



# Representation of the People Act 1983

## 1983 CHAPTER 2

### PART II

#### THE ELECTION CAMPAIGN

##### *Election expenses*

<sup>F1</sup>72 .....

#### Textual Amendments

<sup>F1</sup> S. 72 repealed (16.2.2001) by 2000 c. 41, ss. 138(1)(2), 158(2)(3), Sch. 18 para. 2, Sch. 22 (with s. 156(6)); S.I. 2001/222, art. 2, Sch. 1 Pt. I Annex (subject to transitional provisions in Sch. 1 Pt. II)

#### 73 Payment of expenses through election agent.

[<sup>F2</sup>(1) Subject to subsection (5) below, no payment (of whatever nature) shall be made by—  
(a) a candidate at an election, or  
(b) any other person,  
in respect of election expenses incurred by or on behalf of the candidate unless it is made by or through the candidate's election agent.]

(2) Every payment made by an election agent in respect of any election expenses shall, except where less than [<sup>F3</sup>£20], be vouched for by a bill stating the particulars [<sup>F4</sup>or by a receipt].

(3) The references in the foregoing provisions of this section to an election agent shall, in relation to a parliamentary [<sup>F5</sup>or Authority] election where subagents are allowed, be taken as references to the election agent acting by himself or a sub-agent.

<sup>F6</sup>(4) .....

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[<sup>F7</sup>(5) This section does not apply to—

- (a) any expenses which are, in accordance with section 74(1) or (1B), 78(5) or 79(2) below, paid by the candidate;
- (b) any expenses which are paid in accordance with section 74(3) below by a person authorised as mentioned in that provision;
- (c) any expenses included in a declaration made by the election agent under section 74A below; or
- (d) any expenses which are to be regarded as incurred by or on behalf of the candidate by virtue of section 90A(5)(b) below.]

(6) A person who makes [<sup>F8</sup>any payment (of whatever nature)] in contravention of subsection (1) above <sup>F9</sup>. . . shall be guilty of an illegal practice.

#### Textual Amendments

- F2** S. 73(1) substituted (1.7.2001) by 2000 c. 41, s. 138(1)(2), **Sch. 18 para. 3(2)** (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2 Pt. I** (subject to transitional provisions in Sch. 2 Pt. II)
- F3** "£20" substituted by **Representation of the People Act 1985 (c. 50, SIF 42), s. 14(1)**
- F4** Words in s. 73(2) substituted (1.7.2001) by 2000 c. 41, s. 138(1)(2), **Sch. 18 para. 3(3)** (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2 Pt. I** (subject to transitional provisions in Sch. 2 Pt. II)
- F5** Words in s. 73(3) inserted (14.12.1999) by 1999 c. 29, s. 17, Sch. 3 para. 1, **17S.I. 1999/3376**
- F6** S. 73(4) repealed (1.7.2001) by 2000 c. 41, ss. 138(1)(2), 158(2)(3), Sch. 18 para. 3(4), **Sch. 22** (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2 Pt. I** (subject to transitional provisions in Sch. 2 Pt. II)
- F7** S. 73(5) substituted (1.7.2001) by 2000 c. 41, s. 138(1)(2), **Sch. 18 para. 3(5)** (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2 Pt. I** (subject to transitional provisions in Sch. 2 Pt. II)
- F8** Words in s. 73(6) substituted (1.7.2001) by 2000 c. 41, s. 138(1)(2), **Sch. 18 para. 3(6)(a)** (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2 Pt. I** (subject to transitional provisions in Sch. 2 Pt. II)
- F9** Words in s. 73(6) repealed (1.7.2001) by 2000 c. 41, ss. 138(1)(2), 158(2)(3), Sch. 18 para. 3(6)(b), **Sch. 22** (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2 Pt. I** (subject to transitional provisions in Sch. 2 Pt. II)

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

- C3** S. 73 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C4** S. 73 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C5** S. 73 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3(1), **Sch. 1**

**74** [<sup>F10</sup>**Expenses which may be paid otherwise than by election agent.**]

(1) The candidate at an election may pay any personal expenses incurred by him on account of or in connection with or incidental to the election, but

[<sup>F11</sup>(a)] the amount which a candidate at a parliamentary election may pay shall not exceed [<sup>F12</sup>£600],.

[<sup>F13</sup>(b)] the amount which a candidate at an election of the Mayor of London may pay shall not exceed £5,000,

(c) the amount which a candidate at an election of a constituency member of the London Assembly may pay shall not exceed £600, and

(d) the amount which a candidate to be a London member of the London Assembly at an ordinary election may pay shall not exceed £900,

and, where paragraph (a), (b), (c) or (d) above applies], any further personal expenses so incurred by him shall be paid by his election agent.

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<sup>F14</sup>(1A) In the application of subsection (1) above in relation to a person who is a candidate in two or more Authority elections those elections shall be treated—

- (a) if one of them is an election of the Mayor of London, as if they together constituted a single election falling within paragraph (b) of that subsection, and
- (b) in any other case, as if they together constituted a single election falling within paragraph (d) of that subsection.

[ The candidate at an election may also pay any election expenses (other than expenses <sup>F15</sup>(1B) falling within subsection (1) above) which were incurred by him or on his behalf and in respect of which payment falls to be made before the date on which he appoints (or is deemed to have appointed) an election agent.]

- (2) The candidate shall send to his election agent within the time limited by this Act for sending in claims a written statement of the amount of <sup>F16</sup>expenses paid as mentioned in subsection (1) or (1B) above]by the candidate.
- (3) Any person may, if so authorised in writing by the candidate's election agent, pay any necessary expenses for stationery, postage, telegrams (or any similar means of communication) and other petty expenses, to a total amount not exceeding that named in the authority, but any excess above the total amount so named shall be paid by the election agent.
- (4) A statement of the particulars of payments made by any person so authorised shall be sent to the election agent within the time limited by this Act for sending in claims, and shall be vouched for by a bill containing that person's receipt.

[ Sections 78 and 79 below do not apply to expenses which, in accordance with any <sup>F17</sup>(5) provision of this section, are paid otherwise than by the candidate's election agent.]]

#### Textual Amendments

- F10** S. 74 sidenote substituted (1.7.2001) by 2000 c. 41, s. 138(1)(2), **Sch. 18 para. 4(2)** (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2 Pt. I** (subject to transitional provisions in Sch. 2 Pt. II)
- F11** Word "a" in s. 74(1) inserted (14.12.1999) by 1999 c. 29, s. 17, Sch. 3 para. 1, **18(2)**
- F12** "£600" substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. **14(2)**
- F13** S. 74(1)(b)-(d) and words substituted (14.12.1999) for words by 1999 c. 29, s. 17, **Sch. 3 para. 18** (with Sch. 12 para. 9(1)); S.I. 1999/3376, **art. 2**
- F14** S. 74(1A) inserted (1.7.2001) by 1999 c. 29, s. 17, **Sch. 3 para. 18(3)** (with Sch. 12 para. 9(1)); S.I. 1999/3376, **art. 2**
- F15** S. 74(1B) inserted (1.7.2001) by 2000 c. 41, s. 138(1)(2), **Sch. 18 para. 4(3)** (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2 Pt. I** (subject to transitional provisions in Sch. 2 Pt. II)
- F16** Words in s. 74(2) substituted (1.7.2001) by 2000 c. 41, s. 138(1)(2), **Sch. 18 para. 4(4)** (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2 Pt. I** (subject to transitional provisions in Sch. 2 Pt. II)
- F17** S. 74(5) inserted (1.7.2001) by 2000 c. 41, s. 138(1)(2), **Sch. 18 para. 4(5)** (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2 Pt. I** (subject to transitional provisions in Sch. 2 Pt. II)

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

- C6** S. 74 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C7** S. 74 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C8** S. 74 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**)
- C9** S. 74 applied (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), **Sch. 1**

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## **[<sup>F18</sup>74A Expenses incurred otherwise than for election purposes.**

- (1) Neither section 73 above nor sections 78 and 79 below shall apply to election expenses—
  - (a) which are incurred by or on behalf of a candidate otherwise than for the purposes of the candidate’s election, but
  - (b) which by virtue of section 90A(1) below fall to be regarded as election expenses by reason of the property, services or facilities in respect of which they were incurred being used for the purposes of the candidate’s election.
- (2) The candidate’s election agent shall make a declaration of the amount (determined in accordance with section 90B below) of any election expenses falling within subsection (1) above.
- (3) In this section “for the purposes of the candidate’s election” has the same meaning as in sections 90A to 90C below.]

### **Textual Amendments**

**F18** S. 74A inserted (1.7.2001) by 2000 c. 41, s. 138(1)(2), **Sch. 18 para. 5** (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2 Pt. I** (subject to transitional provisions in **Sch. 2 Pt. II**)

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

**C10** S. 74A applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3(1), **Sch. 1**

## **75 Prohibition of expenses not authorised by election agent.**

- (1) No expenses shall, with a view to promoting or procuring the election of a candidate [<sup>F19</sup>(or, in the case of an election of the London members of the London Assembly at an ordinary election, a registered political party or candidates of that party)] at an election, be incurred by any person other than the candidate, his election agent and persons authorised in writing by the election agent on account—
    - (a) of holding public meetings or organising any public display; or
    - (b) of issuing advertisements, circulars or publications; or
    - (c) of otherwise presenting to the electors the candidate or his views or the extent or nature of his backing or disparaging another candidate [<sup>F20</sup>or
    - (d) in the case of an election of the London members of the London Assembly at an ordinary election, of otherwise presenting to the electors the candidate’s registered political party (if any) or the views of that party or the extent or nature of that party’s backing or disparaging any other registered political party]
- [<sup>F21</sup>but paragraph (c) [<sup>F22</sup>or (d)] of this subsection shall not—
- (i) restrict the publication of any matter relating to the election in a newspaper or other periodical or in a broadcast made by the British Broadcasting Corporation or [<sup>F23</sup>or by Sianel Pedwar Cymru or in a programme included in any service licensed under Part I or III of the Broadcasting Act 1990 [<sup>F24</sup>or Part I or II of the Broadcasting Act 1996];] or
  - (ii) apply to any expenses not exceeding in the aggregate the sum of [<sup>F25</sup>£5] which may be incurred by an individual and are not incurred in pursuance of a plan suggested by or concerted with others, or to expenses incurred by any person in travelling or in living away from home or similar personal expenses.]

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[<sup>F26</sup>(1ZZA) Paragraph (c) or (d) of subsection (1) above does not restrict the publication of any matter relating to the election in—

- (a) a newspaper or other periodical,
- (b) a broadcast made by the British Broadcasting Corporation or by Sianel Pedwar Cymru, or
- (c) a programme included in any service licensed under Part 1 or 3 of the Broadcasting Act 1990 or Part 1 or 2 of the Broadcasting Act 1996.

(1ZZB) Subsection (1) above does not apply to any expenses incurred by any person—

- (a) which do not exceed in the aggregate the permitted sum (and are not incurred by that person as part of a concerted plan of action), or
- (b) in travelling or in living away from home or similar personal expenses.]

[<sup>F27</sup>(1ZA) For the purposes of [<sup>F28</sup>subsection (1ZZB)(a)] above, “the permitted sum” means—

- (a) in respect of a candidate at a parliamentary election, £500;
- (b) in respect of a candidate at a local government election, £50 together with an additional 0.5p for every entry in the register of local government electors for the electoral area in question as it has effect on the last day for publication of notice of the election;

and expenses shall be regarded as incurred by a person “as part of a concerted plan of action” if they are incurred by that person in pursuance of any plan or other arrangement whereby that person and one or more other persons are to incur, with a view to promoting or procuring the election of the same candidate, expenses which (disregarding [<sup>F28</sup>subsection (1ZZB)(a)]) fall within subsection (1) above.]

