



# Representation of the People Act 1983

## 1983 CHAPTER 2

### PART II

#### THE ELECTION CAMPAIGN

##### *Election expenses*

#### **75 Prohibition of expenses not authorised by election agent.**

(1) No expenses shall, with a view to promoting or procuring the election of a candidate [<sup>F1</sup>(or, in the case of an election of the London members of the London Assembly at an ordinary election, a registered political party or candidates of that party)] at an election, be incurred by any person other than the candidate, his election agent and persons authorised in writing by the election agent on account—

- (a) of holding public meetings or organising any public display; or
- (b) of issuing advertisements, circulars or publications; or
- (c) of otherwise presenting to the electors the candidate or his views or the extent or nature of his backing or disparaging another candidate [<sup>F2</sup>or
- (d) in the case of an election of the London members of the London Assembly at an ordinary election, of otherwise presenting to the electors the candidate's registered political party (if any) or the views of that party or the extent or nature of that party's backing or disparaging any other registered political party]

but paragraph (c) [<sup>F3</sup>or (d)] of this subsection shall not—

- (i) restrict the publication of any matter relating to the election in a newspaper or other periodical or in a broadcast made by the British Broadcasting Corporation or [<sup>F4</sup>or by Sianel Pedwar Cymru or in a programme included in any service licensed under Part I or III of the Broadcasting Act 1990 [<sup>F5</sup>or Part I or II of the Broadcasting Act 1996];] or
- (ii) apply to any expenses not exceeding in the aggregate the sum of [<sup>F6</sup>£5] which may be incurred by an individual and are not incurred in pursuance of a plan

---

*Status: Point in time view as at 14/12/1999. This version of this provision has been superseded.*

*Changes to legislation: Representation of the People Act 1983, Section 75 is up to date with all changes known to be in force on or before 19 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)*

---

suggested by or concerted with others, or to expenses incurred by any person in travelling or in living away from home or similar personal expenses.

[<sup>F7</sup>(1A) In the application of subsection (1) above in relation to an election of the London members of the London Assembly at an ordinary election, any reference to the candidate includes a reference to all or any of the candidates of a registered political party.]

[<sup>F8</sup>(1B) In its application in relation to an Authority election, subsection (1)(ii) above shall have effect—

- (a) with the substitution for the monetary sum there specified of such sum as the Secretary of State may prescribe in an order made by statutory instrument; and
- (b) in the case of an election of the London members of the London Assembly at an ordinary election, with the omission of the words from “and are” to “others”.

(1C) Different sums may be prescribed under subsection (1B)(a) above in relation to—

- (a) an election of the Mayor of London;
- (b) an election of a constituency member of the London Assembly; and
- (c) an election of the London members of the London Assembly at an ordinary election.]

(2) Where a person incurs any expenses required by this section to be authorised by the election agent—

- (a) that person shall [<sup>F9</sup>within 21 days after the day on which the result of the election is declared deliver] to the appropriate officer a return of the amount of those expenses, stating the election at which and the candidate in whose support they were incurred, and
- (b) the return shall be accompanied by a declaration made by that person (or in the case of an association or body of persons, by a director, general manager, secretary or other similar officer of the association or body) verifying the return and giving particulars of the matters for which the expenses were incurred.

but this subsection does not apply to any person engaged or employed for payment or promise of payment by the candidate or his election agent.

(3) The return and declaration under the foregoing provisions of this section shall be in the prescribed form, and the authority received from the election agent shall be annexed to and deemed to form part of the return.

(4) A copy of every return and declaration made under subsection (2) above in relation to a parliamentary election in England, Wales or Northern Ireland shall be sent to the Clerk of the Crown within [<sup>F10</sup>21 days after the day on which the result of the election is declared] by the person making the return or declaration, and rule 57 of the parliamentary elections rules applies to any documents sent to the Clerk of the Crown under this subsection.

