



# Representation of the People Act 1983

## 1983 CHAPTER 2

### PART I

#### PARLIAMENTARY AND LOCAL GOVERNMENT FRANCHISE AND ITS EXERCISE

##### *Offences*

#### [<sup>F1</sup>63 **Breach of official duty.**

- (1) If a person to whom this section applies is, without reasonable cause, guilty of any act or omission in breach of his official duty, he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (2) No person to whom this section applies shall be liable for breach of his official duty to any penalty at common law and no action for damages shall lie in respect of the breach by such a person of his official duty.
- (3) The persons to whom this section applies are—
  - (a) the Clerk of the Crown (or, in Northern Ireland, the Clerk of the Crown for Northern Ireland),
  - (b) any sheriff clerk, registration officer, returning officer or presiding officer,
  - (c) any other person whose duty it is to be responsible after a [<sup>F2</sup>parliamentary or] local government election for the used ballot papers and other documents (including returns and declarations as to expenses),
  - (d) any [<sup>F3</sup>official designated by a universal postal service provider], and
  - (e) any deputy of a person mentioned in any of paragraphs (a) to (d) above or any person appointed to assist or in the course of his employment assisting a person so mentioned in connection with his official duties;

and “official duty” shall for the purposes of this section be construed accordingly, but shall not include duties imposed otherwise than by the law relating to parliamentary or local government elections or the registration of parliamentary or local government electors.]

*Status: Point in time view as at 01/01/2007. This version of this provision has been superseded.*

*Changes to legislation: Representation of the People Act 1983, Section 63 is up to date with all changes known to be in force on or before 25 May 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)*

[<sup>F4</sup>(4) Where—

- (a) a returning officer for an election to which section 46 of the Electoral Administration Act 2006 applies is guilty of an act or omission in breach of his official duty, but
- (b) he remedies that act or omission in full by taking steps under subsection (1) of that section,

he shall not be guilty of an offence under subsection (1) above.

- (5) Subsection (4) does not affect any conviction which takes place, or any penalty which is imposed, before the date on which the act or omission is remedied in full.]

#### Textual Amendments

- F1** S. 63 substituted for ss. 63, 64 by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, **Sch. 4 para. 19**
- F2** Words in s. 63 inserted (1.1.2007 for E.W.S. and 14.5.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), **ss. 41(8), 77**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(t) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, **arts. 2, 3**
- F3** Words in s. 63(3)(d) substituted (26.3.2001) by S.I. 2001/1149, **art. 3(1)**, **Sch. 1 para. 57(2)**
- F4** S. 63(4)(5) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), **ss. 46(6), 77**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(v) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, **arts. 2, 4**

#### Modifications etc. (not altering text)

- C1** S. 63 applied (with modifications) (E.W.S.) by S.I. 1986/2209, **regs. 2, 3, 5(1)(6)-(8)**, **Sch. 1 Pt. I**  
S. 63 applied (with modifications) (N.I.) by S.I. 1986/2250, **regs. 2, 3, 5**, **Sch. 1 Pt. I**  
S. 63 applied (with modifications) (E.W.) by S.I. 1986/1081, **regs. 2, 14(3)(4)(5)**, **Sch. 3 Pt. I** (which S.I. was revoked (23.3.2004) by S.I. 2004/294, **reg. 3**)  
S. 63 applied (with modifications) (N.I.) by S.I. 1986/1091, **regs. 2, 14(3)(4)(5)**, **Sch. 3 Pt. I**  
S. 63 applied (with modifications) (S.) by S.I. 1986/1111, **regs. 2, 13(3)(4)(5)**, **Sch. 3 Pt. I**  
S. 63 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, **art. 3(1)(5)-(8)**, **Sch. 1**  
S. 63 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 1  
S. 63 applied (with modifications) (N.I.) (25.4.1998) by S.I. 1998/1126, **art. 6**, **Sch. 2**  
S. 63 applied (with modifications) (E.W.) (16.2.2001) by S.I. 2001/341, **reg. 13(4)(5)**, **Sch. 4 Pt. I**  
S. 63 applied (with modifications) (N.I.) (16.2.2001) by S.I. 2001/400, **reg. 13(3)(4)**, **Sch. 4 Pt. I**  
S. 63 applied (with modifications) (9.4.2001) by S.I. 2001/1184, **reg. 9**, Sch. Pt. I (as substituted (17.3.2009) by S.I. 2009/726, **regs. 1(1), 2(3)(4)**, **Sch.**)  
S. 63 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. 63 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}
- C2** S. 63 applied (17.2.1994) by S.I. 1994/342, **regs. 1(2)(3), 2(2), 8(2)(3)**
- C3** S. 63 applied (with modifications) (N.I.) (1.7.2008) by The Representation of the People (Northern Ireland) Regulations 2008 (S.I. 2008/1741), **reg. 14(3)(4)**, **Sch. 4**
- C4** S. 63 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}
- C5** S. 63 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**)

**Status:**

Point in time view as at 01/01/2007. This version of this provision has been superseded.

**Changes to legislation:**

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