

Changes to legislation: There are currently no known outstanding effects for the National Security Act 2023, Schedule 1. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 16

FOREIGN INTERFERENCE IN ELECTIONS

PART 1

RELEVANT ELECTORAL OFFENCES

Commencement Information

- I1** Sch. 1 Pt. 1 not in force at Royal Assent, see 100(1)
I2 Sch. 1 Pt. 1 in force at 20.12.2023 by S.I. 2023/1272, reg. 2(a)

OFFENCES UNDER THE ELECTORAL LAW ACT (NORTHERN IRELAND) 1962 (C.14 (N.I.))

<i>An offence under any of these provisions of Schedule 9 to the Electoral Law Act (Northern Ireland) 1962 (c.14 (N.I.))</i>	<i>Maximum term of imprisonment</i>
Paragraph 1 (bribery)	4 years
Paragraph 2 (treating)	4 years
Paragraph 3 (undue influence)	4 years
Paragraph 4 (personation)	7 years
Paragraph 4A (postal and proxy votes)	7 years
Paragraph 5A (false statements in nomination papers etc)	4 years
Paragraph 26(2) (tampering with nomination papers etc)	7 years

OFFENCES UNDER THE REPRESENTATION OF THE PEOPLE ACT 1983

<i>An offence under any of these provisions of the Representation of the People Act 1983</i>	<i>Maximum term of imprisonment</i>
Section 60 (personation)	7 years
Section 62A (postal and proxy votes)	7 years
Section 62B (postal and proxy votes: Scottish local government elections)	7 years
Section 65 (tampering with nomination papers etc)	7 years
Section 65A (false statements in nomination papers etc)	4 years

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<i>An offence under any of these provisions of the Representation of the People Act 1983</i>	<i>Maximum term of imprisonment</i>
Section 65B (false information in nomination papers etc: Scottish local government elections)	4 years
Section 112A (handling of postal voting documents by political campaigners)	7 years
Section 113 (bribery)	4 years
Section 114 (treating)	4 years
Section 114A (undue influence)	4 years
Section 115 (undue influence in a local government election in Scotland or Wales)	4 years

OFFENCES UNDER THE POLITICAL PARTIES,
ELECTIONS AND REFERENDUMS ACT 2000

<i>An offence under any of these provisions of the Political Parties, Elections and Referendums Act 2000</i>	<i>Maximum term of imprisonment</i>
Section 54(7) (information about donors)	4 years
Section 54A(5) (false declaration about source of donation)	4 years
Section 54B(3) (false declaration as to residence condition)	4 years
Section 56(3), (3B) or (4) (failure to return donations)	4 years
Section 61 (evading restrictions on donations)	4 years
Section 65(4) (failure to comply with requirements about recording donations)	4 years
Section 66(5) (false declaration in donation report)	4 years
Section 89A (4) or (5) (incurring controlled expenditure in contravention of restriction)	2 years
Section 148 (general offences)	4 years
In Schedule 7 (donations to individuals and members associations)— paragraph 6A(5) (false declaration as to source of donation) paragraph 6B(3) (false declaration as to residence condition)	4 years
In Schedule 7A (loans to individuals and members associations)— paragraph 4A(5) (false declaration as to residence condition) paragraph 8(9) (facilitating controlled transaction involving unauthorised participant)	4 years
In Schedule 11 (donations to recognised third parties)— paragraph 6A(5) (false declaration as to source of donation) paragraph 6B(3) (false declaration as to residence condition)	4 years
In Schedule 15 (donations to permitted participants)— paragraph 6A(5) (false declaration as to source of donation) paragraph 6B(3) (false declaration as to residence condition)	4 years

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PART 2

AMENDMENTS

Electoral Law Act (Northern Ireland) 1962 (c.14 (N.I.))

- 1 (1) The [Electoral Law Act \(Northern Ireland\) 1962 \(c.14 \(N.I.\)\)](#) is amended as follows.
- (2) In section 105 (restrictions on summary prosecution) after subsection (8) insert—
- “(9) A corrupt practice or electoral offence in relation to which section 16 of the National Security Act 2023 (which provides for higher sentences in cases of foreign interference) applies is triable only on indictment.”
- (3) In section 106 (prosecution of offences disclosed on election petition) after subsection (1) insert—
- “(1A) The duty in subsection (1) to obey a direction given by an election court does not apply to a direction with respect to the prosecution of a corrupt practice or electoral offence in relation to which the Director has reasonable grounds to believe section 16 of the National Security Act 2023 (which provides for higher sentences in cases of foreign interference) applies.”
- (4) In section 108 (penalties for corrupt practices) after subsection (4) insert—
- “(5) This section does not apply where section 16 of the National Security Act 2023 (which provides for higher sentences in cases of foreign interference) applies in relation to the corrupt practice.”
- (5) In section 111 (penalties for electoral offences) after subsection (2A) insert—
- “(2B) Subsections (1) to (2A) do not apply where section 16 of the National Security Act 2023 (which provides for higher sentences in cases of foreign interference) applies in relation to the electoral offence.”
- (6) In section 112(1H) (incapacities resulting from convictions) after “109” insert “or under section 16 of the National Security Act 2023 (which provides for higher sentences in cases of foreign interference)”.
- (7) In section 118 (time limit for prosecutions) after subsection (3) insert—
- “(4) This section does not apply where section 16 of the National Security Act 2023 (which provides for higher sentences in cases of foreign interference) applies in relation to the electoral misdemeanour.”

Commencement Information

- I3** Sch. 1 para. 1 not in force at Royal Assent, see 100(1)
I4 Sch. 1 para. 1 in force at 20.12.2023 by S.I. 2023/1272, reg. 2(a)

Representation of the People Act 1983 (c. 2)

- 2 (1) The Representation of the People Act 1983 is amended as follows.
- (2) In section 65 (offence of tampering with nomination papers etc) after subsection (4) insert—

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“(5) Subsections (3) and (4) do not apply where section 16 of the National Security Act 2023 (which provides for higher sentences in cases of foreign interference) applies in relation to the offence.”

(3) In section 168 (penalties for corrupt practices) after subsection (1) insert—

“(1A) Subsection (1) does not apply where section 16 of the National Security Act 2023 (which provides for higher sentences in cases of foreign interference) applies in relation to the corrupt practice.”

(4) In section 176 (time limit for prosecutions) after subsection (1) insert—

“(1A) Subsection (1) does not apply where section 16 of the National Security Act 2023 (which provides for higher sentences in cases of foreign interference) applies in relation to the offence.”

Commencement Information

I5 Sch. 1 para. 2 not in force at Royal Assent, see 100(1)

I6 Sch. 1 para. 2 in force at 20.12.2023 by S.I. 2023/1272, reg. 2(a)

Political Parties, Elections and Referendums Act 2000 (c. 41)

3 (1) The Political Parties, Elections and Referendums Act 2000 is amended as follows.

(2) In section 147 (civil sanctions)—

- (a) the existing text becomes subsection (1);
- (b) after that subsection insert—

“(2) Schedule 19C does not apply in relation to the commission of an offence under this Act where section 16 of the National Security Act 2023 (which provides for higher sentences in cases of foreign interference) applies in relation to the offence.”

(3) In section 150 (punishment of offences) at the end insert—

“(6) Schedule 20 does not apply where section 16 of the National Security Act 2023 (which provides for higher sentences in cases of foreign interference) applies in relation to the offence.”

Commencement Information

I7 Sch. 1 para. 3 not in force at Royal Assent, see 100(1)

I8 Sch. 1 para. 3 in force at 20.12.2023 by S.I. 2023/1272, reg. 2(a)

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