



# Political Parties, Elections and Referendums Act 2000

## 2000 CHAPTER 41

An Act to establish an Electoral Commission; to make provision about the registration and finances of political parties; to make provision about donations and expenditure for political purposes; to make provision about election and referendum campaigns and the conduct of referendums; to make provision about election petitions and other legal proceedings in connection with elections; to reduce the qualifying periods set out in sections 1 and 3 of the Representation of the People Act 1985; to make pre-consolidation amendments relating to European Parliamentary Elections; and for connected purposes. [30th November 2000]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### PART I

#### THE ELECTORAL COMMISSION

##### *Establishment of Electoral Commission and bodies with related functions*

#### **1 Establishment of the Electoral Commission**

- (1) There shall be a body corporate to be known as the Electoral Commission or, in Welsh, Comisiwn Etholiadol (in this Act referred to as “the Commission”).
- (2) The Commission shall consist of members to be known as Electoral Commissioners.
- (3) There shall be not less than five, but not more than nine, Electoral Commissioners.

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- (4) The Electoral Commissioners shall be appointed by Her Majesty (in accordance with section 3).
- (5) Her Majesty shall (in accordance with section 3) appoint one of the Electoral Commissioners to be the chairman of the Commission.
- (6) Schedule 1, which makes further provision in relation to the Commission, shall have effect.

## **2 Speaker's Committee**

- (1) There shall be a Committee (to be known as “the Speaker’s Committee”) to perform the functions conferred on the Committee by this Act.
- (2) The Speaker’s Committee shall consist of the Speaker of the House of Commons, who shall be the chairman of the Committee, and the following other members, namely—
  - (a) the Member of the House of Commons who is for the time being the Chairman of the Home Affairs Select Committee of the House of Commons;
  - (b) the Secretary of State for the Home Department (whether or not a Member of the House of Commons);
  - (c) a Member of the House of Commons who is a Minister of the Crown with responsibilities in relation to local government; and
  - (d) five Members of the House of Commons who are not Ministers of the Crown.
- (3) The member of the Committee mentioned in subsection (2)(c) shall be appointed to membership of the Committee by the Prime Minister.
- (4) The members of the Committee mentioned in subsection (2)(d) shall be appointed to membership of the Committee by the Speaker of the House of Commons.
- (5) Schedule 2, which makes further provision in relation to the Speaker’s Committee, shall have effect.
- (6) In this section and that Schedule, references to the Home Affairs Select Committee shall—
  - (a) if the name of that Committee is changed, be taken (subject to paragraph (b)) to be references to the Committee by its new name;
  - (b) if the functions of that Committee at the passing of this Act with respect to electoral matters (or functions substantially corresponding thereto) become functions of a different committee of the House of Commons, be taken to be references to the committee by whom the functions are for the time being exercisable.

## **3 Appointment of Electoral Commissioners and Commission chairman**

- (1) The powers of Her Majesty under section 1(4) and (5) shall be exercisable on an Address from the House of Commons.
- (2) No motion shall be made for such an Address except—
  - (a) with the agreement of the Speaker of the House of Commons; and
  - (b) after consultation with the registered leader of each registered party to which two or more Members of the House of Commons then belong.

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- (3) Such an Address shall specify the period (not exceeding 10 years) for which each proposed Electoral Commissioner to whom the Address relates is to hold office as such Commissioner or (as the case may be) the period for which the proposed chairman of the Commission is to hold office as such chairman.
- (4) A person may not be appointed as an Electoral Commissioner if the person—
  - (a) is a member of a registered party;
  - (b) is an officer or employee of a registered party or of any accounting unit of such a party;
  - (c) holds a relevant elective office (within the meaning of Schedule 7); or
  - (d) has at any time within the last ten years—
    - (i) been such an officer or employee as is mentioned in paragraph (b), or
    - (ii) held such an office as is mentioned in paragraph (c), or
    - (iii) been named as a donor in the register of donations reported under Chapter III or V of Part IV.
- (5) An Electoral Commissioner, or the chairman of the Commission, may be re-appointed (or further re-appointed).
- (6) In subsection (2)(b) the reference to Members of the House of Commons does not include any Member of that House who at the time in question—
  - (a) has not made and subscribed the oath required by the Parliamentary Oaths Act 1866 (or the corresponding affirmation); or
  - (b) is disqualified from sitting and voting in that House.
- (7) In this section “registered party”—
  - (a) includes (in relation to times before the appointed day for the purposes of Part II of this Act) a party registered under the Registration of Political Parties Act 1998; and
  - (b) in subsection (4)(b) also includes (in relation to times before 1st April 1999) any political party.

#### **4 Parliamentary Parties Panel**

- (1) There shall be a panel (to be known as “the Parliamentary Parties Panel”) which consists of representatives of qualifying parties appointed in accordance with this section.
- (2) The function of the panel shall be to submit representations or information to the Commission about such matters affecting political parties as the panel think fit.
- (3) Where the panel submit any such representations or information to the Commission, the Commission shall—
  - (a) consider the representations or information, and
  - (b) decide whether, and (if so) to what extent, they should act on the representations or information.
- (4) Each qualifying party shall be entitled to be represented on the panel by a person appointed to the panel by the treasurer of the party.
- (5) Subject to subsection (6), a person so appointed shall be a member of the panel for such period as the treasurer of the party may determine when making the appointment.

- (6) A person so appointed shall cease to be a member of the panel if at any time—
  - (a) his appointment is terminated for any reason by the treasurer of the party, or
  - (b) the party ceases to be a qualifying party.
- (7) The panel may determine their own procedure.
- (8) The validity of any proceedings of the panel shall not be affected by any failure by the treasurer of a qualifying party to make any appointment in accordance with this section.
- (9) In this section “qualifying party” means a registered party—
  - (a) to which two or more Members of the House of Commons for the time being belong, who have made and subscribed to the oath required by the Parliamentary Oaths Act 1866 (or the corresponding affirmation) and are not disqualified from sitting or voting in the House; or
  - (b) to which two or more such Members belonged immediately after the most recent parliamentary general election.

#### *Commission's general functions*

### **5 Reports on elections and referendums**

- (1) The Commission shall, after—
  - (a) each election to which this section applies, and
  - (b) each referendum to which Part VII applies,prepare and publish (in such manner as the Commission may determine) a report on the administration of the election or referendum.
- (2) The elections to which this section applies are the following, namely—
  - (a) a parliamentary general election;
  - (b) a European Parliamentary general election;
  - (c) a Scottish Parliamentary general election;
  - (d) a National Assembly for Wales ordinary election;
  - (e) a Northern Ireland Assembly general election.
- (3) After a poll held under section 36 of the Government of Wales Act 1998 the Commission shall, if requested to do so by the National Assembly for Wales, at the Assembly's expense prepare and publish (in such manner as the Commission may determine) a report on the administration of the poll.

### **6 Reviews of electoral and political matters**

- (1) The Commission shall keep under review, and from time to time submit reports to the Secretary of State on, the following matters, namely—
  - (a) such matters relating to elections to which this section applies as the Commission may determine from time to time;
  - (b) such matters relating to referendums to which this section applies as the Commission may so determine;
  - (c) the redistribution of seats at parliamentary elections;

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- (d) if any functions are transferred by an order under section 18(1), 19(1) or 20(1), the matters in relation to which those functions are exercisable;
  - (e) the registration of political parties and the regulation of their income and expenditure;
  - (f) political advertising in the broadcast and other electronic media;
  - (g) the law relating to the matters mentioned in each of paragraphs (a) to (f).
- (2) At the request of the Secretary of State, and within such time as the Secretary of State may specify, the Commission shall—
- (a) review, and
  - (b) submit a report to the Secretary of State on,
- such matter or matters (whether or not falling within subsection (1)) as the Secretary of State may specify.
- (3) The Commission shall not, however, carry out any review (or make any report) under this section with respect to any of the following matters, namely—
- (a) the funding of political parties under section 97 of the Scotland Act 1998 or for the purpose of assisting members of the Northern Ireland Assembly connected with such parties to perform their Assembly duties;
  - (b) the conduct of referendums held in pursuance of any provision made by or under an Act of the Scottish Parliament or the Northern Ireland Assembly or the conduct of any poll under section 36 of the Government of Wales Act 1998;
  - (c) the law relating to the matters mentioned in each of paragraphs (a) and (b).
- (4) Where any review carried out under this section relates to elections or referendums in Northern Ireland, the Commission shall consult the Chief Electoral Officer for Northern Ireland with respect to such elections or referendums.
- (5) Each report made by the Commission under this section shall be published by them in such manner as they may determine.
- (6) The elections and referendums to which this section applies are—
- (a) in the case of elections—
    - (i) the elections mentioned in section 5(2),
    - (ii) local government elections in England or Wales, and
    - (iii) local elections in Northern Ireland; and
  - (b) in the case of referendums, referendums to which Part VII applies and those under Part II of the Local Government Act 2000.

## **7 Commission to be consulted on changes to electoral law**

- (1) Before making an instrument to which this section applies, the authority making the instrument shall consult the Commission.
- (2) This section applies to an instrument containing—
- (a) regulations under paragraph 2 of Schedule 1 to the European Parliamentary Elections Act 1978 (conduct and questioning of European Parliamentary elections);
  - (b) an order under paragraph 4(1)(a) or (b) of that Schedule (designations of regional returning officers);

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- (c) an order under section 24(1)(c), (cc) or (e), 25(1)(b), 28(1)(b) or 35(2B) of the Representation of the People Act 1983 (designations of returning officers and acting returning officers);
  - (d) rules under section 36 of that Act (local government elections in England and Wales);
  - (e) regulations under that Act (“the 1983 Act”), or under the Representation of the People Act 1985, in relation to which section 201(2) of the 1983 Act (regulations which may not be made unless a draft of them has been laid before and approved by a resolution of each House of Parliament) has effect;
  - (f) an order under section 11 or 36(4) or (5) of the Government of Wales Act 1998 (conduct of elections to the National Assembly for Wales and of polls held by the Assembly);
  - (g) an order under section 12(1) or (6) of the Scotland Act 1998 (conduct of elections to the Scottish Parliament);
  - (h) an order under section 34(4) of the Northern Ireland Act 1998 (conduct of elections to the Northern Ireland Assembly);
  - (i) an order under section 17A(3) of the Greater London Authority Act 1999 (free delivery of election addresses at elections to the Greater London Authority).
- (3) No draft Order shall be laid before Parliament under section 84(4) of the Northern Ireland Act 1998 (power to make provision with respect to elections in Northern Ireland) except after consultation with the Commission.

## **8 Powers with respect to elections exercisable only on Commission recommendation**

- (1) The function of giving directions under section 52(1) of the Representation of the People Act 1983 (directions as to discharge of registration duties) shall be exercisable only on, and in accordance with, a recommendation of the Commission.
- (2) A function to which this subsection applies shall, unless the Secretary of State considers that the exercise of the function is expedient in consequence of changes in the value of money, be exercisable only on, and in accordance with, a recommendation of the Commission.
- (3) Subsection (2) applies to the following functions, namely—
  - (a) the making of orders under section 76(2A) of that Act (limitation of expenses in connection with elections to the Greater London Authority);
  - (b) the making of orders under section 11 of the Government of Wales Act 1998 or section 12 of the Scotland Act 1998 so far as relating to the matters mentioned in subsection (2)(c) of the section (limitation of expenses in connection with elections to the National Assembly for Wales or Scottish Parliament);
  - (c) the making of regulations under paragraph 2(3A)(a) of Schedule 1 to the European Parliamentary Elections Act 1978 (limitation of expenses in connection with elections to the European Parliament).

## **9 Involvement of Commission in changes in electoral procedures**

- (1) The Commission—
  - (a) may participate with any relevant local authority in the joint submission of proposals falling within section 10(1) of the Representation of the People Act 2000 (pilot schemes); and

- (b) shall have such other functions in relation to—
  - (i) orders and schemes under section 10 of that Act, and
  - (ii) orders under section 11 of that Act (revision of procedures in the light of pilot schemes),as are conferred on the Commission by those sections.
- (2) Where any scheme under section 10 of that Act falls to be implemented following the approval by the Secretary of State of proposals jointly submitted by the Commission and a relevant local authority as mentioned in subsection (1)(a) above, the Commission may, in connection with the implementation of the scheme, provide that authority with such assistance (except financial assistance) as the Commission think fit.
- (3) In this section “relevant local authority” has the same meaning as in section 10 of that Act.

## **10 Giving of advice and assistance**

- (1) The Commission may, at the request of any relevant body, provide the body with advice and assistance as respects any matter in which the Commission have skill and experience.
- (2) The assistance which may be so provided includes (in particular) the secondment of members of the Commission’s staff.
- (3) The Commission may also—
  - (a) provide advice and assistance to—
    - (i) registration officers,
    - (ii) returning officers at relevant elections,
    - (iii) registered parties,
    - (iv) recognised third parties within the meaning of Part VI, and
    - (v) permitted participants within the meaning of Part VII;
  - (b) provide advice and assistance to other persons which is incidental to, or otherwise connected with, the discharge by the Commission of their functions.
- (4) The Commission—
  - (a) may make charges for advice or assistance provided by them under subsection (1); but
  - (b) may not make charges for advice and assistance provided under subsection (3).
- (5) Nothing in this section authorises the Commission to provide any form of financial assistance.
- (6) In this section “relevant body” means—
  - (a) the Scottish Parliament;
  - (b) the Scottish Executive;
  - (c) the National Assembly for Wales;
  - (d) the Northern Ireland Assembly;
  - (e) the Executive Committee of the Northern Ireland Assembly;
  - (f) any of the following local authorities—
    - (i) in England, the council of a county, district or London borough,

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- (ii) in Wales, the council of a county or county borough, and
  - (iii) in Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;
  - (g) a national or regional parliament or government in a country other than the United Kingdom;
  - (h) a body in any such other country having functions corresponding to any of the functions of the Commission;
  - (i) an organisation of which two or more countries (or their governments) are members or a subordinate body of such an organisation.
- (7) In this section “relevant election” means any election falling within section 22(5) other than a local government election in Scotland.
- (8) The Scottish Ministers may by order provide that subsection (7) shall have effect as if the words “other than a local government election in Scotland” were omitted.
- (9) Section 156(5) shall apply to an order made by the Scottish Ministers under subsection (8) as it applies to an order made by the Secretary of State under this Act and the reference in that section to enactments shall include a reference to any enactment comprised in or in an instrument made under an Act of the Scottish Parliament.
- (10) The power of the Scottish Ministers to make an order under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of the Scottish Parliament.

## **11 Broadcasters to have regard to Commission’s views on party political broadcasts**

- (1) In section 36 of the Broadcasting Act 1990 (independent television services: party political broadcasts), after subsection (4) there shall be inserted—
- “(5) Before making any rules for the purposes of this section the Commission shall have regard to any views expressed by the Electoral Commission.”
- (2) In section 107 of that Act (independent sound broadcasting services: party political broadcasts), after subsection (3) there shall be inserted—
- “(4) Before making any rules for the purposes of this section the Authority shall have regard to any views expressed by the Electoral Commission.”
- (3) The British Broadcasting Corporation and Sianel Pedwar Cymru shall each, in determining its policy with respect to party political broadcasts, have regard to any views expressed by the Electoral Commission for the purposes of this subsection.

## **12 Policy development grants**

- (1) For the purposes of this section—
- (a) “a policy development grant” is a grant to a represented registered party to assist the party with the development of policies for inclusion in any manifesto on the basis of which—
    - (i) candidates authorised to stand by the party will seek to be elected at an election which is a relevant election for the purposes of Part II, or
    - (ii) the party itself will seek to be so elected (in the case of such an election for which the party itself may be nominated); and



- (b) a registered party is “represented” if there are at least two Members of the House of Commons belonging to the party who—
  - (i) have made and subscribed the oath required by the Parliamentary Oaths Act 1866 (or the corresponding affirmation), and
  - (ii) are not disqualified from sitting or voting in that House.
- (2) The Commission shall submit recommendations to the Secretary of State for the terms of a scheme for the making by the Commission of policy development grants.
- (3) Where the Secretary of State receives recommendations under subsection (2), he shall make an order setting out such a scheme in terms which, with any modifications he considers appropriate, give effect to the recommendations.
- (4) The scheme shall, in particular, specify or provide for the determination of—
  - (a) the parties eligible for policy development grants, and
  - (b) how any money provided to the Commission for the making of policy development grants is to be allocated between the parties eligible for such grants.
- (5) The Commission shall keep under review the terms of any scheme under this section and shall make recommendations to the Secretary of State for any variations to the scheme which they consider appropriate.
- (6) Where the Secretary of State receives recommendations under subsection (5), he shall make an order giving effect, with any modifications he considers appropriate, to the recommendations.
- (7) Where any such modifications as are mentioned in subsection (3) or (6) would result in an order under that subsection giving effect with modifications to any recommendations of the Commission in respect of either of the matters mentioned in subsection (4), the order shall not be made without the agreement of the Commission to the modifications so far as relating to those matters.
- (8) The Commission shall make such grants as are provided for under any scheme under this section, and any such grants may be made subject to such conditions as (consistently with the terms of the scheme) the Commission consider appropriate; but nothing in such a scheme shall have effect to authorise the Commission to make in any financial year more than £2 million in policy development grants.
- (9) The Secretary of State may by order made with the consent of the Treasury vary the sum for the time being specified in subsection (8).

### **13 Education about electoral and democratic systems**

- (1) The Commission shall promote public awareness of—
  - (a) current electoral systems in the United Kingdom and any pending such systems, together with such matters connected with any such existing or pending systems as the Commission may determine;
  - (b) current systems of local government and national government in the United Kingdom and any pending such systems; and
  - (c) the institutions of the European Union.

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- (2) For the purposes of subsection (1) any system such as is mentioned in paragraph (a) or (b) of that subsection is pending at a time when arrangements for giving effect to it have been made by any enactment but the arrangements are not yet in force.
- (3) Subsection (1) does not apply in relation to local government elections, or to local government, in Scotland; but in paragraph (b) of that subsection the reference to national government includes (in addition to the government of the United Kingdom) the government of parts of the United Kingdom for which there are devolved legislatures.
- (4) The Commission shall perform their functions under subsection (1) in such manner as they think fit but may, in particular, do so by—
  - (a) carrying out programmes of education or information to promote public awareness of any of the matters mentioned in subsection (1); or
  - (b) making grants to other persons or bodies for the purpose of enabling them to carry out such programmes.
- (5) Any grant under subsection (4)(b) may be made subject to such conditions as the Commission consider appropriate.
- (6) The total expenditure incurred in any financial year by the Commission in performing their functions under subsection (1) (whether by making grants or otherwise) shall not exceed such sum as is for the time being specified for the purposes of this subsection by an order made by the Secretary of State with the consent of the Treasury.
- (7) The Scottish Ministers may by order provide that, despite subsection (3), the Commission may perform the functions conferred by this section in relation to local government elections, or to local government, in Scotland.
- (8) Subsection (6) shall not apply to the expenditure incurred by the Commission in performing their functions exercisable by virtue of an order made by the Scottish Ministers under subsection (7); but such expenditure shall not exceed such sum as is for the time being specified for the purposes of this subsection in an order made by the Scottish Ministers.
- (9) The Scottish Ministers shall reimburse the Commission for any expenditure incurred by them which is attributable to the exercise of any of functions mentioned in subsection (8).
- (10) Section 156(5) shall apply to an order made by the Scottish Ministers under this section as it applies to an order made by the Secretary of State under this Act and the reference in that section to enactments shall include a reference to any enactment comprised in or in an instrument made under an Act of the Scottish Parliament.
- (11) The power of the Scottish Ministers to make an order under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of the Scottish Parliament.

*Commission's electoral boundary functions*

**14 Boundary committees**

- (1) The Commission shall establish four Boundary Committees, one for each of England, Scotland, Wales and Northern Ireland.

- (2) Each Boundary Committee shall consist of—
  - (a) a chairman, and
  - (b) not less than the appropriate number of other members,  
appointed by the Commission.
- (3) For the purposes of subsection (2) “the appropriate number”, in relation to a Boundary Committee, is—
  - (a) two, if no functions fall to be exercised by the Committee by virtue of section 18(1), section 19(1) or section 20(1) (as the case may be); and
  - (b) four, if any functions fall to be so exercised.
- (4) Only an Electoral Commissioner or a deputy Electoral Commissioner may be appointed a member of a Boundary Committee; and only an Electoral Commissioner may be appointed chairman of a Boundary Committee.
- (5) The Commission shall, where any functions fall to be exercised by a Boundary Committee as mentioned in subsection (3), so exercise their powers of appointment under this section and section 15 as to secure—
  - (a) that at least one of the members of the Committee is a person with experience of local government matters in England, Scotland or Wales (as the case may be); and
  - (b) that, in the case of the Boundary Committee for Wales, at least one of the members of the Committee is a person able to speak the Welsh language.
- (6) The following persons shall be assessors to the Boundary Committees—
  - (a) in the case of each of the Boundary Committee for England and the Boundary Committee for Wales, the Registrar General for England and Wales and the Director General of Ordnance Survey;
  - (b) in the case of the Boundary Committee for Scotland, the Registrar General of Births, Deaths and Marriages for Scotland and the Director General of Ordnance Survey;
  - (c) in the case of the Boundary Committee for Northern Ireland, the Registrar General of Births and Deaths in Northern Ireland, the Commissioner of Valuation for Northern Ireland and the Chief Electoral Officer for Northern Ireland.

## **15 Deputy Electoral Commissioners**

- (1) The Commission may appoint Deputy Electoral Commissioners.
- (2) The number of Deputy Electoral Commissioners shall not exceed such number as the Commission, with the agreement of the Speaker’s Committee, may determine.
- (3) A person shall not be appointed as a Deputy Electoral Commissioner if he is a person who (by virtue of section 3(4)) may not be appointed as an Electoral Commissioner.
- (4) The functions of a Deputy Electoral Commissioner are limited to serving as a member of any Boundary Committee to which he is appointed.
- (5) Schedule 1 contains further provisions about Deputy Electoral Commissioners.

## **16 Transfer of functions of Boundary Commissions**

- (1) The Parliamentary Constituencies Act 1986 shall have effect subject to the amendments specified in Part I of Schedule 3, by virtue of which—
  - (a) the functions of each of the Boundary Commissions under section 3(1) and (3) of that Act (functions with respect to keeping under review, and reporting on, representation in the House of Commons of the part of the United Kingdom with which they are concerned) are transferred to the Electoral Commission; and
  - (b) functions with respect to—
    - (i) the carrying out of reviews under that Act with respect to a particular part of the United Kingdom, and
    - (ii) the submission to the Electoral Commission of proposed recommendations following any such review,are conferred on the Boundary Committee established for that part of the United Kingdom under section 14 above.
- (2) The consequential amendments of other Acts specified in Part II of Schedule 3 shall have effect.
- (3) A Boundary Commission shall cease to exist at such time as the Secretary of State, being satisfied that they have no further functions to perform, by order directs.
- (4) In this section “Boundary Commission” means one of the Boundary Commissions constituted under the 1986 Act.

## **17 Transfer of property etc. of the Boundary Commissions**

- (1) There shall be transferred to and vest in the Commission by virtue of this subsection all property, rights and liabilities to which a Boundary Commission are entitled or subject when their functions are transferred to the Commission by virtue of section 16(1).
- (2) A certificate issued by the Secretary of State that any property has been transferred by subsection (1) shall be conclusive evidence of the transfer.
- (3) Subsection (1) has effect in relation to property, rights or liabilities to which it applies despite any provision (of whatever nature) which would prevent or restrict the transfer of the property, rights or liabilities otherwise than by that subsection.

## **18 Transfer of functions of Local Government Commission for England**

- (1) The Secretary of State may by order make provision for and in connection with transferring (to any extent) to—
  - (a) the Commission, or
  - (b) the Boundary Committee for England,any of the functions of the Local Government Commission for England (in this section referred to as “the English Commission”).
- (2) An order under subsection (1) may make provision for—
  - (a) transferring (to any extent) any relevant function of the Secretary of State to the Commission;

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- (b) terminating (to any extent) any relevant function of the Secretary of State or the English Commission without transferring it to the Commission or the Boundary Committee for England;
  - (c) modifying (to any extent) any relevant function of the Secretary of State;
  - (d) preventing the Secretary of State from exercising any relevant function (including one so modified) unless he has sought and obtained such advice of the Commission as may be prescribed by the order, or authorising him to seek such advice in connection with the exercise of any such function;
  - (e) modifying any relevant or other function transferred by an order under subsection (1) so far as it is to be exercisable by the Commission or the Boundary Committee for England;
  - (f) conferring on the Commission functions with respect to electoral areas or other electoral arrangements relating to the Isles of Scilly.
- (3) In subsection (2) “relevant function” means (subject to subsection (4)) a function under—
- (a) any of sections 13 to 15 and 17 of the Local Government Act 1992 (local government changes in England),
  - (b) any of sections 13, 14 and 17(4) of the Local Government and Rating Act 1997 (parishes and parish councils) so far as having effect in relation to electoral arrangements within the meaning of Part II of that Act, or
  - (c) section 2(4) of the Greater London Authority Act 1999 or Schedule 1 to that Act (assembly constituencies).
- (4) Nothing in subsection (2) authorises the transfer to the Commission of any power of the Secretary of State under any of the provisions mentioned in subsection (3)(a) to make orders other than those effecting electoral changes within the meaning of Part II of the Local Government Act 1992; but, subject to that, the functions which may be transferred by virtue of subsection (2) include functions with respect to the making of orders by statutory instrument.
- (5) The provision made by order under subsection (1) as respects the distribution of functions between the Commission and the Boundary Committee for England shall broadly correspond to that made by Part I of Schedule 3 as respects the distribution of functions between those bodies.
- (6) The English Commission shall cease to exist at such time as the Secretary of State, being satisfied that they have no further functions to perform, by order directs.
- (7) An order under subsection (1) or (6) may include provision for the transfer to the Commission—
- (a) of the staff of the English Commission, and
  - (b) of any property, rights and liabilities to which the English Commission are entitled or subject;
- and an order which contains provision such as is mentioned in paragraph (b) may in particular provide for the order to have effect despite any provision (of whatever nature) which would prevent or restrict the transfer of the property, rights or liabilities otherwise than by the order.
- (8) An order under subsection (6) may include provision for the abolition of any duty in compliance with which the English Commission were established or constituted.

- (9) The Secretary of State may pay to the Commission such amount as he may determine to be appropriate by way of reimbursement for any expenditure incurred by them which is attributable to the provision by them of advice to the Secretary of State in pursuance of an order under subsection (1).

## **19 Transfer of functions of Local Government Boundary Commission for Scotland**

- (1) The Scottish Ministers may by order make provision for and in connection with transferring (to any extent) to—
- (a) the Commission, or
  - (b) the Boundary Committee for Scotland,
- any of the functions of the Local Government Boundary Commission for Scotland (in this section referred to as “the Scottish Commission”).
- (2) An order under subsection (1) may make provision for—
- (a) transferring (to any extent) any relevant function of the Scottish Ministers to the Commission;
  - (b) terminating (to any extent) any relevant function of the Scottish Ministers or the Scottish Commission without transferring it to the Commission or the Boundary Committee for Scotland;
  - (c) modifying (to any extent) any relevant function of the Scottish Ministers;
  - (d) preventing the Scottish Ministers from exercising any relevant function (including one so modified) unless they have sought and obtained such advice of the Commission as may be prescribed by the order, or authorising them to seek such advice in connection with the exercise of any such function;
  - (e) modifying any function transferred by such an order so far as it is to be exercisable by the Commission or the Boundary Committee for Scotland.
- (3) In subsection (2) “relevant function” means (subject to subsection (4)) a function under any of sections 13 to 21 of, and Schedule 5 and paragraph 1(2) of Schedule 6 to, the Local Government (Scotland) Act 1973.
- (4) Nothing in subsection (2)(a) authorises the transfer to the Commission of any power of the Scottish Ministers to make orders under any of the provisions mentioned in subsection (3).
- (5) The provision made by order under subsection (1) as respects the distribution of functions between the Commission and the Boundary Committee for Scotland shall broadly correspond to that made by Part I of Schedule 3 as respects the distribution of functions between those bodies.
- (6) The Scottish Commission shall cease to exist at such time as the Scottish Ministers, being satisfied that the Scottish Commission have no further functions, by order direct.
- (7) An order under subsection (1) or (6) may include provision for the transfer to the Commission—
- (a) of the staff of the Scottish Commission, and
  - (b) of any property (including rights and interests of any description) and liabilities to which the Scottish Commission are entitled or subject;
- and an order which contains provision such as is mentioned in paragraph (b) may in particular provide for the order to have effect despite any provision (of whatever

nature) which would prevent or restrict the transfer of the property or liabilities otherwise than by the order.

