



# Political Parties, Elections and Referendums Act 2000

## 2000 CHAPTER 41

### PART VII

#### REFERENDUMS

#### CHAPTER III

##### CONTROLS ON PUBLICATIONS

#### 126 Details to appear on referendum material.

- (1) No material wholly or mainly relating to a referendum to which this Part applies shall be published during the referendum period unless—
  - (a) in the case of material which is, or is contained in, such a printed document as is mentioned in subsection (3), (4) or (5), the requirements of that subsection are complied with; or
  - (b) in the case of any other material, any requirements falling to be complied with in relation to the material by virtue of regulations under subsection (6) are complied with.
- (2) For the purposes of subsections (3) to (5) the following details are “the relevant details” in the case of any material falling within subsection (1)(a), namely—
  - (a) the name and address of the printer of the document;
  - (b) the name and address of the promoter of the material; and
  - (c) the name and address of any person on behalf of whom the material is being published (and who is not the promoter).
- (3) Where the material is a document consisting (or consisting principally) of a single side of printed matter, the relevant details must appear on the face of the document.

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*Status: Point in time view as at 01/01/2007. This version of this provision has been superseded.*

*Changes to legislation: Political Parties, Elections and Referendums Act 2000, Section 126 is up to date with all changes known to be in force on or before 30 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)*

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- (4) Where the material is a printed document other than one to which subsection (3) applies, the relevant details must appear either on the first or the last page of the document.
- (5) Where the material is an advertisement contained in a newspaper or periodical—
- (a) the name and address of the printer of the newspaper or periodical must appear either on its first or last page; and
  - (b) the relevant details specified in subsection (2)(b) and (c) must be included in the advertisement.
- (6) The Secretary of State may, after consulting the Commission, by regulations make provision for and in connection with the imposition of requirements as to the inclusion in material falling within subsection (1)(b) of the following details, namely—
- (a) the name and address of the promoter of the material; and
  - (b) the name and address of any person on behalf of whom the material is being published (and who is not the promoter).
- (7) Regulations under subsection (6) may in particular specify—
- (a) the manner and form in which such details must be included in any such material for the purpose of complying with any such requirement;
  - (b) circumstances in which—
    - (i) any such requirement does not have to be complied with by a person of any description specified in the regulations, or
    - (ii) a breach of any such requirement by a person of any description so specified is not to result in the commission of an offence under this section by that person or by a person of any other such description;
  - (c) circumstances in which material is, or is not, to be taken for the purposes of the regulations to be published or (as the case may be) published by a person of any description so specified.
- (8) Where during the referendum period any material falling within subsection (1)(a) is published in contravention of subsection (1), then (subject to subsection (10))—
- (a) the promoter of the material,
  - (b) any other person by whom the material is so published, and
  - (c) the printer of the document,
- shall be guilty of an offence.
- (9) Where during the referendum period any material falling within subsection (1)(b) is published in contravention of subsection (1), then (subject to regulations made by virtue of subsection (7)(b) and to subsection (10))—
- (a) the promoter of the material, and
  - (b) any other person by whom the material is so published,
- shall be guilty of an offence.
- (10) It shall be a defence for a person charged with an offence under this section to prove—
- (a) that the contravention of subsection (1) arose from circumstances beyond his control; and
  - (b) that he took all reasonable steps, and exercised all due diligence, to ensure that that contravention would not arise.

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[<sup>F1</sup>(10A) Subsection (1) does not apply to any material published for the purposes of a referendum if the publication is required under or by virtue of any enactment.]

(11) In this section—

“print” means print by whatever means, and “printer” shall be construed accordingly;

“the promoter”, in relation to any material falling within subsection (1), means the person causing the material to be published;

“publish” means make available to the public at large, or any section of the public, in whatever form and by whatever means.

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#### Textual Amendments

- F1** S. 126(10A) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 66(1), 77(2); S.I. 2006/3412, [art. 3](#), Sch. 1 para. 14(x) (subject to art. 6, Sch. 2); S.I. 2008/1316, [arts. 2\(2\)](#), 4(v)

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

- C1** S. 126 excluded (8.7.2003) by [Regional Assemblies \(Preparations\) Act 2003 \(c. 10\)](#), [ss. 12\(3\)](#), 27(1)
- C2** S. 126 applied (with modifications) (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 7(1), [Sch. 3 Pt. 1](#)

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#### Commencement Information

- II** S. 126 wholly in force at 16.2.2001; s. 126 partly in force at Royal Assent, see s. 163(3); s. 126 in force in so far as not already in force at 16.2.2001 by [S.I. 2001/222](#), [art. 2](#), [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

**Status:**

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