



# Representation of the People Act 1983

## 1983 CHAPTER 2

### PART III

#### LEGAL PROCEEDINGS

##### *Prosecutions for corrupt or illegal practices*

#### **168 Prosecutions for corrupt practices.**

[<sup>F1</sup>(1) A person who is guilty of a corrupt practice shall be liable—

(a) on conviction on indictment—

(i) in the case of a corrupt practice under section 60 [<sup>F2</sup>or 62A][<sup>F3</sup>or 62B] above, to imprisonment for a term not exceeding two years, or to a fine, or to both,

(ii) in any other case, to imprisonment for a term not exceeding one year, or to a fine, or to both;

(b) on summary conviction, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding the statutory maximum, or to both.]

<sup>F1</sup>(2) .....

<sup>F1</sup>(3) .....

<sup>F1</sup>(4) .....

<sup>F4</sup>(5) .....

<sup>F4</sup>(6) .....

(7) If it appears to the court by which any person holding a licence or certificate under the Licensing Acts is convicted of the offence of bribery or treating that the offence was committed on his licensed premises—

(a) the court shall direct the conviction to be entered in the proper register of licences, and

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- (b) the entry shall be taken into consideration by the licensing authority in determining whether they will or will not grant a renewal of the licence or certificate, and may be a ground, if the authority think fit, for refusing its renewal.

#### Textual Amendments

- F1** S. 168(1) substituted for s. 168(1)–(4) by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 23, [Sch. 3 para. 8](#)
- F2** Words in s. 168(1)(a)(i) inserted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 74(1), 77, [Sch. 1 para. 121](#); S.I. 2006/1972, [art. 3](#), Sch. 1 paras. 24, 25(d) (subject to transitional provisions in [art. 4](#), [Sch. 2](#))
- F3** Words in s. 168(1)(a)(i) inserted (S.) (29.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), ss. 35, 63, [Sch. 2 para. 11](#); S.S.I. 2007/26, [art. 2\(1\)\(n\)\(p\)](#)
- F4** S. 168(5)(6) repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), ss. 24, 28, [Sch. 4 para. 57](#), [Sch. 5](#)

#### Modifications etc. (not altering text)

- C1** S. 168 applied (E.W.S.) by [S.I. 1986/2209](#), regs. 2, 3, 5(1)(6)–(8), [Sch. 1 Pt. 1](#)  
S. 168 applied (N.I.) by [S.I. 1986/2250](#), regs. 2, 3, 5, [Sch. 1 Pt. I](#)  
S. 168 applied (N.I.) (25.4.1998) by [Northern Ireland Negotiations \(Referendum\) Order 1998 \(S.I. 1998/1126\)](#), [art. 6](#), [Sch. 2](#)
- C2** S. 168 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. 168 applied (with modifications) (N.I.) (4.5.1996) by [Elections \(Northern Ireland\) Order 1996 \(S.I. 1996/1220\)](#), [art. 3\(1\)\(b\)\(5\)–\(8\)](#), [Sch. 1](#)  
S. 168 applied (with modifications) (31.7.1997) by [Referendums \(Scotland and Wales\) Act 1997 \(c. 61\)](#), s. 3, [Sch. 3 para. 13 Table 1](#)  
S. 168 applied (with modifications) (11.3.1999) by [The Scottish Parliament \(Elections etc.\) Order 1999 \(S.I. 1999/787\)](#), [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. 168 applied (with modifications) (2.4.2001) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2001 \(S.I. 2001/1298\)](#), [regs. 8, 10\(4\)](#), [Sch. 3 Table 2](#) (subject to [regs. 9–12, 15–17, 20, 25](#))  
S. 168 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. 168 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](#))  
S. 168 applied (with modifications) (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), [art. 6\(2\)](#), [Sch. 2 Pt. 2](#)
- C4** S. 168 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](#)
- C5** S. 168 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](#)}
- C6** S. 168 applied (with modifications) (1.8.2001) by [The Northern Ireland Assembly \(Elections\) Order 2001 \(S.I. 2001/2599\)](#), [art. 3](#), [Sch. 1](#) (as substituted (10.2.2009) by [S.I. 2009/256](#), [arts. 1\(2\), 3](#), [Sch. 1](#))
- C7** S. 168 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\(2\)\(3\)](#))