- (8) An order under subsection (6) may include provision for the abolition of any duty in compliance with which the Scottish Commission were established or constituted.
- (9) Section 156(5) shall apply to an order made by the Scottish Ministers under this section as it applies to an order made by the Secretary of State under this Act and the reference in that section to enactments shall include a reference to any enactment comprised in or in an instrument made under an Act of the Scottish Parliament.
- (10) Any power of the Scottish Ministers to make an order under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (11) The Scottish Ministers shall reimburse the Commission for any expenditure incurred by them which is attributable to the exercise of any functions in consequence of an order made under subsection (1).

## **20 Transfer of functions of Local Government Boundary Commission for Wales**

- (1) The National Assembly for Wales may by order make provision for and in connection with transferring (to any extent) to—
  - (a) the Commission, or
  - (b) the Boundary Committee for Wales,any of the functions of the Local Government Boundary Commission for Wales (in this section referred to as “the Welsh Commission”).
- (2) An order under subsection (1) may make provision for—
  - (a) transferring (to any extent) any relevant function of the National Assembly for Wales (“the Assembly”) to the Commission;
  - (b) terminating (to any extent) any relevant function of the Assembly or the Welsh Commission without transferring it to the Commission or the Boundary Committee for Wales;
  - (c) modifying (to any extent) any relevant function of the Assembly;
  - (d) preventing the Assembly from exercising any relevant function (including one so modified) unless the Assembly has sought and obtained such advice of the Commission as may be prescribed by the order, or authorising the Assembly to seek such advice in connection with the exercise of any such function;
  - (e) modifying any relevant or other function transferred by an order under subsection (1) so far as it is to be exercisable by the Commission or the Boundary Committee for Wales.
- (3) In subsection (2) “relevant function” means (subject to subsection (4)) a function under—
  - (a) section 30(3) or (4) or 31(3) of the Local Government Act 1972 (restriction on community applications during and after reviews), or
  - (b) any of sections 54 to 60, 69 and 71 of, or paragraph 1A of Schedule 11 to, that Act (local government changes in Wales).
- (4) Nothing in subsection (2) authorises the transfer to the Commission of any power of the Assembly under any of the provisions mentioned in subsection (3)(b) to make orders other than those effecting alterations in electoral arrangements within the

meaning of Part IV of the Local Government Act 1972; but, subject to that, the functions which may be transferred by virtue of subsection (2) include functions with respect to the making of orders by statutory instrument.

- (5) The provision made by order under subsection (1) as respects the distribution of functions between the Commission and the Boundary Committee for Wales shall broadly correspond to that made by Part I of Schedule 3 as respects the distribution of functions between those bodies.
- (6) The Welsh Commission shall cease to exist at such time as the National Assembly for Wales, being satisfied that they have no further functions to perform, by order directs.
- (7) An order under subsection (1) or (6) may include provision for the transfer to the Commission—
  - (a) of the staff of the Welsh Commission, and
  - (b) of any property, rights and liabilities to which the Welsh Commission are entitled or subject;
 and an order which contains provision such as is mentioned in paragraph (b) may in particular provide for the order to have effect despite any provision (of whatever nature) which would prevent or restrict the transfer of the property, rights or liabilities otherwise than by the order.
- (8) An order under subsection (6) may include provision for the abolition of any duty in compliance with which the Welsh Commission were established or constituted.
- (9) An order under this section may contain any appropriate consequential, incidental, supplementary or transitional provisions or savings (including provisions amending, repealing or revoking enactments).
- (10) Nothing in this section shall be read as affecting the generality of subsection (9).
- (11) Any power of the National Assembly for Wales to make an order under this section shall be exercisable by statutory instrument.
- (12) The expenditure of the Commission, so far as attributable to the exercise of any functions in consequence of an order under subsection (1), shall be met by the National Assembly for Wales.

### *Supplementary*

## **21 Interpretation of Part I**

In this Part “financial year”, in relation to the Commission, means a period of 12 months ending with 31st March; but the first financial year of the Commission is the period beginning with the date of the establishment of the Commission and ending with the next 31st March.



## PART II

### REGISTRATION OF POLITICAL PARTIES

#### *Requirement for registration*

#### **22 Parties to be registered in order to field candidates at elections**

- (1) Subject to subsection (4), no nomination may be made in relation to a relevant election unless the nomination is in respect of—
- (a) a person who stands for election in the name of a qualifying registered party; or
  - (b) a person who does not purport to represent any party; or
  - (c) a qualifying registered party, where the election is one for which registered parties may be nominated.
- (2) For the purposes of subsection (1) a party (other than a minor party) is a “qualifying registered party” in relation to a relevant election if—
- (a) the constituency, local government area or electoral region in which the election is held—
    - (i) is in England, Scotland or Wales, or
    - (ii) is the electoral region of Scotland or Wales,and the party was, on the last day for publication of notice of the election, registered in respect of that part of Great Britain in the Great Britain register maintained by the Commission under section 23, or
  - (b) the constituency, district electoral area or electoral region in which the election is held—
    - (i) is in Northern Ireland, or
    - (ii) is the electoral region of Northern Ireland,and the party was, on that day, registered in the Northern Ireland register maintained by the Commission under that section.
- (3) For the purposes of subsection (1) a person does not purport to represent any party if either—
- (a) the description of the candidate given in his nomination paper, is—
    - (i) “Independent”, or
    - (ii) where the candidate is the Speaker of the House of Commons seeking re-election, “The Speaker seeking re-election”; or
  - (b) no description of the candidate is given in his nomination paper.
- (4) Subsection (1) does not apply in relation to any parish or community election.
- (5) The following elections are relevant elections for the purposes of this Part—
- (a) parliamentary elections,
  - (b) elections to the European Parliament,
  - (c) elections to the Scottish Parliament,
  - (d) elections to the National Assembly for Wales,
  - (e) elections to the Northern Ireland Assembly,
  - (f) local government elections, and
  - (g) local elections in Northern Ireland.

- (6) For the purposes of this Act a person stands for election in the name of a registered party if his nomination paper includes a description authorised by a certificate issued by or on behalf of the registered nominating officer of the party.

*The registers of political parties*

**23 The new registers**

- (1) In place of the register of political parties maintained by the registrar of companies under the Registration of Political Parties Act 1998, there shall be the new registers of political parties mentioned in subsection (2) which—
- (a) shall be maintained by the Commission, and
  - (b) (subject to the provisions of this section) shall be so maintained in such form as the Commission may determine.
- (2) The new registers of political parties are—
- (a) a register of parties that intend to contest relevant elections in one or more of England, Scotland and Wales (referred to in this Act as “the Great Britain register”); and
  - (b) a register of parties that intend to contest relevant elections in Northern Ireland (referred to in this Act as “the Northern Ireland register”).
- (3) Each party registered in the Great Britain register shall be so registered in respect of one or more of England, Scotland and Wales; and the entry for each party so registered shall be marked so as to indicate—
- (a) the part or parts of Great Britain in respect of which it is registered; and
  - (b) if the party is a minor party, that it is such a party.
- (4) A party may be registered under this Part in both of the new registers, but where a party is so registered—
- (a) the party as registered in the Great Britain register, and
  - (b) the party as registered in the Northern Ireland register,
- shall constitute two separate registered parties.
- (5) In such a case—
- (a) the party shall for the purposes of this Act be so organised and administered as to secure that the financial affairs of the party in Great Britain are conducted separately from those of the party in Northern Ireland;
  - (b) the financial affairs of the party in Great Britain or (as the case may be) Northern Ireland, shall accordingly constitute for those purposes the financial affairs of the party as registered in the Great Britain register or (as the case may be) the Northern Ireland register; and
  - (c) any application for the registration of a party in accordance with subsection (4) shall similarly be made and determined by reference to the party’s organisation and activities in Great Britain and Northern Ireland respectively.
- (6) The Secretary of State may by order make provision for the transfer to the Commission of any property, rights and liabilities to which the registrar of companies is entitled or subject in connection with his functions under the Registration of Political Parties Act 1998; and an order under this subsection may in particular provide for the order to

have effect despite any provision (of whatever nature) which would prevent or restrict the transfer of the property, rights or liabilities otherwise than by the order.

### *Preliminary requirements*

## **24 Office-holders to be registered**

- (1) For each registered party there shall be—
  - (a) a person registered as the party’s leader;
  - (b) a person registered as the party’s nominating officer; and
  - (c) a person registered as the party’s treasurer;but the person registered as leader may also be registered as nominating officer or treasurer (or both).
- (2) The person registered as a party’s leader must be—
  - (a) the overall leader of the party; or
  - (b) where there is no overall leader of the party, a person who is the leader of the party for some particular purpose.
- (3) The person registered as a party’s nominating officer must have responsibility for the arrangements for—
  - (a) the submission by representatives of the party of lists of candidates for the purpose of elections;
  - (b) the issuing of such certificates as are mentioned in section 22(6); and
  - (c) the approval of descriptions and emblems used on nomination and ballot papers at elections.
- (4) The person registered as a party’s treasurer shall be responsible for compliance on the part of the party—
  - (a) with the provisions of Parts III and IV (accounting requirements and control of donations), and
  - (b) unless a person is registered as the party’s campaigns officer in accordance with section 25, with the provisions of Parts V to VII (campaign expenditure, third party expenditure and referendums) as well.
- (5) In the case of a party with accounting units the person registered as the party’s treasurer shall, in relation to the provisions of Part III, be responsible for compliance on the part of the party’s central organisation (rather than of the party).
- (6) Where—
  - (a) the person registered as a party’s treasurer dies, or
  - (b) his appointment as treasurer terminates for any other reason,then, until such time as another person is registered as the party’s treasurer in pursuance of an application under section 31(3)(a), the appropriate person shall be treated for all purposes of this Act (except subsection (8)) as if he were registered also as its treasurer.
- (7) In subsection (6) “the appropriate person” means—
  - (a) the person registered as the party’s leader; or
  - (b) if that person is also registered as its treasurer but not as its nominating officer, the person registered as its nominating officer; or

- (c) if that person is also registered both as its treasurer and as its nominating officer, any other officer of the party registered in accordance with Schedule 4.
- (8) A person commits an offence if—
- (a) he is registered as treasurer of a registered party, and
  - (b) he has been convicted, at any time within the period of five years ending with the date of registration, of any offence under this Act or of any other offence committed in connection with a relevant election or a referendum within the meaning of Part VII.
- (9) Where a person registered as treasurer of a registered party is convicted of an offence falling within subsection (8)(b), his appointment as treasurer of the party shall terminate on the date of the conviction.
- (10) In connection with the registration of a party in both the Great Britain register and the Northern Ireland register in accordance with section 23(4)—
- (a) a person may be registered in the Northern Ireland register as leader of the separate party registered in that register if (although not such a leader of the party as is mentioned in subsection (2) above) he is leader of the party in Northern Ireland; and
  - (b) references to a person's responsibilities in subsection (3) or (4) above shall be read as references to the responsibilities that he will have with respect to the separate party registered in the Great Britain register or the Northern Ireland register, as appropriate.

## **25 Parties with campaigns officers**

- (1) In the case of any registered party a person—
- (a) may be registered as the party's campaigns officer, and
  - (b) may be so registered whether or not he is also registered as the party's leader or nominating officer (or both).
- (2) The person registered as a party's campaign officer shall be responsible for compliance on the part of the party with the provisions of Parts V to VII.
- (3) So long as a party is registered as a party with a campaigns officer, section 24(6), (8) and (9) shall apply in relation to a person registered as the party's campaigns officer as they apply in relation to a person registered as treasurer of the party, except that in section 24(6) the reference to the appropriate person shall be read as a reference to the person registered as treasurer of the party.
- (4) The person registered as a party's campaigns officer may appoint, on such terms as he may determine, one or more deputy campaigns officers of the party for the purposes of Part V, but not more than 12 persons may hold such appointments at the same time.
- (5) For the purposes of this section—
- (a) the provisions of section 74(2) to (10) shall apply in relation to a party's campaigns officer and the appointment of a person as deputy campaigns officer as they apply in relation to a party's treasurer and the appointment of a person as deputy treasurer, and
  - (b) any reference in those provisions to a treasurer or (as the case may be) deputy treasurer shall accordingly be read as a reference to a campaigns officer or (as the case may be) deputy campaigns officer.

- (6) In relation to any time when a party is (or was) registered as a party with a campaigns officer—
- (a) the provisions of Part V (other than section 74) and Parts VI and VII shall apply as if any reference to the treasurer of the party were a reference to the registered campaigns officer, and any reference to a deputy treasurer of the party were a reference to a deputy campaigns officer of the party; and
  - (b) the provisions of Part X (enforcement) shall apply in connection with matters relevant for the purposes of Parts V to VII as if any reference to a person who is or has been the treasurer of the party were a reference to a person who is or has been the registered campaigns officer.

## **26 Financial structure of registered party: adoption of scheme**

- (1) A party may not be registered unless it has adopted a scheme which—
  - (a) sets out the arrangements for regulating the financial affairs of the party for the purposes of this Act; and
  - (b) has been approved in writing by the Commission.
- (2) The scheme must in particular determine for the purposes of this Act whether the party is to be taken to consist of—
  - (a) a single organisation with no division of responsibility for the financial affairs and transactions of the party for the purposes of Part III (accounting requirements), or
  - (b) a central organisation and one or more separate accounting units, that is to say constituent or affiliated organisations each of which is to be responsible for its own financial affairs and transactions for the purposes of that Part.
- (3) In the latter case the scheme must—
  - (a) identify, by reference to organisations mentioned in the party's constitution, those which are to constitute the central organisation and the accounting units respectively; and
  - (b) give the name of each of those organisations.
- (4) The scheme must in every case include such other information as may be prescribed by regulations made by the Commission.
- (5) Where a draft scheme is submitted by a party for the Commission's approval, the Commission may either—
  - (a) approve the scheme, or
  - (b) give the party a notice requesting it to submit a revised scheme to them, as they think fit.
- (6) If under subsection (5) the Commission request a party to submit a revised scheme, they may specify either or both of the following, namely—
  - (a) any matters which they consider should be dealt with in the revised scheme; and
  - (b) any modifications which they consider should be incorporated in it.
- (7) A registered party may at any time notify the Commission that it wishes to replace the scheme for the time being approved in relation to it under this section with a further scheme complying with subsections (1) to (4); and where it so notifies the Commission—

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- (a) it shall submit for the Commission’s approval a draft of the replacement scheme;
  - (b) subsections (5) and (6) shall apply in connection with the approval by the Commission of that scheme; and
  - (c) once that scheme has been approved in writing by the Commission it shall have effect as the party’s scheme under this section.
- (8) For the purposes of this section none of the following shall be taken to be a constituent or affiliated organisation in relation to a party—
- (a) a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992 or the Industrial Relations (Northern Ireland) Order 1992;
  - (b) a friendly society registered under the Friendly Societies Act 1974 or a society registered (or deemed to be registered) under the Industrial and Provident Societies Act 1965 or the Industrial and Provident Societies Act (Northern Ireland) 1969;
  - (c) any other organisation specified, or of a description specified, in an order made by the Secretary of State on the recommendation of the Commission.
- (9) In this section “constitution”, in relation to a party, means the document or documents (of whatever name) by which the structure and organisation of the party is determined.
- (10) In connection with the registration of a party in both the Great Britain register and the Northern Ireland register, subsection (1)(a) and the other provisions of this section apply (in accordance with section 23(5)) separately in relation to the party in Great Britain and the party in Northern Ireland, and in that connection—
- (a) any reference in this section to a constituent or affiliated organisation in relation to the party shall be read as a reference to a constituent or affiliated organisation in relation to the party in Great Britain or the party in Northern Ireland, as appropriate; and
  - (b) any reference in this Part to the party’s constitution shall be read as a reference to the party’s constitution so far as relating to the party in Great Britain or the party in Northern Ireland, as appropriate;
- and the party’s scheme must show that the financial affairs of the party in Great Britain will be conducted separately from those of the party in Northern Ireland.
- (11) For the purposes of this Act—
- (a) “accounting unit” means a constituent or affiliated organisation falling within paragraph (b) of subsection (2);
  - (b) a registered party is a “party with accounting units” if the party’s scheme under this section identifies the party as being one falling within that paragraph; and
  - (c) in the case of such a party, the “central organisation” of the party is the central organisation referred to in that paragraph.

## **27 Financial structure of registered party: accounting units**

- (1) This section applies where a registered party is a party with accounting units.
- (2) For each accounting unit there shall be—
  - (a) a person registered as the treasurer of the unit who shall be responsible for compliance on the part of the unit with the provisions of Parts III and IV so far as relating to it; and

- (b) another person who is an officer of the unit registered for the purposes of subsection (3).
- (3) Section 24(6), (8) and (9) shall apply in relation to a person registered as treasurer of an accounting unit as they apply in relation to a person registered as treasurer of the party, except that in section 24(6) the reference to the appropriate person shall be read as a reference to the officer of the unit who is registered for the purposes of this subsection.

### *Registration*

## **28 Registration of parties**

- (1) A party may apply to be registered under this Part by sending to the Commission an application which—
- (a) complies with the requirements of Part I of Schedule 4, and
  - (b) is accompanied by a declaration falling within subsection (2).
- (2) The declarations falling within this subsection are—
- (a) a declaration that the party—
    - (i) intends to contest one or more relevant elections in Great Britain and one or more such elections in Northern Ireland, and
    - (ii) is accordingly applying to be registered (as two such separate parties as are mentioned in section 23(4)) in both the Great Britain register and the Northern Ireland register;
  - (b) a declaration that the party—
    - (i) intends to contest one or more relevant elections (which will not be confined to one or more parish or community elections) in Great Britain only, and
    - (ii) is accordingly applying to be registered in the Great Britain register only;
  - (c) a declaration that the party—
    - (i) intends to contest one or more relevant elections in Northern Ireland only, and
    - (ii) is accordingly applying to be registered in the Northern Ireland register only;
  - (d) a declaration that the party—
    - (i) intends only to contest one or more parish or community elections, and
    - (ii) is accordingly applying to be registered in the Great Britain register only.
- (3) A declaration falling within paragraph (a), (b) or (d) of subsection (2) must specify the part or parts of Great Britain in respect of which the party is applying to be registered in the Great Britain register.
- (4) Where a party sends an application to the Commission in accordance with subsection (1), the Commission shall grant the application unless in their opinion the party proposes a registered name which—
- (a) would either—
    - (i) be the same as that of a party which is already registered in the register in which that party is applying to be registered, or

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- (ii) be likely to result in electors confusing that party with a party which is already registered in respect of the relevant part of the United Kingdom,
- (b) comprises more than six words,
  - (c) is obscene or offensive,
  - (d) includes words the publication of which would be likely to amount to the commission of an offence,
  - (e) includes any script other than Roman script, or
  - (f) includes any word or expression prohibited by order made by the Secretary of State after consulting the Commission,
- or it appears to the Commission that the party has failed to adopt a scheme approved under section 26.
- (5) In subsection (4)(a) “already registered in respect of the relevant part of the United Kingdom” means—
- (a) in connection with registration of the applicant party in the Great Britain register, already registered in respect of any part of Great Britain in respect of which that party is applying to be registered;
  - (b) in connection with registration of the applicant party in the Northern Ireland register, already registered in that register.
- (6) An order under subsection (4)(f) may except the use of a word or expression from the prohibition in specified circumstances.
- (7) If—
- (a) at any time two or more applications for registration are pending each of which would (in the absence of the other or others) fall to be granted by the Commission, but
  - (b) the registered names proposed by the applicant parties are such that, if one of those names was already registered in pursuance of the application in question, the Commission would be required to refuse the other application or applications by virtue of subsection (4)(a),
- the Commission shall determine by reference to the history of each of the applicant parties which of them has, in the Commission’s opinion, the greater or greatest claim to the name proposed by it, and shall then grant the application by that party and refuse the other application or applications.
- (8) Where the Commission grant an application by a party under this section, they shall include in the party’s entry in the register—
- (a) the particulars, apart from home addresses, given in the application in accordance with paragraphs 2 to 4, 5(2) and 6 of Schedule 4; and
  - (b) the date of registration.
- (9) Where the Commission refuse an application by a party under this section, they shall notify the party of their reasons for refusing the application.
- (10) In this Part “the register” means—
- (a) in relation to a party registered in the Great Britain register, the Great Britain register, and
  - (b) in relation to a party registered in the Northern Ireland register, the Northern Ireland register.



## **29 Emblems**

- (1) A party's application under section 28 may include a request for the registration of up to three emblems to be used by the party on ballot papers.
- (2) Where a request is made by a party under this section in relation to an emblem, the Commission shall register the emblem as an emblem of the party unless in their opinion it—
  - (a) would either—
    - (i) be the same as a registered emblem of a party which is already registered in the register in which that party is applying to be registered, or
    - (ii) be likely to be confused by voters with a registered emblem of a party which is already registered in respect of the relevant part of the United Kingdom,
  - (b) is obscene or offensive,
  - (c) is of such a character that its publication would be likely to amount to the commission of an offence, or
  - (d) includes a word or expression prohibited by virtue of section 28(4)(f).
- (3) In subsection (2)(a) “already registered in respect of the relevant part of the United Kingdom” has the meaning given by section 28(5).
- (4) A registered emblem shall be a black and white representation of the emblem shown in the application.
- (5) Where the Commission refuse a request made by a party under this section in relation to an emblem, they shall notify the party of their reasons for refusing the request.

## **30 Changes to the register**

- (1) A party may apply to the Commission to have its entry in the register altered by—
  - (a) changing its registered name,
  - (b) (if registered in the Great Britain register) changing the part or parts of Great Britain in respect of which it is registered,
  - (c) the addition, substitution or removal of an emblem,
  - (d) the addition or removal of a statement that a party is registered as a party with a campaigns officer, or
  - (e) the addition of information prescribed under paragraph 6 of Schedule 4 since—
    - (i) the time when the party applied for registration, or
    - (ii) if a notification has been previously given under section 32 in relation to the party, the time when the last such notification was given.
- (2) Subject to subsections (3) to (6), the Commission shall grant an application under this section.
- (3) The Commission shall refuse an application to change a party's registered name if, in their opinion, any of paragraphs (a) to (f) of section 28(4) apply to the new name.
- (4) The Commission shall refuse an application to change the part or parts of Great Britain in respect of which a party is registered if, in their opinion, the change would be likely to result in—

- (a) such confusion in relation to the party's registered name as is mentioned in paragraph (a) of section 28(4), or
  - (b) such confusion in relation to a registered emblem of the party as is mentioned in paragraph (a) of section 29(2).
- (5) The Commission shall refuse an application to add an emblem if—
- (a) the party already has three registered emblems, or
  - (b) in the Commission's opinion, any of paragraphs (a) to (d) of section 29(2) apply to the emblem.
- (6) The Commission shall refuse to substitute an emblem if in their opinion any of paragraphs (a) to (d) of section 29(2) apply to the new emblem.
- (7) For the purposes of subsection (3), (5) or (6)—
- (a) section 28(4)(a) and section 28(5), or
  - (b) section 29(2)(a) and section 28(5) (as it applies by virtue of section 29(3)),
- as the case may be, shall each have effect as if the words “applying to be” were omitted.
- (8) Where the Commission refuse an application by a party under this section, they shall notify the party of their reasons for refusing the application.
- (9) Part II of Schedule 4 applies to applications under this section.

### **31 Notification of changes in party's officers etc**

- (1) If at any time any particulars in a party's entry in the register which relate to any relevant matter cease to be accurate, the person registered as treasurer of the party must give the Commission a notification under this section.
- (2) For the purposes of this section “relevant matter” means any of the following—
- (a) the name of any registered officer of the party;
  - (b) the home address of any such officer;
  - (c) the address of the party's headquarters (or, if it has no headquarters, the address to which communications to the party may be sent);
  - (d) the name of the treasurer of any accounting unit of the party or of any officer of such a unit registered for the purposes of section 27(3);
  - (e) the name of any accounting unit of the party;
  - (f) the address of the headquarters of any accounting unit of the party (or, if it has no headquarters, the address to which communications to the accounting unit may be sent).
- (3) A notification under this section must specify the relevant matter in respect of which the registered particulars have ceased to be accurate, and—
- (a) if that matter is specified in subsection (2)(a) or (d)—
    - (i) specify the name of the officer replacing the person currently registered as holder of the office in question, and
    - (ii) (if that person is so registered as an officer of the party) include an application for the registration of the replacement officer which complies with Part III of Schedule 4; and
  - (b) otherwise, specify accurate particulars in respect of that matter.
- (4) A notification under this section must be given to the Commission—

- (a) where subsection (1) applies by reason of the death or the termination for any other reason of the appointment of any registered officer of the party, within the period of 14 days beginning with the date of his death or the termination of his appointment;
  - (b) where that subsection applies by reason of any other change in circumstances, within the period of 28 days beginning with the date when the change occurs.
- (5) Where the Commission receive a notification under this section, they shall cause any change required as a consequence of the notification to be made in the party's entry in the register as soon as is reasonably practicable.
- (6) In the case of a party with accounting units any reference to the party in subsection (2) (c) shall be read as a reference to the central organisation.
- (7) For the purposes of this section any particulars held by the Commission in respect of the home address of any registered officer of the party shall be taken to be particulars contained in the party's entry in the register.

### **32 Confirmation of registered particulars etc**

- (1) The person registered as treasurer of a party must, at the time when the statement of accounts for any financial year of the party is sent to the Commission under Part III, give a notification under this section to the Commission.
- (2) A notification under this section must—
- (a) state that the particulars in the party's entry in the register remain accurate and include any information prescribed under paragraph 6 of Schedule 4 since the relevant time, or
  - (b) so far as necessary to secure that such particulars will both be accurate and include any information so prescribed, contain one or more of the following, namely—
    - (i) an application under section 30,
    - (ii) a notification under section 31, or
    - (iii) any information so prescribed.
- (3) A notification under this section must also give particulars of any change occurring in the party's constitution (within the meaning of section 26) since the relevant time.
- (4) In subsections (2) and (3) "the relevant time" means—
- (a) the time when the party applied for registration, or
  - (b) if a notification has been previously given under this section in relation to the party, the time when the last such notification was given.
- (5) A notification under this section must be accompanied by any fee prescribed by order made by the Secretary of State.
- (6) For the purposes of this section any particulars held by the Commission in respect of the home address of any registered officer of the party shall be taken to be particulars contained in the party's entry in the register.

### **33 Party ceasing to be registered**

- (1) Once a party is registered its entry may only be removed from the register in accordance with subsection (2).

- (2) Where—
- (a) a party applies to have its entry removed from the register, and
  - (b) the application includes a declaration on behalf of the party that it does not intend to have any candidates at any relevant election,
- the Commission shall remove the party's entry from the register.
- (3) On the removal of the party's entry from the register the party shall cease to be a registered party.
- (4) However, until the end of the financial year of the party which follows that in which its entry is removed from the register—
- (a) the Commission shall, when considering applications made by other parties under this Part, treat the entry as if it were still contained in the register, and
  - (b) the requirements of Parts III to V shall continue to apply to the party as if it were still registered.
- (5) Part IV of Schedule 4 applies to applications under this section.

### **34 Registration of minor parties**

- (1) This section applies to any party registered in the Great Britain register in pursuance of a declaration falling within section 28(2)(d) (referred to in this Act as a “minor party”).
- (2) The following provisions do not apply to a minor party—
- (a) any provisions of this Part so far as relating to the registration of a treasurer or campaigns officer for a registered party or otherwise referring to a registered treasurer or campaigns officer (or any deputy campaigns officer);
  - (b) sections 26 and 27; and
  - (c) section 36;
- but this is subject to subsection (8)(a).
- (3) The registered leader of a minor party must, in the case of each anniversary of the party's inclusion in the register, give a notification under this subsection to the Commission within the period beginning one month before the anniversary and ending three months after it.
- (4) A notification under subsection (3) must—
- (a) state that the particulars in the party's entry in the register remain accurate and include any information prescribed under paragraph 6 of Schedule 4 since the relevant time, or
  - (b) so far as necessary to secure that such particulars will both be accurate and include any information so prescribed, contain one or more of the following, namely—
    - (i) an application under section 30,
    - (ii) a notification under section 31, or
    - (iii) any information so prescribed.
- (5) In subsection (4) “the relevant time” means—
- (a) the time when the party applied for registration, or
  - (b) if a notification has previously been given under subsection (3) in relation to the party, the time when the last such notification was given;

and for the purposes of subsection (4) any particulars held by the Commission in respect of the home address of any registered officer of the party shall be taken to be particulars contained in the party's entry in the register.

- (6) A notification under subsection (3) must be accompanied by any fee prescribed by order made by the Secretary of State.
- (7) In addition to being able to make an application under section 30, a minor party may apply to the Commission to have—
  - (a) the declaration mentioned in subsection (1) above cancelled, and
  - (b) the party's existing entry in the Great Britain register replaced by such entry or entries (in that or the Northern Ireland register) as accord with a fresh declaration sent by the party to the Commission and falling within section 28(2)(a), (b) or (c).
- (8) Where a minor party makes an application under subsection (7)—
  - (a) the provisions mentioned in subsection (2)(a) and (b) shall apply to the party;
  - (b) the party must provide the Commission with such information as—
    - (i) would, by virtue of Schedule 4, be required to be provided in connection with an application by the party under section 28 to be registered in accordance with the fresh declaration mentioned in subsection (7)(b), and
    - (ii) has not already been provided in connection with its existing registration as a minor party; and
  - (c) the following provisions, namely—
    - (i) sections 28(4) to (8) and 29, and
    - (ii) paragraphs 1(2) and 7 of Schedule 4,shall apply, with any necessary modifications, in relation to the party's application as if it were such an application under section 28 as is mentioned in paragraph (b)(i).

