



# Elections Act 2022

## 2022 CHAPTER 37

### PART 6

#### INFORMATION TO BE INCLUDED WITH ELECTRONIC MATERIAL

##### *Enforcement*

#### **52 Further provision about notice under section 51**

- (1) Before giving a notice under section 51(2) to a person the Commission must give the person a notice in writing of its intention to do so.
- (2) The person may, within the period specified in the notice under subsection (1), make written representations to the Commission in relation to the proposal to give the person a notice under section 51(2).
- (3) The Commission may give the person a notice under section 51(2) only if—
  - (a) the period for making representations has ended, and
  - (b) having taken any representations made by the person into account, the Commission is still of the view that it should give the person the notice under section 51(2).
- (4) A notice under subsection (1) must include information as to—
  - (a) the grounds for the proposal to give a notice to the person under section 51(2),
  - (b) the proposed effect of such a notice,
  - (c) the right to make representations, and
  - (d) the period within which representations may be made.
- (5) The period specified under subsection (4)(d) must not be less than 14 days beginning with the day on which the notice is given.
- (6) A notice under section 51(2) must include information as to—
  - (a) the grounds for serving the notice,
  - (b) rights of appeal, and

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**Changes to legislation:** *Elections Act 2022, Section 52 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) View outstanding changes*

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- (c) the consequences of not complying with the notice.
- (7) The Commission may by notice in writing withdraw or vary a notice under section 51(2) at any time.
- (8) A person to whom a notice under section 51(2) has been given may appeal against the notice on the ground that—
- (a) the decision to give the notice was based on an error of fact,
  - (b) the decision was wrong in law,
  - (c) the decision was unreasonable, or
  - (d) any action specified in the notice is unreasonable.
- (9) An appeal under subsection (8) is to—
- (a) in England and Wales, the county court,
  - (b) in Scotland, a sheriff, or
  - (c) in Northern Ireland, a county court.
- (10) On an appeal under subsection (8) the county court or the sheriff may—
- (a) withdraw, confirm or vary the notice, or
  - (b) remit the decision whether to withdraw, confirm or vary the notice to the Commission.

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**Commencement Information**

- I1** S. 52 not in force at Royal Assent, see **s. 67(1)**
- I2** S. 52 in force at 1.11.2023 by **S.I. 2023/1145, reg. 3(f)** (with **Sch. para. 10**)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 9 para. 35(ea) inserted by [2023 c. 47 s. 3\(3\)](#)