



Elections Act 2022

2022 CHAPTER 37

PART 6

INFORMATION TO BE INCLUDED WITH ELECTRONIC MATERIAL

Enforcement

51 Notice to take down electronic material in breach of section 41

- (1) This section applies if—
 - (a) the Commission imposes a fixed monetary penalty under paragraph 1 of Schedule 19C to PPERA on a person in relation to an offence under section 48(1) in respect of any electronic material,
 - (b) the Commission imposes a discretionary requirement under paragraph 5 of that Schedule on a person in relation to such an offence,
 - (c) the Commission serves a stop notice under paragraph 10 of that Schedule on a person in relation to such an offence, or
 - (d) the Commission accepts an undertaking under paragraph 15 of that Schedule from a person in relation to such an offence.
- (2) The Commission may give a notice in writing to a person by whom the electronic material is published requiring the person to take the action specified in the notice to remove the material, or to disable access to it, before the end of the period specified in the notice.
- (3) A person to whom a notice under subsection (2) has been given commits an offence if, without reasonable excuse, the person fails to comply with the notice.
- (4) A person guilty of an offence under subsection (3) is liable—
 - (a) on summary conviction in England and Wales, to a fine;
 - (b) on summary conviction in Scotland or Northern Ireland, to a fine not exceeding level 5 on the standard scale.

Status: This is the original version (as it was originally enacted).

- (5) The court by or before which a person is convicted of an offence under subsection (3) must notify the Commission of the person's conviction and the sentence imposed on the conviction as soon as is practicable.
- (6) This section is subject to section 52 (further provision about notices under this section).