



Representation of the People Act 1983

1983 CHAPTER 2

PART II

THE ELECTION CAMPAIGN

Supplemental

116 Rights of creditors.

The provisions of this Part of this Act prohibiting—

- (a) payments and contracts for payments,
- (b) the payment or incurring of election expenses in excess of the maximum amount allowed by this Act, or
- (c) the incurring of expenses not authorised by the election agent,

do not affect the right of any creditor, who, when the contract was made or the expense was incurred, was ignorant of that contract or expense being in contravention of this Act.

Modifications etc. (not altering text)

- C1** Ss. 111–117 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C2** Ss. 111–117 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C3** S. 116 applied (with modifications) (2.4.2001) by S.I. 2001/1298, reg. 8, **Sch. 3** Table 2
- C4** S. 116 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**)
S. 116 applied (with modifications) (E.) (28.7.2007) by *The Local Authorities (Conduct of Referendums) (England) Regulations 2007* (S.I. 2007/2089), **regs. 8, 11, 13**, {Sch. 4 Table 1}
- C5** S. 116 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), **Sch. 1**
S. 116 applied (with modifications) (N.I.) (24.5.1998) by S.I. 1998/1126, art. 6, **Sch. 2**
S. 116 applied (with modifications) (W.) (24.3.2004) by *The Local Authorities (Conduct of Referendums) (Wales) Regulations 2004* (S.I. 2004/870), **reg. 8**, {Sch. 3 Table 2} (which S.I. was revoked (24.7.2008) by S.I. 2008/1848)

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- S. 116 applied (with modifications) (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 6(2), **Sch. 2 Pt. 2**
- C6** S. 116 applied (with modifications) (W.) (24.7.2008) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2008 \(S.I. 2008/1848\)](#), **reg. 8**, {Sch. 4 para. 1 Table 1}
- C7** S. 116 applied (with modifications) (E.) (9.2.2012) by [The Local Authorities \(Conduct of Referendums\)\(England\) Regulations 2012 \(S.I. 2012/323\)](#), **reg. 1**, **Sch. 4 para. 1**
- C8** S. 116(a) applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 1

117 Savings as to parliamentary elections.

- (1) Where a person has been declared by others to be a candidate at a parliamentary election without his consent, nothing in this Part of this Act shall be construed to impose any liability on that person, unless he has afterwards given his assent to the declaration or has been nominated.
- (2) Nothing in this Part makes it illegal for an employer to permit parliamentary electors or their proxies to absent themselves from his employment for a reasonable time for the purpose of voting at the poll at a parliamentary election without having any deduction from their salaries or wages on account of their absence, if the permission—
 - (a) is (so far as practicable without injury to the employer’s business) given equally to all persons alike who are at the time in his employment, and
 - (b) is not given with a view to inducing any person to record his vote for any particular candidate at the election, and
 - (c) is not refused to any person for the purpose of preventing him from recording his vote for any particular candidate at the election,
 but this subsection shall not be construed as making illegal any act which would not be illegal apart from this subsection.

Modifications etc. (not altering text)

- C9** Ss. 111–117 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C10** Ss. 111–117 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C11** S. 117 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**)
- C12** S. 117 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), **Sch. 1**
S. 117 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, **art. 3(1)(b)(6)(d)(7)**
S. 117 applied (with modifications) (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**
- C13** S. 117(2) applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 1
S. 117(2) applied (with modifications) (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 6(2), **Sch. 2 Pt. 2**

118 Interpretation of Part II.

In this Part of this Act, unless the context otherwise requires—

“appropriate officer” has the meaning given by section 67(7) above;

[^{F1}“candidate” shall be construed in accordance with section 118A below;]

“committee room” does not include any house or room occupied by a candidate as a dwelling, by reason only of the candidate transacting business there with his agents in relation to the election, and no room or building shall

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be deemed to be a committee room by reason only of the candidate or any agent of the candidate addressing in it electors, committee members or others;

“date of the allowance of an authorised excuse” has the meaning given by section 86(8) above, or paragraph 7 of Schedule 4 to this Act, as the case may be;

“declaration as to election expenses” means a declaration made under section 82 above, or, as the case may be, paragraph 3 of Schedule 4 to this Act;

“disputed claim” has the meaning given by section 79(1) above as extended by section 80 above;

