

# **Elected Representatives (Prohibition of Deception)**

[AS INTRODUCED]

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[AS INTRODUCED]

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# B I L L

TO

Create offences in relation to the publication of false or misleading statements by elected representatives; and for connected purposes.

**B**E IT ENACTED by the King’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

## 1 Offence of deception

- (1) It shall be an offence for an elected representative acting in that capacity to make a public pronouncement which they know to be misleading, false or deceptive.
- (2) In this Act, “elected representative” includes—
  - (a) a Member of Parliament;
  - (b) a Member of the Scottish Parliament,
  - (c) a Member of Senedd Cymru,
  - (d) a Member of the Northern Ireland Assembly,
  - (e) a Police and Crime Commissioner,
  - (f) an elected mayor.
- (3) In this Act, “public pronouncement” means an oral or written statement made by an elected representative to the public that is intended to inform the public of—
  - (a) material facts that are within the knowledge of the elected representative, or
  - (b) a specific course of action that the elected representative intends to take.
- (4) In this Act, “public pronouncements” include, but are not limited to, statements made via—
  - (a) social media,
  - (b) broadcast,
  - (c) podcast, and
  - (d) printed election material.
- (5) A person guilty of an offence under subsection (1) shall be liable, on summary conviction, to a fine not exceeding level 5 on the standard scale and

disqualification from standing for election to the organisations and positions listed in subsection (2) for a period of up to 10 years.

- (6) It shall be a defence for any person charged with an offence under subsection (1) to show that at the time of the offence they –
- (a) did not know, or could not reasonably have been expected to know, that the public pronouncement was misleading, false or deceptive; 5
  - (b) had no part in causing or permitting the making of the public pronouncement;
  - (c) took all reasonable care to ensure that the public pronouncement was accurate; or 10
  - (d) acted in the interests of national security.
- (7) Proceedings for any such offence must be commenced within 5 years of the date on which the public pronouncement was made.
- (8) No proceedings for an offence under this section shall be commenced in England or Wales without the consent of the Director of Public Prosecutions. 15
- (9) No proceedings for an offence under this section shall be commenced in Northern Ireland without the consent of the Director of Public Prosecutions for Northern Ireland.

## **2 Offence of making a false allegation**

- (1) It shall be an offence for a person knowingly to make a false, trivial or frivolous complaint or allegation that an offence under section 1 has been committed. 20
- (2) A person guilty of an offence under subsection (1) shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

## **3 Short title, commencement and extent** 25

- (1) This Act may be cited as the Elected Representatives (Prohibition of Deception) Act 2022.
- (2) This Act shall come into force at the end of the period of six months beginning with the day on which it is passed.
- (3) This Act extends to England and Wales, Scotland and Northern Ireland. 30

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*Presented by Liz Saville Roberts  
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