

**IN THE HIGH COURT OF JUSTICE**

**M/350/14**

**QUEEN'S BENCH DIVISION**

**IN THE MATTER OF THE REPRESENTATION OF THE PEOPLE ACT 1983**

**AND IN THE MATTER OF A MAYORAL ELECTION FOR THE LONDON BOROUGH  
OF TOWER HAMLETS HELD ON 22 MAY 2014**

**BETWEEN:**

- (1) ANDREW ERLAM**
- (2) DEBBIE SIMONE**
- (3) AZMAL HUSSEIN**
- (4) ANGELA MOFFAT**

**Petitioners**

**-and-**

- (1) MOHAMMED LUTFUR RAHMAN**
- (2) JOHN S WILLIAMS (RETURNING OFFICER)**

**Respondents**

## **REPORT TO THE HIGH COURT OF JUSTICE**

**To:**

The Honourable Mr Justice Popplewell, the Honourable Mrs Justice Lang DBE and the Honourable Mr Justice Leggatt

My Lords, My Lady

- 1 Pursuant to the order of Mr Justice Supperstone and Mr Justice Spencer dated 31 July 2014, I was appointed as Commissioner for the trial of the Election Petition for the Mayoral Election

of the London Borough of Tower Hamlets arising from the election held on 22 May 2014 pursuant to section 130 of the Representation of the People Act 1983 ("the 1983 Act").

- 2 I deliver this report to the High Court pursuant to section 145 of the 1983 Act.
- 3 On 4, 5, 6 and 7 November 2014 I conducted the Scrutiny in this Petition and rendered my Scrutiny Report to the High Court on 18 November 2014.
- 4 Between 2 February and 24 March 2015 I conducted the trial of the Petition in the Royal Courts of Justice.
- 5 On 23 April 2015 I delivered a detailed Judgment in the Petition. A copy of the Judgment accompanies this Report. As my legal and factual findings are set out at length in the Judgment, they need not be repeated here.
- 6 Under section 158 of the 1983 Act I am obliged to state in my report "whether any corrupt or illegal practice has or has not been proved to have been committed by or with the knowledge and consent of any candidate at the election and the nature of the corrupt or illegal practice". Under section 160(1) of the 1983 Act, any report under section 145 "shall state the names of all persons (if any) who have been proved at the trial to have been guilty of any corrupt or illegal practice".

7 At the conclusion of my Judgment I certified that in the election for the Mayor of the London Borough of Tower Hamlets held on 22 May 2014:

- a) the First Respondent Mr Rahman was guilty by his agents of corrupt practices contrary to:
  - i) s 60 of the 1983 Act;
  - ii) s 62A of the 1983 Act;
- b) the First Respondent Mr Rahman was guilty by his agents of illegal practices contrary to:
  - i) s 13D(1) of the 1983 Act;
  - ii) s 61(1)(a) of the 1983 Act;
- c) the First Respondent Mr Rahman was personally guilty and guilty by his agents of an illegal practice contrary to s 106 of the 1983 Act;
- d) the First Respondent Mr Rahman was guilty by his agents of an illegal practice contrary to s 111 of the 1983 Act;
- e) the First Respondent Mr Rahman was personally guilty and guilty by his agents of a corrupt practice contrary to s 113 of the 1983 Act;
- f) the First Respondent Mr Rahman was personally guilty and guilty by his agents of a corrupt practice contrary to s 115 of the 1983 Act.

8 I also report and certify that in the election for the Mayor of the London Borough of Tower Hamlets held on 22 May 2014:

- a) there were corrupt and illegal practices for the purpose of promoting or procuring the election of the Respondent Mr Rahman at that election and

b) those corrupt or illegal practices so extensively prevailed that they may reasonably be supposed to have affected the result of such election.

9 Consequently I declared the election of Mr Rahman as Mayor of the London Borough of Tower Hamlets to have been avoided by such corrupt and illegal practices pursuant to s 159(1) of the 1983 Act and also to have been avoided on the ground of general corruption pursuant to s 164(1)(a) of the 1983 Act.

10 I also declared that declared that Mr Rahman should be incapable of being elected to fill the vacancy for the office of Mayor of the London Borough of Tower Hamlets under s 164(1)(b) of the 1983 Act.

11 As the First Respondent Mr Rahman is a solicitor of the Senior Courts and the court is obliged by s 162 of the 1983 Act to bring this judgment to the attention of his professional body, the Solicitors' Regulation Authority, I ordered that a copy of the judgment be sent to the SRA.


12 I also report and certify that Mr Alibor Choudhury of 104 Jamaica Street, London E1 3HY was guilty of a corrupt practice contrary to s 113 of the 1983 Act and illegal practices contrary to ss 106 and 111 of the 1983 Act.

13 The Petition contained charges of corrupt and illegal practices and I am therefore under a duty under section 145(3) of the 1983 Act to report to the High Court "whether any corrupt

practices have, or whether there is reason to believe that any corrupt practices have extensively prevailed at the election of the authority for which the election was held or in any electoral area of that authority's area." I hereby report that corrupt practices extensively prevailed at the election both of the Mayor and of the Councillors for the twenty wards of Tower Hamlets held on 22 May 2014

14 Under section 145(4) of the 1983 Act, I am required to report as to "matters arising in the course of the trial an account of which in the Judgment of the court ought to be submitted to the High Court."

15 The Judgment discloses that a multiplicity of electoral offences were committed by the First Respondent and his agents in the course of the 2014 election. It is customary for the Commissioner to draw to the attention of the Court problems with electoral law and its application arising in the course of the Petition which might merit consideration. As appears from the Judgment, however, the entire question of electoral law is currently being examined by the Law Commission and it does not seem appropriate to rehearse in this formal report the issues thrown up by the Petition when they are already under review.

  
Richard B. Mawrey QC

Commissioner

23 April 2015