



The alleged false statements of fact were published in three election addresses sent to voters shortly before the election. The subject matter of the election addresses of which complaint is made involved where the Petitioner lived, his attitude to Muslim extremists who advocated violence and his election expenses.

These election addresses were drafted by members of the Respondent's election team. The Respondent made suggestions as to what should and should not be in the addresses and approved them in their final form. He accepted responsibility for them but denied that the election addresses evidenced any illegal practice contrary to section 106 of the Representation of the People Act 1983.

We have considered the meaning of each election address of which complaint is made.

In an election address entitled the Examiner the Respondent made a statement of fact, the meaning of which was that the Petitioner attempted to woo, that is, to seek the electoral support of Muslims who advocated violence, in particular violence to the Respondent.

In a further election address entitled Labour Rose he made a statement of fact the meaning of which was that the Petitioner had refused to condemn extremists who advocated violence against the Respondent.

We have concluded that both of these statements, although made in the context of an election and said to arise from a political position adopted by the Petitioner, were in relation to the Petitioner's personal character or conduct. In our judgment, to say that a person has sought the electoral support of persons who advocate extreme violence, in particular to his political opponent, clearly attacks his personal character or conduct. It suggests that he is willing to condone threats of violence in pursuit of personal advantage.

Having considered the evidence which was adduced in Court we are sure that these statements were untrue. We are also sure that the Respondent had no reasonable grounds for believing them to be true and did not believe them to be true.

We also found that in an earlier election address the Respondent had made a statement of fact, namely, that the Petitioner had reneged on his promise to live in the constituency. This too, although made in the context of an election and said to arise from a statement made by the Petitioner as a candidate in that election, was in relation to his personal character or conduct. It suggests that he is untrustworthy. The statement was false and the Respondent had no reasonable ground for believing it to be true and did not believe it to be true.

It follows in our judgment that the Respondent is guilty of an illegal practice, contrary to section 106 of the Representation of the People Act 1983 with regard to those statements.

With regard to the allegations of an illegal practice in connection with statements made in connection with the Petitioner's election expenses the Respondent made a statement in the Examiner and in the Labour Rose that an estimate had been made that the likely cost of the Petitioner's campaign was in excess of £200,000. That statement, that an estimate had been made, was true in that it appears to have been made by a member of his election team, notwithstanding that it is unclear how the estimate was reached.

The Respondent also made statements in the same publications that the Petitioner had breached the law by spending a sum of money in excess of that which had been declared and that the money came from Sheikh Abdullah. Those statements were untrue but we are not sure that the Respondent lacked reasonable grounds for believing them to be true. We therefore do not find the Respondent guilty of an illegal practice with regard to those statements.

The consequence of our finding that the Respondent is guilty of an illegal practice with regard to the other statements to which we have referred is that, pursuant to section 159(1) of the Act, his election as Member of Parliament for the constituency of Oldham East and Saddleworth is void and we have so reported to the Speaker of the House of Commons. We are satisfied that the statutory penalties for the illegal practices committed by the Respondent are both necessary and proportionate, having regard to the seriousness of the statements made with regard to the Petitioner's alleged attitude to Muslim extremists who advocated violence.