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- C8** S. 168 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. 168 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**
- C10** S. 168 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)
- C11** S. 168 applied (with modifications) (25.7.2012) by The Police and Crime Commissioner Elections Order 2012 (S.I. 2012/1917), arts. 1(2), 50(6), **Sch. 9 para. 1(5)**
- C12** S. 168 applied (with modifications) (3.8.2012) by The Neighbourhood Planning (Referendums) Regulations 2012 (S.I. 2012/2031), regs. 1, 8, 12, 13, **Sch. 4 Pt. 1**
- C13** S. 168 applied (with modifications) by The Neighbourhood Planning (Referendums) Regulations 2012 (S.I. 2012/2031), reg. 17, **Sch. 8** Table 1 (as inserted (E.W.) (6.4.2013) by S.I. 2013/798, regs. 1, 7, **Sch. 3**)
- C14** S. 168 applied (with modifications) (S.) (16.12.2015) by The Scottish Parliament (Elections etc.) Order 2015 (S.S.I. 2015/425), arts. 1(1), 82(2)(3), **Sch. 6 Pt. 2** (with art. 1(2))
- C15** S. 168 applied (with modifications) (S.) (16.12.2015) by The Scottish Parliament (Elections etc.) Order 2015 (S.S.I. 2015/425), arts. 1(1), 82(1)(3), **Sch. 6 Pt. 1** (with art. 1(2))

## 169 Prosecutions for illegal practices.

A person guilty of an illegal practice shall on summary conviction <sup>F5</sup>. . . be [<sup>F6</sup>liable to a fine not exceeding level 5 on the standard scale; and] on a prosecution for an illegal practice it shall be sufficient to allege that the person charged was guilty of an illegal practice.

### Textual Amendments

- F5** Words repealed by Representation of the People Act 1985 (c. 50, SIF 42), s. 28, **Sch. 5**
- F6** Words substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 23, **Sch. 3 para. 9**

### Modifications etc. (not altering text)

- C16** S. 169 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)-(8), **Sch. 1 Pt. I**  
S. 169 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**  
S. 169 applied (N.I.) (25.4.1998) by Northern Ireland Negotiations (Referendum) Order 1998 (S.I. 1998/1126), art. 6, **Sch. 2**  
S. 169 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}**
- C17** S. 169 applied (with modifications) (N.I.) (4.5.1996) by Elections (Northern Ireland) Order 1996 (S.I. 1996/1220), art. 3(1)(b)(5)-(8), **Sch. 1**  
S. 169 applied (with modifications) (31.7.1997) by Referendums (Scotland and Wales) Act 1997 (c. 61), s. 3, **Sch. 3 para. 13** Table 1  
S. 169 applied (with modifications) (11.3.1999) by The Scottish Parliament (Elections etc.) Order 1999 (S.I. 1999/787) art. 85, 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. 169 applied (with modifications) (2.4.2001) by The Local Authorities (Conduct of Referendums) (England) Regulations 2001 (S.I. 2001/1298), regs. 8, 10(4), **Sch. 3** Table 2 (subject to regs. 9-12, 15-17, 20, 25)

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- S. 169 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. 169 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](#))
- S. 169 applied (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 6(2), **Sch. 2 Pt. 2**
- S. 169 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**
- C18** S. 169 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}
- C19** S. 169 applied (with modifications) (1.8.2001) by [The Northern Ireland Assembly \(Elections\) Order 2001 \(S.I. 2001/2599\)](#), art. 3, **Sch. 1** (as substituted (10.2.2009) by [S.I. 2009/256](#), arts. 1(2), 3, **Sch. 1**)
- C20** S. 169 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))
- C21** S. 169 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))
- C22** S. 169 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**
- C23** S. 169 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)
- C24** S. 169 applied (with modifications) (25.7.2012) by [The Police and Crime Commissioner Elections Order 2012 \(S.I. 2012/1917\)](#), arts. 1(2), 50(6), **Sch. 9 para. 1(5)**
- C25** S. 169 applied (with modifications) (3.8.2012) by [The Neighbourhood Planning \(Referendums\) Regulations 2012 \(S.I. 2012/2031\)](#), regs. 1, 8, 12, 13, **Sch. 4 Pt. 1**
- C26** S. 169 applied (with modifications) by [The Neighbourhood Planning \(Referendums\) Regulations 2012 \(S.I. 2012/2031\)](#), reg. 17, **Sch. 8** Table 1 (as inserted (E.W.) (6.4.2013) by [S.I. 2013/798](#), regs. 1, 7, **Sch. 3**)
- C27** S. 169 applied (with modifications) (S.) (16.12.2015) by [The Scottish Parliament \(Elections etc.\) Order 2015 \(S.S.I. 2015/425\)](#), arts. 1(1), 82(2)(3), **Sch. 6 Pt. 2** (with art. 1(2))
- C28** S. 169 applied (with modifications) (S.) (16.12.2015) by [The Scottish Parliament \(Elections etc.\) Order 2015 \(S.S.I. 2015/425\)](#), arts. 1(1), 82(1)(3), **Sch. 6 Pt. 1** (with art. 1(2))

## 170 Conviction of illegal practice on charge of corrupt practice etc.

A person charged with a corrupt practice may, if the circumstances warrant such finding, be found guilty of an illegal practice (which offence shall for that purpose be an indictable offence), and a person charged with an illegal practice may be found guilty of that offence notwithstanding that the act constituting the offence amounted to a corrupt practice.