### **35 Request by Secretary of State**

On receipt of a request made by the Secretary of State, the Commission shall send a copy of the Great Britain or Northern Ireland register, or any parts of it specified in the request, to—

- (a) the Secretary of State; or
- (b) any other person so specified.

### **36 Assistance by Commission for existing registered parties**

- (1) The Commission may, in accordance with a scheme prepared by them for the purposes of this section, provide assistance for existing parties with a view to helping them to meet, or to reducing, the expenses falling to be initially incurred by them in order to comply with Parts III and IV.
- (2) The assistance which may be so provided to an existing party may take the form of—
  - (a) a grant to the party, or
  - (b) the provision of non-financial benefits to the party (such as the provision of computer software free of charge),or both, as the scheme may determine.

- (3) The scheme may provide for an existing party’s entitlement to assistance under this section to depend on the Commission’s being satisfied that the expenses falling to be incurred by the party as mentioned in subsection (1) exceed an amount specified in the scheme.
- (4) Any grant under this section may be made subject to such conditions as the Commission consider appropriate.
- (5) The total expenditure incurred by the Commission in providing assistance under this section (whether by grants or otherwise) shall not exceed £700,000.
- (6) The Commission shall publish the scheme in such manner as they consider appropriate.
- (7) In this section “existing party” means any party registered under the Registration of Political Parties Act 1998 at the commencement of this section.

*Supplemental***37 Party political broadcasts**

- (1) A broadcaster shall not include in its broadcasting services any party political broadcast made on behalf of a party which is not a registered party.
- (2) In this Act “broadcaster” means—
  - (a) the holder of a licence under the Broadcasting Act 1990 or 1996 ,
  - (b) the British Broadcasting Corporation, or
  - (c) Sianel Pedwar Cymru.

**38 Amendment of parliamentary elections rules**

- (1) The rules set out in Schedule 1 to the Representation of the People Act 1983 (the parliamentary elections rules) shall be amended as follows.
- (2) In rule 6 (nomination of candidates), for paragraph (3) there shall be substituted—
  - “(3) The description, if any, must consist of either—
    - (a) a description (of not more than 6 words in length) which is authorised as mentioned in rule 6A(1) below; or
    - (b) the word “Independent” or, where the candidate is the Speaker of the House of Commons seeking re-election, the words “The Speaker seeking re-election”.”
- (3) In rule 6A (nomination papers: name of registered political party)—
  - (a) in paragraph (1), after “unless” there shall be inserted “the party is a qualifying party in relation to the constituency and”; and
  - (b) for paragraph (3) there shall be substituted—
    - “(3) For the purposes of the application of this rule in relation to an election—
      - (a) “registered political party” means a party which was registered under Part II of the Political Parties, Elections and Referendums Act 2000 at the time by which the notice of the

election is required to be published by virtue of rule 1 (“the relevant time”);

- (b) a registered political party is a qualifying party in relation to a constituency if—
    - (i) the constituency is in England, Scotland or Wales and the party was at the relevant time registered in respect of that part of Great Britain in the Great Britain register maintained under that Part of that Act, or
    - (ii) the constituency is in Northern Ireland and the party was at the relevant time registered in the Northern Ireland register maintained under that Part of that Act.”
- (4) In the Appendix of Forms, in the form of nomination paper, for “Merchant” there shall be substituted “Independent”.

### **39 False statements: offence**

A person commits an offence if—

- (a) he knowingly or recklessly makes a statement to the Commission which is false in any material particular, and
- (b) the statement is made, or purports to be made, on behalf of a party for any purpose of this Part of this Act.

### **40 Interpretation of Part II**

(1) In this Part—

“the appointed day” means the day appointed under section 163(2) for the coming into force of section 23;

“financial year”, in relation to a registered party, shall be construed in accordance with section 41(6);

“parish or community election” means an election of councillors for a parish in England or a community in Wales;

“party” includes any organisation or person;

“the register” shall be construed in accordance with section 28(10);

“registered” (unless the context otherwise requires) means registered under this Part (whether in the Great Britain or the Northern Ireland register), and other references to registration shall be construed accordingly;

“the registrar of companies” means the registrar or other officer who performs the duty of registering companies under the Companies Act 1985;

“relevant election” shall be construed in accordance with section 22(5).

(2) For the purposes of this Part a registered party contests an election—

- (a) by one or more candidates standing for election in the party’s name at the election, or
- (b) by the party itself standing nominated at the election.

## PART III

### ACCOUNTING REQUIREMENTS FOR REGISTERED PARTIES

#### *Accounting records*

#### **41 Duty to keep accounting records**

- (1) The treasurer of a registered party must ensure that accounting records are kept with respect to the party which are sufficient to show and explain the party's transactions.
- (2) The accounting records must be such as to—
  - (a) disclose at any time, with reasonable accuracy, the financial position of the party at that time; and
  - (b) enable the treasurer to ensure that any statement of accounts prepared by him under section 42 complies with the requirements of regulations under subsection (2)(a) of that section.
- (3) The accounting records must in particular contain—
  - (a) entries showing from day to day all sums of money received and expended by the party, and the matters in respect of which the receipt and expenditure take place; and
  - (b) a record of the assets and liabilities of the party.
- (4) The treasurer must ensure that any accounting records made for the purposes of this section in respect of the party are preserved for at least six years from the end of the financial year of the party in which they are made.
- (5) Where a party ceases to be registered within the period of six years mentioned in subsection (4) as it applies to any accounting records, the obligation to ensure that those records are preserved in accordance with that subsection shall continue to be discharged by the last treasurer of the party unless—
  - (a) the Commission consent in writing to the records being destroyed, or
  - (b) the Commission direct in writing that the records may be otherwise disposed of and the records are disposed of in accordance with the direction.
- (6) In this Part “financial year”, in relation to a registered party, means such period as may be determined by the Commission under subsection (7), whether in relation to—
  - (a) registered parties generally,
  - (b) any description of registered parties which includes the party, or
  - (c) the party itself.
- (7) The Commission may determine that the period which is to be a financial year of a registered party shall be—
  - (a) a period of twelve months specified by the Commission, or
  - (b) a shorter period specified by them for any transitional purposes;and different determinations may be made under this subsection in respect of financial years beginning on different dates.
- (8) The Commission shall notify registered parties of any determination under subsection (7) which affects them.
- (9) Nothing in this Part applies in relation to a minor party.



### *Statements of accounts*

#### **42 Annual statements of accounts**

- (1) The treasurer of a registered party shall prepare a statement of accounts in respect of each financial year of the party.
- (2) A statement of accounts under this section must—
  - (a) comply with such requirements as to its form and contents as may be prescribed by regulations made by the Commission; and
  - (b) be approved—
    - (i) by the management committee of the party, if there is one, and
    - (ii) otherwise by the registered leader of the party.
- (3) Regulations under subsection (2)(a) may in particular—
  - (a) require any such statement to be prepared in accordance with such methods and principles as are specified or referred to in the regulations;
  - (b) specify information which is to be provided by way of notes to the accounts.
- (4) Without prejudice to the generality of paragraph 22(7) of Schedule 1 (power to make different provision for different cases), regulations under subsection (2)(a) may impose different requirements—
  - (a) according to whether the gross income or total expenditure of a party—
    - (i) does not exceed £5,000,
    - (ii) exceeds £5,000 but not £250,000, or
    - (iii) exceeds £250,000;
  - (b) in respect of (on the one hand) parties registered in the Great Britain register and (on the other) those registered in the Northern Ireland register.
- (5) Any special provision made by regulations under subsection (2)(a) in respect of parties registered in the Northern Ireland register shall, however, only have effect in relation to any financial year of a party so registered during any part of which there is an order in force under section 70(1); and, in the case of any other financial year of a party so registered, any provision made by such regulations in respect of parties registered in the Great Britain register shall have effect in relation to that financial year of the party as if it were registered in that register.
- (6) The treasurer of a registered party shall ensure that any statement of accounts prepared under this section in respect of the party is preserved for at least six years from the end of the financial year to which the statement relates.
- (7) Subsection (5) of section 41 shall apply in relation to the preservation of any such statement as it applies in relation to the preservation of any accounting records (the references to subsection (4) of that section being read as references to subsection (6) above).
- (8) In this Part “gross income” means gross recorded income from all sources.

#### **43 Annual audits**

- (1) Where a registered party’s gross income or total expenditure in any financial year exceeds £250,000, the accounts of the party for that year must be audited by a qualified auditor.

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- (2) Where—
- (a) a registered party's gross income or total expenditure in any financial year does not exceed £250,000, but
  - (b) the Commission consider it desirable that the accounts of the party for that year should be audited,
- the Commission may (at any time) give the treasurer of the party a direction requiring those accounts to be audited by a qualified auditor.
- (3) An audit under this section must be carried out—
- (a) by the end of the period of six months from the end of the financial year in question, if the audit is required by subsection (1), or
  - (b) by the later of—
    - (i) the end of the period of six months from the end of the financial year in question, and
    - (ii) the end of the period of three months from the date of the direction under subsection (2),
 if the audit is required by such a direction.
- (4) If it appears to the Commission that any accounts required to be audited by virtue of—
- (a) subsection (1), or
  - (b) a direction under subsection (2),
- have not been duly audited by the time mentioned in subsection (3)(a) or (b) (as the case may be), the Commission may appoint a qualified auditor to audit those accounts.
- (5) The expenses of any audit carried out by an auditor appointed by the Commission, including the auditor's remuneration, may be recovered by the Commission from the funds of the party concerned as a debt due to the Commission.
- (6) The Commission may by regulations make provision with respect to—
- (a) the appointment of auditors to carry out audits under this section;
  - (b) the duties of auditors so appointed; and
  - (c) the removal or resignation of such auditors and matters connected with their removal or resignation.
- (7) Regulations under subsection (6)(c) may make provision requiring such person as is specified in the regulations to deliver to the Commission, in a case where such an auditor is removed or resigns, a copy of such document relating to the auditor's removal or resignation as is so specified; and any such person commits an offence if he fails to comply with any such requirement.
- (8) Subsection (6)(a) does not apply in relation to the appointment of auditors by the Commission under subsection (4).

#### **44 Supplementary provisions about auditors**

- (1) An auditor appointed to carry out an audit under section 43—
- (a) has a right of access at all reasonable times to the party's books, documents and other records; and
  - (b) is entitled to require from the treasurer or any other officer of the party, or from any former treasurer or officer of the party, such information and explanations as he thinks necessary for the performance of his duty as auditor.

- (2) If any person fails to provide an auditor with any access, information or explanation to which the auditor is entitled by virtue of subsection (1), the Commission may give that person such written directions as they consider appropriate for securing that the default is made good.
- (3) A person guilty of disobedience to any directions of the Commission under subsection (2) may, on the application of the Commission to the High Court or the Court of Session, be dealt with as for disobedience to an order of that Court.
- (4) A person commits an offence if he knowingly or recklessly makes to an auditor appointed to carry out an audit under section 43 a statement (whether written or oral) which—
  - (a) conveys or purports to convey any information or explanation to which the auditor is entitled by virtue of subsection (1), and
  - (b) is misleading, false or deceptive in a material particular.

#### **45 Delivery of statements of accounts etc. to Commission**

- (1) The treasurer of a registered party shall, if the party's accounts for a financial year are not required to be audited by virtue of section 43(1) or (2), within 3 months of the end of that financial year deliver to the Commission—
  - (a) the statement of accounts prepared for that year under section 42; and
  - (b) the notification required to be sent with that statement by virtue of section 32(1).
- (2) If a registered party's accounts for a financial year are required to be audited by virtue of section 43(1) or (2), the treasurer of the party shall, no later than 7 days after the end of the period allowed under section 43(3) for the audit of the accounts, deliver to the Commission—
  - (a) the documents mentioned in paragraphs (a) and (b) of subsection (1); and
  - (b) a copy of the auditor's report (unless the auditor was appointed by the Commission under section 43(4)).
- (3) If for any special reason the Commission think it fit to do so they may, on an application made to them before the end of the period otherwise allowed under this section for delivering a party's documents within subsection (1) or (2) for any financial year, by notice extend that period by a further period specified in the notice.
- (4) Any documents delivered to the Commission under this section shall be kept by the Commission for such period as they think fit.

#### **46 Public inspection of parties' statements of accounts**

Where the Commission receive any statement of accounts under section 45, they shall—

- (a) as soon as reasonably practicable after receiving the statement, make a copy of the statement available for public inspection; and
- (b) keep any such copy available for public inspection for the period for which the statement is kept by them or, if they so determine, during such shorter period as they may specify.

**47 Criminal penalty for failure to submit proper statement of accounts**

- (1) If in the case of a registered party—
- (a) any requirements of regulations under section 42(2)(a) are not complied with in relation to any statement of accounts delivered to the Commission under section 45, or
  - (b) any statement of accounts, notification or auditor’s report required to be delivered to the Commission under that section is not delivered to them before the end of the relevant period,
- the person who was the treasurer of the party immediately before the end of that period is guilty of an offence.
- (2) It is a defence for a person charged with an offence under subsection (1) to prove that he took all reasonable steps, and exercised all due diligence, to ensure (as the case may be)—
- (a) that the requirements mentioned in subsection (1)(a) were complied with in relation to the statement of accounts, or
  - (b) that the document mentioned in subsection (1)(b) would be delivered to the Commission before the end of the relevant period.
- (3) It is also a defence for a person charged with an offence under subsection (1) to prove—
- (a) that any failure to comply with the requirements mentioned in subsection (1) (a) was attributable to things done or omitted to be done at a time before he became the treasurer of the party, and
  - (b) that he took all reasonable steps, and exercised all due diligence, to overcome the consequences of the acts or omissions.
- (4) In this section “the relevant period” means the period allowed by section 45(1) or (2) for delivering the statement, notification or report to the Commission or, if that period has been extended (or further extended) under section 45(3), that period as so extended.

*Revision of statements of accounts***48 Revision of defective statements of accounts**

- (1) If it appears to the treasurer of a registered party that any statement of accounts for any financial year of the party has not complied with any requirements of regulations under section 42(2)(a) (“the prescribed requirements”), he may prepare a revised statement of accounts.
- (2) Where that statement of accounts has been delivered to the Commission, the revisions shall be confined to—
- (a) the correction of those respects in which the statement did not comply with the prescribed requirements, and
  - (b) the making of any necessary consequential alterations.
- (3) If it appears to the Commission that there is, or may be, a question whether any statement of accounts delivered to them under section 45 complies with the prescribed requirements, they may give notice to the treasurer of the party in question indicating the respects in which it appears to them that such a question arises or may arise.

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- (4) The notice shall specify a period of not less than one month for the treasurer to give the Commission an explanation of the statement of accounts or prepare a revised statement.
- (5) If at the end of the specified period, or such longer period as the Commission may allow, it appears to the Commission—
  - (a) that no satisfactory explanation of the statement of accounts has been given, and
  - (b) that the statement has not been revised so as to comply with the prescribed requirements,they may, if they think fit, make an application to the court under subsection (6).
- (6) The Commission may under this subsection make an application to the court—
  - (a) for a declaration or declarator that the statement of accounts does not comply with the prescribed requirements, and
  - (b) for an order requiring the treasurer of the party to prepare a revised statement of accounts.
- (7) If the court orders the preparation of revised accounts, it may—
  - (a) give such directions as it thinks fit;
  - (b) order that all or part of the costs (or in Scotland expenses) of and incidental to the application are to be borne by the registered leader and the treasurer of the party.
- (8) Where the court makes an order under paragraph (b) of subsection (7) it shall have regard to whether the officers mentioned in that paragraph knew or ought to have known that the statement did not comply with the prescribed requirements, and it may—
  - (a) order the payment of different amounts by different officers;
  - (b) exclude one of the officers from the order; or
  - (c) exclude both officers from the order and instead order the payment of all or part of the costs (or expenses) mentioned in that paragraph out of the funds of the party.
- (9) The Commission may by regulations make provision with respect to the application of provisions of this Part in relation to the preparation and auditing of revised statements of accounts, and their delivery to the Commission, and may in particular make provision—
  - (a) for any matter for which provision may be made by regulations under section 43(6);
  - (b) for disapplying, to such extent or in such circumstances (or both) as regulations under this subsection may specify, any of the provisions of section 47(1).
- (10) Section 46 applies in relation to any revised statement of accounts received by the Commission in accordance with regulations under subsection (9) as it applies in relation to any statement of accounts received by them under section 45.
- (11) The provisions of this section apply equally to statements of accounts that have already been revised, in which case the references to revised statements of accounts shall be read as references to further revised statements.
- (12) In this section “the court”—

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- (a) in relation to England and Wales or Northern Ireland, means a county court; and
- (b) in relation to Scotland, means the sheriff.

*Parties with accounting units*

**49 Division of responsibilities in case of party with accounting units**

Where a registered party is a party with accounting units, sections 41 to 48 have effect in accordance with Schedule 5, which makes provision for securing that—

- (a) financial matters relating to the party exclusive of those relating to any accounting unit, and
  - (b) financial matters relating to any such unit,
- are dealt with separately for the purposes of this Part.

**PART IV**

CONTROL OF DONATIONS TO REGISTERED PARTIES AND THEIR MEMBERS ETC.

**CHAPTER I**

DONATIONS TO REGISTERED PARTIES

**50 Donations for purposes of Part IV**

- (1) The following provisions have effect for the purposes of this Part.
- (2) “Donation”, in relation to a registered party, means (subject to section 52)—
  - (a) any gift to the party of money or other property;
  - (b) any sponsorship provided in relation to the party (as defined by section 51);
  - (c) any subscription or other fee paid for affiliation to, or membership of, the party;
  - (d) any money spent (otherwise than by or on behalf of the party) in paying any expenses incurred directly or indirectly by the party;
  - (e) any money lent to the party otherwise than on commercial terms;
  - (f) the provision otherwise than on commercial terms of any property, services or facilities for the use or benefit of the party (including the services of any person).
- (3) Where—
  - (a) any money or other property is transferred to a registered party pursuant to any transaction or arrangement involving the provision by or on behalf of the party of any property, services or facilities or other consideration of monetary value, and
  - (b) the total value in monetary terms of the consideration so provided by or on behalf of the party is less than the value of the money or (as the case may be) the market value of the property transferred,

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the transfer of the money or property shall (subject to subsection (5)) constitute a gift to the party for the purposes of subsection (2)(a).

- (4) In determining—
- (a) for the purposes of subsection (2)(e), whether any money lent to a registered party is so lent otherwise than on commercial terms, or
  - (b) for the purposes of subsection (2)(f), whether any property, services or facilities provided for the use or benefit of a registered party is or are so provided otherwise than on such terms,
- regard shall be had to the total value in monetary terms of the consideration provided by or on behalf of the party in respect of the loan or the provision of the property, services or facilities.
- (5) Where (apart from this subsection) anything would be a donation both by virtue of subsection (2)(b) and by virtue of any other provision of this section, subsection (2)(b) (together with section 51) shall apply in relation to it to the exclusion of the other provision of this section.
- (6) Anything given or transferred to any officer, member, trustee or agent of a registered party in his capacity as such (and not for his own use or benefit) is to be regarded as given or transferred to the party (and references to donations received by a party accordingly include donations so given or transferred).
- (7) Except so far as a contrary intention appears, references to a registered party in the context of—
- (a) the making of donations to, or the receipt or acceptance of donations by, a registered party, or
  - (b) any provision having effect for or in connection with determining what constitutes a donation to such a party,
- shall, in the case of a party with accounting units, be construed as references to the central organisation of the party or any of its accounting units.
- (8) In this section—
- (a) any reference to anything being given or transferred to a party or any person is a reference to its being so given or transferred either directly or indirectly through any third person;
  - (b) “gift” includes bequest.
- (9) Nothing in this Part applies in relation to donations received by a minor party.

## **51 Sponsorship**

- (1) For the purposes of this Part sponsorship is provided in relation to a registered party if—
- (a) any money or other property is transferred to the party or to any person for the benefit of the party, and
  - (b) the purpose (or one of the purposes) of the transfer is (or must, having regard to all the circumstances, reasonably be assumed to be)—
    - (i) to help the party with meeting, or to meet, to any extent any defined expenses incurred or to be incurred by or on behalf of the party, or
    - (ii) to secure that to any extent any such expenses are not so incurred.
- (2) In subsection (1) “defined expenses” means expenses in connection with—

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- (a) any conference, meeting or other event organised by or on behalf of the party;
  - (b) the preparation, production or dissemination of any publication by or on behalf of the party; or
  - (c) any study or research organised by or on behalf of the party.
- (3) The following do not, however, constitute sponsorship by virtue of subsection (1)—
- (a) the making of any payment in respect of—
    - (i) any charge for admission to any conference, meeting or other event, or
    - (ii) the purchase price of, or any other charge for access to, any publication;
  - (b) the making of any payment in respect of the inclusion of an advertisement in any publication where the payment is made at the commercial rate payable for the inclusion of such an advertisement in any such publication;
- and subsection (1) also has effect subject to section 52(3).
- (4) The Secretary of State may by order made on the recommendation of the Commission amend subsection (2) or (3).
- (5) In this section “publication” means a publication made available in whatever form and by whatever means (whether or not to the public at large or any section of the public).

## **52 Payments, services etc. not to be regarded as donations**

- (1) For the purposes of this Part none of the following shall be regarded as a donation—
- (a) any policy development grant (within the meaning of section 12);
  - (b) any grant under section 170 of the Criminal Justice and Public Order Act 1994 (security costs at party conferences);
  - (c) any payment made by or on behalf of the European Parliament for the purpose of assisting members of the Parliament to perform their functions as such members;
  - (d) the transmission by a broadcaster, free of charge, of a party political broadcast or a referendum campaign broadcast (within the meaning of section 127);
  - (e) any other facilities provided in pursuance of any right conferred on candidates or a party at an election or a referendum by any enactment;
  - (f) the provision of assistance by a person appointed under section 9 of the Local Government and Housing Act 1989;
  - (g) the provision by any individual of his own services which he provides voluntarily in his own time and free of charge;
  - (h) any interest accruing to a registered party in respect of any donation which is dealt with by the party in accordance with section 56(2)(a) or (b).
- (2) For the purposes of this Part there shall be disregarded—
- (a) any donation which (in accordance with any enactment) falls to be included in a return as to election expenses in respect of a candidate or candidates at a particular election; and
  - (b) except for the purposes of section 68, any donation whose value (as determined in accordance with section 53) is not more than £200.
- (3) Nothing in section 50 or 51 shall have the result that a payment made in respect of the hire of a stand at a party conference organised by or on behalf of a registered party is to constitute a donation to the party for the purposes of this Part if or to the extent



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that the payment does not exceed such of the maximum rates which the Commission determine to be reasonable for the hire of stands at party conferences as is applicable to the hire of the stand in question.

### **53 Value of donations**

- (1) The value of any donation falling within section 50(2)(a) (other than money) shall be taken to be the market value of the property in question.
- (2) Where, however, section 50(2)(a) applies by virtue of section 50(3), the value of the donation shall be taken to be the difference between—
  - (a) the value of the money, or the market value of the property, in question, and
  - (b) the total value in monetary terms of the consideration provided by or on behalf of the party.
- (3) The value of any donation falling within section 50(2)(b) shall be taken to be the value of the money, or (as the case may be) the market value of the property, transferred as mentioned in section 51(1); and accordingly any value in monetary terms of any benefit conferred on the person providing the sponsorship in question shall be disregarded.
- (4) The value of any donation falling within section 50(2)(e) or (f) shall be taken to be the amount representing the difference between—
  - (a) the total value in monetary terms of the consideration that would have had to be provided by or on behalf of the party in respect of the loan or the provision of the property, services or facilities if—
    - (i) the loan had been made, or
    - (ii) the property, services or facilities had been provided,on commercial terms, and
  - (b) the total value in monetary terms of the consideration (if any) actually so provided by or on behalf of the party.
- (5) Subsection (6) applies where a donation such as is mentioned in subsection (3) confers an enduring benefit on the party during the whole or part of—
  - (a) any period for which a report is to be prepared under this Part, or
  - (b) two or more such periods.
- (6) In such a case, the amount to be recorded in any such report shall be so much of the total value of the donation (as determined in accordance with subsection (3)) as accrues during the whole or part of the period to which the report relates.

## **CHAPTER II**

### **RESTRICTIONS ON DONATIONS TO REGISTERED PARTIES**

#### *Permissible donations*

### **54 Permissible donors**

- (1) A donation received by a registered party must not be accepted by the party if—

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- (a) the person by whom the donation would be made is not, at the time of its receipt by the party, a permissible donor; or
  - (b) the party is (whether because the donation is given anonymously or by reason of any deception or concealment or otherwise) unable to ascertain the identity of that person.
- (2) For the purposes of this Part the following are permissible donors—
- (a) an individual registered in an electoral register;
  - (b) a company—
    - (i) registered under the Companies Act 1985 or the Companies (Northern Ireland) Order 1986, and
    - (ii) incorporated within the United Kingdom or another member State, which carries on business in the United Kingdom;
  - (c) a registered party;
  - (d) a trade union entered in the list kept under the Trade Union and Labour Relations (Consolidation) Act 1992 or the Industrial Relations (Northern Ireland) Order 1992;
  - (e) a building society (within the meaning of the Building Societies Act 1986);
  - (f) a limited liability partnership registered under the Limited Liability Partnerships Act 2000, or any corresponding enactment in force in Northern Ireland, which carries on business in the United Kingdom;
  - (g) a friendly society registered under the Friendly Societies Act 1974 or a society registered (or deemed to be registered) under the Industrial and Provident Societies Act 1965 or the Industrial and Provident Societies Act (Northern Ireland) 1969; and
  - (h) any unincorporated association of two or more persons which does not fall within any of the preceding paragraphs but which carries on business or other activities wholly or mainly in the United Kingdom and whose main office is there.
- (3) In relation to a donation in the form of a bequest subsection (2)(a) shall be read as referring to an individual who was, at any time within the period of five years ending with the date of his death, registered in an electoral register.
- (4) Where any person (“the principal donor”) causes an amount (“the principal donation”) to be received by a registered party by way of a donation—
- (a) on behalf of himself and one or more other persons, or
  - (b) on behalf of two or more other persons,
- then for the purposes of this Part each individual contribution by a person falling within paragraph (a) or (b) of more than £200 shall be treated as if it were a separate donation received from that person.
- (5) In relation to each such separate donation, the principal donor must ensure that, at the time when the principal donation is received by the party, the party is given—
- (a) (except in the case of a donation which the principal donor is treated as making) all such details in respect of the person treated as making the donation as are required by virtue of paragraph 2 of Schedule 6 to be given in respect of the donor of a recordable donation; and
  - (b) (in any case) all such details in respect of the donation as are required by virtue of paragraph 4 of Schedule 6 to be given in respect of a recordable donation.

- (6) Where—
- (a) any person (“the agent”) causes an amount to be received by a registered party by way of a donation on behalf of another person (“the donor”), and
  - (b) the amount of that donation is more than £200,
- the agent must ensure that, at the time when the donation is received by the party, the party is given all such details in respect of the donor as are required by virtue of paragraph 2 of Schedule 6 to be given in respect of the donor of a recordable donation.
- (7) A person commits an offence if, without reasonable excuse, he fails to comply with subsection (5) or (6).
- (8) In this section “electoral register” means any of the following—
- (a) a register of parliamentary or local government electors maintained under section 9 of the Representation of the People Act 1983;
  - (b) a register of relevant citizens of the European Union prepared under Part III of the European Parliamentary Elections (Changes to the Franchise and Qualifications of Representatives) Regulations 1994; or
  - (c) a register of peers prepared under regulations under section 3 of the Representation of the People Act 1985.

## **55 Payments etc. which are (or are not) to be treated as donations by permissible donors**

- (1) The following provisions have effect for the purposes of this Part.
- (2) Any payment out of public funds received by a registered party shall (subject to section 52(1)(a) and (b)) be regarded as a donation received by the party from a permissible donor.
- (3) Any donation received by a registered party shall (if it would not otherwise fall to be so regarded) be regarded as a donation received by the party from a permissible donor if and to the extent that—
- (a) the purpose of the donation is to meet qualifying costs incurred or to be incurred in connection with a visit by any member or officer of the party to a country or territory outside the United Kingdom, and
  - (b) the amount of the donation does not exceed a reasonable amount in respect of such costs.
- (4) In subsection (3) “qualifying costs”, in relation to any member or officer of the party, means costs relating to that person in respect of—
- (a) travelling between the United Kingdom and the country or territory in question, or
  - (b) travelling, accommodation or subsistence while within that country or territory.
- (5) Any exempt trust donation received by a registered party shall be regarded as a donation received by the party from a permissible donor.
- (6) But any donation received by a registered party from a trustee of any property (in his capacity as such) which is not—
- (a) an exempt trust donation, or

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- (b) a donation transmitted by the trustee to the party on behalf of beneficiaries under the trust who are—
  - (i) persons who at the time of its receipt by the party are permissible donors, or
  - (ii) the members of an unincorporated association which at that time is a permissible donor,
 shall be regarded as a donation received by the party from a person who is not a permissible donor.

