



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 Elections (Northern Ireland) Order 1996 (S.I. 1996/1220), art. 3(1)(b)(5)-(8), **Sch. 1**
S. 158 applied (with modifications) (11.3.1999) by The Scottish Parliament (Elections etc.) Order 1999 (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 The Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599), art. 3, **Sch. 1** (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, **Sch. 1**)
- C4** S. 158 applied (with modifications) (30.12.2010 except for specified purposes) by The Scottish Parliament (Elections etc.) Order 2010 (S.I. 2010/2999), arts. 1(1), 84(1)(3), **Sch. 6 Pt. 1** (with art. 1(2)(3))
- C5** S. 158 applied (with modifications) (25.7.2012) by The Police and Crime Commissioner Elections Order 2012 (S.I. 2012/1917), arts. 1(2), 50(6), **Sch. 9 para. 1(5)**
- C6** S. 158 applied (with modifications) (S.) (16.12.2015) by The Scottish Parliament (Elections etc.) Order 2015 (S.S.I. 2015/425), arts. 1(1), 82(1)(3), **Sch. 6 Pt. 1** (with art. 1(2))

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.

^{F1}(2)

- [^{F2}(3) A candidate at a local government election in Scotland who is reported personally guilty or guilty by his agents of any corrupt or illegal practice shall also be incapable

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from the date of the report of holding the office of councillor of any local authority in Scotland—

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

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

- (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(2) repealed (16.2.2001) by 2000 c. 41, ss. 137, 158(2), Sch. 17 para. 7(a), **Sch. 22** (with ss. 156(6), 158(3)); S.I. 2001/222, art. 2, **Sch. 1 Pt. 1**, Annex (with Sch. 1 Pt. II para. 6)
- F2** S. 159(3) substituted (16.2.2001) by 2000 c. 41, s. 137, **Sch. 17 para. 7(b)**, (with s. 156(6)); S.I. 2001/222, art. 2, **Sch. 1 Pt. 1** (with Sch. 1 Pt. II para. 6)

Modifications etc. (not altering text)

- C7** S. 159 applied (with modifications) (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)-(8), **Sch. 1 Pt. I**
S. 159 applied (with modifications) (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
S. 159 applied (with modifications) (N.I.) (4.5.1996) by Elections (Northern Ireland) Order 1996 (S.I. 1996/1220), art. 3(1)(5)-(8), **Sch. 1**
S. 159 applied (with modifications) (11.3.1999) by The Scottish Parliament (Elections etc.) Order 1999 (S.I. 1999/787), art. 85(1)(3), **Sch. 6 Pt. 1** (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. 159 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. 1** (which S.I. was revoked (15.3.2007) by S.I. 2007/937, art. 2(a))
S. 159 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. 1**
- C8** S. 159 applied (with modifications) (1.8.2001) by The Northern Ireland Assembly (Elections) Order 2001 (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. 159 applied (with modifications) (30.12.2010 except for specified purposes) by The Scottish Parliament (Elections etc.) Order 2010 (S.I. 2010/2999), arts. 1(1), 84(1)(3), **Sch. 6 Pt. 1** (with art. 1(2)(3))
- C10** S. 159 applied (with modifications) (S.) (16.12.2015) by The Scottish Parliament (Elections etc.) Order 2015 (S.S.I. 2015/425), arts. 1(1), 82(1)(3), **Sch. 6 Pt. 1** (with art. 1(2))
- C11** S. 159(1)(4) applied (with modifications) (25.7.2012) by The Police and Crime Commissioner Elections Order 2012 (S.I. 2012/1917), arts. 1(2), 50(6), **Sch. 9 para. 1(5)**

160 Persons reported personally guilty of corrupt or illegal practices.

- (1) ^{F3}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 . . . , but in the case of someone—

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- (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.

^{F4}(2)

[^{F5}(3) The report shall be laid before the Director of Public Prosecutions.]

[^{F6}(4) Subject to the provisions of subsection (4A) and section 174 below, a candidate or other person reported by an election court personally guilty of a corrupt or illegal practice—

- (a) shall during the relevant period specified in subsection (5) below be incapable of—
 - (i) being registered as an elector or voting at any parliamentary election in the United Kingdom or at any local government election in Great Britain,
 - (ii) being elected to the House of Commons, or
 - (iii) holding any elective office; and
- (b) if already elected to a seat in the House of Commons, or holding any such office, shall vacate the seat or office as from the date of the report.

(4A) The incapacity imposed by subsection (4)(a)(i) above applies only to a candidate or other person reported personally guilty of a corrupt practice under section 60 [^{F7} [^{F8}, 62A or 62B]] above or of an illegal practice under section 61 above.

- (5) For the purposes of subsection (4) above the relevant period is the period beginning with the date of the report and ending—
 - (a) in the case of a person reported personally guilty of a corrupt practice, five years after that date, or
 - (b) in the case of a person reported personally guilty of an illegal practice, three years after that date.

(5A) Subject [^{F9} [^{F10} . . .] to the provisions of section 174 but in addition to any incapacity arising by virtue of subsection (4) above, a candidate or other person reported by an election court personally guilty of a corrupt practice—

- (a) shall for the period of five years beginning with the date of the report, be incapable of holding any public or judicial office in Scotland, and
- (b) if already holding such an office, shall vacate it as from that date.]

[^{F11}(5B) ^{F12}

(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.

