

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: Representation of the People Act 1985, Cross Heading: Part III (legal proceedings) is up to date with all changes known to be in force on or before 21 June 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)*

## SCHEDULES

### SCHEDULE 4

#### MISCELLANEOUS AMENDMENTS OF THE PRINCIPAL ACT

##### *Part III (legal proceedings)*

- 44 In section 122 (time for presentation or amendment of parliamentary election petition) in subsection (4) for the word “transmitting” there shall be substituted the word “delivering”.
- 45 In section 124 (judges’ expenses and reception: England and Wales and Northern Ireland) in paragraph (a) the words “receiving the judges and” and paragraph (b) shall cease to have effect.
- 46 In section 125 (judges’ expenses and reception: Scotland) paragraph (a) shall cease to have effect.
- 47 In section 126(3) (expenses of shorthand writers) for the words “in receiving the judges” there shall be substituted the words “under section 125 above”.
- 48 In section 136 (security for costs)—
- (a) in subsection (2)(a) (parliamentary elections) for “£1,000” there shall be substituted “such amount not exceeding £5,000 as the High Court or a judge of the High Court, on summons, directs”;
  - (b) in subsection (2)(b) (local government elections) for “£500” there shall be substituted “£2,500”;
  - (c) in subsection (2)(i)—
    - (i) at the beginning there shall be inserted the words “the amount mentioned in paragraph (a) above shall be such amount not exceeding £5,000 as the Court of Session or a judge of the Court of Session directs and”; and
    - (ii) for “£500” there shall be substituted “£2,500”;
  - (d) for subsection (3) there shall be substituted—

“(3) Within the prescribed time after giving the security the petitioner shall serve on the respondent in the prescribed manner—

    - (a) a notice of the presentation of the petition and of the amount and nature of the security, and
    - (b) a copy of the petition.”; and
  - (e) the following provisions shall cease to have effect—
    - (i) in subsection (4) the words “not exceeding five days after service of the notice”;
    - (ii) subsection (5);
    - (iii) in subsection (7) the words “not exceeding five days”.
- 49 In section 140 (witnesses)—

*Status: Point in time view as at 01/02/1991.*

**Changes to legislation:** Representation of the People Act 1985, Cross Heading: Part III (legal proceedings) is up to date with all changes known to be in force on or before 21 June 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)

- (a) subsection (5) (duty of Director of Public Prosecutions to obey the election court's directions concerning the summoning and examination of witnesses) shall cease to have effect; and
- (b) in subsection (7)—
- (i) for the words “Subsections (5) and (6) above do” there shall be substituted the words “Subsection (6) above does”;
  - (ii) for the word “shall”, where it first occurs, there shall be substituted the words “may, if the Lord Advocate so decides, and shall, if the election court so requests”; and
  - (iii) the words from “and shall give” to the end of the subsection shall cease to have effect.
- 50 Sections 141(3) and (4) and 142 (certificates of indemnity given to witnesses by election court) shall cease to have effect.
- 51 In section 156 (costs of election petition)—
- (a) in subsection (1) for the words from “the court” onwards there shall be substituted the words “the court may, subject to the provisions of subsection (5) below, make such order with respect to the whole or part of the costs of the petition as is mentioned in that subsection”; and
  - (b) subsections (2) to (4) (payment of costs by constituency or local authority in certain circumstances) shall cease to have effect.
- 52 In section 160 (persons reported personally guilty of corrupt or illegal practices)—
- (a) subsection (2) (duty of Director of Public Prosecutions to obey the election court's directions concerning person to whom notices are given under section 160(1)) shall cease to have effect; and
  - (b) for subsection (3) there shall be substituted—
 

“(3) The report shall be laid before the Director of Public Prosecutions.”.
- 53 In section 161 (justice of the peace)—
- (a) for the words “it is the duty of the Director of Public Prosecutions to” there shall be substituted the words “the court shall”; and
  - (b) after the words “Lord Chancellor” there shall be inserted the words “or, in the case of a justice of the peace for any area in Scotland, the Secretary of State”.
- 54 In section 162 (member of legal and certain other professions)—
- (a) in paragraph (a) for the words “it is the duty of the Director of Public Prosecutions to” there shall be substituted the words “the court shall”; and
  - (b) after the words “Inn of Court”, in both places where they occur, there shall be inserted the words “Faculty of Advocates”.
- 55 In subsection (1)(b) of section 163 (holder of licence or certificate under Licensing Acts) for the words “it is the duty of the Director of Public Prosecutions to” there shall be substituted the words “the court shall”.
- 56 In section 167 (applications for relief) after subsection (1) there shall be inserted—
- “(1A) Where a person makes an application under this section he shall notify the Director of Public Prosecutions of the application and the Director or his assistant or representative may attend the hearing of the application and make representations at the hearing in respect of it.”.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: Representation of the People Act 1985, Cross Heading: Part III (legal proceedings) is up to date with all changes known to be in force on or before 21 June 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)*

- 57 In section 168 (prosecutions for corrupt practices) subsections (5) and (6) (evidence of at least two credible witnesses required in cases of personation) shall cease to have effect.
- 58 Section 171 (prosecution of election petition offences in England and Wales and Northern Ireland) shall cease to have effect.
- 59 Section 172 (prosecution of election petition offences in Scotland) shall cease to have effect.
- 60 In section 173(a) (incapacities which arise on conviction of a corrupt practice on indictment) the words “on indictment” shall cease to have effect.
- 61 In section 176 (time limit for prosecutions)—
- (a) in subsection (1) for the words “any offence to which this section applies” there shall be substituted the words “any offence under any provision contained in or made under this Act”;
  - (b) for subsection (2) there shall be substituted—
    - “(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 [F1undue] delay); and
    - (c) in Northern Ireland, the making of a complaint,shall be deemed to be the commencement of a proceeding.”; and
  - (c) subsection (3) shall cease to have effect.

#### Textual Amendments

- F1** Words inserted (S.) by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1985 \(c. 73, SIF 36:1, 39:1\)](#), ss. 23, 59(1), [Sch. 2 para. 32](#)

- 62 For section 178 (prosecution of offences committed outside United Kingdom) there shall be substituted—

**“178 Prosecution of offences committed outside the United Kingdom.**

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.”.

- 63 In section 181—
- (a) in subsection (1) (duty of Director of Public Prosecutions to investigate and bring proceedings where any corrupt or illegal practice has occurred) for the words from “corrupt” to “election” there shall be substituted the words “offence under this Act has been committed”;
  - (b) in subsection (2) (duty of Director of Public Prosecutions or his assistant or representative to attend the trial of every election petition) for the word “shall” there shall be substituted the words “may and, if the election court so requests him, shall”; and

---

*Status: Point in time view as at 01/02/1991.*

**Changes to legislation:** Representation of the People Act 1985, Cross Heading: Part III (legal proceedings) is up to date with all changes known to be in force on or before 21 June 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) in subsection (3) (power of the Director to nominate a barrister or solicitor to be his representative) the words “with the Attorney General’s approval”, “of not less than ten years standing” and “and that representative shall receive such remuneration as the Treasury may approve” shall cease to have effect.

**Status:**

Point in time view as at 01/02/1991.

**Changes to legislation:**

Representation of the People Act 1985, Cross Heading: Part III (legal proceedings) is up to date with all changes known to be in force on or before 21 June 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.