

Status: Point in time view as at 29/12/2022. This version of this schedule contains provisions that are not valid for this point in time.

Changes to legislation: Elections Act 2022, Schedule 5 is up to date with all changes known to be in force on or before 16 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)

SCHEDULES

VALID FROM 01/11/2023

SCHEDULE 5

Section 8

UNDUE INFLUENCE: FURTHER PROVISION

Local Government Act 1972

1 The Local Government Act 1972 is amended as follows.

Commencement Information

I1 Sch. 5 para. 1 not in force at Royal Assent, see [s. 67\(1\)](#)

2 In section 80 (disqualifications for election and holding office as member of local authority), in subsection (1), after paragraph (e) insert “; or

(f) is incapable of being elected to or holding—

(i) the office of member of the Northern Ireland Assembly having been reported personally guilty or convicted of a corrupt practice under section 114A of the Representation of the People Act 1983 (as applied by Schedule 1 to the Northern Ireland Assembly (Elections) Order 2001 ([S.I. 2001/2599](#))) (undue influence);

(ii) the office of member of a district council in Northern Ireland having been reported personally guilty or convicted of a corrupt practice under paragraph 3 of Schedule 9 to the Electoral Law Act (Northern Ireland) 1962 (undue influence);”.

Commencement Information

I2 Sch. 5 para. 2 not in force at Royal Assent, see [s. 67\(1\)](#)

Commencement Information

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Local Government Act (Northern Ireland) 1972

3 In section 4 of the Local Government Act (Northern Ireland) 1972 (disqualifications), in subsection (1), after paragraph (e) insert—

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- “(ea) the person is incapable of being elected to or holding—
- (i) the office of member of the House of Commons of the Parliament of the United Kingdom, having been reported personally guilty or convicted of a corrupt practice under section 114A of the Representation of the People Act 1983, article 69 of the Police and Crime Commissioner Elections Order 2012 or regulation 136 of the Recall of MPs Act 2015 (Recall Petition) Regulations 2016 (undue influence);
 - (ii) the office of member of the Northern Ireland Assembly having been reported personally guilty or convicted of a corrupt practice under section 114A of the Representation of the People Act 1983 (as applied by Schedule 1 to the Northern Ireland Assembly (Elections) Order 2001) (undue influence); or”.

Commencement Information

I3 Sch. 5 para. 3 not in force at Royal Assent, see [s. 67\(1\)](#)

Representation of the People Act 1983

- 4 (1) RPA 1983 is amended as follows.
- (2) In section 160 (persons reported personally guilty of corrupt or illegal practices)—
- (a) after subsection (4A) insert—
 - “(4B) Subject to section 113(2) to (6) of the Electoral Law Act (Northern Ireland) 1962, a person reported by an election court personally guilty of a corrupt practice under paragraph 3 of Schedule 9 to that Act (undue influence)—
 - (a) is, during the relevant period specified in subsection (5), incapable of being elected to the House of Commons, and
 - (b) if already elected to a seat in the House of Commons, must vacate the seat as from the date of the report.
 - (4C) In subsection (4B) “election court” has the same meaning as in the Electoral Law Act (Northern Ireland) 1962 (see section 130 of that Act); and section 94(2) of that Act (persons treated as reported personally guilty) applies also for the purposes of subsection (4B).”;
 - (b) in subsection (5), for “subsection (4)” substitute “subsections (4) and (4B)”.
- (3) In section 173 (incapacities on conviction for corrupt or illegal practice)—
- (a) after subsection (2) insert—
 - “(2A) A person convicted of a corrupt practice under paragraph 3 of Schedule 9 to the Electoral Law Act (Northern Ireland) 1962 (undue influence)—
 - (a) is, during the relevant period specified in subsection (3), incapable of being elected to the House of Commons, and