[<sup>F29</sup>(1A) In the application of subsection (1) above in relation to an election of the London members of the London Assembly at an ordinary election, any reference to the candidate includes a reference to all or any of the candidates of a registered political party [<sup>F30</sup>; and in the application of subsection (1ZA) above in relation to such an election the reference to the same candidate includes a reference to all or any of the candidates of the same registered political party..]]

<sup>F31</sup>(1B) .....

<sup>F31</sup>(1C) .....

(2) Where a person incurs any expenses required by this section to be authorised by the election agent—

- (a) that person shall [<sup>F32</sup>within 21 days after the day on which the result of the election is declared deliver] to the appropriate officer a return of the amount of those expenses, stating the election at which and the candidate in whose support they were incurred, and
- (b) the return shall be accompanied by a declaration made by that person (or in the case of an association or body of persons, by a director, general manager, secretary or other similar officer of the association or body) verifying the return and giving particulars of the matters for which the expenses were incurred.

but this subsection does not apply to any person engaged or employed for payment or promise of payment by the candidate or his election agent.

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- (3) The return and declaration under the foregoing provisions of this section shall be in the prescribed form, and the authority received from the election agent shall be annexed to and deemed to form part of the return.
- (4) A copy of every return and declaration made under subsection (2) above in relation to a parliamentary election in England, Wales or Northern Ireland shall be sent to the Clerk of the Crown within [<sup>F33</sup>21 days after the day on which the result of the election is declared] by the person making the return or declaration, and rule 57 of the parliamentary elections rules applies to any documents sent to the Clerk of the Crown under this subsection.

In this subsection references to the Clerk of the Crown in relation to an election in Northern Ireland are references to the Clerk of the Crown for Northern Ireland.

- (5) If a person—
- (a) incurs, or aids, abets, counsels or procures any other person to incur, any expenses in contravention of this section, or
  - (b) knowingly makes the declaration required by subsection (2) falsely,
- he shall be guilty of a corrupt practice; and if a person fails to [<sup>F34</sup>deliver or] send any declaration or return or a copy of it as required by this section he shall be guilty of an illegal practice, but—
- (i) the court before whom a person is convicted under this subsection 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
  - (ii) a candidate shall not be liable, nor shall his election be avoided, for a corrupt or illegal practice under this subsection committed by an agent without his consent or connivance.
- (6) Where any act or omission of an association or body of persons, corporate or unincorporate, is an offence declared to be a corrupt or illegal practice by this section, any person who at the time of the act or omission was a director, general manager, secretary or other similar officer of the association or body, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence, unless he proves—
- (a) that the act or omission took place without his consent or connivance; and
  - (b) that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

[<sup>F35</sup>(7) For the purposes of this section, in the case of an election of the London members of the London Assembly at an ordinary election, a candidate's registered political party is the registered political party (if any) which submitted for the purposes of that election a list of candidates on which the candidate in question is included.]

[<sup>F36</sup>(11) This section does not apply in relation to a local government election in Scotland.]

#### Textual Amendments

**F19** Words in s. 75(1) inserted (14.12.1999) by 1999 c. 29 s. 17, Sch. 3 para. 19

**F20** S. 75(1)(d) and word “or” immediately preceding inserted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 para. 19** (with Sch. 12 para. 9(1)); S.I. 1999/3376, **art. 2**

**F21** Words in s. 75(1) repealed except as it applies to local government elections in Scotland (retrospective to 16.2.2001) by Electoral Administration Act 2006 (c. 22), ss. 25(2)(b)(6), 74, 77, **Sch. 2** Note (with s. 25(7)); S.I. 2006/1972, **art. 3, Sch. 1 para. 4** (subject to transitional provisions in art. 4, Sch. 2)

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- F22** Words in s. 75(1) inserted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 para. 19(2)(c)** (with Sch. 12 para. 9(1)); S.I. 1999/3376, **art. 2**
- F23** Words substituted by **Broadcasting Act 1990** (c. 42, SIF 96), s. 203(1), **Sch. 20 para. 35(2)(5)**
- F24** Words in s. 75(1)(i) inserted (1.10.1996) by 1996 c. 55, s. 148(1), Sch. 10 Pt. III paras. 28, **30**; S.I. 1996/2120, art. 4, **Sch. 1**
- F25** “£5” substituted by **Representation of the People Act 1985** (c. 50, SIF 42), s. **14(3)**
- F26** S. 75(1ZZA)(1ZZB) inserted (retrospective to 16.2.2001) by **Electoral Administration Act 2006** (c. 22), **ss. 25(3)(6), 77** (with s. 25(7)); S.I. 2006/1972, **art. 3**, Sch. 1 para. 4 (subject to transitional provisions in art. 4, Sch. 2)
- F27** S. 75(1ZA) inserted (16.2.2001) by 2000 c. 41, s. **131(3)** (with s. 156(6)); S.I. 2001/222, art. 2, **Sch. 2 Pt. I** (subject to transitional provisions in Sch. 2 Pt. II)
- F28** Words in s. 75(1ZA) substituted (retrospective to 16.2.2001) by **Electoral Administration Act 2006** (c. 22), **ss. 25(4)(6), 77** (with s. 25(7)); S.I. 2006/1972, **art. 3**, Sch. 1 para. 4 (subject to transitional provisions in art. 4, Sch. 2)
- F29** S. 75(1A) inserted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 para. 19(3)** (with Sch. 12 para. 9(1)); S.I. 1999/3376, **art. 2**
- F30** Words in s. 75(1A) added (16.2.2001) by 2000 c. 41, s. **131(4)** (with s. 156(6)); S.I. 2001/222, art. 2, **Sch. 2 Pt. I** (subject to transitional provisions in Sch. 2 Pt. II)
- F31** S. 75(1B)(1C) repealed (16.2.2001) by 2000 c. 41, **ss. 131(5), 158(2)(3), Sch. 22** (with s. 156(6)); S.I. 2001/222, art. 2, **Sch. 2 Pt. I** (subject to transitional provisions in Sch. 2 Pt. II)
- F32** Words substituted by **Representation of the People Act 1985** (c. 50, SIF 42), s. 24, **Sch. 4 para. 24(a)**
- F33** Words substituted by **Representation of the People Act 1985** (c. 50, SIF 42), s. 24, **Sch. 4 para. 24(b)**
- F34** Words inserted by **Representation of the People Act 1985** (c. 50, SIF 42), s. 24, **Sch. 4 para. 24(c)**
- F35** S. 75(7) inserted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 para. 19(5)** (with Sch. 12 para. 9(1)); S.I. 1999/3376, **art. 2**
- F36** S. 75(11) inserted (S.) (retrospective to 16.2.2001) by **Local Electoral Administration and Registration Services (Scotland) Act 2006** (asp 14), **ss. 16(1)(3), 63**; S.S.I. 2007/26, **art. 2(1)(e)**

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

- C11** S. 75 applied (with modifications) (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)-(8), **Sch. 1 Pt. I**  
S. 75 applied (with modifications) (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**  
S. 75 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)-(8), **Sch. 1**  
S. 75 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3(1), **Sch. 1**
- C12** S. 75(1): power to exclude conferred (S.) (22.1.2002) by **Scottish Local Government (Elections) Act 2002** (asp 1), s. **5(4)**
- C13** S. 75(1) excluded (E.W.S.) (17.7.2003) by **The Greater London Authority Elections (Election Addresses) Order 2003** (S.I. 2003/1907), **art. 11(2)**
- C14** S. 75(2)(a) applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, **art. 3(1)(b)(6)(d)(7)**

### **[<sup>F37</sup>75A Scottish local government elections: prohibition of expenses not authorised by election agent**

- (1) This section applies in relation to a local government election in Scotland.
- (2) No person other than a candidate at the election, his election agent or a person authorised in writing by the election agent shall, with a view to promoting or procuring the election of the candidate, incur any expenses on account of—
  - (a) holding public meetings or organising any public display;
  - (b) issuing advertisements, circulars or publications; or
  - (c) otherwise presenting to the electors the candidate or his views or the extent or nature of his backing or disparaging another candidate.

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- (3) Subsection (2)(c) above does not restrict the publication of any matter relating to the election in—
- (a) a newspaper or other periodical;
  - (b) a broadcast made by the British Broadcasting Corporation; or
  - (c) a programme included in any service licensed under Part 1 or 3 of the Broadcasting Act 1990 (c. 42) or Part 1 or 2 of the Broadcasting Act 1996 (c. 55).
- (4) Subsection (2) does not apply to expenses incurred by any person—
- (a) which do not exceed in the aggregate the permitted sum (and are not incurred by that person as part of a concerted plan of action); or
  - (b) in travelling or in living away from home or similar personal expenses.
- (5) For the purposes of subsection (4)(a) above—
- (a) “the permitted sum” means, in respect of each candidate, £50 together with an additional 0.5p for every entry in the register of local government electors for the electoral area in question as it has effect on the last day for publication of notice of the election; and
  - (b) expenses are to be regarded as incurred by a person “as part of a concerted plan of action” if they are incurred by that person in pursuance of any plan or other arrangement whereby that person and one or more other persons are to incur, with a view to promoting or procuring the election of the same candidate, expenses which (disregarding subsection (4)(a)) fall within subsection (2) above.
- (6) Where a person incurs any expenses required by subsection (2) above to be authorised by the election agent, that person shall, within 21 days after the day on which the result of the election is declared, deliver to the appropriate officer—
- (a) a return of the amount of the expenses, stating the election at which, and the candidate in whose support they were incurred;
  - (b) a declaration by that person (or in the case of an association or body of persons, by a director, general manager, secretary or other similar officer of the association or body) verifying the return and giving particulars of the matters for which the expenses were incurred; and
  - (c) the authority received from the election agent (which, for the purposes of this section, is to be treated as forming part of the return).
- (7) A person is guilty of a corrupt practice if he—
- (a) incurs, or aids, abets, counsels or procures any other persons to incur, any expenses in contravention of subsection (2) above; or
  - (b) makes a declaration required by subsection (6)(b) above which he knows to be false.
- (8) A person is guilty of an illegal practice if he fails to deliver any return or declaration as required by subsection (6) above.
- (9) The court by or before which a person is convicted of a corrupt or illegal practice under subsection (7) or (8) above may, if the court thinks it just in the special circumstances of the case, mitigate or entirely remit any incapacity incurred under section 173 or 173A of this Act by virtue of the conviction.



*Status: Point in time view as at 24/11/2005. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: Representation of the People Act 1983, Cross Heading: Election expenses is up to date with all changes known to be in force on or before 23 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (10) A candidate is not liable for, and his election is not void by reason of, a corrupt or illegal practice under subsection (7) or (8) above committed by an agent without his consent or connivance.
- (11) Where any act or omission of an association or body of persons (whether corporate or unincorporate) is a corrupt or illegal practice under this section, any person who at the time of the act or omission was a director, general manager, secretary or other similar officer of the association or body, or was purporting to act in any such capacity, is also guilty of the corrupt or illegal practice, unless the person proves—
- (a) that the act or omission took place without his consent or connivance; and
  - (b) that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.]

#### Textual Amendments

**F37** S. 75A inserted (S.) (retrospective to 16.2.2001) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 16\(2\)\(3\)](#), 63; S.S.I. 2007/26, [art. 2\(1\)\(e\)](#)

## 76 Limitation of election expenses. **E+W**

[<sup>F38</sup>(1) The election expenses incurred by or on behalf of a candidate at an election must not in the aggregate exceed the maximum amount specified in subsection (2) below or, in the case of any of the Authority elections mentioned in subsection (2A)(a) to (c) below, the maximum amount prescribed by order under that subsection.]

[<sup>F39</sup>(1A) Where a registered political party submits a list of candidates to be London members of the London Assembly at an ordinary election, [<sup>F40</sup>any election expenses incurred by or on behalf of any of those candidates must not in the aggregate exceed the maximum amount prescribed by order under subsection (2A)(d).]]