### Modifications etc. (not altering text)

- C29** S. 170 applied (N.I.) by [S.I. 1986/2250](#), regs. 2, 3, 5, **Sch. 1 Pt. I**
- S. 170 applied (E.W.S.) by [S.I. 1986/2209](#), regs. 2, 3, 5(1)(6)-(8), **Sch. 1 Pt. I**
- S. 170 applied (N.I.) (25.4.1998) by [Northern Ireland Negotiations \(Referendum\) Order 1998 \(S.I. 1998/1126\)](#), art. 6, **Sch. 2**

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- S. 170 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}
- C30** S. 170 applied (with modifications) (N.I.) (4.5.1996) by [Elections \(Northern Ireland\) Order 1996 \(S.I. 1996/1220\)](#), [art. 3\(1\)\(b\)\(5\)-\(8\)](#), [Sch. 1](#)
- S. 170 applied (with modifications) (31.7.1997) by [Referendums \(Scotland and Wales\) Act 1997 \(c. 61\)](#), [s. 3](#), [Sch. 3 para. 13](#) Table 1
- S. 170 applied (with modifications) (11.3.1999) by [The Scottish Parliament \(Elections etc.\) Order 1999 \(S.I. 1999/787\)](#), [art. 85\(1\)-\(3\)](#), [Sch. 6 Pt. I](#) (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. 170 applied (with modifications) (2.4.2001) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2001 \(S.I. 2001/1298\)](#), [regs. 8, 10\(4\)](#), [Sch. 3](#) Table 2 (subject to [regs. 9-12, 15-17, 20, 25](#))
- S. 170 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. 170 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)
- S. 170 applied (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), [art. 6\(2\)](#), [Sch. 2 Pt. 2](#)
- S. 170 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](#)
- C31** S. 170 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}
- C32** S. 170 applied (with modifications) (1.8.2001) by [The Northern Ireland Assembly \(Elections\) Order 2001 \(S.I. 2001/2599\)](#), [art. 3](#), [Sch. 1](#) (as substituted (10.2.2009) by S.I. 2009/256, [arts. 1\(2\), 3](#), [Sch. 1](#))
- C33** S. 170 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\(2\)\(3\)](#))
- C34** S. 170 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\(2\)\(3\)](#))
- C35** S. 170 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](#)
- C36** S. 170 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](#))
- C37** S. 170 applied (with modifications) (25.7.2012) by [The Police and Crime Commissioner Elections Order 2012 \(S.I. 2012/1917\)](#), [arts. 1\(2\), 50\(6\)](#), [Sch. 9 para. 1\(5\)](#)
- C38** S. 170 applied (with modifications) (3.8.2012) by [The Neighbourhood Planning \(Referendums\) Regulations 2012 \(S.I. 2012/2031\)](#), [regs. 1, 8, 12, 13](#), [Sch. 4 Pt. 1](#)
- C39** S. 170 applied (with modifications) by [The Neighbourhood Planning \(Referendums\) Regulations 2012 \(S.I. 2012/2031\)](#), [reg. 17](#), [Sch. 8](#) Table 1 (as inserted (E.W.) (6.4.2013) by S.I. 2013/798, [regs. 1, 7](#), [Sch. 3](#))
- C40** S. 170 applied (with modifications) (S.) (16.12.2015) by [The Scottish Parliament \(Elections etc.\) Order 2015 \(S.S.I. 2015/425\)](#), [arts. 1\(1\), 82\(1\)\(3\)](#), [Sch. 6 Pt. 1](#) (with [art. 1\(2\)](#))
- C41** S. 170 applied (with modifications) (S.) (16.12.2015) by [The Scottish Parliament \(Elections etc.\) Order 2015 \(S.S.I. 2015/425\)](#), [arts. 1\(1\), 82\(2\)\(3\)](#), [Sch. 6 Pt. 2](#) (with [art. 1\(2\)](#))

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#### Textual Amendments

- F7** S. 171 repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), ss. 24, 28, Sch. 4 para. 58, [Sch. 5](#)