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- (b) if already elected to a seat in the House of Commons, must vacate the seat subject to and in accordance with subsections (4) and (5).”;
- (b) in subsection (3), for “subsection (1)(a)” substitute “subsections (1)(a) and (2A)(a)”;
- (c) in subsection (4), after “subsection (1)(b)” insert “or (2A)(b)”;
- (d) after subsection (7) insert—
 - “(7A) If a person convicted of a corrupt practice under paragraph 3 of Schedule 9 to the Electoral Law Act (Northern Ireland) 1962 (undue influence) has already been elected to a seat in the House of Commons, the person is (in addition to being subject to the incapacities mentioned in subsection (2A)(a) above and section 112(1)(a)(ii) of that Act) suspended from performing any of the functions of a Member of Parliament during the period of suspension specified in subsection (8).”;
- (e) in subsection (8), for “subsection (7)” substitute “subsections (7) and (7A)”;
- (f) after subsection (9) insert—
 - “(9A) Any incapacity or other requirement applying to a person by virtue of subsection (2A) or (7A) applies in addition to any punishment imposed under section 108 of the Electoral Law Act (Northern Ireland) 1962; but each of those subsections has effect subject to section 113(2) to (6) of that Act.”

Commencement Information

I4 Sch. 5 para. 4 not in force at Royal Assent, see [s. 67\(1\)](#)

Greater London Authority Act 1999

- 5 In section 21 of the Greater London Authority Act 1999 (disqualification from being the Mayor or an Assembly member)—
- (a) omit the “or” after paragraph (d);
 - (b) after paragraph (e) insert “; or
 - (f) the person is incapable of being elected to or holding—
 - (i) the office of member of the Northern Ireland Assembly having been reported personally guilty or convicted of a corrupt practice under section 114A of the Representation of the People Act 1983 (as applied by Schedule 1 to the Northern Ireland Assembly (Elections) Order 2001 ([S.I. 2001/2599](#))) (undue influence);
 - (ii) the office of member of a district council in Northern Ireland having been reported personally guilty or convicted of a corrupt practice under paragraph 3 of Schedule 9 to the Electoral Law Act (Northern Ireland) 1962 (undue influence).”

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I5 Sch. 5 para. 5 not in force at Royal Assent, see [s. 67\(1\)](#)

Local Democracy, Economic Development and Construction Act 2009

- 6 In Schedule 5B to the Local Democracy, Economic Development and Construction Act 2009 (mayors for combined authority areas: further provision about elections), in paragraph 9(1), after paragraph (d) insert—
- “(e) is incapable of being elected to or holding—
- (i) the office of member of the Northern Ireland Assembly having been reported personally guilty or convicted of a corrupt practice under section 114A of the Representation of the People Act 1983 (as applied by Schedule 1 to the Northern Ireland Assembly (Elections) Order 2001 ([S.I. 2001/2599](#))) (undue influence);
 - (ii) the office of member of a district council in Northern Ireland having been reported personally guilty or convicted of a corrupt practice under paragraph 3 of Schedule 9 to the Electoral Law Act (Northern Ireland) 1962 (undue influence).”

Commencement Information

I6 Sch. 5 para. 6 not in force at Royal Assent, see [s. 67\(1\)](#)

Police Reform and Social Responsibility Act 2011

- 7 In section 66 of the Police Reform and Social Responsibility Act 2011 (disqualification from election or holding office as police and crime commissioner), in subsection (3)—
- (a) omit the “or” at the end of paragraph (c);
 - (b) after paragraph (d) insert “; or
 - (e) the person is incapable of being elected to or holding the office of—
 - (i) member of the Northern Ireland Assembly having been reported personally guilty or convicted of a corrupt practice under section 114A of the Representation of the People Act 1983 (as applied by Schedule 1 to the Northern Ireland Assembly (Elections) Order 2001 ([S.I. 2001/2599](#))) (undue influence);
 - (ii) member of a district council in Northern Ireland having been reported personally guilty or convicted of a corrupt practice under paragraph 3 of Schedule 9 to the Electoral Law Act (Northern Ireland) 1962 (undue influence).”

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I7 Sch. 5 para. 7 not in force at Royal Assent, see **s. 67(1)**

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