## 56 Acceptance or return of donations: general

- (1) Where—
  - (a) a donation is received by a registered party, and
  - (b) it is not immediately decided that the party should (for whatever reason) refuse the donation,
 all reasonable steps must be taken forthwith by or on behalf of the party to verify (or, so far as any of the following is not apparent, ascertain) the identity of the donor, whether he is a permissible donor, and (if that appears to be the case) all such details in respect of him as are required by virtue of paragraph 2 of Schedule 6 to be given in respect of the donor of a recordable donation.
- (2) If a registered party receives a donation which it is prohibited from accepting by virtue of section 54(1), or which it is decided that the party should for any other reason refuse, then—
  - (a) unless the donation falls within section 54(1)(b), the donation, or a payment of an equivalent amount, must be sent back to the person who made the donation or any person appearing to be acting on his behalf,
  - (b) if the donation falls within that provision, the required steps (as defined by section 57(1)) must be taken in relation to the donation,
 within the period of 30 days beginning with the date when the donation is received by the party.
- (3) Where—
  - (a) subsection (2)(a) applies in relation to a donation, and
  - (b) the donation is not dealt with in accordance with that provision,
 the party and the treasurer of the party are each guilty of an offence.
- (4) Where—
  - (a) subsection (2)(b) applies in relation to a donation, and
  - (b) the donation is not dealt with in accordance with that provision,
 the treasurer of the party is guilty of an offence.
- (5) For the purposes of this Part a donation received by a registered party shall be taken to have been accepted by the party unless—
  - (a) the steps mentioned in paragraph (a) or (b) of subsection (2) are taken in relation to the donation within the period of 30 days mentioned in that subsection; and
  - (b) a record can be produced of the receipt of the donation and—
    - (i) of the return of the donation, or the equivalent amount, as mentioned in subsection (2)(a), or

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- (ii) of the required steps being taken in relation to the donation as mentioned in subsection (2)(b),  
as the case may be.
- (6) Where a donation is received by a registered party in the form of an amount paid into any account held by the party with a financial institution, it shall be taken for the purposes of this Part to have been received by the party at the time when the party is notified in the usual way of the payment into the account.

## **57 Return of donations where donor unidentifiable**

- (1) For the purposes of section 56(2)(b) the required steps are as follows—
- (a) if the donation mentioned in that provision was transmitted by a person other than the donor, and the identity of that person is apparent, to return the donation to that person;
  - (b) if paragraph (a) does not apply but it is apparent that the donor has, in connection with the donation, used any facility provided by an identifiable financial institution, to return the donation to that institution; and
  - (c) in any other case, to send the donation to the Commission.
- (2) In subsection (1) any reference to returning or sending a donation to any person or body includes a reference to sending a payment of an equivalent amount to that person or body.
- (3) Any amount sent to the Commission in pursuance of subsection (1)(c) shall be paid by them into the Consolidated Fund.

### *Forfeiture of certain donations*

## **58 Forfeiture of donations made by impermissible or unidentifiable donors**

- (1) This section applies to any donation received by a registered party—
- (a) which, by virtue of section 54(1)(a) or (b), the party are prohibited from accepting, but
  - (b) which has been accepted by the party.
- (2) The court may, on an application made by the Commission, order the forfeiture by the party of an amount equal to the value of the donation.
- (3) The standard of proof in proceedings on an application under this section shall be that applicable to civil proceedings.
- (4) An order may be made under this section whether or not proceedings are brought against any person for an offence connected with the donation.
- (5) In this section “the court” means—
- (a) in relation to England and Wales, a magistrates' court;
  - (b) in relation to Scotland, the sheriff; and
  - (c) in relation to Northern Ireland, a court of summary jurisdiction;
- and proceedings on an application under this section to the sheriff shall be civil proceedings.

## **59 Appeal against order under section 58**

- (1) Subsection (2) applies where an order (“the forfeiture order”) is made under section 58 by a magistrates' court or a court of summary jurisdiction in Northern Ireland.
- (2) The registered party may, before the end of the period of 30 days beginning with the date on which the forfeiture order is made, appeal to the Crown Court or, in Northern Ireland, to a county court.
- (3) An appeal under subsection (2) shall be by way of a rehearing; and the court hearing such an appeal may make such order as it considers appropriate.
- (4) Subsections (3) and (4) of section 58 apply in relation to a rehearing on an appeal under subsection (2) as they apply in relation to proceedings under that section.
- (5) Where an order is made under section 58 by the sheriff, the registered party may appeal against the order to the Court of Session.

## **60 Supplementary provisions about orders under section 58**

- (1) Provision may be made by rules of court—
  - (a) with respect to applications or appeals to any court under section 58 or 59,
  - (b) for the giving of notice of such applications or appeals to persons affected,
  - (c) for the joinder, or in Scotland sisting, of such persons as parties,and generally with respect to the procedure under those sections before any court.
- (2) Subsection (1) is without prejudice to the generality of any existing power to make rules.
- (3) Any amount forfeited by an order under section 58 or 59 shall be paid into the Consolidated Fund.
- (4) Subsection (3) does not apply—
  - (a) where an appeal is made under section 59(2) or (5), before the appeal is determined or otherwise disposed of; and
  - (b) in any other case—
    - (i) where the forfeiture was ordered by a magistrates' court or a court of summary jurisdiction in Northern Ireland, before the end of the period of 30 days mentioned in section 59(2); or
    - (ii) where the forfeiture was ordered by the sheriff, before the end of any period within which, in accordance with rules of court, an appeal under section 59(5) must be made.
- (5) In the case of a registered party which is not a body corporate—
  - (a) proceedings under section 58 or 59 shall be brought against or by the party in its own name (and not in that of any of its members);
  - (b) for the purposes of any such proceedings any rules of court relating to the service of documents apply as if the party were a body corporate; and
  - (c) any amount forfeited by an order under section 58 or 59 shall be paid out of the funds of the party.

### *Evasion of restrictions on donations*

#### **61 Offences concerned with evasion of restrictions on donations**

- (1) A person commits an offence if he—
  - (a) knowingly enters into, or
  - (b) knowingly does any act in furtherance of,  
any arrangement which facilitates or is likely to facilitate, whether by means of any concealment or disguise or otherwise, the making of donations to a registered party by any person or body other than a permissible donor.
- (2) A person commits an offence if—
  - (a) he knowingly gives the treasurer of a registered party any information relating to—
    - (i) the amount of any donation made to the party, or
    - (ii) the person or body making such a donation,  
which is false in a material particular; or
  - (b) with intent to deceive, he withholds from the treasurer of a registered party any material information relating to a matter within paragraph (a)(i) or (ii).

## **CHAPTER III**

### **REPORTING OF DONATIONS TO REGISTERED PARTIES**

#### *Reports to be made by registered parties*

#### **62 Quarterly donation reports**

- (1) The treasurer of a registered party shall, in the case of each year, prepare a report under this subsection in respect of each of the following periods—
  - (a) January to March;
  - (b) April to June;
  - (c) July to September;
  - (d) October to December.
- (2) In this section—

“donation report” means a report prepared under subsection (1);

“reporting period”, in relation to such a report, means the period mentioned in any of paragraphs (a) to (d) of that subsection to which the report relates.
- (3) The donation reports for any year shall, in the case of each permissible donor from whom any donation is accepted by the party during that year, comply with the following provisions of this section so far as they require any such donation to be recorded in a donation report; and in those provisions any such donation is referred to, in relation to the donor and that year, as a “relevant donation”.
- (4) Where no previous relevant donation or donations has or have been required to be recorded under this subsection, a relevant donation must be recorded—
  - (a) if it is a donation of more than £5,000, or

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- (b) if, when it is added to any other relevant donation or donations, the aggregate amount of the donations is more than £5,000.
- (5) A donation to which subsection (4) applies must—
- (a) (if within paragraph (a) of that subsection) be recorded in the donation report for the reporting period in which it is accepted, or
  - (b) (if within paragraph (b) of that subsection) be recorded (as part of the aggregate amount mentioned in that paragraph) in the donation report for the reporting period in which the donation which causes that aggregate amount to be more than £5,000 is accepted.
- (6) Where any previous relevant donation or donations has or have been required to be recorded under subsection (4), a relevant donation must be recorded at the point when there has or have been accepted—
- (a) since the donation or donations required to be recorded under subsection (4), or
  - (b) if any relevant donation or donations has or have previously been required to be recorded under this subsection, since the donation or donations last required to be so recorded,
- any relevant donation or donations of an amount or aggregate amount which is more than £1,000.
- (7) A donation to which subsection (6) applies on any occasion must—
- (a) if it is the only donation required to be recorded on that occasion, be recorded in the donation report for the reporting period in which it is accepted, or
  - (b) in any other case be recorded (as part of the aggregate amount mentioned in that subsection) in the donation report for the reporting period in which the donation which causes that aggregate amount to be more than £1,000 is accepted.
- (8) For the purposes of subsections (4) to (7) as they apply in relation to any year—
- (a) each payment to which section 55(2) applies and which is accepted by the party during that year shall be treated as a relevant donation in relation to that year, and
  - (b) each payment to which section 55(3) applies and which is received from a particular donor and accepted by the party during that year shall be treated as a relevant donation in relation to the donor and that year;
- and the donation reports for the year shall accordingly comply with subsections (4) to (7) so far as they operate, by virtue of paragraph (a) or (b) above, to require any relevant donation falling within that paragraph to be recorded in a donation report.
- (9) A donation report must also record every donation falling within section 54(1)(a) or (b) and dealt with during the reporting period in accordance with section 56(2).
- (10) If during any reporting period—
- (a) no donations have been accepted by the party which, by virtue of the preceding provisions of this section, are required to be recorded in the donation report for that period, and
  - (b) no donations have been dealt with as mentioned in subsection (9),
- the report shall contain a statement to that effect.



- (11) Where a registered party is a party with accounting units, subsections (3) to (10) shall apply separately in relation to the central organisation of the party and each of its accounting units—
- (a) as if any reference to the party were a reference to the central organisation or (as the case may be) to such an accounting unit; but
  - (b) with the substitution, in relation to such an accounting unit, of “£1,000” for “£5,000” in each place where it occurs in subsections (4) and (5).
- (12) However, for the purposes of subsections (3) to (7) in their application in relation to the central organisation and any year by virtue of subsection (11), any donation—
- (a) which is accepted from a permissible donor by any of the accounting units during that year, but
  - (b) which is not required to be recorded under subsection (4) or (6) (as they apply by virtue of subsection (11)) as a donation accepted by the accounting unit,
- shall be treated as a donation accepted from the donor during that year by the central organisation.
- (13) Schedule 6 has effect with respect to the information to be given in donation reports.

### **63 Weekly donation reports during general election periods**

- (1) Subject to section 64, the treasurer of a registered party shall, in the case of any general election period, prepare a report under this section in respect of each of the following periods—
- (a) the period of seven days beginning with the first day of the general election period;
  - (b) each succeeding period of seven days falling within the general election period; and
  - (c) any final period of less than seven days falling within that period.
- (2) In this section—
- “weekly report” means a report prepared under subsection (1);
  - “reporting period”, in relation to such a report, means the period mentioned in any of paragraphs (a) to (c) of that subsection to which the report relates.
- (3) The weekly report for any reporting period shall record each donation of more than £5,000 received during that period—
- (a) by the party (if it is not a party with accounting units); or
  - (b) by the central organisation of the party (if it is a party with accounting units).
- (4) If during any reporting period no donations falling within subsection (3) have been received as mentioned in that subsection, the weekly report for that period shall contain a statement to that effect.
- (5) Schedule 6 has effect with respect to the information to be given in weekly reports.
- (6) In this section and section 64 “general election period” means the period—
- (a) beginning with the date on which Her Majesty’s intention to dissolve Parliament is announced in connection with a forthcoming parliamentary general election, and
  - (b) ending with the date of the poll.

#### **64 Exemptions from section 63**

- (1) Section 63(1) shall not apply in relation to a registered party in respect of a general election period if the party has made an exemption declaration which covers the general election in question.
- (2) A registered party shall be taken to have made an exemption declaration which covers a particular general election if a declaration that the party does not intend to have any candidates at that election—
  - (a) is signed by the responsible officers of the party; and
  - (b) is sent to the Commission within the period of seven days beginning with the date mentioned in section 63(6)(a).
- (3) A registered party shall also be taken to have made an exemption declaration which covers a particular general election if the party's application for registration was accompanied by a declaration that the party was not intending to have candidates at parliamentary elections and either—
  - (a) the poll for the general election in question takes place within the period of twelve months beginning with the date of its registration; or
  - (b) the declaration has been confirmed in the party's most recent notification given to the Commission under section 32 and the poll for the general election in question takes place within the period of twelve months beginning with the date when that notification was so given.
- (4) An exemption declaration shall, however, not cover a particular general election if the party in question withdraws its declaration by a notice—
  - (a) signed by the responsible officers of the party, and
  - (b) sent to the Commission,before the beginning of the general election period.
- (5) Where—
  - (a) a registered party has made an exemption declaration which (apart from this subsection) would cover a particular general election, but
  - (b) the party has one or more candidates at that election,the exemption declaration shall be treated as if it had been withdrawn at the beginning of the general election period (and the requirements of section 63 shall accordingly apply retrospectively as from the beginning of that period).
- (6) Subsection (3) shall apply to a party registered immediately before the date on which this section comes into force as if it referred to a declaration in the terms mentioned in that subsection having been—
  - (a) signed by the responsible officers of the party, and
  - (b) sent to the Commission within the period of six weeks beginning with that date.
- (7) For the purposes of this section “the responsible officers” are—
  - (a) the registered leader;
  - (b) the registered nominating officer; and
  - (c) where the leader and the nominating officer are the same person, any other registered officer.
- (8) If any responsible officer is unable to sign a declaration or notice for the purposes of any provision of this section—

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- (a) the holder of some other office in the party may sign in his place, and
  - (b) the declaration or notice must include a statement of the reason why the responsible officer is unable to sign and a declaration that the holder of the other office is authorised to sign in his place.
- (9) For the purposes of this section and section 65 a registered party shall be taken to have a candidate at a general election if any statement published, in connection with the election, under rule 14 of the rules set out in Schedule 1 to the Representation of the People Act 1983 (parliamentary election rules) contains the name of a candidate standing in the name of the party.

## **65 Submission of donation reports to Commission**

- (1) A donation report under section 62 shall be delivered to the Commission by the treasurer of the party in question within the period of 30 days beginning with the end of the reporting period to which it relates.
- (2) A donation report under section 63 shall be delivered to the Commission by the treasurer of the party in question—
- (a) within the period of 7 days beginning with the end of the reporting period to which it relates; or
  - (b) (if that is not possible in the case of any party to which section 63(1) applies by virtue of section 64(5)) within the period of 7 days beginning with the first day on which the party has a candidate at the election in question.
- (3) The treasurer of a registered party commits an offence if he fails to comply with the requirements of subsection (1) or (2) in relation to a donation report.
- (4) The treasurer of a registered party also commits an offence if he delivers a donation report to the Commission which does not comply with any requirements of this Part as regards the recording of donations in such a report.
- (5) Where a person is charged with an offence under this section, it shall be a defence to prove that he took all reasonable steps, and exercised all due diligence, to ensure that any such requirements were complied with in relation to donations received by the party during the relevant reporting period.
- (6) Where the court is satisfied, on an application made by the Commission, that any failure to comply with any such requirements in relation to any donation to a registered party was attributable to an intention on the part of any person to conceal the existence or true amount of the donation, the court may order the forfeiture by the party of an amount equal to the value of the donation.
- (7) The following provisions, namely—
- (a) subsections (3) to (5) of section 58, and
  - (b) sections 59 and 60,
- shall apply for the purposes, or in connection with the operation, of subsection (6) above as they apply for the purposes, or in connection with the operation, of section 58.
- (8) Section 64(9) applies for the purposes of this section.

## **66 Declaration by treasurer in donation report**

- (1) Each donation report under section 62 or 63 must, when delivered to the Commission, be accompanied by a declaration made by the treasurer which complies with subsection (2), (3) or (4).
- (2) In the case of a report under section 62 (other than one making a nil return), the declaration must state that, to the best of the treasurer's knowledge and belief—
  - (a) all the donations recorded in the report as having been accepted by the party are from permissible donors, and
  - (b) during the reporting period—
    - (i) no other donations required to be recorded in the report have been accepted by the party, and
    - (ii) no donation from any person or body other than a permissible donor has been accepted by the party.
- (3) For the purposes of subsection (2) a return under section 62 makes a nil return if it contains such a statement as is mentioned in subsection (10) of that section; and in the case of such a report the declaration must state that, to the best of the treasurer's knowledge and belief—
  - (a) that statement is accurate; and
  - (b) during the reporting period no donation from any person or body other than a permissible donor has been accepted by the party.
- (4) In the case of a report under section 63, the declaration must state that, to the best of the treasurer's knowledge and belief, no donations have been received by the party, or (if section 63(3)(b) applies) by its central organisation, during the reporting period which—
  - (a) are required to be recorded in the report, but
  - (b) are not so recorded.
- (5) A person commits an offence if he knowingly or recklessly makes a false declaration under this section.

### *Extension of reporting requirements*

## **67 Weekly donation reports in connection with elections other than general elections**

- (1) The Secretary of State may, after consulting the Commission and all registered parties, by order make provision for—
  - (a) sections 63 and 64, together with Schedule 6,
  - (b) sections 65 and 66, and
  - (c) section 147 so far as applying in relation to section 65(1) or (2),
 to apply in relation to the specified election period in the case of one or more relevant elections with such modifications as are specified in the order.
- (2) In this section—
  - (a) “specified election period”, in relation to a relevant election, means such period ending with the date of the poll for the election as may be specified in an order under subsection (1);
  - (b) “relevant election” means—

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- (i) an election to the European Parliament;
- (ii) an election to the Scottish Parliament;
- (iii) an election to the National Assembly for Wales; or
- (iv) an election to the Northern Ireland Assembly.

*Reports to be made by donors*

**68 Reporting of multiple small donations**

- (1) This section applies where a person (“the donor”) has during the course of a calendar year made small donations to a registered party whose aggregate value is more than £5,000.
- (2) The donor must make a report to the Commission in respect of the donations which gives the following details—
  - (a) the aggregate value of the donations and the year in which they were made;
  - (b) the name of the registered party to whom they were made; and
  - (c) the full name and address of the donor (if an individual) and (in any other case) such details in respect of the donor as are required by virtue of paragraph 2 of Schedule 6 to be given in respect of the donor of a recordable donation.
- (3) The report must be delivered to the Commission by 31st January in the year following that in which the donations were made.
- (4) The report must, when delivered to the Commission, be accompanied by a declaration by the donor stating—
  - (a) that small donations whose aggregate value was that specified in the report were made by him to the specified registered party during the specified year, and
  - (b) that no other small donations were made by him to that party during that year.
- (5) A person commits an offence if—
  - (a) he delivers a report under this section which does not comply with subsection (2); or
  - (b) he fails to deliver such a report in accordance with subsection (3) or such a report, when delivered by him, is not accompanied by a declaration under subsection (4); or
  - (c) he knowingly or recklessly makes a false declaration under that subsection.
- (6) In this section—
  - (a) “small donation” means a donation whose value is not more than £200; and
  - (b) “specified” means specified in the report in question.

*Register of donations*

**69 Register of recordable donations**

- (1) The Commission shall maintain a register of all donations reported to them under this Chapter.

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- (2) The register shall be maintained by the Commission in such form as they may determine and shall contain the following details in the case of each such donation—
  - (a) the amount or value of the donation;
  - (b) (subject to subsection (4)) such other details as have been given in relation to the donation in pursuance of paragraph 2, 3, 6 or 7(a) or (c) of Schedule 6; and
  - (c) the relevant date for the donation within the meaning of paragraph 5 of that Schedule, and (in the case of a donation falling within sub-paragraph (2) of that paragraph) the details given in pursuance of that sub-paragraph.
- (3) In the case of any donations reported to them under section 68, the register shall (subject to subsection (4)) contain the details given in pursuance of subsection (2) of that section.
- (4) The details required by virtue of subsection (2) or (3) do not include, in the case of any donation by an individual, the donor's address.
- (5) Where any donation or donations is or are reported to the Commission under this Chapter, they shall cause the details mentioned in subsection (2) or (3) to be entered in the register in respect of the donation or donations as soon as is reasonably practicable.

## CHAPTER IV

### POWER TO MAKE SPECIAL PROVISION

#### **70 Special provision for Northern Ireland parties**

- (1) The Secretary of State may by order make provision—
  - (a) for extending—
    - (i) in relation to a Northern Ireland party, and
    - (ii) for such period as is specified,
 the categories of permissible donors specified in section 54(2);
  - (b) for disapplying any specified provisions of this Part, for such period as is specified, in relation to a Northern Ireland party.
- (2) An order under subsection (1) may provide for any specified provisions of this Part to apply, in connection with any provision made by the order in pursuance of paragraph (a) or (b) of that subsection, with such modifications as may be specified.
- (3) Each order under subsection (1) shall be so made as to—
  - (a) apply to every Northern Ireland party, and
  - (b) make the same provision with respect to every such party.
- (4) Any period specified in an order under subsection (1)(a) or (b) must end not later than four years after the date on which the order comes into force, but this is without prejudice to the making (on one or more occasions) of a further such order which—
  - (a) extends that period for a period ending not later than four years after the date on which the further order comes into force, or
  - (b) specifies a fresh such period.
- (5) Where—

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- (a) at a time when any order is in force under subsection (1) a donation is received by a registered party which is registered in the Great Britain register, and
  - (b) the order provides for this subsection to apply to any such donation,
- section 54(2)(c) shall have effect in relation to the donation as if it referred only to a registered party which is registered in that register.
- (6) In this section—
- “Northern Ireland party” means a party registered in the Northern Ireland register;
  - “specified” means specified in an order under subsection (1).

## CHAPTER V

### CONTROL OF DONATIONS TO INDIVIDUALS AND MEMBERS ASSOCIATIONS

#### 71 Control of donations to individuals and members associations

Schedule 7, which makes provision for controlling donations to individual members of registered parties, associations of such members, and certain elected office holders, shall have effect.

## PART V

### CONTROL OF CAMPAIGN EXPENDITURE

#### *Preliminary*

#### 72 Campaign expenditure

- (1) The following provisions have effect for the purposes of this Part.
- (2) “Campaign expenditure”, in relation to a registered party, means (subject to subsection (7)) expenses incurred by or on behalf of the party which are expenses falling within Part I of Schedule 8 and so incurred for election purposes.
- (3) “Election campaign”, in relation to a registered party, means a campaign conducted by the party for election purposes.
- (4) “For election purposes”, in relation to a registered party, means for the purpose of or in connection with—
  - (a) promoting or procuring electoral success for the party at any relevant election, that is to say, the return at any such election of candidates—
    - (i) standing in the name of the party, or
    - (ii) included in a list of candidates submitted by the party in connection with the election; or
  - (b) otherwise enhancing the standing—
    - (i) of the party, or
    - (ii) of any such candidates,

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with the electorate in connection with future relevant elections (whether imminent or otherwise).

- (5) For the purposes of subsection (4)—
- (a) the reference to doing any of the things mentioned in paragraph (a) or (as the case may be) paragraph (b) of that subsection includes doing so by prejudicing the electoral prospects at the election of other parties or candidates or (as the case may be) by prejudicing the standing with the electorate of other parties or candidates;
  - (b) a course of conduct may constitute the doing of one of those things even though it does not involve any express mention being made of the name of any party or candidate; and
  - (c) it is immaterial that any candidates standing in the name of the party also stand in the name of one or more other registered parties.
- (6) “Relevant election” has the same meaning as in Part II.
- (7) “Campaign expenditure” does not include anything which (in accordance with any enactment) falls to be included in a return as to election expenses in respect of a candidate or candidates at a particular election.
- (8) Where a registered party is a party with accounting units—
- (a) expenses incurred or to be incurred by or on behalf of any accounting unit of the party shall be regarded as expenses incurred or to be incurred by or on behalf of the party, and
  - (b) references to campaign expenditure incurred or to be incurred by or on behalf of a registered party accordingly extend, in relation to the party, to expenses which constitute such expenditure by virtue of paragraph (a).
- (9) In this section “candidates” includes future candidates, whether identifiable or not.
- (10) Nothing in this Part applies in relation to expenses incurred or to be incurred by or on behalf of a minor party.

### **73 Notional campaign expenditure**

- (1) This section applies where, in the case of a registered party—
- (a) either—
    - (i) property is transferred to the party free of charge or at a discount of more than 10 per cent. of its market value, or
    - (ii) property, services or facilities is or are provided for the use or benefit of the party free of charge or at a discount of more than 10 per cent. of the commercial rate for the use of the property or for the provision of the services or facilities, and
  - (b) the property, services or facilities is or are made use of by or on behalf of the party in circumstances such that, if any expenses were to be (or are) actually incurred by or on behalf of the party in respect of that use, they would be (or are) campaign expenditure incurred by or on behalf of the party.
- (2) Where this section applies, an amount of campaign expenditure determined in accordance with this section (“the appropriate amount”) shall be treated, for the purposes of this Part, as incurred by the party during the period for which the property, services or facilities is or are made use of as mentioned in subsection (1)(b).



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This subsection has effect subject to subsection (9).

- (3) Where subsection (1)(a)(i) applies, the appropriate amount is such proportion of either—
  - (a) the market value of the property (where the property is transferred free of charge), or
  - (b) the difference between the market value of the property and the amount of expenses actually incurred by or on behalf of the party in respect of the property (where the property is transferred at a discount),as is reasonably attributable to the use made of the property as mentioned in subsection (1)(b).
- (4) Where subsection (1)(a)(ii) applies, the appropriate amount is such proportion of either—
  - (a) the commercial rate for the use of the property or the provision of the services or facilities (where the property, services or facilities is or are provided free of charge), or
  - (b) the difference between that commercial rate and the amount of expenses actually incurred by or on behalf of the party in respect of the use of the property or the provision of the services or facilities (where the property, services or facilities is or are provided at a discount),as is reasonably attributable to the use made of the property, services or facilities as mentioned in subsection (1)(b).
- (5) Where the services of an employee are made available by his employer for the use or benefit of a registered party, then for the purposes of this section the amount which is to be taken as constituting the commercial rate for the provision of those services shall be the amount of the remuneration or allowances payable to the employee by his employer in respect of the period for which his services are made available (but shall not include any amount in respect of contributions or other payments for which the employer is liable in respect of the employee).
- (6) Where an amount of campaign expenditure is treated, by virtue of subsection (2), as incurred by or on behalf of a party during any period the whole or part of which falls within any period which is, in relation to the party, a relevant campaign period for the purposes of section 80, then—
  - (a) the amount mentioned in subsection (7) shall be treated as incurred by or on behalf of the party during the relevant campaign period, and
  - (b) the treasurer or a deputy treasurer appointed under section 74 shall make a declaration of that amount,unless that amount is not more than £200.
- (7) The amount referred to in subsection (6) is such proportion of the appropriate amount (determined in accordance with subsection (3) or (4)) as reasonably represents the use made of the property, services or facilities as mentioned in subsection (1)(b) during the relevant campaign period.
- (8) A person commits an offence if he knowingly or recklessly makes a false declaration under subsection (6).
- (9) No amount of campaign expenditure shall be regarded as incurred by virtue of subsection (2) in respect of—
  - (a) the transmission by a broadcaster of a party political broadcast;

- (b) any facilities provided in accordance with any right conferred on candidates or a party at an election by any enactment; or
  - (c) the provision by any individual of his own services which he provides voluntarily in his own time and free of charge.
- (10) In subsections (1), (3), (4) and (5) any reference to anything done by or in relation to a registered party includes a reference to anything done by or in relation to any accounting unit of the party; and section 50(6) and (8)(a) shall apply with any necessary modifications for the purpose of determining, for the purposes of subsection (1), whether property is transferred to a registered party or to any such unit.

