [The Neighbourhood Planning \(Referendums\) Regulations 2012 \(S.I. 2012/2031\)](#), regs. 1, 8, 12, 13, **Sch. 4 Pt. 1**
- C69** S. 66 applied in part (with modifications) by [The Neighbourhood Planning \(Referendums\) Regulations 2012 \(S.I. 2012/2031\)](#), reg. 17, **Sch. 8** Table 1 (as inserted (E.W.) (6.4.2013) by S.I. 2013/798, regs. 1, 7, **Sch. 3**)

#### [<sup>F43</sup>66A Prohibition on publication of exit polls.

- (1) No person shall, in the case of an election to which this section applies, publish before the poll is closed—
  - (a) any statement relating to the way in which voters have voted at the election where that statement is (or might reasonably be taken to be) based on information given by voters after they have voted, or
  - (b) any forecast as to the result of the election which is (or might reasonably be taken to be) based on information so given.
- (2) This section applies to—
  - (a) any parliamentary election; and
  - (b) any local government election in England or Wales.
- (3) If a person acts in contravention of subsection (1) above, he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding six months.
- (4) In this section—

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“forecast” includes estimate;  
“publish” means make available to the public at large, or any section of the public, in whatever form and by whatever means;  
and any reference to the result of an election is a reference to the result of the election either as a whole or so far as any particular candidate or candidates at the election is or are concerned.]

#### Textual Amendments

**F43** S. 66A inserted (3.9.2000) by 2000 c. 2, s. 15(1), **Sch. 6 para. 6**

#### Modifications etc. (not altering text)

- C70** S. 66A applied (with modifications) (E.) (2.4.2001) by S.I. 2001/1298, regs. 8(1), 10(4), **Sch. 3** Table 2, Sch. 4 (subject to regs. 9-12, 15-17, 20, 25)  
S. 66A 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)  
S. 66A applied (with modifications) (W.) (24.3.2004) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2004 \(S.I. 2004/870\)](#), **reg. 10, Sch. 4** (which S.I. was revoked (24.7.2008) by S.I. 2008/1848)  
S. 66A 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**  
S. 66A applied (with modifications) (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}
- C71** S. 66A 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}
- C72** S. 66A 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**)
- C73** S. 66A applied (with modifications) (E.) (9.2.2012) by [The Local Authorities \(Conduct of Referendums\)\(England\) Regulations 2012 \(S.I. 2012/323\)](#), **reg. 1, Sch. 4 para. 1**
- C74** S. 66A applied (with modifications) (E.) (18.2.2012) by [The Local Authorities \(Conduct of Referendums\) \(Council Tax Increases\) \(England\) Regulations 2012 \(S.I. 2012/444\)](#), **reg. 1, Sch. 4 para. 1** (with **reg. 27**)
- C75** S. 66A applied (with modifications) (3.8.2012) by [The Neighbourhood Planning \(Referendums\) Regulations 2012 \(S.I. 2012/2031\)](#), **regs. 1, 8, 12, 13, Sch. 4 Pt. 1**
- C76** S. 66A applied (with modifications) by [The Neighbourhood Planning \(Referendums\) Regulations 2012 \(S.I. 2012/2031\)](#), **reg. 17, Sch. 8** Table 1 (as inserted (E.W.) (6.4.2013) by S.I. 2013/798, **regs. 1, 7, Sch. 3**)

#### [<sup>F44</sup>**66B** Failure to comply with conditions relating to supply etc. of certain documents

- (1) A person is guilty of an offence—
- if he fails to comply with any conditions imposed in pursuance of regulations under rule 57 of the parliamentary elections rules, or
  - if he is an appropriate supervisor of a person (P) who fails to comply with such a condition and he failed to take appropriate steps.
- (2) P is not guilty of an offence under subsection (1) if—
- he has an appropriate supervisor, and
  - he has complied with all the requirements imposed on him by his appropriate supervisor.

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- (3) A person who is not P or an appropriate supervisor is not guilty of an offence under subsection (1) if he takes all reasonable steps to ensure that he complies with the conditions.
- (4) In subsections (1)(b) and (2)—
- (a) an appropriate supervisor is a person who is a director of a company or concerned in the management of an organisation in which P is employed or under whose direction or control P is;
  - (b) appropriate steps are such steps as it was reasonable for the appropriate supervisor to take to secure the operation of procedures designed to prevent, so far as reasonably practicable, the occurrence of a failure to comply with the conditions.
- (5) A person guilty of an offence as mentioned in subsection (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.]

#### Textual Amendments

**F44** S. 66B inserted (1.1.2007 for E.W.S. and 14.5.2008 for N.I.) by [Electoral Administration Act 2006](#) (c. 22), [ss. 41\(9\), 77](#); [S.I. 2006/3412](#), [art. 3](#), [Sch. 1 para. 14\(t\)](#) (subject to transitional provisions in [art. 6](#), [Sch. 2](#)); [S.I. 2008/1316](#), [arts. 2, 3](#)

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