



Representation of the People Act 1983

1983 CHAPTER 2

PART III

LEGAL PROCEEDINGS

Further provision as to avoidance of elections and striking off votes

164 Avoidance of election for general corruption etc.

- (1) Where on an election petition it is shown that corrupt or illegal practices or illegal payments, employments or hirings committed in reference to the election for the purpose of promoting or procuring the election of any person at that election have so extensively prevailed that they may be reasonably supposed to have affected the result—
 - (a) his election, if he has been elected, shall be void, and
 - (b) he shall be incapable of being elected to fill the vacancy or any of the vacancies for which the election was held.
- (2) An election shall not be liable to be avoided otherwise than under this section by reason of general corruption, bribery, treating or intimidation.
- (3) An election under the local government Act may be questioned on the ground that it is avoided under this section.

Modifications etc. (not altering text)

- C1** S. 164 applied (E.W.S.) by [S.I. 1986/2209](#), [regs. 2, 3, 5\(1\)\(6\)-\(8\)](#), [Sch. 1 Pt. I](#)
S. 164 applied (N.I.) by [S.I. 1986/2250](#), [regs. 2, 3, 5](#), [Sch. 1 Pt. I](#)
- C2** S. 164 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. 164 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 I](#) (which S.I. was revoked (21.11.2002 except for specified purposes) by [S.I. 2002/2779](#), [arts. 1, 2](#) (which S.I. was revoked (15.3.2007) by [S.I. 2007/937](#), [art. 2\(a\)](#)))

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- S. 164 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 I** (which S.I. was revoked (15.3.2007) by [S.I. 2007/937](#), art. 2(a))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. 164 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. 164 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. 164 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. I** (with art. 1(2)(3))
- C5** S. 164 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. 164 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))
- C7** S. 164(1)(2) 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. 164(1)(2) 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](#))
- S. 164(1)(2) applied (E.) (28.7.2007) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2007 \(S.I. 2007/2089\)](#), reg. 15, **Sch. 6**
- C8** S. 164(1)(2) 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**
- C9** S. 164(1)(2) 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**
- C10** S. 164(1)(2) 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)

165 Avoidance of election for employing corrupt agent.

- (1) If at a parliamentary or local government election a candidate or his election agent personally engages as a canvasser or agent for the conduct or management of the election any person whom he knows or has reasonable grounds for supposing to be subject to an incapacity to vote at the election by reason—
- (a) of his having been convicted or reported of any corrupt or illegal practice within the meaning of this Act or of the law relating to elections for the Northern Ireland Assembly,^{F1}...
- ^{F1}(b)
- the candidate shall be incapable of being elected to fill the vacancy or any of the vacancies for which the election is held.
- (2) A local government election may be questioned on the ground that the person whose election is questioned was, at the time of the election, by virtue of this section incapable of being elected.
- (3) A vote given for a person who, at the time of the election, was by virtue of this section incapable of being elected shall not, by reason of that incapacity, be deemed to be thrown away so as to entitle another candidate to be declared elected, unless given at a poll consequent on the decision of an election court that he was so incapable.
- [^{F2}(4) In the case of an election of the Mayor of London, a vote deemed in accordance with subsection (3) above to be thrown away shall be so deemed only to the extent that it

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is a vote given so as to indicate that the person who was under the incapacity is the voter's first or second preference from among the candidates.]

Textual Amendments

- F1** S. 165(1)(b) and preceding word repealed (1.7.2011) by [Bribery Act 2010 \(c. 23\)](#), s. 19(1), [Sch. 2](#) (with [ss. 16, 19\(5\)](#)); [S.I. 2011/1418](#), art. 2
- F2** S. 165(4) inserted (14.12.1999) by [1999 c. 29](#), s. 17, [Sch. 3 para. 36](#) (with [Sch. 12 para. 9\(1\)](#)); [S.I. 1999/3376](#), art. 2

Modifications etc. (not altering text)

- C11** S. 165 applied (with modifications) (E.W.S.) by [S.I. 1986/2209](#), regs. 2, 3, 5(1)(6)-(8), [Sch. 1 Pt. I](#)
S. 165 applied (with modifications) (N.I.) by [S.I. 1986/2250](#), regs. 2, 3, 5, [Sch. 1 Pt. I](#)
S. 165 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. 165 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. 165 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](#)
- C12** S. 165 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](#))
- C13** S. 165 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))
- C14** S. 165 modified (25.7.2012) by [The Police and Crime Commissioner Elections Order 2012 \(S.I. 2012/1917\)](#), arts. 1(2), [76](#)
- C15** S. 165 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))

166 Votes to be struck off for corrupt or illegal practices.

- (1) Where, on a parliamentary election petition claiming the seat for any person, a candidate is proved to have been guilty by himself, or by any person on his behalf, of bribery, treating or undue influence in respect of any person who voted at the election there shall, on a scrutiny, be struck off from the number of votes appearing to have been given to the candidate one vote for every person who voted at the election and is proved to have been so bribed, treated or unduly influenced.
- (2) If any person who is guilty of a corrupt or illegal practice or of illegal payment, employment or hiring at an election votes at the election, his vote shall be void.
- (3) If any person who is subject under any enactment relating to corrupt or illegal practices to an incapacity to vote at a parliamentary election [^{F3}, local government election or an election under the Local Government (Scotland) etc. Act 1994 (c. 39)] [^{F4}to any public office in Scotland] votes at that election, his vote shall be void.

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Textual Amendments

- F3** Words in s. 166(3) substituted (S.) (2.5.2007) by [Local Governance \(Scotland\) Act 2004 \(asp 9\), ss. 5\(1\)\(b\), 17; S.S.I. 2007/25, art. 2\(2\)](#)
- F4** Words in s. 166(3) substituted (16.2.2001) by [2000 c. 41, s. 137, Sch. 17 para. 9](#), (with s. 156(6)); [S.I. 2001/222, art. 2, Sch. 1 Pt. I](#) (with [Sch. 1 Pt. II](#))

Modifications etc. (not altering text)

- C16** S. 166 applied (E.W.S.) by [S.I. 1986/2209, regs. 2, 3, 5\(1\)\(6\)-\(8\), Sch. 1 Pt. I](#)
S. 166 applied (N.I.) by [S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I](#)
- C17** S. 166 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](#)
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S. 166 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. 166 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](#)
- C18** S. 166 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))
- C19** S. 166 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))
- C20** S. 166(2)(3) 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](#))
- C21** S. 166(2)(3) 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\(5\)](#)

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