



Representation of the People Act 1983

1983 CHAPTER 2

PART III

LEGAL PROCEEDINGS

Director of Public Prosecutions' duty to report corrupt practice

161 Justice of the Peace.

Where a justice of the peace is reported by an election court to have been guilty of any corrupt practice in reference to an election, ^{F1} . . . [^{F2}the court shall] report the case to the Lord Chancellor [^{F3}and the Lord Chief Justice]^{F4}or, in the case of a justice of the peace for any area in Scotland, [^{F5}to] the Secretary of State] with such evidence as may have been given of the corrupt practice.

Textual Amendments

- F1** Words repealed by Representation of the People Act 1985 (c. 50, SIF 42), s. 28, **Sch. 5**
- F2** Words substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, **Sch. 4 para. 53(a)**
- F3** Words in s. 161 inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 4 para. 149(a)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 10, 11(q)
- F4** Words inserted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, **Sch. 4 para. 53(b)**
- F5** Word in s. 161 inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 4 para. 149(b)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 10, 11(q)

Modifications etc. (not altering text)

- C1** S. 161 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)-(8), **Sch. 1 Pt. I**
S. 161 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C2** S. 161 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 I** (which S.I. was revoked (21.11.2002 except for specified purposes) by S.I. 2002/2779, **arts. 1, 2** (which S.I. was revoked (15.3.2007) by S.I. 2007/937, **art. 2(a)**))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. 161 applied (with modifications) (2.4.2001) by S.I. 2001/1298, reg. 19(8), **Sch. 6**

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- S. 161 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 I** (which S.I. was revoked (15.3.2007) by [S.I. 2007/937](#), art. 2(a))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. 161 applied (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\(Conduct of Referendums\) \(Wales\) Regulations 2004 \(S.I. 2004/870\)](#), reg. 15(8), **Sch. 5** (which S.I. was revoked (24.7.2008) by [S.I. 2008/1848](#))
- S. 161 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. 161 applied (E.) (28.7.2007) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2007 \(S.I. 2007/2089\)](#), reg. 15, **Sch. 6**
- C4** S. 161 applied (W.) (24.7.2008) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2008 \(S.I. 2008/1848\)](#), reg. 11, **Sch. 5**
- C5** S. 161 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**)

162 Member of legal and certain other professions.

[^{F6}(1)] Where a barrister, advocate, solicitor[^{F7}, authorised person] or any person who belongs to any profession the admission to which is regulated by law is reported by an election court to have been guilty of any corrupt practice in reference to an election,^{F8} . . . —

- (a) [^{F9}the court shall] bring the matter before the Inn of Court [^{F10}Faculty of Advocates], High Court[^{F11}, tribunal or other body] having power to take cognizance of any misconduct of the person in his profession; and
- (b) the Inn of Court [^{F10}Faculty of Advocates], High Court[^{F11}, tribunal or other body] may deal with him as if the corrupt practice were misconduct by him in his profession.

[^{F12}(2) In subsection (1) “authorised person” means a person (other than a barrister or solicitor) who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes a reserved legal activity (within the meaning of that Act).]

Textual Amendments

- F6** S. 162 renumbered as s. 162(1) (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208, 211, **Sch. 21 para. 51(a)** (with ss. 29, 192, 193); [S.I. 2009/3250](#), **art. 2(h)** (with art. 9)
- F7** Words in s. 162 inserted (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208, 211, **Sch. 21 para. 51(b)(i)** (with ss. 29, 192, 193); [S.I. 2009/3250](#), **art. 2(h)** (with art. 9)
- F8** Words repealed by [Representation of the People Act 1985 \(c. 50\)](#), s. 28, **Sch. 5**
- F9** Words substituted by [Representation of the People Act 1985 \(c. 50\)](#), s. 24, **Sch. 4 para. 54(a)**
- F10** Words inserted by [Representation of the People Act 1985 \(c. 50\)](#), s. 24, **Sch. 4 para. 54(b)**
- F11** Words in s. 162(1) substituted (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208, 211, **Sch. 21 para. 51(b)(ii)** (with ss. 29, 192, 193); [S.I. 2009/3250](#), **art. 2(h)** (with art. 9)
- F12** S. 162(2) inserted (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208, 211, **Sch. 21 para. 51(c)** (with ss. 29, 192, 193); [S.I. 2009/3250](#), art. 2(h) (with art. 9)

Modifications etc. (not altering text)

- C6** S. 162 applied (E.W.S.) by [S.I. 1986/2209](#), regs. 2, 3, 5(1)(6)-(8), **Sch. 1 Pt. I**
- S. 162 applied (N.I.) by [S.I. 1986/2250](#), regs. 2, 3, 5, **Sch. 1 Pt. I**
- S. 162 applied (E.) (28.7.2007) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2007 \(S.I. 2007/2089\)](#), reg. 15, **Sch. 16**

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- C7** S. 162 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**)
S. 162 applied (with modifications) (2.4.2001) by S.I. 2001/1298, reg. 19(8), **Sch. 6**
S. 162 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. 162 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**
S. 162 applied (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)
S. 162 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**
- C8** S. 162 applied (W.) (24.7.2008) by The Local Authorities (Conduct of Referendums) (Wales) Regulations 2008 (S.I. 2008/1848), reg. 11, **Sch. 5**

163 Holder of licence or certificate under Licensing Acts.

- (1) If it appears to an election court that a person holding a licence or certificate under the Licensing Acts has knowingly permitted any bribery or treating in reference to any election to take place upon his licensed premises—
- (a) the court shall, after affording him such rights as are conferred on those about to be reported under section 160(1) above, report the fact; and
 - (b) ^{F13} . . . , [^{F14}the court shall] bring the report before the licensing authority from whom, or on whose certificate, that person obtained his licence, and the licensing authority shall cause the report to be entered in the proper register of licences.
- (2) The entry of the report in that register shall be taken into consideration by the licensing authority in determining whether they will or will not grant a renewal of the licence or certificate of the person reported and may be a ground, if the authority think fit, for refusing renewal.

Textual Amendments

- F13** Words repealed by Representation of the People Act 1985 (c. 50, SIF 42), s. 28, **Sch. 5**
F14 Words substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, **Sch. 4 para. 55**

Modifications etc. (not altering text)

- C9** S. 163 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)-(8), **Sch. 1 Pt. I**
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- C10** S. 163 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)**))
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- C12** S. 163 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**)

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