

Elected Representatives (Prohibition of Deception) Bill

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

BE IT ENACTED by the Queen'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 this capacity, or an agent acting on his behalf, to make or publish a statement which he knows to be misleading, false or deceptive in a material particular.
- (2) In this Act, “elected representative” includes — 5
 - (a) a Member of Parliament,
 - (b) a Member of the Scottish Parliament,
 - (c) a Member of the National Assembly for Wales,
 - (d) a Member of the Northern Ireland Assembly,
 - (e) a Member of the European Parliament, and 10
 - (f) an elected mayor.
- (3) 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. 15
- (4) It shall be a defence for any person charged with an offence under subsection (1) to show that at the time of the offence he — 20
 - (a) did not know, or could not reasonably have been expected to know that the statement was misleading, false or deceptive in a material particular;
 - (b) had no part in causing or permitting the statement to be published;
 - (c) took all reasonable care to ensure that the statement was accurate; or
 - (d) acted in the interests of national security.

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.
- (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.

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3 Short title, commencement and extent

- (1) This Act may be cited as the Elected Representatives (Prohibition of Deception) Act 2007.
- (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, Scotland, Wales and Northern Ireland.

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