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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)**
- F6** Ss. 160(4)-(5A) substituted (16.2.2001) for s. 160(4)(5) by [2000 c. 41, s. 137, Sch. 17 para. 8](#), (with s. 156(6)); [S.I. 2001/222, art. 2, Sch. 1 Pt. I](#) (with [Sch. 1 Pt. II para. 6](#))
- F7** Words in s. 160(4A) inserted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 74(1), 77, **Sch. 1 para. 120(2)**; [S.I. 2006/1972, art. 3](#), **Sch. 1 paras. 24, 25(d)** (subject to transitional provisions in [art. 4, Sch. 2](#))
- F8** Words in s. 160(4A) substituted (3.5.2007) by [The Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(Consequential Provisions and Modifications\) Order 2007 \(S.I. 2007/931\)](#), **art. 2(3)(a)**
- F9** Words in s. 160(5A) repealed (29.1.2007 for S. and 3.5.2007 for E.W.N.I.) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 34(2)(a)**, 63; [S.S.I. 2007/26, art. 2\(1\)\(m\)](#); [S.I. 2007/931, arts. 1, 2\(3\)\(b\)](#)
- F10** Words in s. 160(5A) inserted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 74(1), 77, **Sch. 1 para. 120(3)**; [S.I. 2006/1972, art. 3](#), **Sch. 1 paras. 24, 25(d)** (subject to transitional provisions in [art. 4, Sch. 2](#))
- F11** S. 160(5B) inserted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 74(1), 77, **Sch. 1 para. 120(4)**; [S.I. 2006/1972, art. 3](#), **Sch. 1 paras. 24, 25(d)** (subject to transitional provisions in [art. 4, Sch. 2](#))
- F12** S. 160(5B) repealed (S.) (29.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 34(2)(b)**, 63; [S.S.I. 2007/26, art. 2\(1\)\(m\)](#)

Modifications etc. (not altering text)

- C12** S. 160 applied (with modifications) (E.W.S.) by [S.I. 1986/2209, regs. 2, 3, 5\(1\)\(6\)-\(8\)](#), **Sch. 1 Pt. I**
S. 160 applied (with modifications) (N.I.) by [S.I. 1986/2250, regs. 2, 3, 5](#), **Sch. 1 Pt. I**
S. 160 applied (with modifications) (N.I.) (4.5.1996) by [Elections \(Northern Ireland\) Order 1996 \(S.I. 1996/1220\)](#), **art. 3(1)(5)-(8)**, **Sch. 1**
S. 160 applied (with modifications) (11.3.1999) by [The Scottish Parliament \(Elections etc.\) Order 1999 \(S.I. 1999/787\)](#), **art. 85(1)-(3)**, **Sch. 6 Pts. I, II** (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. 160 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 Pts. I, II** (which S.I. was revoked (15.3.2007) by [S.I. 2007/937, art. 2\(a\)](#))
- C13** S. 160 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 Pts. I, II**
- C14** S. 160 applied (with modifications) (1.8.2001) by [The Northern Ireland Assembly \(Elections\) Order 2001 \(S.I. 2001/2599\)](#), **art. 3, Sch. 1** (as substituted (10.2.2009) by [S.I. 2009/256, arts. 1\(2\), 3](#), **Sch. 1**)
- C15** S. 160 applied (with modifications) (30.12.2010) except for specified purposes) by [The Scottish Parliament \(Elections etc.\) Order 2010 \(S.I. 2010/2999\)](#), **arts. 1(1), 84(2)(3)**, **Sch. 6 Pt. 2** (with [art. 1\(2\)\(3\)](#))
- C16** S. 160 applied (with modifications) (30.12.2010) except for specified purposes) by [The Scottish Parliament \(Elections etc.\) Order 2010 \(S.I. 2010/2999\)](#), **arts. 1(1), 84(1)(3)**, **Sch. 6 Pt. 1** (with [art. 1\(2\)\(3\)](#))
- C17** S. 160 modified (25.7.2012) by [The Police and Crime Commissioner Elections Order 2012 \(S.I. 2012/1917\)](#), **arts. 1(2), 75**

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- C18** S. 160 applied (with modifications) (S.) (16.12.2015) by [The Scottish Parliament \(Elections etc.\) Order 2015 \(S.S.I. 2015/425\)](#), arts. 1(1), 82(1)(3), **Sch. 6 Pt. 1** (with art. 1(2))
- C19** S. 160(1)(3) applied (with modifications) (2.4.2001) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2001 \(S.I. 2001/1298\)](#), reg. 19(8), **Sch. 6**
S. 160(1)(3) applied (with modifications) (W.) (24.3.2004) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2004 \(S.I. 2004/870\)](#), reg. 15(8), **Sch. 5** (which S.I. was revoked (24.7.2008) by [S.I. 2008/1848](#))
- C20** S. 160(1)(3) applied (with modifications) (E.) (28.7.2007) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2007 \(S.I. 2007/2089\)](#), reg. 15, **Sch. 16**
- C21** S. 160(1)(3) applied (with modifications) (W.) (24.7.2008) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2008 \(S.I. 2008/1848\)](#), reg. 11, **Sch. 5**
- C22** S. 160(1)(3) applied (with modifications) (E.W.) (9.2.2012) by [The Local Authorities \(Conduct of Referendums\)\(England\) Regulations 2012 \(S.I. 2012/323\)](#), reg. 1, **Sch. 6**
- C23** S. 160(1)(3) applied (with modifications) (E.W.S.) (18.2.2012) by [The Local Authorities \(Conduct of Referendums\) \(Council Tax Increases\) \(England\) Regulations 2012 \(S.I. 2012/444\)](#), reg. 1, **Sch. 6** (with reg. 27)
- C24** S. 160(4)(5)(7) applied (with modifications) (31.7.1997) by [Referendums \(Scotland and Wales\) Act 1997 \(c. 61\)](#), s. 3, **Sch. 3 para. 13** Table 1

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