[<sup>F41</sup>(1B) Where any election expenses are incurred in excess of a maximum amount specified in subsection (2) above or prescribed by order under subsection (2A) above, any candidate or election agent who—

- (a) incurred, or authorised the incurring of, the election expenses, and
- (b) knew or ought reasonably to have known that the expenses would be incurred in excess of that maximum amount,

shall be guilty of an illegal practice.]

(2) That maximum amount is—

- (a) for a candidate at a [<sup>F42</sup>parliamentary general election, being an election]—
  - (i) in a county constituency, [<sup>F43</sup>£7,150] together with an additional [<sup>F44</sup>7p] for every entry in the register of electors <sup>F45</sup>. . . and
  - (ii) in a borough constituency, [<sup>F46</sup>£7,150] together with an additional [<sup>F47</sup>5p] for every entry in the register of electors <sup>F48</sup>. . .

[<sup>F49</sup>(aa) for a candidate at a parliamentary by-election, £100,000;]

- (b) for a candidate at a local government election [<sup>F50</sup>other than an Authority election]—

<sup>F51</sup>(i) . . . . .

<sup>F52</sup>(ia) . . . . .

*Status: Point in time view as at 24/11/2005. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: Representation of the People Act 1983, Cross Heading: Election expenses is up to date with all changes known to be in force on or before 23 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(ii) at any other local government election, [<sup>F53</sup>£600] together with an additional [<sup>F54</sup>5p] for every entry in the register of electors <sup>F48</sup> . . .

[<sup>F55</sup>(2A) As respects Authority elections, each of the following, that is to say—

- (a) the maximum amount for a candidate in an election of the Mayor of London,
- (b) the maximum amount for a candidate in an election of a constituency member of the London Assembly,
- (c) the maximum amount for an individual candidate in an election of the London members of the London Assembly at an ordinary election,
- (d) the maximum amount for the purposes of subsection (1A) above,

shall be such as the Secretary of State may prescribe in an order made by statutory instrument.

(2B) An order under subsection (2A) above shall not be made unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.]

<sup>F56</sup>(3) . . . . .

[<sup>F57</sup>(4) In subsection (2) above “the register of electors” means the register of parliamentary electors, or (as the case may be) local government electors, for the constituency or electoral area in question as it has effect on the last day for publication of notice of the election.]

(5) The maximum amount mentioned above for a candidate at a parliamentary election [<sup>F58</sup>or an Authority election (including the maximum amount for the purposes of subsection (1A) above)] is not required to cover the candidate’s personal expenses.

(6) Where at an election a poll is countermanded or abandoned by reason of a candidate’s death, the maximum amount of election expenses shall, for any of the other candidates who then remain validly nominated, be twice or, if there has been a previous increase under this subsection, three times what it would have been but for any increase under this subsection; but the maximum amount shall not be affected for any candidate by the change in the timing of the election or of any step in the proceedings at the election.

#### Extent Information

**E1** This version of this provision extends to England and Wales only; separate versions have been created for Scotland and Northern Ireland only.

#### Textual Amendments

**F38** S. 76(1) substituted (1.7.2001) by 2000 c. 41, s. 132(2)(6) (with s. 156(6)); S.I. 2001/222, art. 4, Sch. 2 Pt. I (subject to transitional provisions in Sch. 2 Pt. II)

**F39** S. 76(1A) inserted (14.12.1999) by 1999 c. 29, s. 17, Sch. 3 para. 20(2); S.I. 1999/3376, art. 2

**F40** Words in s. 76(1A) substituted (1.7.2001) by 2000 c. 41, s. 132(3)(6) (with s. 156(6)); S.I. 2001/222, art. 4, Sch. 2 Pt. I (subject to transitional provisions in Sch. 2 Pt. II)

**F41** S. 76(1B) inserted (1.7.2001) by 2000 c. 41, s. 132(4)(6) (with s. 156(6)); S.I. 2001/222, art. 4, Sch. 2 Pt. I (subject to transitional provisions in Sch. 2 Pt. II)

**F42** Words substituted by Representation of the People Act 1989 (c. 28, SIF 42), s. 6(1)(a)

**F43** Words in s. 76(2)(a)(i) substituted (4.3.2005) by The Representation of the People (Variation of Limits of Candidates’ Election Expenses) Order 2005 (S.I. 2005/269), art. 3(1)

**F44** Words in s. 76(2)(a)(i) substituted (4.3.2005) by The Representation of the People (Variation of Limits of Candidates’ Election Expenses) Order 2005 (S.I. 2005/269), art. 3(1)

**F45** Words in s. 76(2) repealed (16.2.2001) by 2000 c. 2, ss. 8, 15, Sch. 1 para. 18(2); S.I. 2001/116, art. 2

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- F46** Words in s. 76(2)(a)(ii) substituted (4.3.2005) by The Representation of the People (Variation of Limits of Candidates' Election Expenses) Order 2005 (S.I. 2005/269), **art. 3(2)**
- F47** Words in s. 76(2)(a)(ii) substituted (4.3.2005) by The Representation of the People (Variation of Limits of Candidates' Election Expenses) Order 2005 (S.I. 2005/269), **art. 3(2)**
- F48** Words in s. 76(2) repealed (16.2.2001) by 2000 c. 2, ss. 8, 15, **Sch. 1 para. 18(2)**; S.I. 2001/116, **art. 2**
- F49** S. 76(2)(aa) substituted (16.2.2001) by 2000 c. 41, s. **132(5)(6)**; S.I. 2001/222, art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in **Sch. 1 Pt. II**)
- F50** Words in s. 76(2)(b) inserted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3**, para. 20(3); S.I. 1999/3376, **art. 2**
- F51** S. 76(2)(b)(i) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**
- F52** S. 76(2)(b)(ia) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 19(5)(6), **Sch. 9 para. 1(8)** and repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237, **Sch. 13 Pt. I**
- F53** Words in s. 76(2)(b)(ii) substituted (E.W.) (4.3.2005) by The Representation of the People (Variation of Limits of Candidates' Election Expenses) Order 2005 (S.I. 2005/269), **art. 4**
- F54** Words in s. 76(2)(b)(ii) substituted (E.W.) (4.3.2005) by The Representation of the People (Variation of Limits of Candidates' Election Expenses) Order 2005 (S.I. 2005/269), **art. 4**
- F55** S. 76(2A) inserted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 para. 20(4)**; S.I. 1999/3376, **art. 2**
- F56** S. 76(3) repealed by Representation of the People Act 1985 (c. 50, SIF 42), ss. 24, 28, Sch. 4 para. 25, **Sch. 5**
- F57** S. 76(4) substituted (16.2.2001) by 2000 c. 2, s. 8, **Sch. 1 para. 18(3)**; S.I. 2001/116, **art. 2**
- F58** Words in s. 76(5) inserted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 para. 20(5)**; S.I. 1999/3376, art 2

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

- C15** S. 76 modified by Representation of the People Act 1985 (c. 50, SIF 42), s. **20(5)**
- C16** S. 76 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C17** S. 76 applied with modifications (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C18** S. 76 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)–(8), **Sch. 1**
- C19** S. 76 amended (17.3.2000) by S.I. 2000/789, **art. 2**
- C20** S. 76 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3(1), **Sch. 1**
- C21** S. 76(2A) applied (16.2.2001) by 2000 c. 41, s. **8(3)(a)**; S.I. 2001/222, art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in **Sch. 1 Pt. II**)

## 76 Limitation of election expenses. **S**

[<sup>F38</sup>(1) The election expenses incurred by or on behalf of a candidate at an election must not in the aggregate exceed the maximum amount specified in subsection (2) below or, in the case of any of the Authority elections mentioned in subsection (2A)(a) to (c) below, the maximum amount prescribed by order under that subsection.]

[<sup>F39</sup>(1A) Where a registered political party submits a list of candidates to be London members of the London Assembly at an ordinary election, [<sup>F40</sup>any election expenses incurred by or on behalf of any of those candidates must not in the aggregate exceed the maximum amount prescribed by order under subsection (2A)(d).]]

[<sup>F41</sup>(1B) Where any election expenses are incurred in excess of a maximum amount specified in subsection (2) above or prescribed by order under subsection (2A) above, any candidate or election agent who—

- (a) incurred, or authorised the incurring of, the election expenses, and
- (b) knew or ought reasonably to have known that the expenses would be incurred in excess of that maximum amount,

shall be guilty of an illegal practice.]

*Status: Point in time view as at 24/11/2005. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: Representation of the People Act 1983, Cross Heading: Election expenses is up to date with all changes known to be in force on or before 23 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) That maximum amount is—

- (a) for a candidate at a [<sup>F42</sup>parliamentary general election, being an election]—
  - (i) in a county constituency, [<sup>F43</sup>£7,150] together with an additional [<sup>F44</sup>7p] for every entry in the register of electors <sup>F45</sup> . . . and
  - (ii) in a borough constituency, [<sup>F46</sup>£7,150] together with an additional [<sup>F47</sup>5p] for every entry in the register of electors <sup>F48</sup> . . .
- [<sup>F49</sup>(aa) for a candidate at a parliamentary by-election, £100,000;]
- (b) for a candidate at a local government election [<sup>F50</sup>other than an Authority election]—
  - <sup>F51</sup>(i) . . . . .
  - <sup>F52</sup>(ia) . . . . .
  - (ii) at any other local government election, [<sup>F113</sup>£600] together with an additional [<sup>F114</sup>5p] for every entry in the register of electors <sup>F48</sup> . . .

[<sup>F55</sup>(2A) As respects Authority elections, each of the following, that is to say—

- (a) the maximum amount for a candidate in an election of the Mayor of London,
- (b) the maximum amount for a candidate in an election of a constituency member of the London Assembly,
- (c) the maximum amount for an individual candidate in an election of the London members of the London Assembly at an ordinary election,
- (d) the maximum amount for the purposes of subsection (1A) above,

shall be such as the Secretary of State may prescribe in an order made by statutory instrument.

(2B) An order under subsection (2A) above shall not be made unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.]

<sup>F56</sup>(3) . . . . .

[<sup>F57</sup>(4) In subsection (2) above “the register of electors” means the register of parliamentary electors, or (as the case may be) local government electors, for the constituency or electoral area in question as it has effect on the last day for publication of notice of the election.]

(5) The maximum amount mentioned above for a candidate at a parliamentary election [<sup>F58</sup>or an Authority election (including the maximum amount for the purposes of subsection (1A) above)] is not required to cover the candidate’s personal expenses.

(6) Where at an election a poll is countermanded or abandoned by reason of a candidate’s death, the maximum amount of election expenses shall, for any of the other candidates who then remain validly nominated, be twice or, if there has been a previous increase under this subsection, three times what it would have been but for any increase under this subsection; but the maximum amount shall not be affected for any candidate by the change in the timing of the election or of any step in the proceedings at the election.

#### Extent Information

**E2** This version of this provision extends to Scotland only; separate versions have been created for England and Wales and Northern Ireland only.

