



Representation of the People Act 1983

1983 CHAPTER 2

PART III

LEGAL PROCEEDINGS

Mitigation and remission of incapacities

174 Mitigation and remission etc.

- (1) Where—
 - (a) any person is subject to any incapacity by virtue of the report of an election court, and
 - (b) he or some other person in respect of whose acts the incapacity was imposed is on a prosecution acquitted of any of the matters in respect of which the incapacity was imposed,the court may order that the incapacity shall thenceforth cease so far as it is imposed in respect of those matters.
- (2) Where any person who is subject to any incapacity as mentioned above is on a prosecution convicted of any such matters as are mentioned above, no further incapacity shall be taken to be imposed by reason of the conviction, and the court shall have the like power (if any) to mitigate or remit for the future the incapacity so far as it is imposed by section 160 above in respect of the matters of which he is convicted, as if the incapacity had been imposed by reason of the conviction.
- (3) A court exercising any of the powers conferred by subsections (1) and (2) above shall make an order declaring how far, if at all, the incapacities imposed by virtue of the relevant report remain unaffected by the exercise of that power, and that order shall be conclusive for all purposes.
- (4) Where a person convicted of a corrupt or illegal practice is subsequently reported to have been guilty of that practice by an election court, no further incapacity shall be imposed on him under section 160 by reason of the report.

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- (5) Where any person is subject to any incapacity by virtue of a conviction or of the report of an election court, and any witness who gave evidence against that person upon the proceeding for the conviction or report is convicted of perjury in respect of that evidence, the incapacitated person may apply to the High Court, and the court, if satisfied that the conviction or report so far as respects that person was based upon perjury, may order that the incapacity shall thenceforth cease.

^{F1}(6)

Textual Amendments

- F1** S. 174(6) repealed (16.2.2001) by 2000 c. 41, ss. 138(1)(2), 158(2)(3), Sch. 18 para. 18(1)(g), **Sch. 22**, (with ss. 156(6), 158(3)); S.I. 2001/222, art. 2, **Sch. 1 Pt. 1**, Annex (with Sch. 1 Pt. II)

Modifications etc. (not altering text)

- C1** S. 174 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)-(8), **Sch. 1 Pt. 1**
S. 174 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. 1**
S. 174 applied (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**
S. 174 applied (1.3.2003) by The National Assembly for Wales (Representation of the People) Order 2003 (S.I. 2003/284), **art. 110** (with art. 82(1)) (which S.I. was revoked (11.2.2007) by S.I. 2007/236, art. 1(2))
S. 174 applied (1.3.2003) by The National Assembly for Wales (Representation of the People) Order 2003 (S.I. 2003/284), **art. 111** (with art. 82(1)) (which S.I. was revoked (11.2.2007) by S.I. 2007/236, art. 1(2))
S. 174 applied (1.3.2003) by The National Assembly for Wales (Representation of the People) Order 2003 (S.I. 2003/284), **art. 123(2)** (with art. 82(1)) (which S.I. was revoked (11.2.2007) by S.I. 2007/236, art. 1(2))
S. 174 applied (1.3.2003) by The National Assembly for Wales (Representation of the People) Order 2003 (S.I. 2003/284), **art. 124(3)** (with art. 82(1)) (which S.I. was revoked (11.2.2007) by S.I. 2007/236, art. 1(2))
- C2** S. 174 applied (1.2.2007) by The National Assembly for Wales (Representation of the People) Order 2007 (S.I. 2007/236), **art. 124(2)** (with arts. 83(1), 137(1))
S. 174 applied (E.) (28.7.2007) by The Local Authorities (Conduct of Referendums) (England) Regulations 2007 (S.I. 2007/2089), **regs. 8, 11, 13**, {Sch. 4 Table 1}
- C3** S. 174 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 1
S. 174 applied (with modifications) (11.3.1999) by S.I. 1999/787, art. 85(1)-(3), **Sch. 6 Pts. I, II** (which S.I. was revoked (21.11.2002 except for specified purposes) by S.I. 2002/2779, **arts. 1, 2** (which S.I. was revoked (15.3.2007) by S.I. 2007/937, **art. 2(a)**))
S. 174 applied (with modifications) (2.4.2001) by S.I. 2001/1298, **regs. 8, 10(4)**, **Sch. 3** Table 2 (subject to regs. 9-12, 15-17, 20, 25)
S. 174 applied (with modifications) (21.11.2002 except for specified purposes) by The Scottish Parliament (Elections etc.) Order 2002 (S.I. 2002/2779), **arts. 1, 81**, **Sch. 6 Pts. I, II** (which S.I. was revoked (15.3.2007) by S.I. 2007/937, art. 2(a))
S. 174 applied (W.) (24.3.2004) by The Local Authorities (Conduct of Referendums) (Wales) Regulations 2004 (S.I. 2004/870), **reg. 8**, {Sch. 3 Table 2} (which S.I. was revoked (24.7.2008) by S.I. 2008/1848)
- C4** S. 174 extended (W.) (11.3.1999) by S.I. 1999/450, **arts. 124(2)(4)**, 136(2), 137(2)(3) (which S.I. was revoked (29.2.2003) by S.I. 2003/284, **art. 1**)
- C5** S. 174 applied (with modifications) (15.3.2007 except for specified purposes) by The Scottish Parliament (Elections etc.) Order 2007 (S.I. 2007/937), **arts. 1, 83**, **Sch. 6 Pts. I, II**
- C6** S. 174 applied (with modifications) (W.) (24.7.2008) by The Local Authorities (Conduct of Referendums) (Wales) Regulations 2008 (S.I. 2008/1848), **reg. 8**, {Sch. 4 para. 1 Table 1}

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- C7** S. 174 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3, Sch. 1 (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, **Sch. 1**)
- C8** S. 174 applied (with modifications) (30.12.2010 except for specified purposes) by The Scottish Parliament (Elections etc.) Order 2010 (S.I. 2010/2999), arts. 1(1), 84(1)(3), **Sch. 6 Pt. 1** (with art. 1(2)(3))
- C9** S. 174 applied (with modifications) (30.12.2010 except for specified purposes) by The Scottish Parliament (Elections etc.) Order 2010 (S.I. 2010/2999), arts. 1(1), 84(2)(3), **Sch. 6 Pt. 2** (with art. 1(2)(3))
- C10** S. 174 applied (with modifications) (E.) (9.2.2012) by The Local Authorities (Conduct of Referendums)(England) Regulations 2012 (S.I. 2012/323), reg. 1, **Sch. 4 para. 1**
- C11** S. 174 applied (with modifications) (18.2.2012) by The Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012 (S.I. 2012/444), reg. 1, **Sch. 4 para. 1** (with reg. 27)

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