**<sup>F8</sup>172** .....

#### Textual Amendments

- F8** S. 172 repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), ss. 24, 28, Sch. 4 para. 59, [Sch. 5](#)

### **[<sup>F9</sup>173 Incapacities on conviction of corrupt or illegal practice.**

- (1) Subject to subsection (2) below, a person convicted of a corrupt or illegal practice—
- (a) shall, during the relevant period specified in subsection (3) below, be incapable of—
    - (i) being registered as an elector or voting at any parliamentary election in the United Kingdom or at any local government election in Great Britain, or
    - (ii) being elected to the House of Commons, or
    - (iii) holding any elective office; and
  - (b) if already elected to a seat in the House of Commons or holding any such office, shall vacate the seat or office subject to and in accordance with subsections (4) and (5) below.
- (2) The incapacity imposed by subsection (1)(a)(i) above applies only to a person convicted of a corrupt practice under section 60 [<sup>F10</sup>, 62A or 62B] above or of an illegal practice under section 61 above.
- (3) For the purposes of subsection (1)(a) above the relevant period is the period beginning with the date of the conviction and ending—
- (a) in the case of a person convicted of a corrupt practice, five years after that date, or
  - (b) in the case of a person convicted of an illegal practice, three years after that date,
- except that if (at any time within that period of five or three years) a court determines on an appeal by that person against the conviction that it should not be upheld, the relevant period shall end at that time instead.
- (4) Where subsection (1)(b) applies to any person, he shall (subject to subsection (5) below) vacate the seat or office in question at the appropriate time for the purposes of this section, namely—
- (a) the end of the period which is the period prescribed by law within which notice of appeal may be given, or an application for leave to appeal may be made, by him in respect of the conviction, or
  - (b) if (at any time within that period) that period is extended—
    - (i) the end of the period as so extended, or

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- (ii) the end of the period of three months beginning with the date of the conviction,  
whichever is the earlier.
- (5) If (before the appropriate time mentioned in subsection (4) above) notice of appeal is given, or an application for leave to appeal is made, by such a person in respect of the conviction, he shall vacate the seat or office in question at the end of the period of three months beginning with the date of the conviction unless—
- such an appeal is dismissed or abandoned at any earlier time (in which case he shall vacate the seat or office at that time), or
  - at any time within that period of three months the court determines on such an appeal that the conviction should not be upheld (in which case the seat or office shall not be vacated by him).
- (6) Where such a person vacates a seat or office in accordance with subsection (4) or (5) above, no subsequent determination of a court that his conviction should not be upheld shall entitle him to resume the seat or office.
- (7) If a person convicted of a corrupt or illegal practice has already been elected to a seat in the House of Commons or to any elective office, he shall (in addition to being subject to the incapacities mentioned in subsection (1)(a) above) be suspended from performing any of his functions as a Member of Parliament, or (as the case may be) any of the functions of that office, during the period of suspension specified in subsection (8) below.
- (8) For the purposes of subsection (7) above the period of suspension is the period beginning with the date of the conviction and ending with—
- the date on which the seat or office is vacated in accordance with subsection (4) or (5) above, or
  - where subsection (5)(b) above applies, the date on which the court determines that the conviction should not be upheld.
- (9) Any incapacities or other requirement applying to a person by virtue of subsection (1) or (7) above applies in addition to any punishment imposed under section 168 or 169 above; but each of those subsections has effect subject to section 174 below.
- (10) Without prejudice to the generality of section 205(2) below, nothing in this section affects matters relating to the Northern Ireland Assembly or local elections or holding office in Northern Ireland.]

#### Textual Amendments

- F9** S. 173, 173A substituted for s. 173 (16.2.2001) by 2000 c. 41, s. 136; S.I. 2001/222, art. 2, Sch. 1 Pt. 1 (with Sch. 1 Pt. 2 para. 6)
- F10** Words in s. 173(2) substituted (3.5.2007) by The Local Electoral Administration and Registration Services (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007 (S.I. 2007/931), art. 2(4)

#### Modifications etc. (not altering text)

- C42** S. 173 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))

