



Representation of the People Act 1983

1983 CHAPTER 2

PART III U.K.

LEGAL PROCEEDINGS

General provisions as to prosecutions

176 Time limit for prosecutions. U.K.

(1) A proceeding against a person in respect of [^{F1}any offence under any provision contained in or made under this Act] shall be commenced within one year after the offence was committed, and the time so limited by this section shall, in the case of any proceedings under the ^{M1}Magistrates' Courts Act 1980 (or, in Northern Ireland, the ^{M2}Magistrates' Courts (Northern Ireland) Order 1981) for any such offence, ^{F2} . . . be substituted for any limitation of time contained in that Act or Order.

[^{F3}(2) For the purposes of this section—

- (a) in England and Wales, the laying of an information;
- (b) in Scotland, the granting of a warrant to apprehend or cite the accused (if, in relation to an offence alleged to have been committed within the United Kingdom, such warrant is executed without [^{F4}undue] delay); and
- (c) in Northern Ireland, the making of a complaint,

shall be deemed to be the commencement of a proceeding.]

^{F5}(3)

Textual Amendments

F1 Words substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, Sch. 4 para. 61(a)

F2 Words repealed by Representation of the People Act 1985 (c. 50, SIF 42), s. 28, Sch. 5

F3 S. 176(2) substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, Sch. 4 para. 61(b)

Status: Point in time view as at 29/01/2001.

Changes to legislation: Representation of the People Act 1983, Cross Heading: General provisions as to prosecutions is up to date with all changes known to be in force on or before 01 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- F4** Word inserted (S.) by virtue of Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73, SIF 36:1, 39:1), ss. 23, 59(1), **Sch. 2 para. 32**
- F5** S. 176(3) repealed by Representation of the People Act 1985 (c. 50, SIF 42), ss. 24, 28, **Sch. 4 para. 61(c)**, Sch. 5

Modifications etc. (not altering text)

- C1** S. 176 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)-(8), **Sch. 1 Pt. I**
S. 176 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
S. 176 applied (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**
- C2** S. 176 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)-(8), **Sch. 1**
S. 176 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 1
S. 176 applied (with modifications) (11.3.1999) by 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. 176 applied (with modifications) (2.4.2001) by S.I. 2001/1298, regs. 8, 10(4), **Sch. 3** Table 2 (subject to regs. 9-12, 15-17, 20, 25)
S. 176 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3(1), **Sch. 1**
S. 176 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)**)
S. 176 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)
S. 176 applied (23.7.2004) by The Regional Assembly and Local Government Referendums Order 2004 (S.I. 2004/1962), art. 6(2), **Sch. 2 Pt. 2**

Marginal Citations

- M1** 1980 c. 43.
M2 S.I. 1981/1675 (N.I. 26).

177 Local election offence punishable summarily. **U.K.**

[^{F6}(1)] A prosecution for any offence punishable summarily committed in reference to an election under the local government Act—

- (a) may be instituted before any magistrates' court in the county in which the local government area for which the election was held is situated or which it adjoins; and
- (b) the offence shall be deemed for all purposes to have been committed within the jurisdiction of that court.

This section does not apply in Scotland.

^{F7}(2)

Textual Amendments

- F6** S. 177 renumbered as s. 177(1) (1.4.1996) by 1994 c. 19, s. 1(3), **Sch. 2 para. 12(1)** (with ss. 54(4)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**); S.I. 1995/3198, art. 3, **Sch. 1**
- F7** S. 177(2) added (1.4.1996) by 1994 c. 19, s. 1(3), **Sch. 2 para. 12(1)** (with ss. 54(4)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**); S.I. 1995/3198, art. 3, **Sch. 1**; and s. 177(2) repealed (1.4.1996) by S.I. 1996/675, art. 2, **Sch. Pt. II para. 5**)

Status: Point in time view as at 29/01/2001.

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Modifications etc. (not altering text)

- C3** S. 177 amended (1.4.1996) by S.I. 1996/674, reg. 2, **Sch. Pt. II para. 5(2)(n)**
S. 177 amended (1.4.1996) by S.I. 1996/675, art. 2, **Sch. Pt. II para. 7(2)(n)**
S. 177 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 1
S. 177 applied (with modifications) (2.4.2001) by S.I. 2001/1298, regs. 8, 10(4), **Sch. 3** Table 2 (subject to regs. 9-12, 15-17, 20, 25)
S. 177 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)
S. 177 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**
S. 177 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}
C4 S. 177 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}

[^{F8}178 **Prosecution of offences committed outside the United Kingdom.** **U.K.**

Proceedings in respect of an offence under this Act alleged to have been committed outside the United Kingdom by a Commonwealth citizen or citizen of the Republic of Ireland may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom.]