In this subsection references to the Clerk of the Crown in relation to an election in Northern Ireland are references to the Clerk of the Crown for Northern Ireland.

(5) If a person—

- (a) incurs, or aids, abets, counsels or procures any other person to incur, any expenses in contravention of this section, or
- (b) knowingly makes the declaration required by subsection (2) falsely,

*Status: Point in time view as at 14/12/1999. This version of this provision has been superseded.*

*Changes to legislation: Representation of the People Act 1983, Section 75 is up to date with all changes known to be in force on or before 19 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)*

he shall be guilty of a corrupt practice; and if a person fails to <sup>F11</sup>deliver or] send any declaration or return or a copy of it as required by this section he shall be guilty of an illegal practice, but—

- (i) the court before whom a person is convicted under this subsection may, if they think it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by virtue of section 173 below; and
  - (ii) a candidate shall not be liable, nor shall his election be avoided, for a corrupt or illegal practice under this subsection committed by an agent without his consent or connivance.
- (6) Where any act or omission of an association or body of persons, corporate or unincorporate, is an offence declared to be a corrupt or illegal practice by this section, any person who at the time of the act or omission was a director, general manager, secretary or other similar officer of the association or body, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence, unless he proves—
- (a) that the act or omission took place without his consent or connivance; and
  - (b) that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

<sup>F12</sup>(7) For the purposes of this section, in the case of an election of the London members of the London Assembly at an ordinary election, a candidate's registered political party is the registered political party (if any) which submitted for the purposes of that election a list of candidates on which the candidate in question is included.]

#### Textual Amendments

- F1** Words in s. 75(1) inserted (14.12.1999) by 1999 c. 29 s. 17, Sch. 3 para. 19 (with Sch. 12 para. 9(1)); S.I. 1999/3376, art. 2
- F2** S. 75(1)(d) and word “or” immediately preceding inserted (14.12.1999) by 1999 c. 29, s. 17, Sch. 3 para. 19 (with Sch. 12 para. 9(1)); S.I. 1999/3376, art. 2
- F3** Words in s. 75(1) inserted (14.12.1999) by 1999 c. 29, s. 17, Sch. 3 para. 19(2)(c) (with Sch. 12 para. 9(1)); S.I. 1999/3376, art. 2
- F4** Words substituted by Broadcasting Act 1990 (c. 42, SIF 96), s. 203(1), Sch. 20 para. 35(2)(5)
- F5** Words in s. 75(1)(i) inserted (1.10.1996) by 1996 c. 55, s. 148(1), Sch. 10 Pt. III paras. 28, 30; S.I. 1996/2120, art. 4, Sch. 1
- F6** “£5” substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 14(3)
- F7** S. 75(1A) inserted (14.12.1999) by 1999 c. 29, s. 17, Sch. 3 para. 19(3) (with Sch. 12 para. 9(1)); S.I. 1999/3376, art. 2
- F8** S. 75(1B)(1C) inserted (14.12.1999) by 1999 c. 29, s. 17, Sch. 3 para. 19(4) (with Sch. 12 para. 9(1)); S.I. 1999/3376, art. 2
- F9** Words substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, Sch. 4 para. 24(a)
- F10** Words substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, Sch. 4 para. 24(b)
- F11** Words inserted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, Sch. 4 para. 24(c)
- F12** S. 75(7) added (14.12.1999) by 1999 c. 29, s. 17, Sch. 3 para. 19(5) (with Sch. 12 para. 9(1)); S.I. 1999/3376, art. 2

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

- C1** S. 75 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I
- C2** S. 75 applied with modifications (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), Sch. 1 Pt. I
- C3** S. 75 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)–(8), Sch. 1
- C4** S. 75(2)(a) applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(6)(d)(7)

**Status:**

Point in time view as at 14/12/1999. This version of this provision has been superseded.

**Changes to legislation:**

Representation of the People Act 1983, Section 75 is up to date with all changes known to be in force on or before 19 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.