



Ministry of Housing,
Communities &
Local Government

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*Parliamentary Under-Secretary of
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Rt Hon. Sir Lindsay Hoyle MP
Speaker of the House of Commons,
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Dear Mr Speaker,

In your recent evidence session on the security of candidates, MPs and elections, Minister Sackman and the Solicitor General agreed to provide additional information regarding how applications for disqualification orders can be sought at sentencing. As disqualification orders are an electoral sanction this falls within my portfolio as the Minister for Democracy, so I am writing to set out more detail on this topic.

Disqualification orders are a type of ancillary order (additional legal penalty which can be imposed alongside a sentence) which were introduced under the Elections Act 2022 and applies where an offender over the age of 18 has committed an intimidatory offence (these are listed in Schedule 9 to the Act) motivated by hostility towards a candidate, campaigner or elective office holder. When sentencing offenders in these circumstances courts must also make a disqualification order, which bans the offender from standing for or holding elective office for a period of 5 years. This applies for England, Wales and Northern Ireland, while there is an equivalent provision in Scottish law.

If the conditions set out above are met, the court must impose a disqualification order; however, courts may choose not to apply a disqualification order where there are particular circumstances that would make it unjust, but they must state in open court the reasons for not making the order. There is no need for the prosecution to apply for a disqualification order. However, in practice, the prosecution would present evidence which the court would use to establish the hostility. For example, in cases where a 'not guilty' plea is entered and a full trial results in a conviction, it is likely that the court would be aware of the hostility as a result of the evidence presented by the prosecution as part of the trial. In cases where a 'guilty' plea is entered, the court would not hear evidence but would be given a summary of the facts by the prosecution, which could be used to establish the hostility. Furthermore, when establishing the hostility, the court may consider evidence which would not be admissible or relevant to the proceedings relating to the underlying offence. As part of sentencing, it is the duty of the prosecution to remind the court of any relevant ancillary orders (which would include the disqualification order) and it would be prudent for the prosecution to remind the court of its obligations under this legislation.

We do not hold any data on the use of disqualification orders. We are working with colleagues across government, the judicial system and law enforcement to develop a better understanding

on the use of electoral law – including disqualification orders – and ensure that we have appropriate monitoring in place to assess the effectiveness of current legislation.

Harassment and intimidation of voters, electoral staff and campaigners, both online and in person, is totally unacceptable and has a profoundly detrimental impact on our democratic process. This is why my department is introducing three new legislative measures to tackle harassment and intimidation, set out in our Strategy for Elections paper. This includes an extension of the disqualification order's remit, to ensure that electoral staff are also protected from abuse. I am grateful for your work in this area, including through the Conference, to strengthen our democracy and tackle intimidation and harassment in public life and I hope this response provides clarity on the use of disqualification orders.

Yours sincerely,



Rt Hon. Rushanara Ali MP

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