



# Representation of the People Act 1983

## 1983 CHAPTER 2

### PART III

#### LEGAL PROCEEDINGS

##### *Consequences of finding by election court of corrupt or illegal practice*

#### **158 Report as to candidate guilty of a corrupt or illegal practice.**

- (1) The report of an election court under section 144 or section 145 above shall state whether any corrupt or illegal practice has or has not been proved to have been committed by or with the knowledge and consent of any candidate at the election, and the nature of the corrupt or illegal practice.
- (2) For the purposes of sections 159 and 160 below—
  - (a) if it is reported that a corrupt practice other than treating or undue influence was committed with the knowledge and consent of a candidate, he shall be treated as having been reported personally guilty of that corrupt practice, and
  - (b) if it is reported that an illegal practice was committed with the knowledge and consent of a candidate at a parliamentary election, he shall be treated as having been reported personally guilty of that illegal practice.
- (3) The report shall also state whether any of the candidates has been guilty by his agents of any corrupt or illegal practice in reference to the election; but if a candidate is reported guilty by his agents of treating, undue influence or any illegal practice, and the court further reports that the candidate has proved to the court—
  - (a) that no corrupt or illegal practice was committed at the election by the candidate or his election agent and the offences mentioned in the report were committed contrary to the orders and without the sanction or connivance of the candidate or his election agent, and
  - (b) that the candidate and his election agent took all reasonable means for preventing the commission of corrupt and illegal practices at the election, and

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- (c) that the offences mentioned in the report were of a trivial, unimportant and limited character, and
- (d) that in all other respects the election was free from any corrupt or illegal practice on the part of the candidate and of his agents,

then the candidate shall not be treated for the purposes of section 159 as having been reported guilty by his agents of the offences mentioned in the report.

In relation to an election where candidates are not required to have election agents, for paragraphs (a) and (b) above the following paragraphs shall be substituted—

- “(a) that no corrupt or illegal practice was committed at the election by the candidate or with his knowledge or consent and the offences mentioned in the report were committed without the sanction or connivance of the candidate, and
- (b) that all reasonable means for preventing the commission of corrupt and illegal practices at the election were taken by and on behalf of the candidate.”

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

- C1** S. 158 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)-(8), **Sch. 1 Pt. I**  
S. 158 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C2** S. 158 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)-(8), **Sch. 1**  
S. 158 applied (with modifications) (11.3.1999) by S.I. 1999/787, art. 85(1)(3), **Sch. 6 Pt. I** (which S.I. was revoked (21.11.2002 except for specified purposes) by S.I. 2002/2779, **arts. 1, 2** (which S.I. was revoked (15.3.2007) by S.I. 2007/937, **art. 2(a)**))  
S. 158 applied (with modifications) (21.11.2002 except for specified purposes) by **The Scottish Parliament (Elections etc.) Order 2002 (S.I. 2002/2779)**, arts. 1, 81, **Sch. 6 Pt. I** (which S.I. was revoked (15.3.2007) by S.I. 2007/937, **art. 2(a)**)  
S. 158 applied (with modifications) (15.3.2007 except for specified purposes) by **The Scottish Parliament (Elections etc.) Order 2007 (S.I. 2007/937)**, arts. 1, 83, **Sch. 6 Pt. I**
- C3** S. 158 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**)

#### **159 Candidate reported guilty of corrupt or illegal practice.**

- (1) If a candidate who had been elected is reported by an election court personally guilty or guilty by his agents of any corrupt or illegal practice his election shall be void.
- (2) A candidate at a parliamentary election shall also be incapable from the date of the report of being elected to and sitting in the House of Commons for the constituency for which the election was held or any constituency which includes the whole or any part of the area of the firstmentioned constituency as constituted for the purposes of the election—
  - (a) if reported personally guilty of a corrupt practice, for ten years;
  - (b) if reported guilty by his agents of a corrupt practice or personally guilty of an illegal practice, for seven years;
  - (c) if reported guilty by his agents of an illegal practice, during the parliament for which the election was held.
- (3) A candidate at an election under the local government Act shall also be incapable from the date of the report of holding any corporate office in the local government area for

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which the election was held, or in any local government area which includes the whole or any part of the area of the first mentioned local government area as constituted for the purposes of the election, or, if the election was in Scotland, of holding any corporate office in Scotland—

- (a) if reported personally guilty of a corrupt practice, for ten years,
- (b) if reported guilty by his agents of a corrupt practice, for three years,
- (c) if reported personally guilty or guilty by his agents of an illegal practice, during the period for which the candidate was elected to serve or for which if elected he might have served,

and if at the date of the report he holds any such corporate office, then the office shall be vacated as from that date.

In this subsection “corporate office” in England and Wales means the office of [<sup>F1</sup>Mayor of London or member of the London Assembly, of]chairman, mayor or councillor of a county [<sup>F2</sup>, county borough], London borough, district or parish or community council or of chairman of a parish or community meeting; and in Scotland the office of councillor of any local authority.