[^{F2}“election expenses”, in relation to an election, shall be construed in accordance with [^{F3}sections 90ZA] to 90D above;]

“money” and “pecuniary reward” shall (except in [^{F4}sections 71A, 113 and 114 above and Schedule 2A to this Act]) be deemed to include—

- (a) any office, place or employment, and
- (b) any valuable security or other equivalent of money, and
- (c) any valuable consideration,

and expressions referring to money shall be construed accordingly;

“payment” includes any pecuniary or other reward;

“personal expenses” as used with respect to the expenditure of any candidate in relation to any election includes the reasonable travelling expenses of the candidate, and the reasonable expenses of his living at hotels or elsewhere for the purposes of and in relation to the election;

“return as to election expenses” means a return (including the bills and receipts to be [^{F5}delivered] with it) to be made under section 81(1) above, or, as the case may be, paragraph 3 of Schedule 4 to this Act.

Textual Amendments

- F1** Definition of “candidate” in s. 118 substituted (1.7.2001) by 2000 c. 41, s. 135(1)(3) (with s. 156(6)); S.I. 2001/222, art. 4, Sch. 2 Pt. I (subject to transitional provisions in Sch. 2 Pt. II)
- F2** Definition of “election expenses” in s. 118 substituted (1.7.2001) by 2000 c. 41, s. 138(1)(2), Sch. 18 para. 15(a) (with s. 156(6)); S.I. 2001/222, art. 4, Sch. 2 Pt. I (subject to transitional provisions in Sch. 2 Pt. II)
- F3** Words in s. 118 substituted (11.9.2006) by Electoral Administration Act 2006 (c. 22), ss. 74(1), 77, Sch. 1 para. 119 (with Sch. 1 para. 133); S.I. 2006/1972, art. 3, Sch. 1 paras. 24, 25(c) (subject to transitional provisions in art. 4, Sch. 2)
- F4** Words in the definition of “money” in s. 118 substituted (1.7.2001) by 2000 c. 41, s. 138(1)(2), Sch. 18 para. 15(b) (with s. 156(6)); S.I. 2001/222, art. 4, Sch. 2 Pt. I (subject to transitional provisions in Sch. 2 Pt. II)
- F5** Word substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, Sch. 4 para. 43

Modifications etc. (not altering text)

- C14** S. 118 applied (with modifications) (E.W.S.) by S.I. 1986/2209, regs. 2, 5(1)(6)-(8), Sch. 1 Pt. I
- S. 118 applied (with modifications) (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I
- S. 118 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)-(8), Sch. 1
- S. 118 applied (with modifications) (2.4.2001) by S.I. 2001/1298, reg. 8, Sch. 3 Table 2
- S. 118 applied (W.) (24.3.2004) by The Local Authorities (Conduct of Referendums) (Wales) Regulations 2004 (S.I. 2004/870), reg. 8, {Sch. 3 Table 2} (which S.I. was revoked (24.7.2008) by S.I. 2008/1848)

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- S. 118 applied (with modifications) (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 6(2), **Sch. 2 Pt. 2**
- C15** S. 118 applied (N.I.) (25.4.1998) by [S.I. 1998/1126](#), art. 6, **Sch. 2**
- S. 118 applied (E.) (28.7.2007) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2007 \(S.I. 2007/2089\)](#), **regs. 8, 11, 13**, {Sch. 4 Table 1}
- C16** S. 118 modified (S.) (prosp.) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), ss. 35, 63, **Sch. 2 paras. 9, 13**
- C17** S. 118 applied (with modifications) (W.) (24.7.2008) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2008 \(S.I. 2008/1848\)](#), **reg. 8**, {Sch. 4 para. 1 Table 1}
- C18** S. 118 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**)
- C19** S. 118 applied (with modifications) (E.) (9.2.2012) by [The Local Authorities \(Conduct of Referendums\)\(England\) Regulations 2012 \(S.I. 2012/323\)](#), reg. 1, **Sch. 4 para. 1**

118A Meaning of candidate.