#### **74 Officers of registered party with responsibility for campaign expenditure**

- (1) The treasurer of a registered party may appoint, on such terms as he may determine, one or more deputy treasurers of the party for the purposes of this Part, but not more than 12 persons may hold such appointments at the same time.
- (2) The appointment of a person as deputy treasurer of a party is effective for those purposes once the treasurer has given the Commission a notification of the appointment which—
  - (a) contains the name of the person so appointed and the address of his office; and
  - (b) is accompanied by a declaration of acceptance of office signed by that person.
- (3) A person is not, however, eligible to be appointed as deputy treasurer of a registered party if, at any time within the last five years, he has been convicted of any offence under this Act or of any other offence committed in connection with a relevant election within the meaning of Part II or a referendum within the meaning of Part VII.
- (4) A person commits an offence if he accepts the office of deputy treasurer of a registered party when, by virtue of subsection (3), he is not eligible to be so appointed.
- (5) Where a deputy treasurer of a registered party is convicted of an offence falling within subsection (3), his appointment as deputy treasurer shall terminate on the date of the conviction.
- (6) If, where the appointment of any deputy treasurer of a registered party has been notified to the Commission under subsection (2)—
  - (a) the deputy treasurer dies or his appointment terminates for any other reason, or
  - (b) any change occurs in the address of his office,
 the treasurer of the party must notify the Commission of that fact within the appropriate period.
- (7) In subsection (6) “the appropriate period” means—
  - (a) the period of 14 days beginning with the date of the deputy treasurer’s death or the termination of his appointment, or
  - (b) the period of 28 days beginning with the date when the change of address occurs,
 as the case may be.
- (8) The name of any deputy treasurer of a registered party and the address of his office, as notified to the Commission in accordance with this section, shall be included in the party’s entry in the Great Britain or Northern Ireland register.

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- (9) Where the Commission receive a notification under subsection (6), they shall cause any change required as a consequence of the notification to be made in any such entry as soon as is reasonably practicable.
- (10) For the purposes of this Part—
- (a) the address of the treasurer of a registered party shall be regarded as being the registered address of the party; and
  - (b) the address of any deputy treasurer of such a party shall be regarded as being the address for the time being registered in relation to him in accordance with subsection (8).

*General restrictions relating to campaign expenditure*

**75 Restriction on incurring campaign expenditure**

- (1) No campaign expenditure shall be incurred by or on behalf of a registered party unless it is incurred with the authority of—
- (a) the treasurer of the party,
  - (b) a deputy treasurer of the party, or
  - (c) a person authorised in writing by the treasurer or a deputy treasurer.
- (2) A person commits an offence if, without reasonable excuse, he incurs any expenses in contravention of subsection (1).
- (3) Where any expenses are incurred in contravention of subsection (1), the expenses shall not count for the purposes of sections 79 to 83 or Schedule 9 as campaign expenditure incurred by or on behalf of the party.

**76 Restriction on payments in respect of campaign expenditure**

- (1) No payment (of whatever nature) may be made in respect of any campaign expenditure incurred or to be incurred by or on behalf of a registered party unless it is made by—
- (a) the treasurer of the party,
  - (b) a deputy treasurer of the party, or
  - (c) a person authorised in writing by the treasurer or a deputy treasurer.
- (2) Any payment made in respect of any such expenditure by a person within any of paragraphs (a) to (c) of subsection (1) must be supported by an invoice or a receipt unless it is not more than £200.
- (3) Where a person within paragraph (b) or (c) of subsection (1) makes a payment to which subsection (2) applies, he must deliver to the treasurer—
- (a) notification that he has made the payment, and
  - (b) the supporting invoice or receipt,
- as soon as possible after making the payment.
- (4) A person commits an offence if, without reasonable excuse—
- (a) he makes any payment in contravention of subsection (1), or
  - (b) he contravenes subsection (3).

## **77 Restriction on making claims in respect of campaign expenditure**

- (1) A claim for payment in respect of campaign expenditure incurred by or on behalf of a registered party during any period which is, in relation to the party, a relevant campaign period (within the meaning of section 80) shall not be payable if the claim is not sent to—
  - (a) the treasurer or a deputy treasurer of the party, or
  - (b) any other person authorised under section 75 to incur the expenditure, not later than 21 days after the end of the relevant campaign period.
- (2) Any claim sent in accordance with subsection (1) shall be paid not later than 42 days after the end of the relevant campaign period.
- (3) A person commits an offence if, without reasonable excuse—
  - (a) he pays any claim which by virtue of subsection (1) is not payable, or
  - (b) he makes any payment in respect of a claim after the end of the period allowed under subsection (2).
- (4) In the case of any claim to which subsection (1) applies—
  - (a) the person making the claim, or
  - (b) the person with whose authority the expenditure in question was incurred, may apply to the High Court or a county court or, in Scotland, to the Court of Session or the sheriff for leave for the claim to be paid although sent in after the end of the period mentioned in that subsection; and the court, if satisfied that for any special reason it is appropriate to do so, may by order grant the leave.
- (5) Nothing in subsection (1) or (2) shall apply in relation to any sum paid in pursuance of the order of leave.
- (6) Subsection (2) is without prejudice to any rights of a creditor of a registered party to obtain payment before the end of the period allowed under that subsection.
- (7) The jurisdiction conferred by subsection (4) on the Court of Session or the sheriff may be exercised in such manner as is prescribed by Act of Sederunt; and any order made by the sheriff by virtue of that subsection may be appealed to the Court of Session.
- (8) Article 60 of the County Courts (Northern Ireland) Order 1980 (appeals from county courts) shall apply in relation to any order of a county court in Northern Ireland made by virtue of subsection (4) as it applies in relation to any such decree of a county court as is mentioned in paragraph (1) of that Article.
- (9) Where, in the case of any campaign expenditure, the period allowed under subsection (1) or (2) would (apart from this subsection) end on—
  - (a) a Saturday or Sunday or Christmas Eve, Christmas Day, Maundy Thursday or Good Friday,
  - (b) a bank holiday, or
  - (c) a day appointed for public thanksgiving or mourning,the period instead ends on the first day following that day which is not one of those days.
- (10) In subsection (9)(b) “bank holiday” means a day which under the Banking and Financial Dealings Act 1971 is a bank holiday in any part of the United Kingdom—

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- (a) in which is situated the office of the treasurer, deputy treasurer or (as the case may be) other authorised person to whom the claim is sent pursuant to subsection (1); or
- (b) in which the person providing the property, services or facilities to which the expenditure relates conducts his business; or
- (c) (if he conducts his business in more than one part of the United Kingdom) in which is situated the office from which dealings relating to the expenditure were conducted.

## **78 Disputed claims**

- (1) This section applies where—
  - (a) a claim for payment in respect of campaign expenditure incurred by or on behalf of a registered party as mentioned in section 77(1) is sent to—
    - (i) the treasurer of the party, or
    - (ii) any other person with whose authority it is alleged that the expenditure was incurred,  
within the period allowed under that provision; and
  - (b) the treasurer or other person to whom the claim is sent fails or refuses to pay the claim within the period allowed under section 77(2);and the claim is referred to in this section as “the disputed claim”.
- (2) The person by whom the disputed claim is made may bring an action for the disputed claim, and nothing in section 77(2) shall apply in relation to any sum paid in pursuance of any judgment or order made by a court in the proceedings.
- (3) Subsections (4) to (8) of section 77 shall apply in relation to an application made by the person mentioned in subsection (1)(b) above for leave to pay the disputed claim as they apply in relation to an application for leave to pay a claim (whether it is disputed or otherwise) which is sent in after the period allowed under section 77(1).

### *Financial limits*

## **79 Limits on campaign expenditure**

- (1) Schedule 9 has effect for imposing limits on campaign expenditure incurred by or on behalf of registered parties in England, Scotland, Wales or Northern Ireland during the periods specified in that Schedule.
- (2) Where, during the period in relation to which any such limit applies in relation to a registered party, any campaign expenditure is incurred by or on behalf of the party in excess of that limit—
  - (a) the treasurer or any deputy treasurer of the party is guilty of an offence if—
    - (i) he authorised the expenditure to be incurred by or on behalf of the party, and
    - (ii) he knew or ought reasonably to have known that the expenditure would be incurred in excess of that limit; and
  - (b) the party is also guilty of an offence.
- (3) It shall be a defence for any person or registered party charged with an offence under subsection (2) to show—

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- (a) that any code of practice for the time being issued under paragraph 3 of Schedule 8 was complied with in determining the items and amounts of campaign expenditure to be entered in the relevant return under section 80, and
  - (b) that the limit would not have been exceeded on the basis of the items and amounts entered in that return.
- (4) Where—
- (a) at any time before the beginning of any relevant campaign period (within the meaning of section 80), any expenses within section 72(2) are incurred by or on behalf of a registered party in respect of any property, services or facilities, but
  - (b) the property, services or facilities is or are made use of by or on behalf of the party during the relevant campaign period in circumstances such that, had any expenses been incurred in respect of that use during that period, they would by virtue of section 72(2) have constituted campaign expenditure incurred by or on behalf of the party during that period,
- the appropriate proportion of the expenses mentioned in paragraph (a) shall be treated for the purposes of this section, sections 80 to 83 and Schedule 9 as campaign expenditure incurred by or on behalf of the party during that period.
- (5) For the purposes of subsection (4) the appropriate proportion of the expenses mentioned in paragraph (a) of that subsection is such proportion of those expenses as is reasonably attributable to the use made of the property, services or facilities as mentioned in paragraph (b).

### *Returns*

## **80 Returns as to campaign expenditure**

- (1) For the purposes of this section—
- (a) “the relevant campaign period”, in relation to any limit imposed by Schedule 9, is the period in relation to which the limit is so imposed; and
  - (b) a part of the United Kingdom is a “relevant” part, in relation to any limit imposed by Schedule 9, if the limit applies to campaign expenditure which (within the meaning of that Schedule) is incurred in that part.
- (2) Where—
- (a) any limit imposed by Schedule 9 applies to campaign expenditure incurred by or on behalf of a registered party during the relevant campaign period, and
  - (b) that period ends,
- the treasurer of the party shall prepare a return under this section in respect of campaign expenditure incurred by or on behalf of the party during that period in any relevant part or parts of the United Kingdom.
- (3) A return under this section must specify the poll for the relevant election (or, as the case may be, the polls for the relevant elections) that took place during the relevant campaign period, and must contain—
- (a) a statement of all payments made in respect of campaign expenditure incurred by or on behalf of the party during the relevant campaign period in the relevant part or parts of the United Kingdom;

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- (b) a statement of all disputed claims (within the meaning of section 78) of which the treasurer is aware; and
  - (c) a statement of all the unpaid claims (if any) of which the treasurer is aware in respect of which an application has been made, or is about to be made, to a court under section 77(4).
- (4) A return under this section must be accompanied by—
  - (a) all invoices or receipts relating to the payments mentioned in subsection (3) (a); and
  - (b) in the case of any campaign expenditure treated as incurred by the party by virtue of section 73, any declaration falling to be made with respect to that expenditure in accordance with section 73(6).
- (5) Where, however, any payments or claims falling to be dealt with in a return by virtue of subsection (3) have already been dealt with in an earlier return under this section—
  - (a) it shall be sufficient for the later return to deal with those payments or claims by specifying overall amounts in respect of them; and
  - (b) the requirement imposed by subsection (4) does not apply to any invoices, receipts or declarations which accompanied the earlier return and are specified as such in the later return.
- (6) The Commission may by regulations prescribe a form of return which may be used for the purposes of this section.

## **81 Auditor's report on return**

- (1) Where during a relevant campaign period the campaign expenditure incurred by or on behalf of a registered party in the relevant part or parts of the United Kingdom exceeds £250,000, a report must be prepared by a qualified auditor on the return prepared under section 80 in respect of that expenditure.
- (2) The following provisions, namely—
  - (a) section 43(6) and (7), and
  - (b) section 44,shall apply in relation to the appointment of an auditor to prepare a report under subsection (1) or (as the case may be) an auditor so appointed as they apply in relation to the appointment of an auditor to carry out an audit under section 43 or (as the case may be) an auditor so appointed.
- (3) Subsection (1) of section 80 applies for the purposes of this section as it applies for the purposes of section 80.

## **82 Delivery of returns to the Commission**

- (1) Where—
  - (a) any return falls to be prepared under section 80, and
  - (b) an auditor's report on it falls to be prepared under section 81(1),the treasurer of the party shall deliver the return to the Commission, together with a copy of the auditor's report, within six months of the end of the relevant campaign period.

- (2) In the case of any other return falling to be prepared under section 80, the treasurer of the party shall deliver the return to the Commission within three months of the end of the relevant campaign period.
- (3) Where, after the date on which a return is delivered to the Commission under this section, leave is given by a court under section 77(4) for any claim to be paid, the treasurer of the party in question shall, within seven days after the payment, deliver to the Commission a return of any sums paid in pursuance of the leave accompanied by a copy of the order of the court giving the leave.
- (4) The treasurer of a registered party commits an offence if, without reasonable excuse, he—
  - (a) fails to comply with the requirements of subsection (1) or (2) in relation to any return or report to which that subsection applies;
  - (b) delivers a return which does not comply with the requirements of section 80(3) or (4); or
  - (c) fails to comply with the requirements of subsection (3) in relation to a return under that subsection.

### **83 Declaration by treasurer as to return under section 80**

- (1) Each return under section 80 must, when delivered to the Commission, be accompanied by a declaration which complies with subsection (2) and is signed by the treasurer.
- (2) The declaration must state—
  - (a) that the treasurer has examined the return in question; and
  - (b) that to the best of his knowledge and belief—
    - (i) it is a complete and correct return as required by law, and
    - (ii) all expenses shown in it as paid have been paid by him or a deputy treasurer of the party or a person authorised under section 76.
- (3) A person commits an offence if—
  - (a) he knowingly or recklessly makes a false declaration under this section; or
  - (b) subsection (1) is contravened at a time when he is treasurer of the registered party to which the return relates.

### **84 Public inspection of returns under section 80**

- (1) Where the Commission receive any return under section 80, they shall—
  - (a) as soon as reasonably practicable after receiving the return, make a copy of the return, and of any documents accompanying it, available for public inspection; and
  - (b) keep any such copy available for public inspection for the period for which the return or other document is kept by them.
- (2) At the end of the period of two years beginning with the date when any return or other document mentioned in subsection (1) is received by the Commission—
  - (a) they may cause the return or other document to be destroyed; but
  - (b) if requested to do so by the treasurer of the party concerned, they shall arrange for the return or other document to be returned to the treasurer.



## PART VI

### CONTROLS RELATING TO THIRD PARTY NATIONAL ELECTION CAMPAIGNS

#### CHAPTER I

##### PRELIMINARY

##### *Controlled expenditure by third parties*

#### **85 Controlled expenditure by third parties**

- (1) The following provisions have effect for the purposes of this Part.
- (2) “Controlled expenditure”, in relation to a third party, means (subject to section 87) expenses incurred by or on behalf of the third party in connection with the production or publication of election material which is made available to the public at large or any section of the public (in whatever form and by whatever means).
- (3) “Election material” is material which can reasonably be regarded as intended to—
  - (a) promote or procure electoral success at any relevant election for—
    - (i) one or more particular registered parties,
    - (ii) one or more registered parties who advocate (or do not advocate) particular policies or who otherwise fall within a particular category of such parties, or
    - (iii) candidates who hold (or do not hold) particular opinions or who advocate (or do not advocate) particular policies or who otherwise fall within a particular category of candidates, or
  - (b) otherwise enhance the standing—
    - (i) of any such party or parties, or
    - (ii) of any such candidates,with the electorate in connection with future relevant elections (whether imminent or otherwise);  
and any such material is election material even though it can reasonably be regarded as intended to achieve any other purpose as well.
- (4) For the purposes of subsection (3)—
  - (a) the reference to electoral success at any relevant election is a reference—
    - (i) in relation to a registered party, to the return at any such election of candidates standing in the name of the party or included in a list of candidates submitted by the party in connection with the election, and
    - (ii) in relation to candidates, to their return at any such election; and
  - (b) the reference to doing any of the things mentioned in paragraph (a) or (as the case may be) paragraph (b) of that subsection includes doing so by prejudicing the electoral prospects at the election of other parties or candidates or (as the case may be) by prejudicing the standing with the electorate of other parties or candidates;and, for the purpose of determining whether any material is election material, it is immaterial that it does not expressly mention the name of any party or candidate.

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- (5) “Recognised third party” means a third party for the time being recognised under section 88 for the purposes of this Part.
- (6) “Relevant election” has the same meaning as in Part II.
- (7) “Responsible person”, in relation to a recognised third party, means—
- (a) if the third party is an individual, that individual;
  - (b) if the third party is a registered party—
    - (i) the treasurer of the party, or
    - (ii) in the case of a minor party, the person for the time being notified to the Commission by the party in accordance with section 88(3)(b) (iii); and
  - (c) otherwise, the person or officer for the time being notified to the Commission by the third party in accordance with section 88(3)(c)(ii).
- (8) “Third party”, in relation to any relevant election, means—
- (a) any person or body other than a registered party; or
  - (b) subject to subsection (9), any registered party.
- (9) In connection with the application of subsection (2) in relation to expenses incurred by or on behalf of a third party which is a registered party, any reference in subsection (3) to a registered party or registered parties or to any candidates does not include—
- (a) the party itself, or
  - (b) any candidates standing in the name of the party at any relevant election or included in any list submitted by the party in connection with any such election,
- as the case may be.
- (10) In this section “candidates” includes future candidates, whether identifiable or not.

## **86 Notional controlled expenditure**

- (1) This section applies where, in the case of a third party—
- (a) either—
    - (i) property is transferred to the third party free of charge or at a discount of more than 10 per cent. of its market value, or
    - (ii) property, services or facilities is or are provided for the use or benefit of the third party free of charge or at a discount of more than 10 per cent. of the commercial rate for the use of the property or for the provision of the services or facilities, and
  - (b) the property, services or facilities is or are made use of by or on behalf of the third party in circumstances such that, if any expenses were to be (or are) actually incurred by or on behalf of the third party in respect of that use, they would be (or are) controlled expenditure incurred by or on behalf of the third party.
- (2) Where this section applies, an amount of controlled expenditure determined in accordance with this section (“the appropriate amount”) shall be treated, for the purposes of this Part, as incurred by the third party during the period for which the property, services or facilities is or are made use of as mentioned in subsection (1)(b).  
 This subsection has effect subject to section 87.

- (3) Where subsection (1)(a)(i) applies, the appropriate amount is such proportion of either—
- (a) the market value of the property (where the property is transferred free of charge), or
  - (b) the difference between the market value of the property and the amount of expenses actually incurred by or on behalf of the third party in respect of the property (where the property is transferred at a discount),
- as is reasonably attributable to the use made of the property as mentioned in subsection (1)(b).
- (4) Where subsection (1)(a)(ii) applies, the appropriate amount is such proportion of either—
- (a) the commercial rate for the use of the property or the provision of the services or facilities (where the property, services or facilities is or are provided free of charge), or
  - (b) the difference between that commercial rate and the amount of expenses actually incurred by or on behalf of the third party in respect of the use of the property or the provision of the services or facilities (where the property, services or facilities is or are provided at a discount),
- as is reasonably attributable to the use made of the property, services or facilities as mentioned in subsection (1)(b).
- (5) Where the services of an employee are made available by his employer for the use or benefit of a third party, then for the purposes of this section the amount which is to be taken as constituting the commercial rate for the provision of those services shall be the amount of the remuneration and allowances payable to the employee by his employer in respect of the period for which his services are so made available (but shall not include any amount in respect of any contributions or other payments for which the employer is liable in respect of the employee).
- (6) Where an amount of controlled expenditure is treated, by virtue of subsection (2), as incurred by or on behalf of a third party during any period the whole or part of which falls within any period which is a regulated period (as defined by section 94(10)(a)), then—
- (a) the amount mentioned in subsection (7) shall be treated as incurred by or on behalf of the third party during the regulated period, and
  - (b) if a return falls to be prepared under section 96 in respect of controlled expenditure incurred by or on behalf of the third party during that period, the responsible person shall make a declaration of that amount,
- unless that amount is not more than £200.
- (7) The amount referred to in subsection (6) is such proportion of the appropriate amount (determined in accordance with subsection (3) or (4)) as reasonably represents the use made of the property, services or facilities as mentioned in subsection (1)(b) during the regulated period.
- (8) A person commits an offence if he knowingly or recklessly makes a false declaration under subsection (6).
- (9) Paragraph 2(5) and (6)(a) of Schedule 11 shall apply with any necessary modifications for the purpose of determining, for the purposes of subsection (1), whether property is transferred to a third party.

## **87 Expenditure by third parties which is not controlled expenditure**

- (1) No amount of controlled expenditure shall be regarded as incurred by a third party by virtue of section 85 or 86 in respect of—
- (a) any of the matters mentioned in subsection (2); or
  - (b) any property, services or facilities to the extent that the property, services or facilities is or are used in circumstances in which—
    - (i) an amount of campaign expenditure is to be regarded as incurred by or on behalf of a registered party for the purposes of Part V, or
    - (ii) an amount of expenses falls (in accordance with any enactment) to be included in a return as to election expenses in respect of a candidate or candidates at a particular election,
 in respect of that use.
- (2) The matters mentioned in subsection (1)(a) are—
- (a) the publication of any matter relating to an election, other than an advertisement, in—
    - (i) a newspaper or periodical,
    - (ii) a broadcast made by the British Broadcasting Corporation or by Sianel Pedwar Cymru, or
    - (iii) a programme included in any service licensed under Part I or III of the Broadcasting Act 1990 or Part I or II of the Broadcasting Act 1996;
  - (b) any reasonable personal expenses incurred by an individual in travelling or in providing for his accommodation or other personal needs; and
  - (c) the provision by any individual of his own services which he provides voluntarily in his own time and free of charge.

### *Recognised third parties*

## **88 Third parties recognised for the purposes of this Part**

- (1) A third party is recognised for the purposes of this Part if—
- (a) the third party has given the Commission a notification under this subsection which complies with subsection (3), and
  - (b) that notification is for the time being in force.
- (2) A third party may only give a notification under subsection (1) if the third party is—
- (a) an individual resident in the United Kingdom or registered in an electoral register (as defined by section 54(8)),
  - (b) a registered party, or
  - (c) a body falling within any of paragraphs (b) and (d) to (h) of section 54(2).
- (3) A notification under subsection (1) must—
- (a) if given by an individual, state—
    - (i) his full name, and
    - (ii) his home address in the United Kingdom, or (if he has no such address in the United Kingdom) his home address elsewhere,
 and be signed by him;
  - (b) if given by a registered party, state—
    - (i) the party's registered name,

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- (ii) the address of its registered headquarters, and
  - (iii) (in the case of a minor party) the name of the person who will be responsible for compliance on the part of the party with the provisions of Chapter II,and be signed by the responsible officers of the party (within the meaning of section 64); and
- (c) if given by a body falling within any of paragraphs (b) and (d) to (h) of section 54(2), state—
  - (i) all such details in respect of the body as are required by virtue of any of sub-paragraphs (4) and (6) to (10) of paragraph 2 of Schedule 6 to be given in respect of such a body as the donor of a recordable donation, and
  - (ii) the name of the person or officer who will be responsible for compliance on the part of the body with the provisions of Chapter II, and be signed by the body’s secretary or a person who acts in a similar capacity in relation to the body.
- (4) Subject to the following provisions of this section, a notification under subsection (1) (“the original notification”)—
  - (a) shall be in force as from the date on which it is received by the Commission, but
  - (b) shall, subject to subsection (5), lapse at the end of the period of three months beginning with any anniversary of that date unless the third party notifies the Commission that the third party wishes the original notification to continue in force.
- (5) Where—
  - (a) the original notification would apart from this subsection lapse under subsection (4)(b) at the end of any such period of three months as is mentioned in that provision, but
  - (b) the end of that period falls within any regulated period at the end of which a return will fall to be prepared under section 96 in respect of controlled expenditure incurred by or on behalf of the third party during the regulated period,the original notification shall be treated, for all purposes connected with controlled expenditure so incurred during the regulated period, as lapsing at the end of that period instead.
- (6) A notification under subsection (4)(b) (“the renewal notification”) must either—
  - (a) confirm that all the statements contained in the original notification, as it has effect for the time being, are accurate; or
  - (b) indicate that any statement contained in that notification, as it so has effect, is replaced by some other statement conforming with subsection (3).
- (7) A notification under subsection (4)(b) must be received by the Commission during the period beginning one month before the relevant anniversary for the purposes of that provision and ending three months after it.
- (8) A third party may, at any time after giving the original notification, give the Commission a notification (“a notification of alteration”) indicating that any statement contained in the original notification, as it has effect for the time being, is replaced by some other statement—

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- (a) contained in the notification of alteration, and
- (b) conforming with subsection (3).

## **89 Register of notifications for purposes of section 88**

- (1) The Commission shall maintain a register of all notifications given to them under section 88(1) which are for the time being in force.
- (2) The register shall be maintained by the Commission in such form as they may determine and shall contain, in the case of each such notification, all the information contained in the notification as it has effect for the time being in accordance with section 88.
- (3) Where any notification is given to the Commission under section 88, they shall cause all the information contained in the notification, or (as the case may be) any new information contained in it, to be entered in the register as soon as is reasonably practicable.
- (4) The information to be entered in the register in respect of a third party who is an individual shall, however, not include his home address.

## **CHAPTER II**

### **FINANCIAL CONTROLS**

#### *General restrictions relating to controlled expenditure by recognised third parties*

## **90 Restriction on incurring controlled expenditure**

- (1) No amount of controlled expenditure shall be incurred by or on behalf of a recognised third party unless it is incurred with the authority of—
  - (a) the responsible person; or
  - (b) a person authorised in writing by the responsible person.
- (2) A person commits an offence if, without reasonable excuse, he incurs any expenses in contravention of subsection (1).
- (3) Where, in the case of a recognised third party that is a registered party, any expenses are incurred in contravention of subsection (1), the expenses shall not count for the purposes of sections 94 to 99 or Schedule 10 as controlled expenditure incurred by or on behalf of the recognised third party.

## **91 Restriction on payments in respect of controlled expenditure**

- (1) No payment (of whatever nature) may be made in respect of any controlled expenditure incurred or to be incurred by or on behalf of a recognised third party unless it is made by—
  - (a) the responsible person, or
  - (b) a person authorised in writing by the responsible person.

- (2) Any payment made in respect of any such expenditure by a person within paragraph (a) or (b) of subsection (1) must be supported by an invoice or a receipt unless it is not more than £200.
- (3) Where a person within paragraph (b) of subsection (1) makes a payment to which subsection (2) applies, he must deliver to the responsible person—
  - (a) notification that he has made the payment, and
  - (b) the supporting invoice or receipt,as soon as possible after making the payment.
- (4) A person commits an offence if, without reasonable excuse—
  - (a) he makes any payment in contravention of subsection (1), or
  - (b) he contravenes subsection (3).

## **92 Restriction on making claims in respect of controlled expenditure**

- (1) A claim for payment in respect of controlled expenditure incurred by or on behalf of a recognised third party during any period which is a regulated period (as defined by section 94(10)(a)) shall not be payable if the claim is not sent to—
  - (a) the responsible person, or
  - (b) any other person authorised under section 90 to incur the expenditure,not later than 21 days after the end of the regulated period.
- (2) Any claim sent in accordance with subsection (1) shall be paid not later than 42 days after the end of the regulated period.
- (3) A person commits an offence if, without reasonable excuse—
  - (a) he pays any claim which by virtue of subsection (1) is not payable, or
  - (b) he makes any payment in respect of a claim after the end of the period allowed under subsection (2).
- (4) In the case of any claim to which subsection (1) applies—
  - (a) the person making the claim, or
  - (b) the person with whose authority the expenditure in question was incurred,may apply to the High Court or a county court or, in Scotland, to the Court of Session or the sheriff for leave for the claim to be paid although sent in after the end of the period mentioned in that subsection; and the court, if satisfied that for any special reason it is appropriate to do so, may by order grant the leave.
- (5) Nothing in subsection (1) or (2) shall apply in relation to any sum paid in pursuance of the order of leave.
- (6) Subsection (2) is without prejudice to any rights of a creditor of a recognised third party to obtain payment before the end of the period allowed under that subsection.
- (7) Subsections (7) to (10) of section 77 shall apply for the purposes of this section as if—
  - (a) any reference to subsection (1), (2) or (4) of that section were a reference to subsection (1), (2) or (4) above;
  - (b) any reference to campaign expenditure were a reference to controlled expenditure; and
  - (c) any reference to the treasurer or deputy treasurer of the registered party were a reference to the responsible person in relation to the recognised third party.

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### **93 Disputed claims**

- (1) This section applies where—
- (a) a claim for payment in respect of controlled expenditure incurred by or on behalf of a recognised third party as mentioned in section 92(1) is sent to—
    - (i) the responsible person, or
    - (ii) any other person with whose authority it is alleged that the expenditure was incurred,
 within the period allowed under that provision; and
  - (b) the responsible person or other person to whom the claim is sent fails or refuses to pay the claim within the period allowed under section 92(2);
- and the claim is referred to in this section as “the disputed claim”.
- (2) The person by whom the disputed claim is made may bring an action for the disputed claim, and nothing in section 92(2) shall apply in relation to any sum paid in pursuance of any judgment or order made by a court in the proceedings.
- (3) For the purposes of this section—
- (a) subsections (4) and (5) of section 92 shall apply in relation to an application made by the person mentioned in subsection (1)(b) above for leave to pay the disputed claim as they apply in relation to an application for leave to pay a claim (whether it is disputed or otherwise) which is sent in after the period allowed under section 92(1); and
  - (b) subsections (7) and (8) of section 77 shall apply as if any reference to subsection (4) of that section were a reference to section 92(4) as applied by paragraph (a) above.

