



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

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: Representation of the People Act 1983, Section 158 is up to date with all changes known to be in force on or before 07 July 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)

- (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**)

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