

Previous allegations

Examples of previous allegations considered under section 106 RPA 1983. The specific context will need to be considered in all cases.

Case name	Citation	Examples of statements made in cases concerning false statement of fact as to candidate	Offence under section 106 RPA 1983 (or section 91(1) RPA 1949?)
R (on the application of Woolas) v Parliamentary Election Court	[2010] EWHC 3169 (Admin)	'He's reneged on his promise to live in the constituency.'	No. This was held to be a statement as to the candidate's political conduct.
		A statement that the candidate attempted to seek the electoral support of Muslims who advocate violence, in particular towards a rival candidate.	Yes. This was held to be a statement about his personal conduct that he condoned criminal conduct.
		A statement that the candidate had not rejected the endorsement of him by an extremist group or condemned their actions.	Yes. This was held to be a statement that the candidate was a man whose personal character was such that he refused to condemn threats of violence.
DPP v Edwards	[2002] EWHC 636 (Admin)	'Labour Councillor Harry Kilkenny while sitting as chairman of housing hands his son-in-law's company a £125,000 building contract.'	Yes. This was held to relate to Mr Kilkenny's personal conduct and character.
Pirbhai v DPP	CO/2963/94	'Avoid Mr Straw who hates Muslim [sic], because he is from a Jewish family and Jews are enemy of Islam and he is tyrant of Labour	Yes. It was held that the statements related to Mr Straw's personal character or conduct. It was held on appeal that statements as to the state of mind of Mr Straw were capable of being statements of fact within section 106.

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		Party. ... No doubt he hates Muslim [sic].'	
Fairbairn v Scottish National Party	[1979] SC 393	'The staff of the House of Commons Post Office ... have taken to complaining that the uncollected mail for the colourful Nicholas Fairbairn, M.P., is threatening to take over their entire space.'	No. It was held that the words complained of reflected on the public or political character of the candidate concerned but not upon his personal character.