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### Textual Amendments

- F38** S. 76(1) substituted (1.7.2001) by 2000 c. 41, s. 132(2)(6) (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2 Pt. I** (subject to transitional provisions in Sch. 2 Pt. II)
- F39** S. 76(1A) inserted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 para. 20(2)**; S.I. 1999/3376, **art. 2**
- F40** Words in s. 76(1A) substituted (1.7.2001) by 2000 c. 41, s. 132(3)(6) (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2 Pt. I** (subject to transitional provisions in Sch. 2 Pt. II)
- F41** S. 76(1B) inserted (1.7.2001) by 2000 c. 41, s. 132(4)(6) (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2 Pt. I** (subject to transitional provisions in Sch. 2 Pt. II)
- F42** Words substituted by Representation of the People Act 1989 (c. 28, SIF 42), s. 6(1)(a)
- F43** Words in s. 76(2)(a)(i) substituted (4.3.2005) by The Representation of the People (Variation of Limits of Candidates' Election Expenses) Order 2005 (S.I. 2005/269), **art. 3(1)**
- F44** Words in s. 76(2)(a)(i) substituted (4.3.2005) by The Representation of the People (Variation of Limits of Candidates' Election Expenses) Order 2005 (S.I. 2005/269), **art. 3(1)**
- F45** Words in s. 76(2) repealed (16.2.2001) by 2000 c. 2, ss. 8, 15, **Sch. 1 para. 18(2)**; S.I. 2001/116, **art. 2**
- F46** Words in s. 76(2)(a)(ii) substituted (4.3.2005) by The Representation of the People (Variation of Limits of Candidates' Election Expenses) Order 2005 (S.I. 2005/269), **art. 3(2)**
- F47** Words in s. 76(2)(a)(ii) substituted (4.3.2005) by The Representation of the People (Variation of Limits of Candidates' Election Expenses) Order 2005 (S.I. 2005/269), **art. 3(2)**
- F48** Words in s. 76(2) repealed (16.2.2001) by 2000 c. 2, ss. 8, 15, **Sch. 1 para. 18(2)**; S.I. 2001/116, **art. 2**
- F49** S. 76(2)(aa) substituted (16.2.2001) by 2000 c. 41, s. 132(5)(6); S.I. 2001/222, art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in Sch. 1 Pt. II)
- F50** Words in s. 76(2)(b) inserted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3**, para. 20(3); S.I. 1999/3376, **art. 2**
- F51** S. 76(2)(b)(i) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**
- F52** S. 76(2)(b)(ia) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 19(5)(6), **Sch. 9 para. 1(8)** and repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237, **Sch. 13 Pt. I**
- F55** S. 76(2A) inserted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 para. 20(4)**; S.I. 1999/3376, **art. 2**
- F56** S. 76(3) repealed by Representation of the People Act 1985 (c. 50, SIF 42), ss. 24, 28, Sch. 4 para. 25, **Sch. 5**
- F57** S. 76(4) substituted (16.2.2001) by 2000 c. 2, s. 8, **Sch. 1 para. 18(3)**; S.I. 2001/116, **art. 2**
- F58** Words in s. 76(5) inserted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 para. 20(5)**; S.I. 1999/3376, art. 2
- F113** Words in s. 76(2)(b)(ii) substituted (S.) (1.4.2005) by The Representation of the People (Variation of Limits of Candidates' Local Government Election Expenses) (Scotland) Order 2005 (S.S.I. 2005/102), **art. 2**
- F114** Words in s. 76(2)(b)(ii) substituted (S.) (1.4.2005) by The Representation of the People (Variation of Limits of Candidates' Local Government Election Expenses) (Scotland) Order 2005 (S.S.I. 2005/102), **art. 2**

### Modifications etc. (not altering text)

- C15** S. 76 modified by Representation of the People Act 1985 (c. 50, SIF 42), s. 20(5)
- C16** S. 76 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C17** S. 76 applied with modifications (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C18** S. 76 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)–(8), **Sch. 1**
- C19** S. 76 amended (17.3.2000) by S.I. 2000/789, **art. 2**
- C20** S. 76 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3(1), **Sch. 1**
- C21** S. 76(2A) applied (16.2.2001) by 2000 c. 41, s. 8(3)(a); S.I. 2001/222, art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in Sch. 1 Pt. II)

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## 76 Limitation of election expenses. **N.I.**

[<sup>F38</sup>(1) The election expenses incurred by or on behalf of a candidate at an election must not in the aggregate exceed the maximum amount specified in subsection (2) below or, in the case of any of the Authority elections mentioned in subsection (2A)(a) to (c) below, the maximum amount prescribed by order under that subsection.]

[<sup>F39</sup>(1A) Where a registered political party submits a list of candidates to be London members of the London Assembly at an ordinary election, [<sup>F40</sup>any election expenses incurred by or on behalf of any of those candidates must not in the aggregate exceed the maximum amount prescribed by order under subsection (2A)(d).]]

[<sup>F41</sup>(1B) Where any election expenses are incurred in excess of a maximum amount specified in subsection (2) above or prescribed by order under subsection (2A) above, any candidate or election agent who—

- (a) incurred, or authorised the incurring of, the election expenses, and
- (b) knew or ought reasonably to have known that the expenses would be incurred in excess of that maximum amount,

shall be guilty of an illegal practice.]

(2) That maximum amount is—

- (a) for a candidate at a [<sup>F42</sup>parliamentary general election, being an election]—
  - (i) in a county constituency, [<sup>F43</sup>£7,150] together with an additional [<sup>F44</sup>7p] for every entry in the register of electors <sup>F45</sup> . . . and
  - (ii) in a borough constituency, [<sup>F46</sup>£7,150] together with an additional [<sup>F47</sup>5p] for every entry in the register of electors <sup>F48</sup> . . .

[<sup>F49</sup>(aa) for a candidate at a parliamentary by-election, £100,000;]

- (b) for a candidate at a local government election [<sup>F50</sup>other than an Authority election]—

<sup>F51</sup>(i) . . . . .

<sup>F52</sup>(ia) . . . . .

- (ii) at any other local government election, [<sup>F115</sup>£219] together with an additional [<sup>F115</sup>4.3p] for every entry in the register of electors <sup>F48</sup> . . . .

[<sup>F55</sup>(2A) As respects Authority elections, each of the following, that is to say—

- (a) the maximum amount for a candidate in an election of the Mayor of London,
- (b) the maximum amount for a candidate in an election of a constituency member of the London Assembly,
- (c) the maximum amount for an individual candidate in an election of the London members of the London Assembly at an ordinary election,
- (d) the maximum amount for the purposes of subsection (1A) above,

shall be such as the Secretary of State may prescribe in an order made by statutory instrument.

(2B) An order under subsection (2A) above shall not be made unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.]

<sup>F56</sup>(3) . . . . .

[<sup>F57</sup>(4) In subsection (2) above “the register of electors” means the register of parliamentary electors, or (as the case may be) local government electors, for the constituency or electoral area in question as it has effect on the last day for publication of notice of the election.]

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*Changes to legislation: Representation of the People Act 1983, Cross Heading: Election expenses is up to date with all changes known to be in force on or before 23 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (5) The maximum amount mentioned above for a candidate at a parliamentary election [<sup>F58</sup>or an Authority election (including the maximum amount for the purposes of subsection (1A) above)] is not required to cover the candidate's personal expenses.
- (6) Where at an election a poll is countermanded or abandoned by reason of a candidate's death, the maximum amount of election expenses shall, for any of the other candidates who then remain validly nominated, be twice or, if there has been a previous increase under this subsection, three times what it would have been but for any increase under this subsection; but the maximum amount shall not be affected for any candidate by the change in the timing of the election or of any step in the proceedings at the election.

### Extent Information

- E3** This version of this provision extends to Northern Ireland only; separate versions have been created for Scotland and England and Wales only.

### Textual Amendments

- F38** S. 76(1) substituted (1.7.2001) by 2000 c. 41, s. 132(2)(6) (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2 Pt. I** (subject to transitional provisions in Sch. 2 Pt. II)
- F39** S. 76(1A) inserted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 para. 20(2)**; S.I. 1999/3376, **art. 2**
- F40** Words in s. 76(1A) substituted (1.7.2001) by 2000 c. 41, s. 132(3)(6) (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2 Pt. I** (subject to transitional provisions in Sch. 2 Pt. II)
- F41** S. 76(1B) inserted (1.7.2001) by 2000 c. 41, s. 132(4)(6) (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2 Pt. I** (subject to transitional provisions in Sch. 2 Pt. II)
- F42** Words substituted by Representation of the People Act 1989 (c. 28, SIF 42), s. 6(1)(a)
- F43** Words in s. 76(2)(a)(i) substituted (4.3.2005) by The Representation of the People (Variation of Limits of Candidates' Election Expenses) Order 2005 (S.I. 2005/269), **art. 3(1)**
- F44** Words in s. 76(2)(a)(i) substituted (4.3.2005) by The Representation of the People (Variation of Limits of Candidates' Election Expenses) Order 2005 (S.I. 2005/269), **art. 3(1)**
- F45** Words in s. 76(2) repealed (16.2.2001) by 2000 c. 2, ss. 8, 15, **Sch. 1 para. 18(2)**; S.I. 2001/116, **art. 2**
- F46** Words in s. 76(2)(a)(ii) substituted (4.3.2005) by The Representation of the People (Variation of Limits of Candidates' Election Expenses) Order 2005 (S.I. 2005/269), **art. 3(2)**
- F47** Words in s. 76(2)(a)(ii) substituted (4.3.2005) by The Representation of the People (Variation of Limits of Candidates' Election Expenses) Order 2005 (S.I. 2005/269), **art. 3(2)**
- F48** Words in s. 76(2) repealed (16.2.2001) by 2000 c. 2, ss. 8, 15, **Sch. 1 para. 18(2)**; S.I. 2001/116, **art. 2**
- F49** S. 76(2)(aa) substituted (16.2.2001) by 2000 c. 41, s. 132(5)(6); S.I. 2001/222, art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in Sch. 1 Pt. II)
- F50** Words in s. 76(2)(b) inserted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3, para. 20(3)**; S.I. 1999/3376, **art. 2**
- F51** S. 76(2)(b)(i) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**
- F52** S. 76(2)(b)(ia) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 19(5)(6), **Sch. 9 para. 1(8)** and repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237, **Sch. 13 Pt. I**
- F55** S. 76(2A) inserted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 para. 20(4)**; S.I. 1999/3376, **art. 2**
- F56** S. 76(3) repealed by Representation of the People Act 1985 (c. 50, SIF 42), ss. 24, 28, Sch. 4 para. 25, **Sch. 5**
- F57** S. 76(4) substituted (16.2.2001) by 2000 c. 2, s. 8, **Sch. 1 para. 18(3)**; S.I. 2001/116, **art. 2**
- F58** Words in s. 76(5) inserted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 para. 20(5)**; S.I. 1999/3376, **art. 2**
- F115** Word in s. 76(2)(b)(ii) substituted (15.4.1997) by S.I. 1997/879, **art. 6**

### Modifications etc. (not altering text)

- C15** S. 76 modified by Representation of the People Act 1985 (c. 50, SIF 42), s. 20(5)
- C16** S. 76 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**

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- C17** S. 76 applied with modifications (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**  
**C18** S. 76 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)–(8), **Sch. 1**  
**C19** S. 76 amended (17.3.2000) by S.I. 2000/789, **art. 2**  
**C20** S. 76 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3(1), **Sch. 1**  
**C21** S. 76(2A) applied (16.2.2001) by 2000 c. 41, s. 8(3)(a); S.I. 2001/222, art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in **Sch. 1 Pt. II**)

VALID FROM 25/11/2009

### <sup>F59</sup>76ZA Limitation of pre-candidacy election expenses for certain general elections

- (1) This section applies where—
- a Parliament is not dissolved until after the period of 55 months beginning with the day on which that Parliament first met (“the 55-month period”),
  - election expenses are incurred by or on behalf of a candidate at the parliamentary general election which follows the dissolution, and
  - the expenses are incurred in respect of a matter which is used during the period beginning immediately after the 55-month period and ending with the day on which the person becomes a candidate at that election.

For the purposes of this section, section 90ZA(1) has effect with the omission of the words “after the date when he becomes a candidate at the election”.

- (2) Election expenses incurred as mentioned in subsection (1) must not in the aggregate exceed the permitted amount, which is the relevant percentage of the following sum—
- for a candidate at an election in a county constituency, £25,000 plus 7p for every entry in the register of electors;
  - for a candidate at an election in a borough constituency, £25,000 plus 5p for every entry in the register of electors.
- (3) The relevant percentage is—
- 100% where the dissolution was during the 60th month of the Parliament;
  - 90% where the dissolution was during its 59th month;
  - 80% where the dissolution was during its 58th month;
  - 70% where the dissolution was during its 57th month;
  - 60% where the dissolution was during its 56th month.