#### *Financial limits*

### **94 Limits on controlled expenditure by third parties**

- (1) Schedule 10 has effect for imposing limits on controlled expenditure incurred by or on behalf of recognised third parties in England, Scotland, Wales or Northern Ireland during the periods specified in that Schedule.
- (2) Where during a regulated period any controlled expenditure is incurred in a relevant part of the United Kingdom by or on behalf of a recognised third party in excess of the limit imposed by Schedule 10 in relation to that period and part of the United Kingdom, then—
- (a) if the third party is not an individual—
    - (i) the responsible person is guilty of an offence if he authorised the expenditure to be incurred by or on behalf of the third party and he knew or ought reasonably to have known that the expenditure would be incurred in excess of that limit, and
    - (ii) the third party is also guilty of an offence;
  - (b) if the third party is an individual, he is guilty of an offence if he knew or ought reasonably to have known that the expenditure would be incurred in excess of that limit.
- (3) Subsection (4) applies where—



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- (a) during a regulated period any controlled expenditure is incurred in a part of the United Kingdom by or on behalf of a third party in excess of the limit for that part of the United Kingdom mentioned in subsection (5), and
  - (b) the third party is not a recognised third party.
- (4) In such a case—
- (a) if the third party is not an individual—
    - (i) any person who authorised the expenditure to be incurred by or on behalf of the third party is guilty of an offence if he knew or ought reasonably to have known that the expenditure would be incurred in excess of that limit, and
    - (ii) the third party is also guilty of an offence;
  - (b) if the third party is an individual, he is guilty of an offence if he knew or ought reasonably to have known that the expenditure would be incurred in excess of that limit.
- (5) The limits referred to in subsection (3) are as follows—
- (a) £10,000 for England; and
  - (b) £5,000 for each of Scotland, Wales and Northern Ireland.
- (6) Where—
- (a) during a regulated period any controlled expenditure is incurred in a particular part of the United Kingdom by or on behalf of a third party, and
  - (b) the expenditure is so incurred in pursuance of a plan or other arrangement whereby controlled expenditure is to be incurred by or on behalf of—
    - (i) that third party, and
    - (ii) one or more other third parties,
- respectively in connection with the production or publication of election material which can reasonably be regarded as intended to achieve a common purpose falling within section 85(3),
- the expenditure mentioned in paragraph (a) shall be treated for the purposes of this section and Schedule 10 as having also been incurred, during the period and in the part of the United Kingdom concerned, by or on behalf of the other third party (or, as the case may be, each of the other third parties) mentioned in paragraph (b)(ii).
- (7) Subsection (6) applies whether or not any of the third parties in question is a recognised third party.
- (8) Where—
- (a) at any time before the beginning of any regulated period any expenses within section 85(2) are incurred by or on behalf of a third party in respect of any property, services or facilities, but
  - (b) the property, services or facilities is or are made use of by or on behalf of the third party during the regulated period in circumstances such that, had any expenses been incurred in respect of that use during that period, they would by virtue of section 85(2) have constituted controlled expenditure incurred by or on behalf of the third party during that period,
- the appropriate proportion of the expenses mentioned in paragraph (a) shall be treated for the purposes of this section, sections 96 to 99 and Schedule 10 as controlled expenditure incurred by or on behalf of the third party during that period.

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- (9) For the purposes of subsection (8) the appropriate proportion of the expenses mentioned in paragraph (a) of that subsection is such proportion of those expenses as is reasonably attributable to the use made of the property, services or facilities as mentioned in paragraph (b).
- (10) For the purposes of this section, sections 96 to 99 and Schedule 10—
- (a) a “regulated period” is a period in relation to which any limit is imposed by Schedule 10;
  - (b) any reference to controlled expenditure incurred by or on behalf of a recognised third party during a regulated period includes any controlled expenditure so incurred during that period at any time before the third party became a recognised third party;
  - (c) a part of the United Kingdom is a “relevant part” if any limit imposed by Schedule 10 applies to controlled expenditure which is incurred in that part; and
  - (d) any reference to controlled expenditure being incurred in a part of the United Kingdom shall be construed in accordance with paragraph 2 of that Schedule.

#### *Donations to recognised third parties*

### **95 Control of donations to recognised third parties**

Schedule 11 has effect for controlling donations to recognised third parties which either are not registered parties or are minor parties.

#### *Returns*

### **96 Returns as to controlled expenditure**

- (1) Where—
- (a) during any regulated period any controlled expenditure is incurred by or on behalf of a recognised third party in any relevant part or parts of the United Kingdom, and
  - (b) that period ends,
- the responsible person shall prepare a return under this section in respect of the controlled expenditure incurred by or on behalf of the third party during that period in that part or those parts of the United Kingdom.
- (2) A return under this section must specify the poll for the relevant election (or, as the case may be, the polls for the relevant elections) that took place during the regulated period in question, and must contain—
- (a) a statement of all payments made in respect of controlled expenditure incurred by or on behalf of the third party during that period in the relevant part or parts of the United Kingdom;
  - (b) a statement of all disputed claims (within the meaning of section 93) of which the responsible person is aware;
  - (c) a statement of all the unpaid claims (if any) of which the responsible person is aware in respect of which an application has been made, or is about to be made, to a court under section 92(4); and

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- (d) in a case where the third party either is not a registered party or is a minor party, a statement of relevant donations received by the third party in respect of the relevant election or elections which complies with the requirements of paragraphs 10 and 11 of Schedule 11.
- (3) A return under this section must be accompanied by—
  - (a) all invoices or receipts relating to the payments mentioned in subsection (2) (a); and
  - (b) in the case of any controlled expenditure treated as incurred by the third party by virtue of section 86, any declaration falling to be made with respect to that expenditure in accordance with section 86(6).
- (4) Where, however, any payments or claims falling to be dealt with in a return by virtue of subsection (2) have already been dealt with in an earlier return under this section—
  - (a) it shall be sufficient for the later return to deal with those payments or claims by specifying overall amounts in respect of them; and
  - (b) the requirement imposed by subsection (3) does not apply to any invoices, receipts or declarations which accompanied the earlier return and are specified as such in the later return.
- (5) Subsections (2) to (4) do not apply to any controlled expenditure incurred at any time before the third party became a recognised third party, but the return must be accompanied by a declaration made by the responsible person of the total amount of such expenditure incurred at any such time.
- (6) The Commission may by regulations prescribe a form of return which may be used for the purposes of this section.
- (7) Where subsection (1)(a) applies in relation to a recognised third party and any regulated period—
  - (a) the requirements as to the preparation of a return under this section in respect of controlled expenditure falling within subsection (1)(a) shall have effect in relation to the third party despite the third party ceasing to be a recognised third party at or after the end of the regulated period by virtue of the lapse of the third party's notification under section 88(1); and
  - (b) for the purposes of, or in connection with, the discharge of obligations of the responsible person under this section and sections 98 and 99 in relation to any such return, references to the responsible person shall be read as references to the person who was the responsible person in relation to the third party immediately before that notification lapsed.
- (8) In this section “relevant donation” has the same meaning as in Schedule 11.

## **97 Auditor's report on return**

- (1) Where during any regulated period the controlled expenditure incurred by or on behalf of a recognised third party in the relevant part or parts of the United Kingdom exceeds £250,000, a report must be prepared by a qualified auditor on the return prepared under section 96 in respect of that expenditure.
- (2) The following provisions, namely—
  - (a) section 43(6) and (7), and
  - (b) section 44,

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shall apply in relation to the appointment of an auditor to prepare a report under subsection (1) or (as the case may be) an auditor so appointed as they apply in relation to the appointment of an auditor to carry out an audit under section 43 or (as the case may be) an auditor so appointed.

## **98 Delivery of returns to the Commission**

- (1) Where—
  - (a) any return falls to be prepared under section 96 in respect of controlled expenditure incurred by or on behalf of a recognised third party during a regulated period, and
  - (b) an auditor's report on it falls to be prepared under section 97(1),the responsible person shall deliver the return to the Commission, together with a copy of the auditor's report, within six months of the end of that period.
- (2) In the case of any other return falling to be prepared under section 96 in respect of controlled expenditure incurred by or on behalf of a recognised third party during a regulated period, the responsible person shall deliver the return to the Commission within three months of the end of that period.
- (3) Where, after the date on which a return is delivered to the Commission under this section, leave is given by a court under section 92(4) for any claim to be paid, the responsible person shall, within seven days after the payment, deliver to the Commission a return of any sums paid in pursuance of the leave accompanied by a copy of the order of the court giving the leave.
- (4) The responsible person in the case of a recognised third party commits an offence if, without reasonable excuse, he—
  - (a) fails to comply with the requirements of subsection (1) or (2) in relation to any return or report to which that subsection applies; or
  - (b) delivers a return which does not comply with the requirements of section 96(2) or (3); or
  - (c) fails to comply with the requirements of subsection (3) in relation to a return under that subsection.

## **99 Declaration by responsible person as to return under section 96**

- (1) Each return prepared under section 96 in respect of controlled expenditure incurred by or on behalf of a recognised third party during a regulated period must, when delivered to the Commission, be accompanied by a declaration which complies with subsections (2) and (3) and is signed by the responsible person.
- (2) The declaration must state—
  - (a) that the responsible person has examined the return in question;
  - (b) that to the best of his knowledge and belief—
    - (i) it is a complete and correct return as required by law, and
    - (ii) all expenses shown in it as paid have been paid by him or a person authorised by him.
- (3) The declaration must also state, in a case where the third party either is not a registered party or is a minor party, that—

- (a) all relevant donations recorded in the return as having been accepted by the third party are from permissible donors, and
  - (b) no other relevant donations have been accepted by the third party in respect of the relevant election or elections which took place during the regulated period.
- (4) A person commits an offence if—
- (a) he knowingly or recklessly makes a false declaration under this section; or
  - (b) subsection (1) is contravened at a time when he is the responsible person in the case of the recognised third party to which the return relates.
- (5) In this section “relevant donation” has the same meaning as in Schedule 11.

## **100 Public inspection of returns under section 96**

- (1) Where the Commission receive any return under section 96, they shall—
- (a) as soon as reasonably practicable after receiving the return, make a copy of the return, and of any documents accompanying it, available for public inspection; and
  - (b) keep any such copy available for public inspection for the period for which the return or other document is kept by them.
- (2) If the return contains a statement of relevant donations in accordance with section 96(2)(d), the Commission shall secure that the copy of the statement made available for public inspection does not include, in the case of any donation by an individual, the donor’s address.
- (3) At the end of the period of two years beginning with the date when any return or other document mentioned in subsection (1) is received by the Commission—
- (a) they may cause the return or other document to be destroyed; but
  - (b) if requested to do so by the responsible person in the case of the third party concerned, they shall arrange for the return or other document to be returned to that person.

## **PART VII**

### REFERENDUMS

#### **CHAPTER I**

##### PRELIMINARY

### *Referendums to which this Part applies*

## **101 Referendums to which this Part applies**

- (1) Subject to the following provisions of this section, this Part applies to any referendum held throughout—
- (a) the United Kingdom;
  - (b) one or more of England, Scotland, Wales and Northern Ireland; or

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- (c) any region in England specified in Schedule 1 to the Regional Development Agencies Act 1998.
- (2) In this Part—
  - (a) “referendum” means a referendum or other poll held, in pursuance of any provision made by or under an Act of Parliament, on one or more questions specified in or in accordance with any such provision;
  - (b) “question” includes proposition (and “answer” accordingly includes response).
- (3) A poll held under section 36 of the Government of Wales Act 1998 is not, however, to be taken to be a referendum falling within subsection (2).
- (4) If the Secretary of State by order so provides—
  - (a) subsection (2) shall apply to any specified Bill which has been introduced into Parliament before the making of the order as if it were an Act; and
  - (b) any specified provisions of this Part shall apply, subject to any specified modifications, in relation to any specified referendum for which provision is made by the Bill.
- (5) In subsection (4) “specified” means specified in the order under that subsection.

## **102 Referendum period**

- (1) For the purposes of this Part the referendum period for any referendum to which this Part applies shall be determined in accordance with this section.
- (2) In the case of a referendum held in accordance with Schedule 1 to the Northern Ireland Act 1998, the referendum period—
  - (a) begins with the date when the draft of an order under that Schedule is laid before Parliament for approval by each House in accordance with section 96(2) of that Act; and
  - (b) ends with the date of the poll.
- (3) In the case of a referendum held in pursuance of any provision made by or under any other Act, the referendum period shall (subject to subsections (4) and (5)) be such period as is provided for by or under that Act.
- (4) In the case of a referendum to which an order under section 101(4) applies, the referendum period shall be such period (not exceeding six months) as may be specified in the order.
- (5) If (apart from this subsection) the referendum period in a case within subsection (4) would end after the date of the poll, it shall instead end on that date.

## **103 Date of poll**

- (1) Where the date of the poll in the case of any referendum to which this Part applies falls to be fixed under any provision made by or under any Act, the date so fixed shall not be earlier than 28 days after the end of the period of 14 days mentioned in section 109(3).
- (2) If an order under section 109(6) applies to the referendum, subsection (1) shall be read as referring to the period which by virtue of the order is to apply instead of that period of 14 days.

## 104 Referendum questions

- (1) Subsection (2) applies where a Bill is introduced into Parliament which—
  - (a) provides for the holding of a poll that would be a referendum to which this Part applies, and
  - (b) specifies the wording of the referendum question.
- (2) The Commission shall consider the wording of the referendum question, and shall publish a statement of any views of the Commission as to the intelligibility of that question—
  - (a) as soon as reasonably practicable after the Bill is introduced, and
  - (b) in such manner as they may determine.
- (3) Subsections (4) and (5) apply where the wording of the referendum question in the case of any poll that would be a referendum to which this Part applies falls to be specified in subordinate legislation within the meaning of the Interpretation Act 1978.
- (4) If a draft of the instrument in question is to be laid before Parliament for approval by each House, the Secretary of State—
  - (a) shall consult the Commission on the wording of the referendum question before any such draft is so laid, and
  - (b) shall, at the time when any such draft is so laid, lay before each House a report stating any views as to the intelligibility of that question which the Commission have expressed in response to that consultation.
- (5) If the instrument in question is to be subject to annulment in pursuance of a resolution of either House of Parliament, the Secretary of State—
  - (a) shall consult the Commission on the wording of the referendum question before making the instrument; and
  - (b) shall, at the time when the instrument is laid before Parliament, lay before each House a report stating any views as to the intelligibility of that question which the Commission have expressed in response to that consultation.
- (6) Where any Bill, draft instrument or instrument to which subsection (2), (4) or (5) applies specifies not only the referendum question but also any statement which is to precede that question on the ballot paper at the referendum, any reference in that subsection to the referendum question shall be read as a reference to that question and that statement taken together.
- (7) In this section “the referendum question” means the question or questions to be included in the ballot paper at the referendum.

### *Permitted participants*

## 105 Permitted participants

- (1) In this Part “permitted participant”, in relation to a particular referendum to which this Part applies, means—
  - (a) a registered party by whom a declaration has been made under section 106 in relation to the referendum; or
  - (b) any of the following by whom a notification has been given under section 106 in relation to the referendum, namely—

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- (i) any individual resident in the United Kingdom or registered in an electoral register (as defined by section 54(8)), or
- (ii) any body falling within any of paragraphs (b) and (d) to (h) of section 54(2).

(2) In this Part “responsible person” means—

- (a) if the permitted participant is a registered party—
  - (i) the treasurer of the party, or
  - (ii) in the case of a minor party, the person for the time being notified to the Commission by the party in accordance with section 106(2)(b);
- (b) if the permitted participant is an individual, that individual; and
- (c) otherwise, the person or officer for the time being notified to the Commission by the permitted participant in accordance with section 106(4)(b)(ii).

## **106 Declarations and notifications for purposes of section 105**

- (1) For the purposes of section 105(1) a registered party makes a declaration to the Commission under this section if the party makes a declaration to the Commission which identifies—
  - (a) the referendum to which it relates, and
  - (b) the outcome or outcomes for which the party proposes to campaign.
- (2) A declaration under this section—
  - (a) must be signed by the responsible officers of the party (within the meaning of section 64); and
  - (b) if made by a minor party, must be accompanied by a notification which states the name of the person who will be responsible for compliance on the part of the party with the provisions of Chapter II.
- (3) For the purposes of section 105(1) an individual or body gives a notification to the Commission under this section if he or it gives the Commission a notification which identifies—
  - (a) the referendum to which it relates, and
  - (b) the outcome or outcomes for which the giver of the notification proposes to campaign.
- (4) A notification under this section must—
  - (a) if given by an individual, state—
    - (i) his full name, and
    - (ii) his home address in the United Kingdom, or (if he has no such address in the United Kingdom) his home address elsewhere,
 and be signed by him;
  - (b) if given by a body falling within any of paragraphs (b) and (d) to (h) of section 54(2), state—
    - (i) all such details in respect of the body as are required by virtue of any of sub-paragraphs (4) and (6) to (10) of paragraph 2 of Schedule 6 to be given in respect of such a body as the donor of a recordable donation, and
    - (ii) the name of the person or officer who will be responsible for compliance on the part of the body with the provisions of Chapter II,



and be signed by the body's secretary or a person who acts in a similar capacity in relation to the body.

- (5) If at any time before the end of the compliance period any of the statements which, in accordance with any provision of subsection (4), are contained in a notification under this section (as it has effect for the time being) ceases to be accurate, the permitted participant by whom the notification was given shall give the Commission a notification (“a notification of alteration”) indicating that that statement is replaced by some other statement—
  - (a) contained in the notification of alteration, and
  - (b) conforming with that provision of subsection (4).
- (6) For the purposes of subsection (5)—
  - (a) “the compliance period” is the period during which any provisions of Chapter II remain to be complied with on the part of the permitted participant; and
  - (b) any reference to subsection (4) shall be read, in relation to a notification under subsection (2), as a reference to subsection (2).
- (7) In this section and sections 108 and 109 “outcome”, in the case of a referendum, means a particular outcome in relation to any question asked in the referendum.

#### **107 Register of declarations and notifications for purposes of section 105**

- (1) The Commission shall maintain a register of—
  - (a) all declarations made to them under section 106; and
  - (b) all notifications given to them under that section.
- (2) The register shall be maintained by the Commission in such form as they may determine and shall contain, in the case of each such declaration or notification, all of the information supplied to the Commission in connection with it in pursuance of section 106.
- (3) Where any declaration or notification is made or given to the Commission under section 106, they shall cause—
  - (a) the information mentioned in subsection (2) to be entered in the register, or
  - (b) in the case of a notification under section 106(5), any change required as a consequence of the notification to be made in the register,as soon as is reasonably practicable.
- (4) The information to be entered in the register in respect of a permitted participant who is an individual shall, however, not include his home address.

#### *Assistance for designated organisations*

#### **108 Designation of organisations to whom assistance is available**

- (1) The Commission may, in respect of any referendum to which this Part applies, designate permitted participants as organisations to whom assistance is available in accordance with section 110.
- (2) Where there are only two possible outcomes in the case of a referendum to which this Part applies, the Commission—

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- (a) may, in relation to each of those outcomes, designate one permitted participant as representing those campaigning for the outcome in question; but
  - (b) otherwise shall not make any designation in respect of the referendum.
- (3) Where there are more than two possible outcomes in the case of a referendum to which this Part applies, the Secretary of State may, after consulting the Commission, by order specify the possible outcomes in relation to which permitted participants may be designated in accordance with subsection (4).
- (4) In such a case the Commission—
  - (a) may, in relation to each of two or more outcomes specified in any such order, designate one permitted participant as representing those campaigning for the outcome in question; but
  - (b) otherwise shall not make any designation in respect of the referendum.

### **109 Applications for designation under section 108**

- (1) A permitted participant seeking to be designated under section 108 must make an application for the purpose to the Commission.
- (2) An application for designation must—
  - (a) be accompanied by information or statements designed to show that the applicant adequately represents those campaigning for the outcome at the referendum in relation to which the applicant seeks to be designated; and
  - (b) be made within the period of 28 days beginning with the first day of the referendum period.
- (3) Where an application for designation has been made to the Commission in accordance with this section, the application must be determined by the Commission within the period of 14 days beginning with the day after the end of the period of 28 days mentioned in subsection (2)(b).
- (4) If there is only one application in relation to a particular outcome at the referendum, the Commission shall designate the applicant unless—
  - (a) they are not satisfied that the applicant adequately represents those campaigning for that outcome; or
  - (b) they are prevented from making any designation by virtue of section 108(2)(b) or (4)(b).
- (5) If there is more than one application in relation to a particular outcome at the referendum, the Commission shall designate whichever of the applicants appears to them to represent to the greatest extent those campaigning for that outcome unless—
  - (a) they are not satisfied that any of the applicants adequately represents those campaigning for that outcome; or
  - (b) they are prevented from making any designation by virtue of section 108(2)(b) or (4)(b).
- (6) The Secretary of State may, in the case of any referendum to which this Part applies, by order provide for this section to have effect as if each, or either, of the periods of 28 and 14 days referred to in subsections (2) and (3) was instead such shorter or longer period as is specified in the order.
- (7) In this section, in relation to a referendum, any reference to designation is to designation in respect of the referendum under section 108.

## **110 Assistance available to designated organisations**

- (1) Where the Commission have made any designations under section 108 in respect of a referendum, assistance shall be available to the designated organisations in accordance with this section.
- (2) The Commission shall make to each designated organisation a grant of the same amount, which shall be an amount not exceeding £600,000 determined by the Commission.
- (3) A grant under subsection (2) may be made subject to such conditions as the Commission consider appropriate.
- (4) Each designated organisation (or, as the case may be, persons authorised by the organisation) shall have the rights conferred by or by virtue of Schedule 12, which makes provision as to—
  - (a) the sending of referendum addresses free of charge;
  - (b) the use of rooms free of charge for holding public meetings; and
  - (c) referendum campaign broadcasts.
- (5) In this section and Schedule 12 “designated organisation”, in relation to a referendum, means a person or body designated by the Commission under section 108 in respect of that referendum.

## **CHAPTER II**

### **FINANCIAL CONTROLS**

#### *Referendum expenses*

## **111 Referendum expenses**

- (1) The following provisions have effect for the purposes of this Part.
- (2) “Referendum expenses”, in relation to a referendum to which this Part applies, means expenses incurred by or on behalf of any individual or body which are expenses falling within Part I of Schedule 13 and incurred for referendum purposes.
- (3) “For referendum purposes” means—
  - (a) in connection with the conduct or management of any campaign conducted with a view to promoting or procuring a particular outcome in relation to any question asked in the referendum, or
  - (b) otherwise in connection with promoting or procuring any such outcome.
- (4) “Referendum campaign” means a campaign such as is mentioned in subsection (3)(a); and “campaign organiser”, in relation to referendum expenses, means the individual or body by whom or on whose behalf the expenses are incurred.

## **112 Notional referendum expenses**

- (1) This section applies where, in the case of any individual or body—
  - (a) either—

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- (i) property is transferred to the individual or body free of charge or at a discount of more than 10 per cent. of its market value, or
    - (ii) property, services or facilities is or are provided for the use or benefit of the individual or body free of charge or at a discount of more than 10 per cent. of the commercial rate for the use of the property or for the provision of the services or facilities, and
  - (b) the property, services or facilities is or are made use of by or on behalf of the individual or body in circumstances such that, if any expenses were to be (or are) actually incurred by or on behalf of the individual or body in respect of that use, they would be (or are) referendum expenses incurred by or on behalf of the individual or body.
- (2) Where this section applies, an amount of referendum expenses determined in accordance with this section (“the appropriate amount”) shall be treated, for the purposes of this Part, as incurred by the individual or body during the period for which the property, services or facilities is or are made use of as mentioned in subsection (1)(b).
- This subsection has effect subject to subsection (9).
- (3) Where subsection (1)(a)(i) applies, the appropriate amount is such proportion of either—
- (a) the market value of the property (where the property is transferred free of charge), or
  - (b) the difference between the market value of the property and the amount of expenses actually incurred by or on behalf of the individual or body in respect of the property (where the property is transferred at a discount),
- as is reasonably attributable to the use made of the property as mentioned in subsection (1)(b).
- (4) Where subsection (1)(a)(ii) applies, the appropriate amount is such proportion of either—
- (a) the commercial rate for the use of the property or the provision of the services or facilities (where the property, services or facilities is or are provided free of charge), or
  - (b) the difference between that commercial rate and the amount of expenses actually incurred by or on behalf of the individual or body in respect of the use of the property or the provision of the services or facilities (where the property, services or facilities is or are provided at a discount),
- as is reasonably attributable to the use made of the property, services or facilities as mentioned in subsection (1)(b).
- (5) Where the services of an employee are made available by his employer for the use or benefit of an individual or body, then for the purposes of this section the amount which is to be taken as constituting the commercial rate for the provision of those services shall be the amount of the remuneration or allowances payable to the employee by his employer in respect of the period for which his services are made available (but shall not include any amount in respect of contributions or other payments for which the employer is liable in respect of the employee).
- (6) Where an amount of referendum expenses is treated, by virtue of subsection (2), as incurred by or on behalf of an individual or body during any period the whole or part of which falls within the period which is, in relation to the referendum to which the expenses relate, the referendum period then—

- (a) the amount mentioned in subsection (7) shall be treated as incurred by or on behalf of the individual or body during the referendum period, and
  - (b) if a return falls to be prepared under section 120 in respect of referendum expenses incurred by or on behalf of the individual or body during that period, the responsible person shall make a declaration of that amount, unless that amount is not more than £200.
- (7) The amount referred to in subsection (6) is such proportion of the appropriate amount (determined in accordance with subsection (3) or (4)) as reasonably represents the use made of the property, services or facilities as mentioned in subsection (1)(b) during the referendum period.
- (8) A person commits an offence if he knowingly or recklessly makes a false declaration under subsection (6).
- (9) No amount of referendum expenses shall be regarded as incurred by virtue of subsection (2) in respect of—
- (a) the transmission by a broadcaster of a referendum campaign broadcast (within the meaning of section 127);
  - (b) the provision of any rights conferred on a designated organisation (or persons authorised by such an organisation) by virtue of section 110(4) and Schedule 12; or
  - (c) the provision by any individual of his own services which he provides voluntarily in his own time and free of charge.
- (10) Paragraph 2(5) and (6)(a) of Schedule 15 shall apply with any necessary modifications for the purpose of determining, for the purposes of subsection (1), whether property is transferred to an individual or body.

*General restrictions relating to referendum expenses incurred by permitted participants*

**113 Restriction on incurring referendum expenses**

- (1) No amount of referendum expenses shall be incurred by or on behalf of a permitted participant unless it is incurred with the authority of—
- (a) the responsible person; or
  - (b) a person authorised in writing by the responsible person.
- (2) A person commits an offence if, without reasonable excuse, he incurs any expenses in contravention of subsection (1).
- (3) Where, in the case of a permitted participant that is a registered party, any expenses are incurred in contravention of subsection (1), the expenses shall not count for the purposes of sections 117 to 123 or Schedule 14 as referendum expenses incurred by or on behalf of the permitted participant.

**114 Restriction on payments in respect of referendum expenses**

- (1) No payment (of whatever nature) may be made in respect of any referendum expenses incurred or to be incurred by or on behalf of a permitted participant unless it is made by—
- (a) the responsible person, or

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- (b) a person authorised in writing by the responsible person.
- (2) Any payment made in respect of any such expenses by a person within paragraph (a) or (b) of subsection (1) must be supported by an invoice or a receipt unless it is not more than £200.
- (3) Where a person within paragraph (b) of subsection (1) makes a payment to which subsection (2) applies, he must deliver to the responsible person—
  - (a) notification that he has made the payment, and
  - (b) the supporting invoice or receipt,
 as soon as possible after making the payment.
- (4) A person commits an offence if, without reasonable excuse—
  - (a) he makes any payment in contravention of subsection (1), or
  - (b) he contravenes subsection (3).

#### **115 Restriction on making claims in respect of referendum expenses**

- (1) A claim for payment in respect of referendum expenses incurred by or on behalf of a permitted participant during a referendum period shall not be payable if the claim is not sent to—
  - (a) the responsible person, or
  - (b) any other person authorised under section 113 to incur the expenses,
 not later than 21 days after the end of the referendum period.
- (2) Any claim sent in accordance with subsection (1) shall be paid not later than 42 days after the end of the referendum period.
- (3) A person commits an offence if, without reasonable excuse—
  - (a) he pays any claim which by virtue of subsection (1) is not payable, or
  - (b) he makes any payment in respect of a claim after the end of the period allowed under subsection (2).
- (4) In the case of any claim to which subsection (1) applies—
  - (a) the person making the claim, or
  - (b) the person with whose authority the expenses in question were incurred,
 may apply to the High Court or a county court or, in Scotland, to the Court of Session or the sheriff for leave for the claim to be paid although sent in after the end of the period mentioned in that subsection; and the court, if satisfied that for any special reason it is appropriate to do so, may by order grant the leave.
- (5) Nothing in subsection (1) or (2) shall apply in relation to any sum paid in pursuance of the order of leave.
- (6) Subsection (2) is without prejudice to any rights of a creditor of a permitted participant to obtain payment before the end of the period allowed under that subsection.
- (7) Subsections (7) to (10) of section 77 shall apply for the purposes of this section as if—
  - (a) any reference to subsection (1), (2) or (4) of that section were a reference to subsection (1), (2) or (4) above; and
  - (b) any reference to campaign expenditure were a reference to referendum expenses; and

- (c) any reference to the treasurer or deputy treasurer of the registered party were a reference to the responsible person in relation to the permitted participant.