Textual Amendments

- F8** S. 178 substituted by **Representation of the People Act 1985** (c. 50, SIF 42), s. 24, **Sch. 4 para. 62**

Modifications etc. (not altering text)

- C5** S. 178 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)-(8), **Sch. 1 Pt. I**
S. 178 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
S. 178 applied (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**
S. 178 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}
C6 S. 178 modified (17.2.1994) by S.I. 1994/342, **regs. 1(2)(3), 5(3), 6(3)**
C7 S. 178 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)-(8), **Sch. 1**
S. 178 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 1
S. 178 applied (with modifications) (11.3.1999) by 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. 178 applied (with modifications) (2.4.2001) by S.I. 2001/1298, regs. 8, 10(4), **Sch. 3** Table 2 (subject to regs. 9-12, 15-17, 20, 25)
S. 178 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))
S. 178 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)
S. 178 applied (23.7.2004) by **The Regional Assembly and Local Government Referendums Order 2004** (S.I. 2004/1962), art. 6(2), **Sch. 2 Pt. 2**
S. 178 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**

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- C8** S. 178 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}
- C9** S. 178 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**)

179 Offences by associations. **U.K.**

Where—

- (a) any corrupt or illegal practice or any illegal payment, employment or hiring, or
- (b) any offence under section 110 above,

is committed by any association or body of persons, corporate or unincorporate, the members of the association or body who have taken part in the commission of the offence shall be liable to any fine or punishment imposed for that offence by this Act.

Modifications etc. (not altering text)

- C10** S. 179 applied (E.W.S.) by [S.I. 1986/2209](#), regs. 2, 3, 5(1)(6)-(8), **Sch. 1 Pt. I**
S. 179 applied (N.I.) by [S.I. 1986/2250](#), regs. 2, 3, 5, **Sch. 1 Pt. I**
S. 179 applied (N.I.) (25.4.1998) by [S.I. 1998/1126](#), art. 6, **Sch. 2**
- C11** S. 179 applied (with modifications) (N.I.) (4.5.1996) by [S.I. 1996/1220](#), art. 3(1)(b)(5)-(8), **Sch. 1**
S. 179 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 1
S. 179 applied (with modifications) (11.3.1999) by [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. 179 applied (with modifications) (2.4.2001) by [S.I. 2001/1298](#), regs. 8, 10(4), **Sch. 3** Table 2 (subject to regs. 9-12, 15-17, 20, 25)
S. 179 applied (with modifications) (1.8.2001) by [S.I. 2001/2599](#), art. 3(1), **Sch. 1**
S. 179 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))
S. 179 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](#))
S. 179 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**

180 Evidence by certificate of holding of elections. **U.K.**

On—

- (a) any prosecution for a corrupt or illegal practice or for any illegal payment, employment or hiring, and
- (b) any proceedings for a penalty under section 85 above or paragraph 4 of Schedule 4 to this Act,

the certificate of the returning officer at an election—

- (i) that the election mentioned in the certificate was duly held, and
- (ii) that the person named in the certificate was a candidate at the election,

shall be sufficient evidence of the facts stated in it.

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Modifications etc. (not altering text)

- C12** S. 180 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)-(8), **Sch. 1 Pt. I**
S. 180 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C13** S. 180 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)-(8), **Sch. 1**
S. 180 applied (with modifications) (11.3.1999) by 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. 180 applied (with modifications) (2.4.2001) by S.I. 2001/1298, reg. 19(8), **Sch. 6**
S. 180 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))
S. 180 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. 180 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**
S. 180 applied (with modifications) (E.) (28.7.2007) by The Local Authorities (Conduct of Referendums) (England) Regulations 2007 (S.I. 2007/2089), reg. 15, **Sch. 6**
- C14** S. 180 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**
- C15** S. 180 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**)

[^{F9}180A Evidence by certificate of electoral registration. **U.K.**

The certificate of a registration officer that any person is or is not, or was or was not at any particular time, duly registered in one of the officer's registers in respect of any address shall be sufficient evidence of the facts stated in it; and a document purporting to be such a certificate shall be received in evidence and presumed to be such a certificate unless the contrary is proved.]