- (1) References to a candidate in this Part of this Act shall be construed in accordance with this section (except where the context otherwise requires).
- (2) A person becomes a candidate at a parliamentary election—
- (a) on the date of—
 - (i) the dissolution of Parliament, or
 - (ii) in the case of a by-election, the occurrence of the vacancy, in consequence of which the writ for the election is issued if on or before that date he is declared by himself or by others to be a candidate at the election, and
 - (b) otherwise, on the day on which he is so declared by himself or by others or on which he is nominated as a candidate at the election (whichever is the earlier).
- (3) A person becomes a candidate at an election under the local government Act—
- (a) on the last day for publication of notice of the election if on or before that day he is declared by himself or by others to be a candidate at the election, and
 - (b) otherwise, on the day on which he is so declared by himself or by others or on which he is nominated as a candidate at the election (whichever is the earlier),
- or, in the case of a person included in a list of candidates submitted by a registered political party in connection with an election of the London members of the London Assembly at an ordinary election, on the day on which the list is submitted by the party.

119 Computation of time for purposes of Part II.

- (1) Where the day or last day on which anything is required or permitted to be done by or in pursuance of this Part of this Act is any of the days mentioned in subsection (2) below—
- (a) the requirement or permission shall be deemed to relate to the first day thereafter which is not one of those days; and
 - (b) in computing any period of not more than 7 days for the purposes of this Part any of the days so mentioned shall be disregarded.

[^{F7}(2) The days referred to in subsection (1) above are Saturday, Sunday, Christmas Eve, Christmas Day, [^{F8}Maundy Thursday,] Good Friday, a bank holiday or a day appointed for public thanksgiving or mourning [^{F9}(but, in relation to a parliamentary general

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election, excluding any day to which rule 2 of the parliamentary elections rules does not apply by virtue of rule 2(2A)].

- (3) In this section “bank holiday”, in relation to any election, means a day which is a bank holiday in the part of the United Kingdom in which the constituency or, as the case may be, electoral area is situated.]

Textual Amendments

- F7** S. 119(2)(3) substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), **s. 19(4)**
- F8** Words in s. 119(2) repealed except as they apply to local government elections in Scotland (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 20, 77, **Sch. 1 para. 51(1)**, **Sch. 2 Note** (with saving in **Sch. 1 para. 51(2)**); [S.I. 2006/3412](#), art. 3, **Sch. 1 para. 14(g)(aa)(bb)(ii)(cc)(v)** (subject to transitional provisions in **art. 6, Sch. 2**); [S.I. 2008/1316](#), **arts. 2, 4**; and the same words repealed for those excepted purposes (S.) (29.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), ss. 30, 63; [S.S.I. 2007/26](#), art. 2(1)(k)
- F9** Words in s. 119(2) inserted (15.9.2011) by [Fixed-term Parliaments Act 2011 \(c. 14\)](#), s. 7(2), **Sch. para. 9** (with s. 6)

Modifications etc. (not altering text)

- C21** S. 119 applied (N.I.) by [S.I. 1986/2250](#), regs. 2, 3, 5, **Sch. 1 Pt. 1**
- C22** S. 119 applied (E.W.S.) by [S.I. 1986/2209](#), regs. 2, 3, 5(1)(6)-(8), **Sch. 1 Pt. 1**
- C23** S. 119 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**)
- C24** S. 119 applied (with modifications) (2.4.2001) by [S.I. 2001/1298](#), reg. 8, **Sch. 3 Table 2**
- C25** S. 119 applied (with modifications) (N.I.) (4.5.1996) by [S.I. 1996/1220](#), art. 3(1)(b)(5)-(8), **Sch. 1**
S. 119 applied (with modifications) (W.) (24.3.2004) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2004 \(S.I. 2004/870\)](#), **reg. 8**, {**Sch. 3 Table 2**} (which S.I. was revoked (24.7.2008) by [S.I. 2008/1848](#))
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- C26** S. 119 applied (with modifications) (W.) (24.7.2008) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2008 \(S.I. 2008/1848\)](#), **reg. 8**, {**Sch. 4 para. 1 Table 1**}
- C27** S. 119 applied (with modifications) by [S.I. 2001/1184](#), reg. 9, **Sch. Pt. 1** (as substituted (17.3.2009) by [S.I. 2009/726](#), regs. 1(1), 2(3)(4), **Sch.**)
- C28** S. 119 applied (with modifications) (E.) (9.2.2012) by [The Local Authorities \(Conduct of Referendums\)\(England\) Regulations 2012 \(S.I. 2012/323\)](#), reg. 1, **Sch. 4 para. 1**

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