## **116 Disputed claims**

- (1) This section applies where—
  - (a) a claim for payment in respect of referendum expenses incurred by or on behalf of a permitted participant as mentioned in section 115(1) is sent to—
    - (i) the responsible person, or
    - (ii) any other person with whose authority it is alleged that the expenditure was incurred, within the period allowed under that provision; and
  - (b) the responsible person or other person to whom the claim is sent fails or refuses to pay the claim within the period allowed under section 115(2); and the claim is referred to in this section as “the disputed claim”.
- (2) The person by whom the disputed claim is made may bring an action for the disputed claim, and nothing in section 115(2) shall apply in relation to any sum paid in pursuance of any judgment or order made by a court in the proceedings.
- (3) For the purposes of this section—
  - (a) subsections (4) and (5) of section 115 shall apply in relation to an application made by the person mentioned in subsection (1)(b) above for leave to pay the disputed claim as they apply in relation to an application for leave to pay a claim (whether it is disputed or otherwise) which is sent in after the period allowed under section 115(1); and
  - (b) subsections (7) and (8) of section 77 shall apply as if any reference to subsection (4) of that section were a reference to section 115(4) as applied by paragraph (a) above.

### *Financial limits*

## **117 General restriction on referendum expenses**

- (1) The total referendum expenses incurred by or on behalf of any individual or body during the referendum period in the case of a particular referendum to which this Part applies must not exceed £10,000 unless the individual or body is a permitted participant.
- (2) Where—
  - (a) during the referendum period any referendum expenses are incurred by or on behalf of any individual in excess of the limit imposed by subsection (1), and
  - (b) he is not a permitted participant,he is guilty of an offence if he knew, or ought reasonably to have known, that the expenses were being incurred in excess of that limit.
- (3) Where—
  - (a) during the referendum period any referendum expenses are incurred by or on behalf of any body in excess of the limit imposed by subsection (1), and
  - (b) the body is not a permitted participant,

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any person who authorised the expenses to be incurred by or on behalf of the body is guilty of an offence if he knew, or ought reasonably to have known, that the expenses would be incurred in excess of that limit.

(4) Where subsection (3)(a) and (b) apply, the body in question is also guilty of an offence.

(5) Where—

(a) at any time before the beginning of any referendum period, any expenses within section 111(2) are incurred by or on behalf of an individual or body in respect of any property, services or facilities, but

(b) the property, services or facilities is or are made use of by or on behalf of the individual or body during the referendum period in circumstances such that, had any expenses been incurred in respect of that use during that period, they would by virtue of section 111(2) have constituted referendum expenses incurred by or on behalf of the individual or body during that period,

the appropriate proportion of the expenses mentioned in paragraph (a) shall be treated for the purposes of this section as referendum expenses incurred by or on behalf of the individual or body during that period.

(6) For the purposes of subsection (5) the appropriate proportion of the expenses mentioned in paragraph (a) of that subsection is such proportion of those expenses as is reasonably attributable to the use made of the property, services or facilities as mentioned in paragraph (b).

## **118 Special restrictions on referendum expenses by permitted participants**

(1) Schedule 14 has effect for imposing, in connection with a referendum to which this Part applies, limits on referendum expenses incurred by or on behalf of permitted participants during the referendum period in the case of that referendum.

(2) Where any referendum expenses are incurred by or on behalf of a permitted participant during any such period in excess of any limit imposed by Schedule 14, then—

(a) if the permitted participant is a registered party falling within section 105(1) (a)—

(i) the responsible person or any deputy treasurer of the party is guilty of an offence if he authorised the expenses to be incurred by or on behalf of the party and he knew or ought reasonably to have known that the expenses would be incurred in excess of that limit, and

(ii) the party is also guilty of an offence;

(b) if the permitted participant is an individual falling within section 105(1)(b), that individual is guilty of an offence if he knew or ought reasonably to have known that the expenses would be incurred in excess of that limit;

(c) if the permitted participant is a body falling within section 105(1)(b)—

(i) the responsible person is guilty of an offence if he authorised the expenses to be incurred by or on behalf of the body and he knew or ought reasonably to have known that the expenses would be incurred in excess of that limit, and

(ii) the body is also guilty of an offence.

(3) It shall be a defence for a permitted participant or other person charged with an offence under subsection (2) to show—



- (a) that any code of practice for the time being issued under paragraph 3 of Schedule 13 was complied with in determining the items and amounts of referendum expenses to be entered in the relevant return under section 120, and
  - (b) that the limit would not have been exceeded on the basis of the items and amounts entered in that return.
- (4) Section 117(5) and (6) shall apply, for the purposes of this section, sections 120 to 123 and Schedule 14, in relation to an individual or body that has become a permitted participant as they apply for the purposes of section 117 in relation to an individual or body that is not a permitted participant.
- (5) For the purposes of this section and sections 120 to 123 and Schedule 14, any reference to referendum expenses incurred by or on behalf of a permitted participant during the referendum period includes any referendum expenses so incurred at any time before the individual or body became a permitted participant.

*Donations to permitted participants*

**119 Control of donations to permitted participants**

Schedule 15 has effect for controlling donations to permitted participants that either are not registered parties or are minor parties.

*Returns*

**120 Returns as to referendum expenses**

- (1) Where—
- (a) any referendum expenses are incurred by or on behalf of a permitted participant during any referendum period (within the meaning of section 102), and
  - (b) that period ends,
- the responsible person shall make a return under this section in respect of the referendum expenses incurred by or on behalf of the permitted participant during that period.
- (2) A return under this section must specify the referendum to which the expenditure relates and must contain—
- (a) a statement of all payments made in respect of referendum expenses incurred by or on behalf of the permitted participant during the referendum period in question;
  - (b) a statement of all disputed claims (within the meaning of section 116);
  - (c) a statement of all the unpaid claims (if any) of which the responsible person is aware in respect of which an application has been made, or is about to be made, to a court under section 115(4); and
  - (d) in a case where the permitted participant either is not a registered party or is a minor party, a statement of relevant donations received in respect of the referendum which complies with the requirements of paragraphs 10 and 11 of Schedule 15.

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- (3) A return under this section must be accompanied by—
- (a) all invoices or receipts relating to the payments mentioned in subsection (2) (a); and
  - (b) in the case of any referendum expenses treated as incurred by virtue of section 112, any declaration falling to be made with respect to those expenses in accordance with section 112(6).
- (4) Subsections (2) and (3) do not apply to any referendum expenses incurred at any time before the individual or body became a permitted participant, but the return must be accompanied by a declaration made by the responsible person of the total amount of such expenses incurred at any such time.
- (5) The Commission may by regulations prescribe a form of return which may be used for the purposes of this section.
- (6) In this section “relevant donation” has the same meaning as in Schedule 15.

### **121 Auditor’s report on return**

- (1) Where during any referendum period the referendum expenses incurred by or on behalf of a permitted participant exceed £250,000, a report must be prepared by a qualified auditor on the return prepared under section 120 in respect of those expenses.
- (2) The following provisions, namely—
- (a) section 43(6) and (7), and
  - (b) section 44,
- shall apply in relation to the appointment of an auditor to prepare a report under subsection (1) or (as the case may be) an auditor so appointed as they apply in relation to the appointment of an auditor to carry out an audit under section 43 or (as the case may be) an auditor so appointed.

### **122 Delivery of returns to Commission**

- (1) Where—
- (a) any return falls to be prepared under section 120 in respect of referendum expenses incurred by or on behalf of a permitted participant, and
  - (b) an auditor’s report on it falls to be prepared under section 121(1),
- the responsible person shall deliver the return to the Commission, together with a copy of the auditor’s report, within six months of the end of the relevant referendum period.
- (2) In the case of any other return falling to be prepared under section 120, the responsible person shall deliver the return to the Commission within three months of the end of the relevant referendum period.
- (3) Where after the date on which a return is delivered to the Commission under this section, leave is given by a court under section 115(4) for any claim to be paid, the responsible person shall, within seven days after the payment, deliver to the Commission a return of any sums paid in pursuance of the leave accompanied by a copy of the court order giving the leave.
- (4) The responsible person commits an offence if, without reasonable excuse, he—

- (a) fails to comply with the requirements of subsection (1) or (2) in relation to a return under section 120;
- (b) delivers a return which does not comply with the requirements of section 120(2) or (3); or
- (c) fails to comply with the requirements of subsection (3) in relation to a return under that subsection.

### **123 Declaration of responsible person as to return under section 120**

- (1) Each return prepared under section 120 in respect of referendum expenses incurred by or on behalf of a permitted participant must be accompanied by a declaration which complies with subsection (2) and is signed by the responsible person.
- (2) The declaration must state—
  - (a) that the responsible person has examined the return in question;
  - (b) that to the best of his knowledge and belief—
    - (i) it is a complete and correct return as required by law, and
    - (ii) all expenses shown in it as paid have been paid by him or a person authorised by him.
- (3) The declaration must also state, in a case where the permitted participant either is not a registered party or is a minor party, that—
  - (a) all relevant donations recorded in the return as having been accepted by the permitted participant are from permissible donors, and
  - (b) no other relevant donations have been accepted by the permitted participant.
- (4) A person commits an offence if—
  - (a) he knowingly or recklessly makes a false declaration under this section; or
  - (b) subsection (1) is contravened at a time when he is the responsible person in the case of the permitted participant to which the return relates.
- (5) In this section “relevant donation” has the same meaning as in Schedule 15.

### **124 Public inspection of returns under section 120**

- (1) Where the Commission receive any return under section 120 they shall—
  - (a) as soon as reasonably practicable after receiving the return, make a copy of the return and of the documents accompanying it available for public inspection; and
  - (b) keep any such copy available for public inspection for the period for which the return or other document is kept by them.
- (2) If the return contains a statement of relevant donations in accordance with section 120(2)(d), the Commission shall secure that the copy of the statement made available for public inspection does not include, in the case of any donation by an individual, the donor’s address.
- (3) At the end of the period of two years beginning with the date when any return or other document mentioned in subsection (1) is received by the Commission—
  - (a) they may cause the return or other document to be destroyed; but

- (b) if requested to do so by the responsible person in the case of the permitted participant concerned, they shall arrange for the return or other document to be returned to that person.

### CHAPTER III

#### CONTROLS ON PUBLICATIONS

#### **125 Restriction on publication etc. of promotional material by central and local government etc**

- (1) This section applies to any material which—
  - (a) provides general information about a referendum to which this Part applies;
  - (b) deals with any of the issues raised by any question on which such a referendum is being held;
  - (c) puts any arguments for or against any particular answer to any such question; or
  - (d) is designed to encourage voting at such a referendum.
- (2) Subject to subsection (3), no material to which this section applies shall be published during the relevant period by or on behalf of—
  - (a) any Minister of the Crown, government department or local authority; or
  - (b) any other person or body whose expenses are defrayed wholly or mainly out of public funds or by any local authority.
- (3) Subsection (2) does not apply to—
  - (a) material made available to persons in response to specific requests for information or to persons specifically seeking access to it;
  - (b) anything done by or on behalf of the Commission or a person or body designated under section 108 (designation of organisations to whom assistance is available);
  - (c) the publication of information relating to the holding of the poll; or
  - (d) the issue of press notices;
 and subsection (2)(b) shall not be taken as applying to the British Broadcasting Corporation or Sianel Pedwar Cymru.
- (4) In this section—
  - (a) “publish” means make available to the public at large, or any section of the public, in whatever form and by whatever means (and “publication” shall be construed accordingly);
  - (b) “the relevant period”, in relation to a referendum, means the period of 28 days ending with the date of the poll.

#### **126 Details to appear on referendum material**

- (1) No material wholly or mainly relating to a referendum to which this Part applies shall be published during the referendum period unless—
  - (a) in the case of material which is, or is contained in, such a printed document as is mentioned in subsection (3), (4) or (5), the requirements of that subsection are complied with; or

- (b) in the case of any other material, any requirements falling to be complied with in relation to the material by virtue of regulations under subsection (6) are complied with.
- (2) For the purposes of subsections (3) to (5) the following details are “the relevant details” in the case of any material falling within subsection (1)(a), namely—
  - (a) the name and address of the printer of the document;
  - (b) the name and address of the promoter of the material; and
  - (c) the name and address of any person on behalf of whom the material is being published (and who is not the promoter).
- (3) Where the material is a document consisting (or consisting principally) of a single side of printed matter, the relevant details must appear on the face of the document.
- (4) Where the material is a printed document other than one to which subsection (3) applies, the relevant details must appear either on the first or the last page of the document.
- (5) Where the material is an advertisement contained in a newspaper or periodical—
  - (a) the name and address of the printer of the newspaper or periodical must appear either on its first or last page; and
  - (b) the relevant details specified in subsection (2)(b) and (c) must be included in the advertisement.
- (6) The Secretary of State may, after consulting the Commission, by regulations make provision for and in connection with the imposition of requirements as to the inclusion in material falling within subsection (1)(b) of the following details, namely—
  - (a) the name and address of the promoter of the material; and
  - (b) the name and address of any person on behalf of whom the material is being published (and who is not the promoter).
- (7) Regulations under subsection (6) may in particular specify—
  - (a) the manner and form in which such details must be included in any such material for the purpose of complying with any such requirement;
  - (b) circumstances in which—
    - (i) any such requirement does not have to be complied with by a person of any description specified in the regulations, or
    - (ii) a breach of any such requirement by a person of any description so specified is not to result in the commission of an offence under this section by that person or by a person of any other such description;
  - (c) circumstances in which material is, or is not, to be taken for the purposes of the regulations to be published or (as the case may be) published by a person of any description so specified.
- (8) Where during the referendum period any material falling within subsection (1)(a) is published in contravention of subsection (1), then (subject to subsection (10))—
  - (a) the promoter of the material,
  - (b) any other person by whom the material is so published, and
  - (c) the printer of the document,shall be guilty of an offence.

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- (9) Where during the referendum period any material falling within subsection (1)(b) is published in contravention of subsection (1), then (subject to regulations made by virtue of subsection (7)(b) and to subsection (10))—
- (a) the promoter of the material, and
  - (b) any other person by whom the material is so published,
- shall be guilty of an offence.
- (10) It shall be a defence for a person charged with an offence under this section to prove—
- (a) that the contravention of subsection (1) arose from circumstances beyond his control; and
  - (b) that he took all reasonable steps, and exercised all due diligence, to ensure that that contravention would not arise.
- (11) In this section—
- “print” means print by whatever means, and “printer” shall be construed accordingly;
- “the promoter”, in relation to any material falling within subsection (1), means the person causing the material to be published;
- “publish” means make available to the public at large, or any section of the public, in whatever form and by whatever means.

## **127 Referendum campaign broadcasts**

- (1) A broadcaster shall not include in its broadcasting services any referendum campaign broadcast made on behalf of any person or body other than one designated in respect of the referendum in question under section 108.
- (2) In this section “referendum campaign broadcast” means any broadcast whose purpose (or main purpose) is or may reasonably be assumed to be—
- (a) to further any campaign conducted with a view to promoting or procuring a particular outcome in relation to any question asked in a referendum to which this Part applies, or
  - (b) otherwise to promote or procure any such outcome.

## **CHAPTER IV**

### CONDUCT OF REFERENDUMS

## **128 Chief Counting Officers, and counting officers, for referendums**

- (1) This section has effect in relation to any referendum to which this Part applies.
- (2) There shall be a Chief Counting Officer for the referendum, who (subject to subsection (8)) shall be—
- (a) the chairman of the Commission, or
  - (b) if the chairman of the Commission appoints some other person to act as Chief Counting Officer for the referendum, the person so appointed.
- (3) The Chief Counting Officer for the referendum shall appoint a counting officer for each relevant area in Great Britain.

- (4) The local authority in the case of each such area shall place the services of their officers at the disposal of the counting officer for the area for the purpose of assisting him in the discharge of his functions.
- (5) Each counting officer shall, as respects the votes cast in the area for which he is appointed, certify—
- (a) the number of ballot papers counted by him, and
  - (b) the number of votes cast in favour of each answer to a question asked in the referendum.
- (6) The Chief Counting Officer shall certify—
- (a) the total number of ballot papers counted, and
  - (b) the total number of votes cast in favour of each answer to a question asked in the referendum,
- in the whole of the referendum area.
- (7) Where two or more forms of ballot paper are used in the referendum, a separate number shall be certified under subsection (5)(a) or (6)(a) in relation to each form of ballot paper so used.
- (8) Where the referendum is held in Northern Ireland, the Chief Electoral Officer for Northern Ireland—
- (a) shall be the Chief Counting Officer for the referendum if it is held only in Northern Ireland, and
  - (b) in any other case shall be treated, for the purposes of subsection (5), as if he were a counting officer appointed under this section for the whole of Northern Ireland.
- (9) In this section—
- (a) “relevant area in Great Britain” means any of the following—
    - (i) a district in England or a London borough,
    - (ii) the City of London (including the Inner and Middle Temples), the Isle of Wight or the Isles of Scilly,
    - (iii) a local government area in Scotland, or
    - (iv) a county or county borough in Wales,where it is comprised in the referendum area;
  - (b) “the local authority”—
    - (i) in the case of an area falling within paragraph (a)(i), (iii) or (iv), means the council for that area, and
    - (ii) in the case of an area falling within paragraph (a)(ii), means the Common Council of the City of London, the Council of the Isle of Wight or the Council of the Isles of Scilly, as the case may be;
  - (c) “the referendum area” means the parts or part of the United Kingdom, or (as the case may be) the region in England, throughout which the referendum is held as mentioned in section 101(1).

## 129 Orders regulating conduct of referendums

- (1) The Secretary of State may by order make such provision as he considers expedient for or in connection with regulating the conduct of referendums to which this Part applies.

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- (2) An order under this section may, in particular—
  - (a) make provision for the creation of offences;
  - (b) apply (with or without modification) any provision of any enactment;
 and different provision may be made under this section in relation to different parts of the United Kingdom.
- (3) An order under this section shall not apply in relation to any referendum in relation to which specific provision is made by any other enactment for or in connection with regulating any matters relating to the conduct of the referendum, except to such extent (if any) as may be provided by that enactment.
- (4) Before making an order under this section the Secretary of State shall consult the Commission.

## PART VIII

### ELECTION CAMPAIGNS AND PROCEEDINGS

#### *Control of donations to candidates*

#### **130 Control of donations to candidates**

- (1) The Representation of the People Act 1983 shall be amended as follows.
- (2) After section 71 there shall be inserted—

#### *“Donations to candidates*

##### **71A Control of donations to candidates**

- (1) In the case of any candidate at an election, any money or other property provided (whether as a gift or loan)—
  - (a) by any person other than the candidate or his election agent, and
  - (b) for the purpose of meeting election expenses incurred by or on behalf of the candidate,
 must be provided to the candidate or his election agent.
- (2) Subsection (1) above does not apply to any money or other property so provided for the purpose of meeting any such expenses which may be lawfully paid by a person other than the candidate, his election agent or any sub-agent (in the case of an election where sub-agents may be appointed).
- (3) A person who provides any money or other property in contravention of subsection (1) above shall be guilty of an illegal practice.
- (4) Schedule 2A to this Act shall have effect for the purpose of controlling donations to candidates.
- (5) In this section and that Schedule “property” includes any description of property, and references to the provision of property accordingly include the supply of goods.”



- (3) The provisions set out in Schedule 16 shall be inserted as Schedule 2A to that Act.
- (4) The amendments made by this section do not have effect in relation to local government elections in Scotland.

*Control of election expenses*

**131 Election expenses incurred otherwise than by candidate**

- (1) Section 75 of the Representation of the People Act 1983 (no election expenses to be incurred by persons other than candidate, election agent or persons authorised by him) shall be amended as follows.
- (2) In subsection (1)(ii) (exception for expenses not exceeding £5 in aggregate incurred by individual backer or disparager), for “not exceeding in the aggregate the sum of £5 which may be incurred by an individual and are not incurred in pursuance of a plan suggested by or concerted with others,” there shall be substituted “incurred by any person which do not exceed in the aggregate the permitted sum (and are not incurred by that person as part of a concerted plan of action),”.
- (3) After subsection (1) there shall be inserted—
 

“(1ZA) For the purposes of subsection (1)(ii) above, “the permitted sum” means—

  - (a) in respect of a candidate at a parliamentary election, £500;
  - (b) in respect of a candidate at a local government election, £50 together with an additional 0.5p for every entry in the register of local government electors for the electoral area in question as it has effect on the last day for publication of notice of the election;

and expenses shall be regarded as incurred by a person “as part of a concerted plan of action” if they are incurred by that person in pursuance of any plan or other arrangement whereby that person and one or more other persons are to incur, with a view to promoting or procuring the election of the same candidate, expenses which (disregarding subsection (1)(ii)) fall within subsection (1) above.”
- (4) At the end of subsection (1A) there shall be added “; and in the application of subsection (1ZA) above in relation to such an election the reference to the same candidate includes a reference to all or any of the candidates of the same registered political party.”
- (5) Subsections (1B) and (1C) (special provision for Greater London Authority elections) shall be omitted.

**132 Financial limits applying to candidates' election expenses**

- (1) Section 76 of the Representation of the People Act 1983 (limitation of election expenses) shall be amended as follows.
- (2) For subsection (1) there shall be substituted—
 

“(1) The election expenses incurred by or on behalf of a candidate at an election must not in the aggregate exceed the maximum amount specified in subsection (2) below or, in the case of any of the Authority

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elections mentioned in subsection (2A)(a) to (c) below, the maximum amount prescribed by order under that subsection.”

- (3) In subsection (1A) for the words from “subsection” onwards there shall be substituted “any election expenses incurred by or on behalf of any of those candidates must not in the aggregate exceed the maximum amount prescribed by order under subsection (2A)(d).”
- (4) After subsection (1A) there shall be inserted—
- “(1B) Where any election expenses are incurred in excess of a maximum amount specified in subsection (2) above or prescribed by order under subsection (2A) above, any candidate or election agent who—
- (a) incurred, or authorised the incurring of, the election expenses, and
- (b) knew or ought reasonably to have known that the expenses would be incurred in excess of that maximum amount,
- shall be guilty of an illegal practice.”
- (5) In subsection (2), for paragraph (aa) (maximum amount in case of candidate at parliamentary by-election) there shall be substituted—
- “(aa) for a candidate at a parliamentary by-election, £100,000;”.
- (6) The amendments made by this section do not have effect in relation to local government elections in Scotland.

### **133 Power to vary provisions about election expenses**

- (1) For section 76A of the Representation of the People Act 1983 there shall be substituted—

#### **“76A Power to vary provisions about election expenses**

- (1) The Secretary of State may by order made by statutory instrument vary any of the sums to which this section applies—
- (a) where he considers that the variation is expedient in consequence of changes in the value of money, or
- (b) in order to give effect to a recommendation of the Electoral Commission.
- (2) This section applies to any of the sums for the time being specified in—
- (a) section 73(2) above;
- (b) section 74(1)(a), (b), (c) or (d) above;
- (c) section 75(1ZA) above; or
- (d) section 76(2) above.
- (3) An order under subsection (1)(b) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- (2) Section 76A of that Act, as substituted by subsection (1) above, shall be taken to be a pre-commencement enactment for the purposes of the Scotland Act 1998.

### 134 Meaning of “election expenses”

(1) After section 90 of the Representation of the People Act 1983 there shall be inserted—

#### “90A Meaning of “election expenses”

- (1) In this Part of this Act “election expenses”, in relation to a candidate at an election, means (subject to subsections (2) and (3) and sections 90B and 90C below) any expenses incurred in respect of—
- (a) the acquisition or use of any property, or
  - (b) the provision by any person of any goods, services or facilities,
- which is or are used for the purposes of the candidate’s election after the date when he becomes a candidate at the election.
- (2) Subsection (1) above applies whether the expenses are incurred before or after that date.
- (3) No election expenses shall be regarded as incurred, by virtue of subsection (1) or (2) above or sections 90B and 90C below, in respect of—
- (a) the payment of any deposit required by rule 9 of Schedule 1 to this Act;
  - (b) the publication of any matter, other than an advertisement, relating to the election in—
    - (i) a newspaper or periodical,
    - (ii) a broadcast made by the British Broadcasting Corporation or by Sianel Pedwar Cymru, or
    - (iii) a programme included in any service licensed under Part I or III of the Broadcasting Act 1990 or Part I or II of the Broadcasting Act 1996;
  - (c) the provision of any facilities provided in pursuance of any right conferred on candidates at an election by this Act other than facilities in respect of which expenses fall to be defrayed by virtue of sections 95(4) and 96(4) below;
  - (d) the provision by any individual of his own services which he provides voluntarily in his own time and free of charge.
- (4) In this section and in sections 90B and 90C below “for the purposes of the candidate’s election” means with a view to, or otherwise in connection with, promoting or procuring the candidate’s election at the election.
- (5) For the purposes of this Part of this Act—
- (a) election expenses are incurred by or on behalf of a candidate at an election if they are incurred—
    - (i) by the candidate or his election agent, or
    - (ii) by any person authorised by the candidate or his election agent to incur the expenses; and
  - (b) any reference to election expenses incurred by or on behalf of a candidate at an election includes expenses which are incurred as mentioned in paragraph (a)(i) or (ii) above before the date when he becomes a candidate at the election but which by virtue of subsection (1) and (2) above fall to be regarded as election expenses.

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- (6) In this Part, and in Part III of this Act, any reference (in whatever terms) to promoting or procuring a candidate's election at an election includes doing so by prejudicing the electoral prospects of another candidate at the election.

### **90B Incurring of election expenses for purposes of section 90A**

- (1) The election expenses which are to be regarded as incurred for the purposes of section 90A(1) above shall (subject to subsection (2) and section 90C below) be the actual expenses incurred in respect of the acquisition or use of the property, or (as the case may be) the provision of the goods, services or facilities mentioned in section 90A(1).
- (2) Where the property, goods, services or facilities mentioned in subsection (1) above is or are not used exclusively for the purposes of the candidate's election, the election expenses to be regarded as incurred for the purposes of section 90A(1) shall be such proportion of the expenses incurred in respect of their acquisition, use or provision (as the case may be) as is reasonably attributable to the use of the property or (as the case may be) the goods, services or facilities for the purposes of the candidate's election.

### **90C Property, goods, services etc. provided free of charge or at a discount**

- (1) This section applies where, in the case of a candidate at an election—
- (a) either—
    - (i) property or goods is or are transferred to the candidate or his election agent free of charge or at a discount of more than 10 per cent. of the market value of the property or goods, or
    - (ii) property, goods, services or facilities is or are provided for the use or benefit of the candidate free of charge or at a discount of more than 10 per cent. of the commercial rate for the use of the property or for the provision of the goods, services or facilities, and
  - (b) the property, goods, services or facilities is or are made use of by or on behalf of the candidate in circumstances such that, if any expenses were to be (or are) actually incurred by or on behalf of the candidate in respect of that use, they would be (or are) election expenses incurred by or on behalf of the candidate.
- (2) Where this section applies—
- (a) an amount of election expenses determined in accordance with this section ("the appropriate amount") shall be treated, for the purposes of this Part of this Act, as incurred by the candidate, and
  - (b) the candidate's election agent shall make a declaration of that amount, unless that amount is not more than £50.
- This subsection has effect subject to section 90A(3) above.
- (3) Where subsection (1)(a)(i) above applies, the appropriate amount is such proportion of either—
- (a) the market value of the property or goods (where the property or goods is or are transferred free of charge), or

- (b) the difference between the market value of the property or goods and the amount of expenses actually incurred by or on behalf of the candidate in respect of the property or goods (where the property or goods is or are transferred at a discount),

as is reasonably attributable to the use made of the property or goods as mentioned in subsection (1)(b) above.

- (4) Where subsection (1)(a)(ii) above applies, the appropriate amount is such proportion of either—

- (a) the commercial rate for the use of the property or the provision of the goods, services or facilities (where the property, goods, services or facilities is or are provided free of charge), or
- (b) the difference between that commercial rate and the amount of expenses actually incurred by or on behalf of the candidate in respect of the use of the property or the provision of the services or facilities (where the property, goods, services or facilities is or are provided at a discount),

as is reasonably attributable to the use made of the property, goods, services or facilities as mentioned in subsection (1)(b) above.