Textual Amendments

- F9** S. 180A inserted (29.1.2001 for certain purposes and otherwise 16.2.2001) by 2000 c. 2, s. 8, **Sch. 1 para. 20**; S.I. 2001/116, **art. 2(1)(2)** (with art. 2(3)-(5))

Modifications etc. (not altering text)

- C16** S. 180A applied (with modifications) (N.I.) (16.2.2001) by 1989 c. 3, s. 2, **Sch. 1 Pts. I, II** (with s. 13(6)) (as amended (16.2.2001) by 2000 c. 2, s. 8, **Sch. 3 para. 3(8)**); S.I. 2001/116, **art. 2(1)** (with art. 2(3)-(5))
S. 180A 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))
S. 180A applied (23.7.2004) by The Regional Assembly and Local Government Referendums Order 2004 (S.I. 2004/1962), art. 6(2), **Sch. 2 Pt. 2**
S. 180A 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**
- C17** S. 180A 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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181 Director of Public Prosecutions. **U.K.**

- (1) Where information is given to the Director of Public Prosecutions that any ^{F10}offence under this Act has been committed], it is his duty to make such inquiries and institute such prosecutions as the circumstances of the case appear to him to require.
- (2) The Director by himself or by his assistant or by his representative appointed under subsection (3) below ^{F11}may and, if the election court so requests him, shall] attend the trial of every election petition.
- (3) The Director may nominate, ^{F12}. . . , a barrister or solicitor ^{F12}. . . to be his representative for the purposes of this Part of this Act ^{F12}. . .
- ^{F13}(4) The Director in performing any duty under this Act shall act in accordance with regulations under the ^{M3}Prosecution of Offences Act 1979, and subject to them in accordance with the directions (if any) given to him by the Attorney General; and any assistant or representative of the Director in performing any duty under this Part shall act in accordance with those regulations and directions (if any) and with the directions given to him by the Director.]
- (5) There shall be allowed to the Director and his assistant or representative for the purposes of this Part (other than his general duties under subsection (1) above) such allowances for expenses as the Treasury may approve.
- (6) The costs incurred in defraying the expenses of the Director incurred for those purposes (including the remuneration of his representative) shall, in the first instance, be paid by the Treasury, and ^{F14}. . . shall be deemed to be expenses of the election court; but if for any reasonable cause it seems just to the court so to do, the court shall order all or part of those costs to be repaid to the Treasury by the parties to the petition, or such of them as the court may direct.
- (7) In the application of this section to Scotland, subsections (2) to (6) shall be omitted.
- ^{F15}(8) In the application of this section to Northern Ireland, the reference to the ^{M4}Prosecution of Offences Act 1979 does not apply.]

Textual Amendments

- F10** Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, **Sch. 4 para. 63(a)**
- F11** Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, **Sch. 4 para. 63(b)**
- F12** Words repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), ss. 24, 28, **Sch. 4 para. 63(c)**, Sch. 5
- F13** [S. 181\(4\)](#) repealed (E.W.) by [Prosecution of Offences Act 1985 \(c. 23, SIF 39:1\)](#), s. 31(6), **Sch. 2**
- F14** Words repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 28, **Sch. 5**
- F15** [S. 181\(8\)](#) repealed (E.W.) by [Prosecution of Offences Act 1985 \(c. 23, SIF 39:1\)](#), s. 31(6), **Sch. 2**

Modifications etc. (not altering text)

- C18** [S. 181](#) applied (E.W.S.) by [S.I. 1986/2209](#), regs. 2, 3, 5(1)(6)-(8), **Sch. 1 Pt. I**
[S. 181](#) applied (N.I.) by [S.I. 1986/2250](#), regs. 2, 3, 5, **Sch. 1 Pt. I**
[S. 181](#) applied (N.I.) (25.4.1998) by [S.I. 1998/1126](#), art. 6, **Sch. 2**
- C19** [S. 181](#) applied (with modifications) (N.I.) (4.5.1996) by [S.I. 1996/1220](#), art. 3(1)(b)(5)-(8), **Sch. 1**
[S. 181](#) applied (with modifications) (11.3.1999) by [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)**))

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- S. 181 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. 181 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))
- S. 181 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
- C20** S. 181(1) applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, Sch. 3 para. 13 Table 1
- S. 181(1) applied (with modifications) (2.4.2001) by S.I. 2001/1298, regs. 8, 10(4), Sch. 3 Table 2 (subject to regs. 9-12, 15-17, 20, 25)
- S. 181(1) 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)
- S. 181(1) applied (23.7.2004) by The Regional Assembly and Local Government Referendums Order 2004 (S.I. 2004/1962), art. 6(2), Sch. 2 Pt. 2
- C21** S. 181(1) 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}
- C22** S. 181(1) 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}

Marginal Citations

- M3** 1979 c. 31.
M4 1979 c. 31.

Status:

Point in time view as at 29/01/2001.

Changes to legislation:

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