



# Representation of the People Act 1983

## 1983 CHAPTER 2

### PART III

#### LEGAL PROCEEDINGS

##### *Prosecutions for corrupt or illegal practices*

#### **[<sup>F1</sup>173 Incapacities on conviction of corrupt or illegal practice.**

- (1) Subject to subsection (2) below, a person convicted of a corrupt or illegal practice—
- (a) shall, during the relevant period specified in subsection (3) 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, or
    - (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 subject to and in accordance with subsections (4) and (5) below.
- (2) The incapacity imposed by subsection (1)(a)(i) above applies only to a person convicted of a corrupt practice under section 60<sup>[F2]</sup>, 62A or 62B] above or of an illegal practice under section 61 above.
- (3) For the purposes of subsection (1)(a) above the relevant period is the period beginning with the date of the conviction and ending—
- (a) in the case of a person convicted of a corrupt practice, five years after that date, or
  - (b) in the case of a person convicted of an illegal practice, three years after that date,

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*Status: Point in time view as at 18/05/2017. This version of this provision has been superseded.*

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except that if (at any time within that period of five or three years) a court determines on an appeal by that person against the conviction that it should not be upheld, the relevant period shall end at that time instead.

- (4) Where subsection (1)(b) applies to any person, he shall (subject to subsection (5) below) vacate the seat or office in question at the appropriate time for the purposes of this section, namely—
- (a) the end of the period which is the period prescribed by law within which notice of appeal may be given, or an application for leave to appeal may be made, by him in respect of the conviction, or
  - (b) if (at any time within that period) that period is extended—
    - (i) the end of the period as so extended, or
    - (ii) the end of the period of three months beginning with the date of the conviction,
 whichever is the earlier.
- (5) If (before the appropriate time mentioned in subsection (4) above) notice of appeal is given, or an application for leave to appeal is made, by such a person in respect of the conviction, he shall vacate the seat or office in question at the end of the period of three months beginning with the date of the conviction unless—
- (a) such an appeal is dismissed or abandoned at any earlier time (in which case he shall vacate the seat or office at that time), or
  - (b) at any time within that period of three months the court determines on such an appeal that the conviction should not be upheld (in which case the seat or office shall not be vacated by him).
- (6) Where such a person vacates a seat or office in accordance with subsection (4) or (5) above, no subsequent determination of a court that his conviction should not be upheld shall entitle him to resume the seat or office.
- (7) If a person convicted of a corrupt or illegal practice has already been elected to a seat in the House of Commons or to any elective office, he shall (in addition to being subject to the incapacities mentioned in subsection (1)(a) above) be suspended from performing any of his functions as a Member of Parliament, or (as the case may be) any of the functions of that office, during the period of suspension specified in subsection (8) below.
- (8) For the purposes of subsection (7) above the period of suspension is the period beginning with the date of the conviction and ending with—
- (a) the date on which the seat or office is vacated in accordance with subsection (4) or (5) above, or
  - (b) where subsection (5)(b) above applies, the date on which the court determines that the conviction should not be upheld.
- (9) Any incapacities or other requirement applying to a person by virtue of subsection (1) or (7) above applies in addition to any punishment imposed under section 168 or 169 above; but each of those subsections has effect subject to section 174 below.
- (10) Without prejudice to the generality of section 205(2) below, nothing in this section affects matters relating to the Northern Ireland Assembly or local elections or holding office in Northern Ireland.]

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### Textual Amendments

- F1** S. 173, 173A substituted for s. 173 (16.2.2001) by 2000 c. 41, **s. 136**; S.I. 2001/222, art. 2, **Sch. 1 Pt. I** (with **Sch. 1 Pt. 2 para. 6**)
- F2** Words in s. 173(2) 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(4)**

### Modifications etc. (not altering text)

- C1** Pt. 3 applied (with modifications) (4.3.2016) by **The Recall of MPs Act 2015 (Recall Petition) Regulations 2016 (S.I. 2016/295), reg. 1, Sch. 4 Pt. 1** (with **Sch. 4 para. 2**)
- C2** S. 173 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))
- C3** S. 173 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)**)
- C4** S. 173 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**)
- C5** S. 173 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**
- C6** S. 173 modified (16.2.2011) by **Parliamentary Voting System and Constituencies Act 2011 (c. 1), s. 19(1), Sch. 4 para. 3**
- C7** S. 173 modified (25.7.2012) by **The Police and Crime Commissioner Elections Order 2012 (S.I. 2012/1917), arts. 1(2), 77**
- C8** S. 173 applied (with modifications) (3.8.2012) by **The Neighbourhood Planning (Referendums) Regulations 2012 (S.I. 2012/2031), regs. 1, 8, 12, 13, Sch. 4 Pt. 1**
- C9** S. 173 applied (with modifications) by **The Neighbourhood Planning (Referendums) Regulations 2012 (S.I. 2012/2031), reg. 17, Sch. 8 Table 1** (as inserted (E.W.) (6.4.2013) by **S.I. 2013/798, regs. 1, 7, Sch. 3**)
- C10** S. 173 modified (26.2.2016) by **The European Union Referendum (Conduct) Regulations 2016 (S.I. 2016/219), reg. 1, Sch. 1 para. 38** (with **Sch. 1 para. 1(3)**)
- C11** S. 173 applied (4.3.2016) by **Recall of MPs Act 2015 (c. 25), ss. 12(5)(b), 24(3)**; **S.I. 2016/290, reg. 2**
- C12** S. 173 applied (4.3.2016) by **Recall of MPs Act 2015 (c. 25), s. 24(3), Sch. 3 para. 25(1)(b)**; **S.I. 2016/290, reg. 2**
- C13** S. 173 applied (4.3.2016) by **Recall of MPs Act 2015 (c. 25), s. 24(3), Sch. 3 para. 25(2)(b)**; **S.I. 2016/290, reg. 2**
- C14** S. 173 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)) (which amendment is continued (18.5.2017) by **S.I. 2017/602, regs. 1, 9**)
- C15** S. 173(1)(a)(i)(2)(3) applied (with modifications) (2.4.2001) by **The Local Authorities (Conduct of Referendums) (England) Regulations 2001 (S.I. 2001/1298), regs. 8, 10(4), Sch. 3 Table 2** (subject to regs. 9-12, 15-17, 20, 25)  
S. 173(1)(a)(i)(2)(3) 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**)
- C16** S. 173(1)(a)(i)(2)(3) 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**
- C17** S. 173(1)(a)(i)(2)(3) 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}**
- C18** S. 173(1)(a)(i)(2)(3) applied (with modifications) (E.) (9.2.2012) by **The Local Authorities (Conduct of Referendums)(England) Regulations 2012 (S.I. 2012/323), reg. 1, Sch. 4 para. 1**

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**C19** S. 173(1)(a)(i)(2)(3) applied (with modifications) (E.) (18.2.2012) by [The Local Authorities \(Conduct of Referendums\) \(Council Tax Increases\) \(England\) Regulations 2012 \(S.I. 2012/444\)](#), reg. 1, [Sch. 4 para. 1](#) (with reg. 27)

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