



Electoral Administration Act 2006

2006 CHAPTER 22

PART 8

MISCELLANEOUS

Criminal proceedings

70 Time limit for prosecutions

(1) In section 176 of the 1983 Act (time limit for prosecution of offences) after subsection (2) insert—

“(2A) A magistrates' court in England and Wales may act under subsection (2B) if it is satisfied on an application by a constable or Crown Prosecutor—

- (a) that there are exceptional circumstances which justify the granting of the application, and
- (b) that there has been no undue delay in the investigation of the offence to which the application relates.

(2B) The magistrates' court may extend the time within which proceedings must be commenced in pursuance of subsection (1) above to not more than 24 months after the offence was committed.

(2C) If the magistrates' court acts under subsection (2B), it may also make an order under subsection (2D) if it is satisfied, on an application by a constable or Crown Prosecutor, that documents retained by the relevant registration officer in pursuance of rule 57 of the parliamentary elections rules may provide evidence relating to the offence.

(2D) An order under this subsection is an order—

- (a) directing the relevant registration officer not to cause the documents to be destroyed at the expiry of the period of one year mentioned in rule 57, and

Changes to legislation: There are currently no known outstanding effects for the Electoral Administration Act 2006, Cross Heading: Criminal proceedings. (See end of Document for details)

- (b) extending the period for which he is required to retain them under that rule by such further period not exceeding 12 months as is specified in the order.
- (2E) The making of an order under subsection (2D) does not affect any other power to require the retention of the documents.
- (2F) An application under this section must be made not more than one year after the offence was committed.
- (2G) Any party to—
 - (a) an application under subsection (2A), or
 - (b) an application under subsection (2C),
 who is aggrieved by the refusal of the magistrates' court to act under subsection (2B) or to make an order under subsection (2D) (as the case may be) may appeal to the Crown Court.”
- (2) In Schedule 1 to that Act, in rule 57(1) (retention and public inspection of documents) for “or the High Court” substitute “, the High Court, the Crown Court or a magistrates' court ”.

Commencement Information

- I1** S. 70 wholly in force at 1.1.2007; s. 70 not in force at Royal Assent see s. 77; s. 70 in force at 1.1.2007 by S.I. 2006/3412, art. 3, Sch. 1, (subject to transitional provisions in Schedule 2)

71 Restriction on powers of arrest by persons other than constables

Section 24A of the Police and Criminal Evidence Act 1984 (c. 60) (arrest without warrant: other persons) does not permit a person other than a constable to arrest inside a polling station a person who commits or is suspected of committing an offence under section 60 of the 1983 Act (personation).

Modifications etc. (not altering text)

- C1** S. 71 applied (with modifications) (16.2.2011) by [Parliamentary Voting System and Constituencies Act 2011 \(c. 1\)](#), s. 19(1), [Sch. 4 para. 7](#)
- C2** S. 71 applied (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, [Sch. 2 para. 8](#)

Commencement Information

- I2** S. 71 wholly in force at 1.1.2007; s. 71 not in force at Royal Assent see s. 77; s. 71 in force at 1.1.2007 by S.I. 2006/3412, art. 3, Sch. 1, (subject to transitional provisions in Schedule 2)

Changes to legislation:

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