

SCHEDULE 4

OFFENCES

Offences relating to applications for postal and proxy votes

1.—(1) A person who provides false information in connection with an application to which any of paragraphs 3, 5(8) or 6(6) or (7) of Schedule 1 applies is guilty of an offence.

(2) For the purposes of sub-paragraph (1), “false information” means a signature which —

- (a) is not the usual signature of, or
- (b) was written by a person other than,

the person whose signature it purports to be.

(3) A person does not commit an offence under sub-paragraph (1) if the person did not know, and had no reason to suspect, that the information was false.

(4) Where sufficient evidence is adduced to raise an issue with respect to the defence under sub-paragraph (3), the court is to assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.

(5) A person guilty of an offence under sub-paragraph (1) is liable on summary conviction to —

- (a) imprisonment for a term not exceeding 51 months; or
- (b) a fine not exceeding level 5 on the standard scale,

or both.

(6) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003(1), the reference in sub-paragraph (5)(a) to 51 weeks must be taken to be a reference to six months.

(7) A person (P) commits an offence if P —

- (a) engages in an act specified in sub-paragraph (8) in the referendum; and
- (b) intends, by doing so, to deprive another of an opportunity to vote or to make for P or another a gain of a vote to which P or the other is not otherwise entitled or a gain of money or property.

(8) These are the acts—

- (a) applying for a postal or proxy vote as some other person (whether that other person is living or dead or is a fictitious person);
- (b) otherwise making a false statement in, or in connection with, an application for a postal or proxy vote;
- (c) inducing the registration officer or counting officer to send a postal ballot paper or any communication relating to a postal or proxy vote to an address which has not been agreed to by the person entitled to the vote;
- (d) causing a communication relating to a postal or proxy vote or containing a postal ballot paper not to be delivered to the intended recipient.

(9) In sub-paragraph (7)(b), property includes any description of property.

(10) In sub-paragraph (8) a reference to a postal vote or a postal ballot paper includes a reference to a proxy postal vote or a proxy postal ballot paper (as the case may be).

(11) A person who commits an offence under sub-paragraph (7) or who aids, abets, counsels or procures the commission of such an offence is guilty of a corrupt practice.

(1) 2003 c. 44.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(12) A person who—

- (a) in any declaration or form used for any of the purposes of Parts 1 and 2 of Schedule 1, makes a statement knowing it to be false; or
- (b) attests an application under paragraph 3, 5(8) or 6(6) or (7) of that Schedule knowing—
 - (i) that the person is not authorised to do so; or
 - (ii) that it contains statement which is false,

is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.