For the purposes of this subsection, the “56th month” of a Parliament is the month beginning immediately after the 55-month period; and so on.

- (4) In subsection (2) above “the register of electors” means the register of parliamentary electors for the constituency in question as it has effect on the last day for publication of notice of the election.
- (5) Where election expenses are incurred as mentioned in subsection (1) in excess of the permitted amount, any candidate or election agent who—
- incurred, or authorised the incurring of, the election expenses, and
  - knew or ought reasonably to have known that the expenses would be incurred in excess of that amount,
- shall be guilty of an illegal practice.



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(6) The candidate's personal expenses do not count towards the permitted amount.]

#### Textual Amendments

**F59** S. 76ZA inserted (25.11.2009) by Political Parties and Elections Act 2009 (c. 12), ss. 21(1), 43(1) (with s. 21(2)); S.I. 2009/3084, art. 3(a)

### [<sup>F60</sup>76A Power to vary provisions about election expenses.

- (1) The Secretary of State may by order made by statutory instrument vary any of the sums to which this section applies—
  - (a) where he considers that the variation is expedient in consequence of changes in the value of money, or
  - (b) in order to give effect to a recommendation of the Electoral Commission.
- (2) This section applies to any of the sums for the time being specified in—
  - (a) section 73(2) above;
  - (b) section 74(1)(a), (b), (c) or (d) above;
  - (c) section 75(1ZA) above; or
  - (d) section 76(2) above.
- (3) An order under subsection (1)(b) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

**F60** S. 76A substituted (30.11.2000 for specified purposes and otherwise 16.2.2001) by 2000 c. 41, s. 133; S.I. 2001/222, art. 2, Sch. 1 Pt. I (subject to transitional provisions in Sch. 1 Pt. II)

### 77 Expenses limit for joint candidates at local election.

- (1) Where there are two or more joint candidates at a local government election [<sup>F61</sup>other than an Authority election] the maximum amount mentioned in section 76 above shall, for each of those joint candidates, be reduced by a quarter or, if there are more than two joint candidates, by one-third.
- (2) Where two or more candidates appoint the same election agent, or by themselves or any agent or agents—
  - (a) employ or use the services of the same clerks or messengers at the election, or
  - (b) hire or use the same committee rooms for the election, or
  - (c) publish a joint address, circular or notice at the election,those candidates shall for the purposes of this section be deemed to be joint candidates; but—
  - (i) the employment and use of the same clerk, messenger or committee room, if accidental or casual, or of a trivial and unimportant character, shall not be deemed of itself to constitute persons joint candidates;
  - (ii) nothing in this subsection shall prevent candidates from ceasing to be joint candidates.

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(3) Where—

- (a) any excess of expenses above the maximum allowed for one of two or more joint candidates has arisen owing to his having ceased to be a joint candidate, or to his having become a joint candidate after having begun to conduct his election as a separate candidate,
- (b) the change was made in good faith,
- (c) the excess is not more than under the circumstances is reasonable, and
- (d) the total election expenses of the candidate do not exceed the maximum amount allowed for a separate candidate,

the excess shall be deemed to have arisen from a reasonable cause for the purposes of section 167 below.

**Textual Amendments**

**F61** Words in s. 77(1) inserted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 para. 22** (with **Sch. 12 para. 9(1)**); **S.I. 1999/3376, art. 2**

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

**C22** S. 77 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**

**C23** S. 77 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**)

**78 Time for sending in and paying claims.**

- (1) Every claim against a candidate or his election agent in respect of election expenses which is not sent in to the election agent [<sup>F62</sup>not later than][<sup>F63</sup>21 days] after the day on which the result of the election is declared shall be barred and not paid.
- (2) All election expenses shall be paid [<sup>F62</sup>not later than] 28 days after that day.
- (3) An election agent who pays a claim in contravention of subsection (1) or makes a payment in contravention of subsection (2) above shall be guilty of an illegal practice; but where the election court reports that it has been proved to the court by the candidate that any payment was made by an election agent without the sanction or connivance of the candidate—
  - (a) the candidate's election shall not be void, nor
  - (b) shall he be subject to any incapacity under this Act by reason only of that payment having been made in contravention of this section.
- (4) The claimant or the candidate or his election agent may apply to the High Court or to a county court for leave to pay a claim for any election expenses, although sent in after that period of [<sup>F63</sup>21 days] or although sent in to the candidate and not to the election agent, and the court on cause shown to their satisfaction may by order grant the leave.

In relation to an application in respect of expenses for a local government election in Scotland the reference in this subsection to the High Court shall be omitted.

- (5) Any sum specified in the order of leave may be paid by the candidate or his election agent and when paid in pursuance of the leave shall not be deemed to be in contravention of subsection (2) above.

<sup>F64</sup>(6) .....

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[<sup>F65</sup>(7) Article 60 of the County Courts (Northern Ireland) Order 1980 (appeals from county courts) shall apply in relation to any order of a county court in Northern Ireland made by virtue of subsection (4) above as it applies in relation to any such decree of a county court as is mentioned in paragraph (1) of that Article.]

#### Textual Amendments

- F62** Words in s. 78(1)(2) substituted (16.2.2001) by 2000 c. 41, s. 138(1)(2), **Sch. 18 para. 6(2)** (with s. 156(6)); S.I. 2001/222, art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in Sch. 1 Pt. II)
- F63** "21 days" substituted for "14 days" by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, **Sch. 4 para. 26**
- F64** S. 78(6) repealed (16.2.2001) by 2000 c. 41, ss. 138(1)(2), 158(2)(3), Sch. 18 para. 18(1)(a), **Sch. 22** (with s. 156(6)); S.I. 2001/222, art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in Sch. 1 Pt. II)
- F65** S. 78(7) substituted (16.2.2001) by 2000 c. 41, s. 138(1)(2), **Sch. 18 para. 18(2)** (with s. 156(6)); S.I. 2001/222, art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in Sch. 1 Pt. II)

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

- C24** S. 78 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C25** S. 78 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C26** S. 78 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)–(8), **Sch. 1**
- C27** S. 78 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**)

## 79 Disputed claims.

- (1) If the election agent disputes any claim sent in to him within the period of [<sup>F66</sup>21 days] mentioned in section 78 above or refuses or fails to pay the claim within the period of 28 days so mentioned, the claim shall be deemed to be a disputed claim.
- (2) The claimant may, if he thinks fit, bring an action for a disputed claim in any competent court, and any sum paid by the candidate or his agent in pursuance of the judgment or order of the court shall nor be deemed to be in contravention of section 73(1) above or of section 78(2).

<sup>F67</sup>(3) . . . . .

- (4) Subsections (4) to (7) of section 78 apply in relation to a disputed claim as they apply in relation to a claim for election expenses sent in after that period of [<sup>F66</sup>21 days].

#### Textual Amendments

- F66** "21 days" substituted for "14 days" by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, **Sch. 4 para. 26**
- F67** S. 79(3) repealed (16.2.2001) by 2000 c. 41, ss. 138(1)(2), 158(2)(3), Sch. 18 para. 18(1)(b), **Sch. 22** (with s. 156(6)); S.I. 2001/222, art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in Sch. 1 Pt. II)

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

- C28** S. 79 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C29** S. 79 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C30** S. 79 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), **Sch. 1**

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**C31** S. 79 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)

## 80 Election agent's claim.

So far as circumstances admit, this Act applies to an election agent's claim for his remuneration and to its payment in like manner as if he were any other creditor, and if any difference arises about the amount of the claim, the claim shall be a disputed claim within the meaning of this Act and be dealt with accordingly.

### Modifications etc. (not altering text)

- C32** S. 80 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I  
**C33** S. 80 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), Sch. 1 Pt. I  
**C34** S. 80 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), Sch. 1  
**C35** S. 80 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)

## 81 Return as to election expenses.

- (1) Within 35 days after the day on which the result of the election is declared, the election agent of every candidate at the election shall [<sup>F68</sup>deliver] to the appropriate officer a true return [<sup>F69</sup>containing as respects that candidate—
- (a) a statement of all election expenses incurred by or on behalf of the candidate; and
  - (b) a statement of all payments made by the election agent together with all bills or receipts relating to the payments.]

[<sup>F70</sup>(1A) Subsection (1) above—

- (a) in its application in relation to an election of the Mayor of London, shall have effect with the substitution for “35 days” of “70 days”; and
- (b) in its application in relation to the election of the London members of the London Assembly at an ordinary election, shall have effect with the substitution for “35 days after the day on which the result of the election is declared” of “70 days after the day on which the last of the successful candidates at the election is declared to be returned.”]

[<sup>F71</sup>(2) A return under this section must—

- (a) specify the poll by virtue of which the return is required;
- (b) specify the name of the candidate to whom the return relates and of the candidate's election agent; and
- (c) deal under a separate heading with any expenses in respect of which a return is required by virtue of section 75(2) above.]

(3) The return shall also contain as respects that candidate—

- [<sup>F72</sup>(a) a statement of all payments made—
- (i) by the candidate in accordance with section 74(1) or (1B) above, or
  - (ii) by any other person in accordance with section 74(3) above,
- together with all bills or receipts relating to any such payments made in accordance with section 74(1B) or 74(3);]

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- (b) a statement of all disputed claims of which the election agent is aware;
- (c) a statement of all the unpaid claims, if any, of which the election agent is aware, in respect of which application has been or is about to be made to the High Court or county court;
- <sup>F73</sup>(d) any declarations of value falling to be made by the candidate's election agent by virtue of section 74A(2) above or 90C(2) below;
- (da) a declaration of the amount of expenses which are to be regarded as election expenses incurred by or on behalf of the candidate by virtue of section 90A(5) (b) below;
- (e) a statement of donations made to the candidate or his election agent which complies with the requirements of paragraphs 11 and 12 of Schedule 2A to this Act; and
- (f) a statement of the amount, if any, of money provided by the candidate from his own resources for the purpose of meeting election expenses incurred by him or on his behalf.]

<sup>F74</sup>(4) . . . . .

(5) Where after the date at which the return as to election expenses is [<sup>F75</sup>delivered], leave is given by the court under section 78(4) above for any claim to be paid, the candidate or his election agent shall, within seven days after its payment, [<sup>F68</sup>deliver] to the appropriate officer a return of the sums paid in pursuance of the leave, accompanied by a copy of the order of the court giving the leave, and in default he shall be deemed to have failed to comply with the requirements of this section without such authorised excuse as is mentioned in section 86 below.

<sup>F76</sup>(6) Where a registered political party submits a list of two or more candidates to be London members of the London Assembly at an ordinary election, the preceding provisions of this section shall have effect in relation to those candidates and their election agent with the following modifications.

(7) The return which the election agent is required to deliver under subsection (1) above—  
(a) shall be in respect of all those candidates; <sup>F77</sup> . . .  
<sup>F77</sup>(b) . . . . .

(8) If any payments made by the election agent were in respect of two or more candidates, the return shall deal under a separate heading or subsection with all such payments, and the expenses to which they relate, in respect of those candidates.

(9) The statements which the return is required to contain by virtue of subsection (3) above in respect of the matters there mentioned shall be a separate statement of each such matter as respects each of the candidates in question.

(10) If and to the extent that any such matter is referable to two or more candidates together, the return shall contain a separate statement of that matter as respects those candidates.

[ The Electoral Commission may, by regulations, prescribe a form of return which may <sup>F78</sup>(10A) be used for the purposes of making any (or any description of) return required by this section.]

<sup>F79</sup>(11) . . . . .]