- (4) The provisions of this section as to the consequences of the report that a candidate was guilty by his agents of a corrupt or illegal practice have effect subject to the express provisions of this Act relating to particular acts which are declared to be corrupt or illegal practices.

#### Textual Amendments

- F1 S. 159(3): words in definiton of “corporate office” inserted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 para. 35** (with **Sch. 12 para. 9(1)**); S.I. 1999/3376, **art. 2**
- F2 Words in the definition of “corporate office” in s. 159(3) inserted (20.3.1995) by 1994 c. 19, s. 66(6), **Sch. 16 para. 68(15)** (with ss. 54(4)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**); S.I. 1995/546, art. 3, **Sch.**

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

- C4 S. 159 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C5 S. 159 applied with modifications (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C6 S. 159 applied (with modifications) (11.3.1999) by S.I. 1999/787, art. 85(1)(3), **Sch. 6 Pt. I**
- C7 S. 159 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)–(8), **Sch. 1**

## 160 Persons reported personally guilty of corrupt or illegal practices.

- (1) The report of the election court under section 144 or section 145 above shall state the names of all persons (if any) who have been proved at the trial to have been guilty of any corrupt or illegal practice <sup>F3</sup>. . . , but in the case of someone—

- (a) who is not a party to the petition, or
- (b) who is not a candidate on behalf of whom the seat or office is claimed by the petition,

the election court shall first cause notice to be given to him, and if he appears in pursuance of the notice shall give him an opportunity of being heard by himself and of calling evidence in his defence to show why he should not be so reported.

<sup>F4</sup>(2) . . . . .

[<sup>F5</sup>(3) The report shall be laid before the Director of Public Prosecutions.]

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- (4) Subject to the provisions of section 174 below, a candidate or other person reported by an election court personally guilty of a corrupt practice shall for five years from the date of the report be incapable—
- (a) of being registered as an elector or voting at any parliamentary election in the United Kingdom or at any election in Great Britain to any public office, and
  - (b) of being elected to and sitting in the House of Commons, and
  - (c) of holding any public or judicial office,
- and, if already elected to the House of Commons or holding such office, shall from that date vacate the seat or office.
- (5) Subject to the provisions of section 174, a candidate or other person reported by an election court personally guilty of an illegal practice shall for five years from the date of the report be incapable of being registered as an elector or voting at any parliamentary election or at any election or to a public office held—
- (a) if the offence was committed in reference to a parliamentary election, for or within the constituency for which it was held or for or within any constituency or local government area wholly or partly within the area of the first mentioned constituency as constituted for the purposes of the election;
  - (b) if the offence was committed in reference to an election under the local government Act, for or within the local government area for which the election was held or for or within any constituency or local government area wholly or partly within the area of the first mentioned local government area as constituted for the purposes of the election.
- Where the offence was committed in reference to an election of councillors in Scotland, for the reference to an election to a public office there shall be substituted a reference to an election to the office of councillor.
- (6) Without prejudice to the generality of the provisions of section 205(2) below, nothing in subsection (4) or subsection (5) above affects matters relating to the Northern Ireland Assembly or local elections or holding office in Northern Ireland.
- (7) The provisions of this section as to the consequences of the report that a candidate was guilty by his agents of a corrupt or illegal practice have effect subject to the express provisions of this Act relating to particular acts which are declared to be corrupt or illegal practices.

#### Textual Amendments

- F3** Words repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 28, **Sch. 5**
- F4** [S. 160\(2\)](#) repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), ss. 24, 28, **Sch. 4 para. 52(a)**, Sch. 5
- F5** [S. 160\(3\)](#) substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, **Sch. 4 para. 52(b)**

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

- C8** [S. 160](#) applied with modifications (N.I.) by [S.I. 1986/2250](#), regs. 2, 3, 5, **Sch. 1 Pt. I**
- C9** [S. 160](#) applied with modifications (E.W.S.) by [S.I. 1986/2209](#), regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C10** [S. 160](#) applied (with modifications) (11.3.1999) by [S.I. 1999/787](#), art. 85(1)–(3), **Sch. 6 Pts. I II**
- C11** [S. 160](#) applied (with modifications) (N.I.) (4.5.1996) by [S.I. 1996/1220](#), art. 3(1)(5)–(8), **Sch. 1**
- C12** [S. 160\(4\)](#) extended (W.) (11.12.1999) by [S.I. 1999/450](#), **art. 124(2)**
- C13** [S. 160\(4\)\(5\)\(7\)](#) applied (with modifications) (31.7.1997) by [1997 c. 61](#), s. 3, **Sch. 3 para. 13** Table 1

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**C14** S. 160(4) applied (with modifications) (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**

**C15** S. 160(5) extended (W.) (11.12.1999) by S.I. 1999/450, **art. 124(3)**

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