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- C43** S. 173 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 Pt. 1** (which S.I. was revoked (15.3.2007) by [S.I. 2007/937](#), art. 2(a))
- C44** S. 173 applied (with modifications) (1.8.2001) by [The Northern Ireland Assembly \(Elections\) Order 2001 \(S.I. 2001/2599\)](#), art. 3, **Sch. 1** (as substituted (10.2.2009) by [S.I. 2009/256](#), arts. 1(2), 3, **Sch. 1**)
- C45** S. 173 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 Pt. 1**
- C46** S. 173 modified (16.2.2011) by [Parliamentary Voting System and Constituencies Act 2011 \(c. 1\)](#), s. 19(1), **Sch. 4 para. 3**
- C47** S. 173 modified (25.7.2012) by [The Police and Crime Commissioner Elections Order 2012 \(S.I. 2012/1917\)](#), arts. 1(2), **77**
- C48** S. 173 applied (with modifications) (3.8.2012) by [The Neighbourhood Planning \(Referendums\) Regulations 2012 \(S.I. 2012/2031\)](#), regs. 1, 8, 12, 13, **Sch. 4 Pt. 1**
- C49** S. 173 applied (with modifications) by [The Neighbourhood Planning \(Referendums\) Regulations 2012 \(S.I. 2012/2031\)](#), reg. 17, **Sch. 8** Table 1 (as inserted (E.W.) (6.4.2013) by [S.I. 2013/798](#), regs. 1, 7, **Sch. 3**)
- C50** S. 173 applied (with modifications) (S.) (16.12.2015) by [The Scottish Parliament \(Elections etc.\) Order 2015 \(S.S.I. 2015/425\)](#), arts. 1(1), 82(1)(3), **Sch. 6 Pt. 1** (with art. 1(2))
- C51** S. 173(1)(a)(i)(2)(3) applied (with modifications) (2.4.2001) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2001 \(S.I. 2001/1298\)](#), regs. 8, 10(4), **Sch. 3** Table 2 (subject to regs. 9-12, 15-17, 20, 25)  
S. 173(1)(a)(i)(2)(3) applied (with modifications) (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](#))
- C52** S. 173(1)(a)(i)(2)(3) applied (with modifications) (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
- C53** S. 173(1)(a)(i)(2)(3) 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}
- C54** S. 173(1)(a)(i)(2)(3) 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**
- C55** S. 173(1)(a)(i)(2)(3) applied (with modifications) (E.) (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)

## [<sup>F11</sup>173A Incapacity to hold public or judicial office in Scotland.

- (1) Subject <sup>F12</sup> . . . to section 174 below, a person convicted of a corrupt practice—
- (a) shall for the period of five years beginning with the date of his conviction, be incapable of holding any public or judicial office in Scotland, and
  - (b) if already holding such an office, shall vacate it as from that date.
- (2) Subsection (1) above applies in addition to—
- (a) any incapacity or other requirement applying to the person by virtue of section 173 above, and
  - (b) any punishment imposed on him under section 168 above.

<sup>F13</sup>(3) . . . . . ]

### Textual Amendments

- F11** Ss. 173, 173A substituted for s. 173 (16.2.2001) by [2000 c. 41](#), s. 136; [S.I. 2001/222](#), art. 2, **Sch. 1 Pt. 1** (with [Sch. 1 Pt. 2 para. 6](#))



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- F12** Words in s. 173A(1) repealed (29.1.2007 for S. and 3.5.2007 for E.W.N.I.) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 34\(3\)\(a\), 63](#); S.S.I. 2007/26, [art. 2\(1\)\(m\)](#); S.I. 2007/931, [art. 2\(5\)\(a\)](#)
- F13** S. 173A(3) repealed (S.) (29.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 34\(3\)\(b\), 63\(2\)](#); S.S.I. 2007/26, [art. 2\(1\)\(m\)](#)  
S. 173A(3) repealed (E.W.N.I.) (3.5.2007) by [The Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(Consequential Provisions and Modifications\) Order 2007 \(S.I. 2007/931\), art. 2\(5\)\(b\)](#)

#### **Modifications etc. (not altering text)**

- C56** S. 173A 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))
- C57** S. 173A 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))
- C58** S. 173A 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))
- C59** S. 173A 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](#)
- C60** S. 173A modified (16.2.2011) by [Parliamentary Voting System and Constituencies Act 2011 \(c. 1\)](#), s. 19(1), [Sch. 4 para. 3](#)
- C61** S. 173A modified (25.7.2012) by [The Police and Crime Commissioner Elections Order 2012 \(S.I. 2012/1917\)](#), arts. 1(2), [78](#)
- C62** S. 173A applied (with modifications) (S.) (16.12.2015) by [The Scottish Parliament \(Elections etc.\) Order 2015 \(S.S.I. 2015/425\)](#), arts. 1(1), 82(2)(3), [Sch. 6 Pt. 2](#) (with art. 1(2))
- C63** S. 173A applied (with modifications) (S.) (16.12.2015) by [The Scottish Parliament \(Elections etc.\) Order 2015 \(S.S.I. 2015/425\)](#), arts. 1(1), 82(1)(3), [Sch. 6 Pt. 1](#) (with art. 1(2))

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