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### Textual Amendments

- F68** Word substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, **Sch. 4 para. 27(a)**
- F69** S. 81(1)(a)(b) and words substituted (1.7.2001) for words by 2000 c. 41, s. 138(1)(2), **Sch. 18 para. 7(2)** (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2 Pt. I** (subject to transitional provisions in Sch. 2 Pt. II)
- F70** S.81(1A) inserted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 para. 23(2)** (with Sch. 12 para. 9(1)); S.I. 1999/3376, **art. 2**
- F71** S. 81(2) substituted (1.7.2001) by 2000 c. 41, s. 138(1)(2), **Sch. 18 para. 7(3)** (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2 Pt. I** (subject to transitional provisions in Sch. 2 Pt. II)
- F72** S. 81(3)(a) substituted (1.7.2001) by 2000 c. 41, s. 138(1)(2), **Sch.18 para. 7(4)(a)** (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2 Pt. I** (subject to transitional provisions in Sch. 2 Pt. II)
- F73** S. 81(3)(d)-(f) substituted (1.7.2001) for s. 81(3)(d) by 2000 c. 41, s. 138(1)(2), **Sch. 18 para. 7(4)(b)** (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2 Pt. I** (subject to transitional provisions in Sch. 2 Pt. II)
- F74** S. 81(4) repealed (16.2.2001) by 2000 c. 41, ss. 138(1)(2), 158(2)(3), Sch. 18 para. 7(5), **Sch. 22** (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2 Pt. I** (subject to transitional provisions in Sch. 2 Pt. II)
- F75** Word substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, **Sch. 4 para. 27(b)**
- F76** S. 81(6)-(11) inserted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 para. 23(3)** (with Sch. 12 para. 9(1)); S.I. 1999/3376, **art. 2**
- F77** S. 81(7)(b) and word “and” immediately preceding repealed (1.7.2001) by 2000 c. 41, ss. 138(1)(2), 158(2)(3), Sch. 18 para. 7(6), **Sch. 22** (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2 Pt. I** (subject to transitional provisions in Sch. 2 Pt. II)
- F78** S. 81(10A) inserted (1.7.2001) by 2000 c. 41, s. 138(1)(2), **Sch. 18 para. 7(7)** (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2 Pt. I** (subject to transitional provisions in Sch. 2 Pt. II)
- F79** S. 81(11) repealed (1.7.2001) by 2000 c. 41, ss. 138(1)(2), 158(2)(3), Sch. 18 para. 7(8), **Sch. 22** (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2 Pt. I** (subject to transitional provisions in Sch. 2 Pt. II)

### Modifications etc. (not altering text)

- C36** S. 81 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C37** S. 81 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C38** S. 81 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3(1), **Sch. 1**
- C39** S. 81 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)-(8), **Sch. 1**

## 82 Declarations as to election expenses.

- (1) The return [<sup>F80</sup>delivered] under section 81(1) above shall be accompanied by a declaration made by the election agent in [<sup>F81</sup>the appropriate form].
  - (2) At the same time that the election agent [<sup>F82</sup>delivers] that return, or within seven days afterwards, the candidate shall [<sup>F82</sup>deliver] to the appropriate officer a declaration made by him in [<sup>F83</sup>the appropriate form].
- [<sup>F84</sup>(2A) For the purposes of subsections (1) and (2) above, “the appropriate form”—
- (a) in the case of the election agent for the candidates on a list submitted under paragraph 5 of Schedule 2 to the 1999 Act (election of London members) by a registered political party, is the form set out for the purpose in rules under section 36(2A) above;
  - (b) in the case of any of the candidates included in such a list, is the form set out for the purpose in those rules; and
  - (c) in any other case, is the form in Schedule 3 to this Act.]

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(3) Where the candidate is out of the United Kingdom when the return is so <sup>F80</sup>delivered]—

- (a) the declaration required by subsection (2) above may be made by him within 14 days after his return to the United Kingdom, and
- (b) in that case, the declaration shall be forthwith <sup>F80</sup>delivered] to the appropriate officer,

but the delay authorised by this provision in making the declaration shall not exonerate the election agent from complying with the provisions of this Act relating to the return and declaration as to election expenses.

<sup>F85</sup>(4) .....

(5) Where the candidate is his own election agent, the declaration by an election agent as to election expenses need not be made and the declaration by the candidate as to election expenses shall be modified as specified in the form in Schedule 3.

<sup>F86</sup>(5A) Where one of the candidates included in a list submitted under paragraph 5 of Schedule 2 to the 1999 Act (election of London members) by a registered political party is the election agent for those candidates, the declarations required by subsections (1) and (2) above shall instead be modified as specified in the form set out in the rules under section 36(2A) above.]

(6) If a candidate or election agent knowingly makes the declaration required by this section falsely, he shall be guilty of a corrupt practice.

#### Textual Amendments

- F80** Word substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, **Sch. 4 para. 28(a)**
- F81** Words in s. 82(1) substituted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 para. 24(2)** (with Sch. 12 para. 9(1)); S.I. 1999/3376, **art. 2**
- F82** Words substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, **Sch. 4 para. 28(b)**
- F83** Words in s. 82(2) substituted (14.12.1999) by 1999 c. 29, s. 17 **Sch. 3 para. 24(3)** (with Sch. 12 para. 9(1)); S.I. 1999/3376, **art. 2**
- F84** S. 82(2A) inserted (14.12.1999) by 1999 c. 29, s. 17 **Sch. 3 para. 24(4)** (with Sch. 12 para. 9(1)); S.I. 1999/3376, **art. 2**
- F85** S. 82(4) repealed (16.2.2001) by 2000 c. 41, ss. 138(1)(2), 158(2)(3), Sch. 18 para. 8, **Sch. 22** (with s. 156(6)); S.I. 2001/222, **art. 2, Sch. 1 Pt. I** (subject to transitional provisions in Sch. 1 Pt. II)
- F86** S. 82(5A) inserted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 para. 24(6)** (with Sch. 12 para. 9(1)); S.I. 1999/3376, **art. 2**

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

- C40** S. 82 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C41** S. 82 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C42** S. 82 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)–(8), **Sch. 1**
- C43** S. 82 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**)
- C44** S. 82(5A) modified (4.5.2000) by S.I. 2000/1040, **rule 60(3)(4)** (which S.I. was revoked (14.1.2008) by S.I. 2007/3541, **rule 1(1)(2)(b)**)
- C45** S. 82(5A) modified (4.5.2000) by S.I. 2000/1040, **rule 60(1)(2)** (which S.I. was revoked (14.1.2008) by S.I. 2007/3541, **rule 1(1)(2)(b)**)

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### 83 Where no return and declarations needed at parliamentary elections.

Notwithstanding anything in sections 81 and 82 above, no return or declaration as to election expenses shall be required in the case of a person—

- (a) who is a candidate at a parliamentary election, but is so only because he has been declared by others to be a candidate; and
- (b) who has not consented to the declaration or taken any part as a candidate in the election.

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

- C46** Ss. 83, 84 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. 1**
- C47** Ss. 83, 84 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. 1**
- C48** S. 83 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**)

### 84 Penalty for failure as respects return or declarations.

Subject to the provisions of section 86 below, if a candidate or election agent fails to comply with the requirements of section 81 or section 82 above he shall be guilty of an illegal practice.

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

- C49** Ss. 83, 84 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. 1**
- C50** Ss. 83, 84 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. 1**
- C51** S. 84 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), **Sch. 1**
- C52** S. 84 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**)

### 85 Penalty for sitting or voting where no return and declarations transmitted.

- (1) If, in the case of any candidate, the return and declarations as to election expenses are not [<sup>F87</sup>delivered] before the expiry of the time limited for the purpose, that candidate shall not, after the expiry of that time, sit or vote in the House of Commons as member for the constituency for which the election was held until—

- (a) either that return and those declarations have been [<sup>F87</sup>delivered], or
- (b) the date of the allowance of an authorised excuse for the failure to [<sup>F87</sup>deliver] that return and those declarations,

and if he sits or votes in contravention of this subsection he shall forfeit £100 for every day on which he so sits or votes.

- (2) In the application of subsection (1) above to a candidate at a local government election—

- (a) the reference to sitting or voting in the House of Commons for the constituency for which the election was held shall be taken as a reference to sitting or voting in the council for the local government area for which the election was held; and
- (b) £50 shall be substituted for £100 and, instead of civil proceedings for a penalty, summary proceedings may be instituted under the <sup>M1</sup>Magistrates'



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Courts Act 1980, or, in Scotland, in the sheriff court, and the person charged shall be liable on conviction to a fine not exceeding the amount of the penalty which would be recoverable in civil proceedings.

[<sup>F88</sup>(2A) As respects Authority elections—

- (a) subsections (1) and (2) above shall not apply in relation to a candidate in an election of the Mayor of London (for which separate provision is made by section 85A below);
- (b) in the case of any other Authority election, the reference in subsection (2)(a) above to the council for the local government area for which the election was held shall be taken as a reference to the London Assembly; and
- (c) in the case of a candidate included in a list submitted under paragraph 5 of Schedule 2 to the 1999 Act (election of London members) by a registered political party, the references in subsection (1) above to the returns and declarations in respect of election expenses shall be taken as references to the declaration as to election expenses by the candidate.]

[<sup>F89</sup>(3) Civil proceedings for a penalty under this section shall be commenced within the period of one year beginning with the day in respect of which the penalty is alleged to have been incurred.]

(4) For the purposes of subsection (3) above—

- (a) where the service or execution of the [<sup>F90</sup>legal process] on or against the alleged offender is prevented by the absconding or concealment or act of the alleged offender, the issue of a [<sup>F90</sup>legal process] shall be deemed to be a commencement of a proceeding; but,
- (b) where paragraph (a) does not apply, the service or execution of the [<sup>F90</sup>legal process] on or against the alleged offender, and not its issue, shall be deemed to be the commencement of the proceeding.

(5) Subsections (3) and (4) above do not apply in Scotland.

#### Textual Amendments

- F87** Word substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\), s. 24, Sch. 4 para. 29\(a\)](#)
- F88** [S. 85\(2A\)](#) inserted (14.12.1999) by 1999 c. 29, s. 17, [Sch. 3 para. 25\(2\)](#) (with [Sch. 12 para. 9\(1\)](#)); S.I. 1999/3376, [art. 2](#)
- F89** [S. 85\(3\)](#) substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\), s. 24, Sch. 4 para. 29\(b\)](#)
- F90** Words in [s. 85\(4\)](#) substituted (16.2.2001) by 2000 c. 41, s. 138(1)(2), [Sch. 18 para. 19\(2\)](#) (with [s. 156\(6\)](#)); S.I. 2001/222, [art. 2, Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

#### Marginal Citations

- M1** 1980 c. 43.

[<sup>F91</sup>**85A Disqualification where no return and declarations transmitted after election of Mayor of London.**

- (1) If, in the case of any candidate at an election of the Mayor of London, the return and declarations as to election expenses are not delivered before the expiry of the time limited for the purpose, the candidate shall, as respects that election, be disqualified from being elected or being the Mayor of London.

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- (2) Any application under section 86 below by such a candidate for relief in respect of a failure to deliver the return and declarations as to election expenses must be made within the period of 6 weeks following the day on which the time limited for their delivery expires.
- (3) A disqualification under subsection (1) above shall not take effect unless or until—
- (a) the period specified in subsection (2) above for making an application for relief under section 86 below expires without such an application having been made; or
  - (b) if such an application is made, the application—
    - (i) is finally disposed of without relief being granted; or
    - (ii) is abandoned or fails by reason of non-prosecution.]

