



Electoral Administration Act 2006

2006 CHAPTER 22

PART 6

CONDUCT OF ELECTIONS ETC.

Access to election documents

43 Access to other election documents: contravention of regulations

- (1) A person is guilty of an offence—
 - (a) if he fails to comply with any conditions imposed in pursuance of regulations under section 42, or
 - (b) if he is an appropriate supervisor of a person (P) who fails to comply with such a condition and he failed to take appropriate steps.
- (2) P is not guilty of an offence under subsection (1) if—
 - (a) he has an appropriate supervisor, and
 - (b) he has complied with all the requirements imposed on him by his appropriate supervisor.
- (3) A person who is not P or an appropriate supervisor is not guilty of an offence under subsection (1) if he takes all reasonable steps to ensure that he complies with the conditions.
- (4) In subsections (1)(b) and (2)—
 - (a) an appropriate supervisor is a person who is a director of a company or concerned in the management of an organisation in which P is employed or under whose direction or control P is;
 - (b) appropriate steps are such steps as it was reasonable for the appropriate supervisor to take to secure the operation of procedures designed to prevent, so far as reasonably practicable, the occurrence of a failure to comply with the conditions.

Changes to legislation: There are currently no known outstanding effects for the Electoral Administration Act 2006, Section 43. (See end of Document for details)

- (5) A person guilty of an offence as mentioned in subsection (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Modifications etc. (not altering text)

- C1** S. 43 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 5}
- C2** S. 43 applied (with modifications) (24.7.2008) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2008 \(S.I. 2008/1848\)](#), **regs. 1(2)(3), 8**, {Sch. 4 para. 1 Table 4}
- C3** S. 43 applied (with modifications) (E.W.) (9.2.2012) by [The Local Authorities \(Conduct of Referendums\)\(England\) Regulations 2012 \(S.I. 2012/323\)](#), **reg. 1, Sch. 4 para. 1** Table 5
- C4** S. 43 applied (with modifications) (E.W.) (3.8.2012) by [The Neighbourhood Planning \(Referendums\) Regulations 2012 \(S.I. 2012/2031\)](#), **regs. 1, 8, 12, 13, Sch. 4 Pts. 1** Table 5
- C5** S. 43 applied (with modifications) by SI 2012/2031 reg. 17 Sch. 8 Table 4 (as inserted (E.W.) (6.4.2013) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2013 \(S.I. 2013/798\)](#), **regs. 1, 7, Sch. 3**)

Commencement Information

- II** S. 43 partly in force; s. 43 not in force at Royal Assent see s. 77; s. 43 in force for certain purposes for E.W. at 1.1.2007 by [S.I. 2006/3412](#), **art. 3, Sch. 1 para. 15(a)** (subject to [Sch. 2](#)); s. 43 in force for N.I. for certain purposes at 1.7.2008 by [S.I. 2008/1316](#), **arts. 2(2), 4(q)**

Changes to legislation:

There are currently no known outstanding effects for the Electoral Administration Act 2006, Section 43.