#### Textual Amendments

**F91** S. 85A inserted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 para. 26** (with Sch. 12 para. 9(1)); S.I. 1999/3376, **art. 2**

### 86 Authorised excuses for failures as to return and declarations.

- (1) A candidate or his election agent may apply for relief under this section to—
- (a) the High Court, except in relation to a local government election in Scotland;
  - (b) an election court; or
  - (c) a county court.
- [<sup>F92</sup>(1A) Where a person makes an application under this section he shall notify the Director of Public Prosecutions of the application and the Director or his assistant or any barrister, advocate or solicitor duly appointed as the Director's representative may attend the hearing of the application and make representations at the hearing in respect of it.]
- (2) Relief under this section may be granted—
- (a) to a candidate, in respect of any failure to [<sup>F93</sup>deliver] the return and declarations as to election expenses, or any part of them, or in respect of any error or false statement in them; or
  - (b) to an election agent, in respect of the failure to [<sup>F93</sup>deliver] the return and declarations which he was required to [<sup>F93</sup>deliver], or any part of them, or in respect of any error or false statement in them.
- (3) The application for relief may be made on the ground that the failure, error or false statement arose—
- (a) by reason of the applicant's illness; or
  - (b) where the applicant is the candidate, by reason of the absence, death, illness or misconduct of his election agent or sub-agent or of any clerk or officer of such agent; or
  - (c) where the applicant is the election agent, by reason of the death or illness of any prior election agent of the candidate, or of the absence, death, illness or misconduct of any sub-agent, clerk or officer of any election agent of the candidate; or
  - (d) by reason of inadvertence or any reasonable cause of a like nature, and not by reason of any want of good faith on the applicant's part.

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- (4) The court may—
- (a) after such notice of the application in the constituency or local government area, as the case may be, as it considers fit, and
  - (b) on production of such evidence of the grounds stated in the application and of the good faith of the application, and otherwise, as it considers fit,
- make such order for allowing an authorised excuse for the failure, error or false statement as it considers just.
- (5) Where it is proved to the court by the candidate—
- (a) that any act or omission of the election agent in relation to the return and declarations was without the sanction or connivance of the candidate, and
  - (b) that the candidate took all reasonable means for preventing the act or omission,
- the court shall relieve the candidate from the consequences of the act or omission of his election agent.
- (6) An order under subsection (4) above may make the allowance conditional on the making of the return and declaration in a modified form or within an extended time, and upon the compliance with such other terms as to the court seem best calculated for carrying into effect the objects of this Part of this Act.
- (7) An order under subsection (4) shall relieve the applicant for the order from any liability or consequences under this Act in respect of the matter excused by the order.
- (8) The date of the order, or if conditions and terms are to be complied with, the date at which the applicant fully complies with them, is referred to in this Act as the date of the allowance of the excuse.

<sup>F94</sup>(9) .....

[<sup>F95</sup>(10) Article 60 of the County Courts (Northern Ireland) Order 1980 (appeals from county courts) shall apply in relation to any order of a county court in Northern Ireland made by virtue of this section as it applies in relation to any such decree of a county court as is mentioned in paragraph (1) of that Article.]

#### Textual Amendments

**F92** S. 86(1A) inserted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, **Sch. 4 para. 30(a)**

**F93** Word substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, **Sch. 4 para. 30(b)**

**F94** S. 86(9) repealed (16.2.2001) by 2000 c. 41, ss. 138(1)(2), 158(2)(3), Sch. 18 para. 18(1)(c), **Sch. 22** (with s. 156(6)); S.I. 2001/222, art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in Sch. 1 Pt. II)

**F95** S. 86(10) substituted (16.2.2001) for s. 86(10)(11) by 2000 c. 41, s. 138(1)(2), **Sch. 18 para. 18(3)** (with s. 156(6)); S.I. 2001/222, art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in Sch. 1 Pt. II)

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

**C53** S. 86 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**

**C54** S. 86 applied (E.W.S) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**

**C55** S. 86 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**)

**C56** S. 86 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)–(8), **Sch. 1**

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## 87 Court's power to require information from election agent or sub-agent.

- (1) Where on an application under section 86 above it appears to the court that any person who is or has been an election agent or sub-agent has refused or failed to make such return, or to supply such particulars, as will enable the candidate and his election agent respectively to comply with the provisions of this Act as to the return or declarations as to election expenses, the court, before making an order under that section, shall order that person to attend before the court.
- (2) The court shall on the attendance of that person, unless he shows cause to the contrary, order him—
  - (a) to make the return and declaration, or
  - (b) to deliver a statement of the particulars required to be contained in the return, as the court considers just, within such time, to such person and in such manner as it may direct, or may order him to be examined with respect to the particulars.
- (3) If a person fails to comply with any order of the court under this section, the court may order him to pay a fine not exceeding [<sup>F96</sup>the amount of the maximum fine to which he would be liable if at the time the order is made he were convicted of a summary offence on conviction of which he was liable to a fine of level 5 on the standard scale].

### Textual Amendments

**F96** Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, [Sch. 4 para. 31](#)

### Modifications etc. (not altering text)

- C57** [S. 87](#) applied (N.I.) by [S.I. 1986/2250](#), regs. 2, 3, 5, [Sch. 1 Pt. I](#)
- C58** [S. 87](#) applied (E.W.S.) by [S.I. 1986/2209](#), regs. 2, 3, 5(1)(6)–(8), [Sch. 1 Pt. I](#)
- C59** [S. 87](#) applied (with modifications) (N.I.) (4.5.1996) by [S.I. 1996/1220](#), art. 3(1)(b)(5)–(8), [Sch. 1](#)
- C60** [S. 87](#) 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>F97</sup>87A Duty of appropriate officer to forward returns and declarations to Electoral Commission.

- (1) Where the appropriate officer receives any return or declaration under section 75, 81 or 82 above in respect of —
  - (a) a parliamentary election, or
  - (b) an election of the Mayor of London,
 he shall as soon as reasonably practicable after receiving the return or declaration deliver a copy of it to the Electoral Commission and, if so requested by the Commission, he shall also deliver to them a copy of any accompanying documents.
- (2) Where the appropriate officer receives any return or declaration under section 75, 81 or 82 in respect of any election other than one mentioned in subsection (1) above, he shall, if so requested by the Electoral Commission, deliver to them a copy of the return and any accompanying documents.]

### Textual Amendments

**F97** [S. 87A](#) inserted (16.2.2001) by [2000 c. 41](#), s. 138(1)(2), [Sch. 18 para. 9](#) (with s. 156(6)); [S.I. 2001/222](#), art. 2, [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

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

- C61** S. 87A 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)

### 88 Publication of time and place for inspection of returns and declarations.

—At a parliamentary election [<sup>F98</sup>or an Authority election]—

- (a) the returning officer shall, within 10 days after the end of the time allowed for [<sup>F99</sup>delivering] to him returns as to election expenses, publish in not less than two newspapers circulating in the constituency [<sup>F100</sup>or electoral area] for which the election was held, and shall send to each of the election agents, a notice of the time and place at which the returns and declarations (including the accompanying documents) can be inspected; but
- (b) if any return or declaration has not been received by the returning officer before the notice is dispatched for publication, the notice shall so state, and a like notice about that return or declaration, if afterwards received, shall within 10 days after the receipt be published in like manner and sent to each of the election agents other than the agent who is in default or is agent for the candidate in default.

#### Textual Amendments

- F98** Words in s. 88 inserted (14.12.1999) by 1999 c. 29, s. 17, Sch. 3 para. 27(2) (with Sch. 12 para. 9(1)); S.I. 1999/3376, art. 2
- F99** Word substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, Sch. 4 para. 32
- F100** Words in s. 88 inserted (14.12.1999) by 1999 c. 29, s. 17 Sch. 3 para. 27(3) (with Sch. 12 para. 9(1)); S.I. 1999/3376, art. 2

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

- C62** S. 88 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I
- C63** S. 88 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), Sch. 1 Pt. I
- C64** S. 88 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)–(8), Sch. 1
- C65** S. 88 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)

### 89 Inspection of returns and declarations.

[<sup>F101</sup>(1) Where the appropriate officer receives any return or declaration under section 75, 81 or 82 above he shall—

- (a) as soon as reasonably practicable after receiving the return or declaration make a copy of it, and any accompanying documents, available for public inspection at his office, or some other convenient place chosen by him, for a period of two years beginning with the date when the return is received by him;
- (b) if requested to do so by any person, and on payment of the prescribed fee, supply that person with a copy of the return or declaration and any accompanying documents.

- (1A) If any such return contains a statement of donations in accordance with section 81(3) (e) above, the appropriate officer shall secure that the copy of the statement made

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available for public inspection under subsection (1)(a) above or (as the case may be) supplied under subsection (1)(b) above does not include, in the case of any donation by an individual, the donor's address.]

- (2) After the expiry of those two years the appropriate officer—
- (a) may cause those returns and declarations (including the accompanying documents) to be destroyed, or
  - (b) if the candidate or his election agent so require, shall return them to the candidate.
- (3) Any returns or declarations [<sup>F102</sup>delivered] under section 75 shall be returned not to the candidate (if he or his election agent so require) but to the person [<sup>F102</sup>delivering] them, if he so requires.

#### Textual Amendments

**F101** S. 89(1)(1A) substituted (1.7.2001) for s. 89(1) by 2000 c. 41, s. 138(1)(2), **Sch. 18 para. 10** (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2 Pt. I** (subject to transitional provisions in Sch. 2 Pt. II)

**F102** Word substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, **Sch. 4 para. 33**

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

**C66** S. 89 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**

**C67** S. 89 applied with modifications (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**

**C68** S. 89 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3(1), **Sch. 1**

**C69** S. 89 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)–(8), **Sch. 1**

## 90 Election expenses at elections where election agent not required.

- (1) In relation to an election of parish councillors in England or of community councillors in Wales—
- (a) [<sup>F103</sup>section 76(1B) above and sections 90A(5) and 90C below have] effect as if for the references to an election agent there were substituted references to any agent of the candidate;
  - (b) [<sup>F104</sup>sections 71A to 75 and 78 to 89 above, and Schedule 2A to this Act,] do not apply, and instead the provisions of Schedule 4 to this Act have effect but the form of declaration as to election expenses shall be that prescribed by rules under section 36 above relating to the election of parish or, as the case may be, community councillors, or a form to the like effect.
- [<sup>F105</sup>(c) section 76A(2) has effect as if it referred, in substitution for the provisions set out in paragraphs (a) to (c) of that subsection, to paragraph 3 of Schedule 4 to this Act.]
- (2) At an election under the local government Act which is not a local government election, [<sup>F106</sup>sections 71A to 89] do not apply, and if a candidate at that election or any person on behalf of a candidate at that election knowingly pays any sum or incurs any expense, whether before, during or after that election, on account of or in respect of the conduct or management of the election he shall be guilty of an illegal practice.

#### Textual Amendments

**F103** Words in s. 90(1)(a) substituted (1.7.2001) by 2000 c. 41, s. 138(1)(2), **Sch. 18 para. 11(a)** (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2 Pt. I** (subject to transitional provisions in Sch. 2 Pt. II)

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**Changes to legislation:** Representation of the People Act 1983, Cross Heading: Election expenses is up to date with all changes known to be in force on or before 23 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- F104** Words in s. 90(1)(b) substituted (1.7.2001) by 2000 c. 41, s. 138(1)(2), **Sch. 18 para. 11(b)** (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2 Pt. I** (subject to transitional provisions in Sch. 2 Pt. II)
- F105** S. 90(1)(c) substituted (16.2.2001) by 2000 c. 41, s. 138(1)(2), **Sch. 18 para. 11(c)**; S.I. 2001/222, **art. 2**
- F106** Words in s. 90(2) substituted (1.7.2001) by 2000 c. 41, s. 138(1)(2), **Sch. 18 para. 11(d)** (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2 Pt. I** (subject to transitional provisions in Sch. 2 Pt. II)

VALID FROM 11/09/2006

### [<sup>F107</sup>90ZA Meaning of “election expenses”

- (1) In this Part of this Act “election expenses” in relation to a candidate at an election means (subject to subsection (2) below and section 90C below) any expenses incurred at any time in respect of any matter specified in Part 1 of Schedule 4A which is used for the purposes of the candidate's election after the date when he becomes a candidate at the election.
- (2) No election expenses are to be regarded as incurred by virtue of subsection (1) above or section 90C below in respect of any matter specified in Part 2 of Schedule 4A.
- (3) In this section and in section 90C below, “for the purposes of the candidate's election” means with a view to, or otherwise in connection with, promoting or procuring the candidate's election at the election.
- (4) For the purposes of this Part of this Act, election expenses are incurred by or on behalf of a candidate at an election if they are incurred —
  - (a) by the candidate or his election agent, or
  - (b) by any person authorised by the candidate or his election agent to incur expenses.
- (5) In this Part of this Act, any reference to election expenses incurred by or on behalf of a candidate at an election includes expenses—
  - (a) which are incurred as mentioned in subsection (1) above before the date when he becomes a candidate at the election, but
  - (b) which by virtue of that subsection fall to be regarded as election expenses.
- (6) In this Part and in Part 3 of this Act, any reference (in whatever terms) to promoting or procuring a candidate's election at an election includes doing so by prejudicing the electoral prospects of another candidate at the election.
- (7) Schedule 4A has effect.
- (8) This section does not apply to a local government election in Scotland.]

#### Textual Amendments

- F107** S. 90ZA inserted (11.9.2006) by Electoral Administration Act 2006 (c. 22), **ss. 27(2), 77**; S.I. 2006/1972, **art. 3, Sch. 1 para. 5** (subject to transitional provisions in art. 4, Sch. 2)

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

**C70** S. 90ZA applied (with modifications) by S.I. 2001/2599, art. 3, Sch. 1 (as amended (7.2.2007) by S.I. 2007/308, art. 2(2) and as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, Sch. 1)

#### **[<sup>F108</sup>90A Meaning of “election expenses”.**

- (1) In this Part of this Act “election expenses”, in relation to a candidate at an election, means (subject to subsections (2) and (3) and sections 90B and 90C below) any expenses incurred in respect of—
  - (a) the acquisition or use of any property, or
  - (b) the provision by any person of any goods, services or facilities,
 which is or are used for the purposes of the candidate’s election after the date when he becomes a candidate at the election.
- (2) Subsection (1) above applies whether the expenses are incurred before or after that date.
- (3) No election expenses shall be regarded as incurred, by virtue of subsection (1) or (2) above or sections 90B and 90C below, in respect of—
  - (a) the payment of any deposit required by rule 9 of Schedule 1 to this Act;
  - (b) the publication of any matter, other than an advertisement, relating to the election in—
    - (i) a newspaper or periodical,
    - (ii) a broadcast made by the British Broadcasting Corporation or by Sianel Pedwar Cymru, or
    - (iii) a programme included in any service licensed under Part I or III of the Broadcasting Act 1990 or Part I or II of the Broadcasting Act 1996;
  - (c) the provision of any facilities provided in pursuance of any right conferred on candidates at an election by this Act other than facilities in respect of which expenses fall to be defrayed by virtue of sections 95(4) and 96(4) below;
  - (d) the provision by any individual of his own services which he provides voluntarily in his own time and free of charge.
- (4) In this section and in sections 90B and 90C below “for the purposes of the candidate’s election” means with a view to, or otherwise in connection with, promoting or procuring the candidate’s election at the election.
- (5) For the purposes of this Part of this Act—
  - (a) election expenses are incurred by or on behalf of a candidate at an election if they are incurred—
    - (i) by the candidate or his election agent, or
    - (ii) by any person authorised by the candidate or his election agent to incur the expenses; and
  - (b) any reference to election expenses incurred by or on behalf of a candidate at an election includes expenses which are incurred as mentioned in paragraph (a) (i) or (ii) above before the date when he becomes a candidate at the election but which by virtue of subsection (1) and (2) above fall to be regarded as election expenses.



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- (6) In this Part, and in Part III of this Act, any reference (in whatever terms) to promoting or procuring a candidate's election at an election includes doing so by prejudicing the electoral prospects of another candidate at the election.]

#### Textual Amendments

**F108** Ss. 90A-90D inserted (1.7.2001) by 2000 c. 41, s. 134(1)(2) (with s. 156(6)); S.I. 2001/222, art. 4, Sch. 2 Pt. I (subject to transitional provisions in Sch. 2 Pt. II)

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

**C71** S. 90A applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3(1), Sch. 1

### [<sup>F109</sup>90B Incurring of election expenses for purposes of section 90A.

- (1) The election expenses which are to be regarded as incurred for the purposes of section 90A(1) above shall (subject to subsection (2) and section 90C below) be the actual expenses incurred in respect of the acquisition or use of the property, or (as the case may be) the provision of the goods, services or facilities mentioned in section 90A(1).
- (2) Where the property, goods, services or facilities mentioned in subsection (1) above is or are not used exclusively for the purposes of the candidate's election, the election expenses to be regarded as incurred for the purposes of section 90A(1) shall be such proportion of the expenses incurred in respect of their acquisition, use or provision (as the case may be) as is reasonably attributable to the use of the property or (as the case may be) the goods, services or facilities for the purposes of the candidate's election.]

#### Textual Amendments

**F109** Ss. 90A-90D inserted (1.7.2001) by 2000 c. 41, s. 134(1)(2) (with s. 156(6)); S.I. 2001/222, art. 4, Sch. 2 Pt. I (subject to transitional provisions in Sch. 2 Pt. II)

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

**C72** S. 90B applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3(1), Sch. 1

VALID FROM 28/09/2021

### [<sup>F110</sup>90ZB Scottish local government elections: meaning of “election expenses”

- (1) This section applies in relation to a local government election in Scotland.
- (2) In this Part of this Act, “election expenses”, in relation to a candidate at such an election, means any expenses incurred at any time in respect of any matter specified in Part 1 of Schedule 4B which is used for the purposes of the candidate's election.
- (3) For the purposes of subsection (2) above, it is immaterial whether any such matter is so used before or after the date when the candidate becomes a candidate at the election.

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- (4) No election expenses are to be regarded as incurred by virtue of subsection (2) above or section 90C below in respect of any matter specified in Part 2 of Schedule 4B.
- (5) In this section and in section 90C below, “for the purposes of the candidate's election” means with a view to, or otherwise in connection with, promoting or procuring the candidate's election at the election.
- (6) For the purposes of this Part of this Act so far as applying to a local government election in Scotland, election expenses are incurred by or on behalf of a candidate at the election if they are incurred—
  - (a) by the candidate or his election agent; or
  - (b) by any person authorised by the candidate or his election agent to incur expenses.
- (7) In this Part of this Act so far as applying to a local government election in Scotland, any reference to election expenses incurred by or on behalf of a candidate at the election includes expenses—
  - (a) which are incurred as mentioned in subsection (2) above before the date when he becomes a candidate at the election; but
  - (b) which by virtue of that subsection and subsection (3) above fall to be regarded as election expenses.
- (8) In this Part and in Part 3 of this Act so far as applying to a local government election in Scotland, any reference (in whatever terms) to promoting or procuring a candidate's election at an election includes doing so by prejudicing the electoral prospects of another candidate at the election.]

#### Textual Amendments

**F110** S. 90ZB inserted (S.) (prosp.) before s. 90C by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 17\(3\), 63](#)

#### [<sup>F111</sup>90C Property, goods, services etc. provided free of charge or at a discount.

- (1) This section applies where, in the case of a candidate at an election—
  - (a) either—
    - (i) property or goods is or are transferred to the candidate or his election agent free of charge or at a discount of more than 10 per cent. of the market value of the property or goods, or
    - (ii) property, goods, services or facilities is or are provided for the use or benefit of the candidate free of charge or at a discount of more than 10 per cent. of the commercial rate for the use of the property or for the provision of the goods, services or facilities, and
  - (b) the property, goods, services or facilities is or are made use of by or on behalf of the candidate in circumstances such that, if any expenses were to be (or are) actually incurred by or on behalf of the candidate in respect of that use, they would be (or are) election expenses incurred by or on behalf of the candidate.
- (2) Where this section applies—

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- (a) an amount of election expenses determined in accordance with this section (“the appropriate amount”) shall be treated, for the purposes of this Part of this Act, as incurred by the candidate, and
- (b) the candidate’s election agent shall make a declaration of that amount, unless that amount is not more than £50.

This subsection has effect subject to section 90A(3) above.

- (3) Where subsection (1)(a)(i) above applies, the appropriate amount is such proportion of either—
  - (a) the market value of the property or goods (where the property or goods is or are transferred free of charge), or
  - (b) the difference between the market value of the property or goods and the amount of expenses actually incurred by or on behalf of the candidate in respect of the property or goods (where the property or goods is or are transferred at a discount),as is reasonably attributable to the use made of the property or goods as mentioned in subsection (1)(b) above.
- (4) Where subsection (1)(a)(ii) above applies, the appropriate amount is such proportion of either—
  - (a) the commercial rate for the use of the property or the provision of the goods, services or facilities (where the property, goods, services or facilities is or are provided free of charge), or
  - (b) the difference between that commercial rate and the amount of expenses actually incurred by or on behalf of the candidate in respect of the use of the property or the provision of the services or facilities (where the property, goods, services or facilities is or are provided at a discount),as is reasonably attributable to the use made of the property, goods, services or facilities as mentioned in subsection (1)(b) above.
- (5) Where the services of an employee are made available by his employer for the use or benefit of a candidate, then for the purposes of this section the commercial rate for the provision of those services shall be the amount of the remuneration and allowances payable to the employee by his employer in respect of the period for which his services are so made available (but shall not include any amount in respect of any contributions or other payments for which the employer is liable in respect of the employee).
- (6) In this section “market value”, in relation to any property or goods, means the price which might reasonably be expected to be paid for the property or goods on a sale in the open market; and paragraph 2(6)(a) of Schedule 2A to this Act shall apply with any necessary modifications for the purpose of determining, for the purposes of subsection (1) above, whether property or goods is or are transferred to a candidate or his election agent.]

#### Textual Amendments

**F111** Ss. 90A-90D inserted (1.7.2001) by 2000 c. 41, s. 134(1)(2) (with s. 156(6)); S.I. 2001/222, art. 4, Sch. 2 Pt. I (subject to transitional provisions in Sch. 2 Pt. II)

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

**C73** S. 90C applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3(1), Sch. 1

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**[<sup>F112</sup>90D Modification of sections 90A to 90C in relation to election of London members of the London Assembly.**

- (1) Sections 90A to 90C above shall have effect, in their application in relation to candidates at an election of London members of the London Assembly at an ordinary election, subject to the following modifications.
- (2) In relation to any such candidates included in a list of candidates submitted by a registered political party in connection with the election—
  - (a) references to anything done by or on behalf of, or in relation to, a candidate at the election shall be construed as a reference to any such thing done by or on behalf of, or in relation to, all or any of the candidates on the list; and
  - (b) “for the purposes of the candidate’s election” shall (instead of having the meaning given by section 90A(4) above) be construed as meaning with a view to, or otherwise in connection with promoting or procuring electoral success for the party, that is to say, the return at the election of all or any of the candidates on the list.
- (3) Section 90A above shall have effect with the substitution of the following subsection for subsection (5)—
 

“(5) In this Part, and in Part III of this Act, any reference (in whatever form) to promoting or procuring a candidate’s election at an election, or to promoting or procuring electoral success for a party, includes doing so by prejudicing the electoral prospects of other candidates or parties at the election.”]

**Textual Amendments**

**F112** Ss. 90A-90D inserted (1.7.2001) by 2000 c. 41, s. 134(1)(2) (with s. 156(6)); S.I. 2001/222, art. 4, Sch. 2 Pt. I (subject to transitional provisions in Sch. 2 Pt. II)

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