- (5) Where the services of an employee are made available by his employer for the use or benefit of a candidate, then for the purposes of this section the commercial rate for the provision of those services shall be the amount of the remuneration and allowances payable to the employee by his employer in respect of the period for which his services are so made available (but shall not include any amount in respect of any contributions or other payments for which the employer is liable in respect of the employee).
- (6) In this section “market value”, in relation to any property or goods, means the price which might reasonably be expected to be paid for the property or goods on a sale in the open market; and paragraph 2(6)(a) of Schedule 2A to this Act shall apply with any necessary modifications for the purpose of determining, for the purposes of subsection (1) above, whether property or goods is or are transferred to a candidate or his election agent.

#### **90D Modification of sections 90A to 90C in relation to election of London members of the London Assembly**

- (1) Sections 90A to 90C above shall have effect, in their application in relation to candidates at an election of London members of the London Assembly at an ordinary election, subject to the following modifications.
- (2) In relation to any such candidates included in a list of candidates submitted by a registered political party in connection with the election—
  - (a) references to anything done by or on behalf of, or in relation to, a candidate at the election shall be construed as a reference to any such thing done by or on behalf of, or in relation to, all or any of the candidates on the list; and
  - (b) “for the purposes of the candidate’s election” shall (instead of having the meaning given by section 90A(4) above) be construed as meaning with a view to, or otherwise in connection with promoting or procuring electoral success for the party, that is to say, the return at the election of all or any of the candidates on the list.

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(3) Section 90A above shall have effect with the substitution of the following subsection for subsection (5)—

“(5) In this Part, and in Part III of this Act, any reference (in whatever form) to promoting or procuring a candidate’s election at an election, or to promoting or procuring electoral success for a party, includes doing so by prejudicing the electoral prospects of other candidates or parties at the election.””

(2) The amendment made by this section does not have effect in relation to local government elections in Scotland.

### 135 Meaning of “candidate”

(1) In section 118 of the Representation of the People Act 1983 (interpretation of Part II), for the definition of “candidate” there shall be substituted—

““candidate” shall be construed in accordance with section 118A below;”.

(2) After section 118 of that Act there shall be inserted—

#### “118A Meaning of candidate

(1) References to a candidate in this Part of this Act shall be construed in accordance with this section (except where the context otherwise requires).

(2) A person becomes a candidate at a parliamentary election—

(a) on the date of—

(i) the dissolution of Parliament, or

(ii) in the case of a by-election, the occurrence of the vacancy,

in consequence of which the writ for the election is issued if on or before that date he is declared by himself or by others to be a candidate at the election, and

(b) otherwise, on the day on which he is so declared by himself or by others or on which he is nominated as a candidate at the election (whichever is the earlier).

(3) A person becomes a candidate at an election under the local government Act—

(a) on the last day for publication of notice of the election if on or before that day he is declared by himself or by others to be a candidate at the election, and

(b) otherwise, on the day on which he is so declared by himself or by others or on which he is nominated as a candidate at the election (whichever is the earlier),

or, in the case of a person included in a list of candidates submitted by a registered political party in connection with an election of the London members of the London Assembly at an ordinary election, on the day on which the list is submitted by the party.”

(3) The amendments made by this section do not have effect in relation to local government elections in Scotland.

*Corrupt and illegal practices*

**136 Corrupt and illegal practices: consequences for persons convicted of such practices**

For section 173 of the Representation of the People Act 1983 there shall be substituted—

**“173 Incapacities on conviction of corrupt or illegal practice**

- (1) Subject to subsection (2) below, a person convicted of a corrupt or illegal practice—
  - (a) shall, during the relevant period specified in subsection (3) below, be incapable of—
    - (i) being registered as an elector or voting at any parliamentary election in the United Kingdom or at any local government election in Great Britain, or
    - (ii) being elected to the House of Commons, or
    - (iii) holding any elective office; and
  - (b) if already elected to a seat in the House of Commons or holding any such office, shall vacate the seat or office subject to and in accordance with subsections (4) and (5) below.
- (2) The incapacity imposed by subsection (1)(a)(i) above applies only to a person convicted of a corrupt practice under section 60 above or of an illegal practice under section 61 above.
- (3) For the purposes of subsection (1)(a) above the relevant period is the period beginning with the date of the conviction and ending—
  - (a) in the case of a person convicted of a corrupt practice, five years after that date, or
  - (b) in the case of a person convicted of an illegal practice, three years after that date,except that if (at any time within that period of five or three years) a court determines on an appeal by that person against the conviction that it should not be upheld, the relevant period shall end at that time instead.
- (4) Where subsection (1)(b) applies to any person, he shall (subject to subsection (5) below) vacate the seat or office in question at the appropriate time for the purposes of this section, namely—
  - (a) the end of the period which is the period prescribed by law within which notice of appeal may be given, or an application for leave to appeal may be made, by him in respect of the conviction, or
  - (b) if (at any time within that period) that period is extended—
    - (i) the end of the period as so extended, or
    - (ii) the end of the period of three months beginning with the date of the conviction,whichever is the earlier.
- (5) If (before the appropriate time mentioned in subsection (4) above) notice of appeal is given, or an application for leave to appeal is made, by such a person

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in respect of the conviction, he shall vacate the seat or office in question at the end of the period of three months beginning with the date of the conviction unless—

- (a) such an appeal is dismissed or abandoned at any earlier time (in which case he shall vacate the seat or office at that time), or
  - (b) at any time within that period of three months the court determines on such an appeal that the conviction should not be upheld (in which case the seat or office shall not be vacated by him).
- (6) Where such a person vacates a seat or office in accordance with subsection (4) or (5) above, no subsequent determination of a court that his conviction should not be upheld shall entitle him to resume the seat or office.
- (7) If a person convicted of a corrupt or illegal practice has already been elected to a seat in the House of Commons or to any elective office, he shall (in addition to being subject to the incapacities mentioned in subsection (1)(a) above) be suspended from performing any of his functions as a Member of Parliament, or (as the case may be) any of the functions of that office, during the period of suspension specified in subsection (8) below.
- (8) For the purposes of subsection (7) above the period of suspension is the period beginning with the date of the conviction and ending with—
- (a) the date on which the seat or office is vacated in accordance with subsection (4) or (5) above, or
  - (b) where subsection (5)(b) above applies, the date on which the court determines that the conviction should not be upheld.
- (9) Any incapacities or other requirement applying to a person by virtue of subsection (1) or (7) above applies in addition to any punishment imposed under section 168 or 169 above; but each of those subsections has effect subject to section 174 below.
- (10) Without prejudice to the generality of section 205(2) below, nothing in this section affects matters relating to the Northern Ireland Assembly or local elections or holding office in Northern Ireland.

### **173A Incapacity to hold public or judicial office in Scotland**

- (1) Subject to section 174 below, a person convicted of a corrupt practice—
- (a) shall for the period of five years beginning with the date of his conviction, be incapable of holding any public or judicial office in Scotland, and
  - (b) if already holding such an office, shall vacate it as from that date.
- (2) Subsection (1) above applies in addition to—
- (a) any incapacity or other requirement applying to the person by virtue of section 173 above, and
  - (b) any punishment imposed on him under section 168 above.”

### **137 Corrupt and illegal practices: election petitions etc**

The Representation of the People Act 1983 shall have effect subject to the amendments specified in Schedule 17, which in particular modifies the provisions relating to—



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- (a) the procedure on election petitions; and
- (b) the consequences of reports by election courts.

*Miscellaneous amendments*

**138 Election campaigns and proceedings: miscellaneous amendments**

- (1) The Representation of the People Act 1983 shall have effect subject to the amendments specified in Schedule 18, which makes changes to Part II of that Act (the election campaign) and related provisions of Part III of that Act (legal proceedings).
- (2) The amendments made by Schedule 18 do not have effect in relation to local government elections in Scotland.

**PART IX**

POLITICAL DONATIONS AND EXPENDITURE BY COMPANIES

*Control of political donations*

**139 Control of political donations by companies**

- (1) The provisions set out in Schedule 19 shall be inserted in the Companies Act 1985 as Part XA of that Act.
- (2) In Schedule 22 to that Act (provisions applying to unregistered companies), after the entry relating to Part X there shall be inserted—

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“Part XA	Control of political donations by companies	Subject to section 718(3).”
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*Disclosure of political donations and expenditure*

**140 Disclosure of political donations and expenditure in directors' report**

In Part I of Schedule 7 to the Companies Act 1985 (matters of a general nature to be dealt with in directors' report), for paragraphs 3 to 5 (political and charitable gifts) there shall be substituted—

*“Political donations and expenditure*

- 3 (1) If—
- (a) the company (not being the wholly-owned subsidiary of a company incorporated in Great Britain) has in the financial year—
    - (i) made any donation to any registered party or to any other EU political organisation, or
    - (ii) incurred any EU political expenditure, and

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- (b) the amount of the donation or expenditure, or (as the case may be) the aggregate amount of all donations and expenditure falling within paragraph (a), exceeded £200,

the directors' report for the year shall contain the particulars specified in sub-paragraph (2).

(2) Those particulars are—

- (a) as respects donations falling within sub-paragraph (1)(a)(i)—
  - (i) the name of each registered party or other organisation to whom any such donation has been made, and
  - (ii) the total amount given to that party or organisation by way of such donations in the financial year; and
- (b) as respects expenditure falling within sub-paragraph (1)(a)(ii), the total amount incurred by way of such expenditure in the financial year.

(3) If—

- (a) at the end of the financial year the company has subsidiaries which have, in that year, made any donations or incurred any such expenditure as is mentioned in sub-paragraph (1)(a), and
- (b) it is not itself the wholly-owned subsidiary of a company incorporated in Great Britain,

the directors' report for the year is not, by virtue of sub-paragraph (1), required to contain the particulars specified in sub-paragraph (2); but, if the total amount of any such donations or expenditure (or both) made or incurred in that year by the company and the subsidiaries between them exceeds £200, the directors' report for the year shall contain those particulars in relation to each body by whom any such donation or expenditure has been made or incurred.

(4) Any expression used in this paragraph which is also used in Part XA of this Act has the same meaning as in that Part.

4 (1) If the company (not being the wholly-owned subsidiary of a company incorporated in Great Britain) has in the financial year made any contribution to a non-EU political party, the directors' report for the year shall contain—

- (a) a statement of the amount of the contribution, or
- (b) (if it has made two or more such contributions in the year) a statement of the total amount of the contributions.

(2) If—

- (a) at the end of the financial year the company has subsidiaries which have, in that year, made any such contributions as are mentioned in sub-paragraph (1), and
- (b) it is not itself the wholly-owned subsidiary of a company incorporated in Great Britain,

the directors' report for the year is not, by virtue of sub-paragraph (1), required to contain any such statement as is there mentioned, but it shall instead contain a statement of the total amount of the contributions made in the year by the company and the subsidiaries between them.

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- (3) In this paragraph “contribution”, in relation to an organisation, means—
- (a) any gift of money to the organisation (whether made directly or indirectly);
  - (b) any subscription or other fee paid for affiliation to, or membership of, the organisation; or
  - (c) any money spent (otherwise than by the organisation or a person acting on its behalf) in paying any expenses incurred directly or indirectly by the organisation.
- (4) In this paragraph “non-EU political party” means any political party which carries on, or proposes to carry on, its activities wholly outside the member States.

#### *Charitable donations*

- 5 (1) If—
- (a) the company (not being the wholly-owned subsidiary of a company incorporated in Great Britain) has in the financial year given money for charitable purposes, and
  - (b) the money given exceeded £200 in amount,
- the directors' report for the year shall contain, in the case of each of the purposes for which money has been given, a statement of the amount of money given for that purpose.
- (2) If—
- (a) at the end of the financial year the company has subsidiaries which have, in that year, given money for charitable purposes, and
  - (b) it is not itself the wholly-owned subsidiary of a company incorporated in Great Britain,
- sub-paragraph (1) does not apply to the company; but, if the amount given in that year for charitable purposes by the company and the subsidiaries between them exceeds £200, the directors' report for the year shall contain, in the case of each of the purposes for which money has been given by the company and the subsidiaries between them, a statement of the amount of money given for that purpose.
- (3) Money given for charitable purposes to a person who, when it was given, was ordinarily resident outside the United Kingdom is to be left out of account for the purposes of this paragraph.
- (4) For the purposes of this paragraph “charitable purposes” means purposes which are exclusively charitable, and as respects Scotland “charitable” is to be construed as if it were contained in the Income Tax Acts.”

**PART X**

## MISCELLANEOUS AND GENERAL

*Overseas electors***141 Reduction of qualifying period for overseas electors**

In each of the following provisions of the Representation of the People Act 1985 (as amended by the Representation of the People Act 2000), namely—

- (a) section 1(3) and (4) (conditions to be satisfied by British citizen in order to qualify as overseas elector in relation to parliamentary election), and
  - (b) section 3(3) and (4) (conditions to be satisfied by peer in order to qualify as overseas elector in relation to European Parliamentary election),
- for “20 years” there shall be substituted “15 years”.

*Pre-consolidation amendments***142 Pre-consolidation amendments**

- (1) Schedule 1 to the European Parliamentary Elections Act 1978 (system of election etc.) shall be amended as follows.
- (2) In paragraph 5 (disqualification for office of Member of the European Parliament), in sub-paragraphs (4)(a) and (4A)(a), after “section 3” there shall be inserted “or 3A”.
- (3) In paragraph 6 (judicial proceedings as to disqualification under paragraph 5), in sub-paragraph (1)(b), after “section 3” there shall be inserted “or 3A”.

*Election material***143 Details to appear on election material**

- (1) No election material shall be published unless—
  - (a) in the case of material which is, or is contained in, such a printed document as is mentioned in subsection (3), (4) or (5), the requirements of that subsection are complied with; or
  - (b) in the case of any other material, any requirements falling to be complied with in relation to the material by virtue of regulations under subsection (6) are complied with.
- (2) For the purposes of subsections (3) to (5) the following details are “the relevant details” in the case of any material falling within subsection (1)(a), namely—
  - (a) the name and address of the printer of the document;
  - (b) the name and address of the promoter of the material; and
  - (c) the name and address of any person on behalf of whom the material is being published (and who is not the promoter).
- (3) Where the material is a document consisting (or consisting principally) of a single side of printed matter, the relevant details must appear on the face of the document.

- (4) Where the material is a printed document other than one to which subsection (3) applies, the relevant details must appear either on the first or the last page of the document.
- (5) Where the material is an advertisement contained in a newspaper or periodical—
- (a) the name and address of the printer of the newspaper or periodical must appear either on its first or last page; and
  - (b) the relevant details specified in subsection (2)(b) and (c) must be included in the advertisement.
- (6) The Secretary of State may, after consulting the Commission, by regulations make provision for and in connection with the imposition of requirements as to the inclusion in material falling within subsection (1)(b) of the following details, namely—
- (a) the name and address of the promoter of the material; and
  - (b) the name and address of any person on behalf of whom the material is being published (and who is not the promoter).
- (7) Regulations under subsection (6) may in particular specify—
- (a) the manner and form in which such details must be included in any such material for the purpose of complying with any such requirement;
  - (b) circumstances in which—
    - (i) any such requirement does not have to be complied with by a person of any description specified in the regulations, or
    - (ii) a breach of any such requirement by a person of any description so specified is not to result in the commission of an offence under this section by that person or by a person of any other such description;
  - (c) circumstances in which material is, or is not, to be taken for the purposes of the regulations to be published or (as the case may be) published by a person of any description so specified.
- (8) Where any material falling within subsection (1)(a) is published in contravention of subsection (1), then (subject to subsection (10))—
- (a) the promoter of the material,
  - (b) any other person by whom the material is so published, and
  - (c) the printer of the document,
- shall be guilty of an offence.
- (9) Where any material falling within subsection (1)(b) is published in contravention of subsection (1), then (subject to regulations made by virtue of subsection (7)(b) and to subsection (10))—
- (a) the promoter of the material, and
  - (b) any other person by whom the material is so published,
- shall be guilty of an offence.
- (10) It shall be a defence for a person charged with an offence under this section to prove—
- (a) that the contravention of subsection (1) arose from circumstances beyond his control; and
  - (b) that he took all reasonable steps, and exercised all due diligence, to ensure that that contravention would not arise.
- (11) In this section—

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“election material” has the meaning given by section 85(3);  
 “print” means print by whatever means, and “printer” shall be construed accordingly;  
 “the promoter”, in relation to any election material, means the person causing the material to be published;  
 “publish” means make available to the public at large, or any section of the public, in whatever form and by whatever means.

*Broadcasting during election period*

**144 Broadcasting of local items during election period**

For section 93 of the Representation of the People Act 1983 there shall be substituted—

**“93 Broadcasting of local items during election period**

- (1) Each broadcasting authority shall adopt a code of practice with respect to the participation of candidates at a parliamentary or local government election in items about the constituency or electoral area in question which are included in relevant services during the election period.
- (2) The code for the time being adopted by a broadcasting authority under this section shall be either—
  - (a) a code drawn up by that authority, whether on their own or jointly with one or more other broadcasting authorities, or
  - (b) a code drawn up by one or more other such authorities;
 and a broadcasting authority shall from time to time consider whether the code for the time being so adopted by them should be replaced by a further code falling within paragraph (a) or (b).
- (3) Before drawing up a code under this section a broadcasting authority shall have regard to any views expressed by the Electoral Commission for the purposes of this subsection; and any such code may make different provision for different cases.
- (4) The Independent Television Commission and the Radio Authority shall each do all that they can to secure that the code for the time being adopted by them under this section is observed in the provision of relevant services; and the British Broadcasting Corporation and Sianel Pedwar Cymru shall each observe in the provision of relevant services the code so adopted by them.
- (5) For the purposes of subsection (1) “the election period”, in relation to an election, means the period beginning—
  - (a) (if a parliamentary general election) with the date of the dissolution of Parliament or any earlier time at which Her Majesty’s intention to dissolve Parliament is announced,
  - (b) (if a parliamentary by-election) with the date of the issue of the writ for the election or any earlier date on which a certificate of the vacancy is notified in the London Gazette in accordance with the Recess Elections Act 1975, or

(c) (if a local government election) with the last date for publication of notice of the election,  
and ending with the close of the poll.

(6) In this section—

“broadcasting authority” means the British Broadcasting Corporation, the Independent Television Commission, the Radio Authority or Sianel Pedwar Cymru;

“candidate”, in relation to an election, means a candidate standing nominated at the election or included in a list of candidates submitted in connection with it;

“relevant services”—

- (a) in relation to the British Broadcasting Corporation or Sianel Pedwar Cymru, means services broadcast by that body;
- (b) in relation to the Independent Television Commission, means services licensed under Part I of the Broadcasting Act 1990 or Part I of the Broadcasting Act 1996; and
- (c) in relation to the Radio Authority, means services licensed under Part III of the Broadcasting Act 1990 or Part II of the Broadcasting Act 1996.”

#### *Enforcement of Act*

### **145 General function of Commission with respect to monitoring compliance with controls imposed by the Act etc**

- (1) The Commission shall have the general function of monitoring compliance with—
  - (a) the restrictions and other requirements imposed by or by virtue of Parts III to VII; and
  - (b) the restrictions and other requirements imposed by other enactments in relation to—
    - (i) election expenses incurred by or on behalf of candidates at elections, or
    - (ii) donations to such candidates or their election agents.
- (2) Subsection (1)(b) does not apply in relation to local government elections in Scotland unless and to the extent that the Scottish Ministers by order so provide.
- (3) For the purposes of subsection (2), the reference in subsection (1)(b) to any enactment shall include a reference to any enactment comprised in or in an instrument made under an Act of the Scottish Parliament.
- (4) Section 156(5) shall apply to an order made by the Scottish Ministers under subsection (2) as it applies to an order made by the Secretary of State under this Act and the reference in that section to enactments shall include a reference to any enactment comprised in or in an instrument made under an Act of the Scottish Parliament.
- (5) The power of the Scottish Ministers to make an order under subsection (2) shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of the Scottish Parliament.

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- (6) The Scottish Ministers shall reimburse the Commission for any expenditure incurred by them which is attributable to the exercise of any function conferred by virtue of an order made under subsection (2).
- (7) In this section and sections 146 and 148—  
     “election” means a relevant election for the purposes of Part II;  
     “election agent” includes a sub-agent.

#### **146 Supervisory powers of Commission**

- (1) The Commission may by notice require the relevant person in the case of any supervised organisation or individual (or former supervised organisation or individual) —
- (a) to produce, for inspection by the Commission or a person authorised by the Commission, any such books, documents or other records relating to the income and expenditure of the organisation or individual as the Commission may reasonably require for the purposes of the carrying out by them of their functions, or
  - (b) to furnish the Commission, or a person authorised by the Commission, with such information or explanation relating to the income and expenditure of the organisation or individual as the Commission may reasonably so require,
- and to do so within such reasonable time as is specified in the notice.
- (2) The Commission, or a person authorised by the Commission, may—
- (a) make copies of, or records of any information contained in, any books, documents or other records produced under subsection (1)(a);
  - (b) make copies or records of any information or explanation furnished under subsection (1)(b).
- (3) A person authorised in writing by the Commission may, for the purposes of the carrying out by the Commission of their functions, enter at any reasonable time premises occupied by a supervised organisation or individual and having entered any such premises may—
- (a) inspect any books, documents or other records relating to the income and expenditure of the organisation or individual, and
  - (b) make copies of, or records of any information contained in, any such books, documents or other records.
- (4) Where any such records as are mentioned in subsection (1) or (3) are kept in electronic form, then—
- (a) the power of the Commission under subsection (1) to require any such records to be produced for inspection includes power to require a copy of the records to be made available for inspection in legible form (and subsection (2)(a) shall accordingly apply in relation to any copy so made available); and
  - (b) the power of any person (“the inspector”) under subsection (3) to inspect any such records includes power to require any person on the premises in question to give the inspector such assistance as he may reasonably require to enable him—
    - (i) to inspect and make copies of the records in legible form or to make records of information contained in them, or



- (ii) to inspect and check the operation of any computer, and any associated apparatus or material, that is or has been in use in connection with the keeping of the records.
- (5) A person commits an offence if he fails, without reasonable excuse, to comply with any requirement imposed under this section.
- (6) A person commits an offence if he intentionally obstructs a person authorised as mentioned in subsection (3) in the carrying out of that person's functions under that subsection.
- (7) Subject to subsection (8), subsection (1) shall apply in relation to—
- (a) a regulated donee (or former regulated donee), or
  - (b) a person who is (or has been) a candidate at an election (other than a local government election in Scotland) or the election agent for such a candidate,
- as it applies to a supervised organisation or individual (or former supervised organisation or individual); and subsections (2), (4) and (5) apply accordingly.
- (8) The powers conferred by virtue of subsection (7) may only be exercised by the Commission (or, as the case may be, by a person authorised by them) for or in connection with obtaining—
- (a) such information or explanations relating to the income and expenditure of regulated donees in connection with their political activities as the Commission reasonably require for the purpose of monitoring compliance on the part of regulated donees with the requirements imposed by or by virtue of Schedule 7, or
  - (b) such information or explanations relating to the income and expenditure of candidates within paragraph (b) of that subsection and their election agents as the Commission reasonably require for the purpose of monitoring compliance on the part of such candidates and their agents with restrictions and other requirements falling within section 145(1)(b),
- as the case may be.
- (9) In this section—
- “regulated donee” and “political activities”, in relation to a regulated donee, each have the same meaning as in Schedule 7;
- “relevant person”, in relation to a supervised organisation or individual, means—
- (a) in the case of an organisation, any person who is or has been the treasurer or another officer of the organisation, and
  - (b) in the case of an individual, that individual;
- “supervised organisation or individual” means—
- (a) a registered party or (in the case of such a party with accounting units) the central organisation of the party or any of its accounting units,
  - (b) a recognised third party (within the meaning of Part VI), or
  - (c) a permitted participant (within the meaning of Part VII).

## 147 Civil penalty for failure to deliver documents etc

- (1) This section applies where—

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- (a) the requirements of section 31(4) or 34(3) are not complied with in relation to any notification required to be given by the treasurer or (as the case may be) registered leader of a registered party;
- (b) the requirements of section 45(1) or (2) are not complied with in relation to any statement of accounts, notification or auditor's report relating to a registered party or any accounting unit of such a party;
- (c) the requirements of section 65(1) or (2) are not complied with in relation to any donation report relating to a registered party;
- (d) the requirements of section 74(6) are not complied with in relation to any notification required to be given by the treasurer of a registered party;
- (e) the requirements of section 82(1), (2) or (3) are not complied with in relation to any return or auditor's report relating to a registered party;
- (f) the requirements of section 98(1), (2) or (3) are not complied with in relation to any return or auditor's report relating to a recognised third party (within the meaning of Part VI); or
- (g) the requirements of section 122(1), (2) or (3) are not complied with in relation to any return or auditor's report relating to a permitted participant (within the meaning of Part VII).

- (2) In a case where this section applies, the relevant organisation is liable to a civil penalty under this section.

This is in addition to any criminal liability of any person under any other provision of this Act.

- (3) The amount of the penalty shall be determined by reference to the length of the period between—

- (a) the end of the period within which—
  - (i) the notification mentioned in subsection (1)(a) or (d) was required to be given to the Commission, or
  - (ii) the document mentioned in subsection (1)(b), (c), (e), (f) or (g) was required to be delivered to them,
 as the case may be, and

- (b) the day on which the requirements are complied with,

and shall be so determined as follows:—

<i>Length of period</i>	<i>Penalty</i>
Not more than 3 months.	£500
More than 3 months but not more than 6 months.	£1,000
More than 6 months but less than 12 months.	£2,000

- (4) If the requirements are not complied with by the end of the period of 12 months after the end of the period referred to in subsection (3)(a), a penalty of £5,000 is payable—
- (a) in respect of that period of 12 months, and
  - (b) in respect of each subsequent period of 12 months during any part of which the requirements are not complied with.

- (5) Any penalty imposed by this section—

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- (a) shall be recoverable in proceedings brought by the Commission as a debt due to them; and
  - (b) once so recovered, shall be paid by them into the Consolidated Fund.
- (6) Where the relevant organisation is an unincorporated association, any such penalty shall be paid out of the funds of the organisation.
- (7) In the application of this section in relation to any such document as is mentioned in subsection (1)(b)—
  - (a) subsection (3)(a) shall be read as referring to the end of the relevant period within the meaning of section 47 or the period specified in paragraph 8(2)(b) of Schedule 5 (as the case may be); and
  - (b) in the case of a document relating to an accounting unit of a registered party—
    - (i) subsection (3) shall have effect as if the sums specified in the second column of the table were instead £100, £250 and £500, and
    - (ii) subsection (4) shall have effect as if the sum there specified were instead £1,000.
- (8) For the purposes of this section “the relevant organisation” is—
  - (a) in a case falling within subsection (1)(a) to (e), the registered party concerned;
  - (b) in a case falling within subsection (1)(f), the recognised third party concerned; and
  - (c) in a case falling within subsection (1)(g), the permitted participant concerned.

## **148 General offences**

- (1) A person commits an offence if he—
  - (a) alters, suppresses, conceals or destroys, or
  - (b) causes or permits the alteration, suppression, concealment or destruction of, any document or other record relating to the financial affairs or transactions of a supervised organisation or individual which is or is liable to be required to be produced for inspection under section 146(1), and does so with the intention of falsifying the document or record or enabling that organisation or individual to evade any of the provisions of this Act.
- (2) Where the relevant person in the case of a supervised organisation, or a person acting on his behalf, requests a person holding an office in any such organisation (“the office-holder”) to supply the relevant person with any information which he reasonably requires for the purposes of any of the provisions of this Act, the office-holder commits an offence if—
  - (a) without reasonable excuse, he fails to supply the relevant person with that information as soon as is reasonably practicable, or
  - (b) in purporting to comply with the request, he knowingly supplies the relevant person with any information which is false in a material particular.
- (3) A person commits an offence if, with intent to deceive, he withholds—
  - (a) from the relevant person in the case of a supervised organisation, or
  - (b) from a supervised individual,any information required by the relevant person or that individual for the purposes of any of the provisions of this Act.

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- (4) In subsections (1) to (3) any reference to a supervised organisation or individual includes a reference to a former supervised organisation or individual.
- (5) Subsections (1) and (3) shall apply in relation to a person who is (or has been)—
- (a) a candidate at an election (other than a local government election in Scotland), or
  - (b) the election agent for such a candidate,
- as they apply in relation to a supervised individual (or a former supervised individual), except that in their application in relation to any such person any reference to any of the provisions of this Act includes a reference to any other enactment imposing any restriction or other requirement falling within section 145(1)(b).
- (6) In this section—
- (a) “supervised individual” means an individual who is a regulated donee, a recognised third party or a permitted participant;
  - (b) “supervised organisation” means—
    - (i) a registered party or (in the case of such a party with accounting units) the central organisation of the party or any of its accounting units,
    - (ii) a regulated donee which is a members association,
    - (iii) a recognised third party other than an individual, or
    - (iv) a permitted participant other than an individual;
  - (c) “relevant person” means a person who is (or has been)—
    - (i) in relation to a registered party (other than a minor party) or the central organisation of such a party, the treasurer of the party,
    - (ii) in relation to any accounting unit of such a party, the registered treasurer of the unit,
    - (iii) in relation to a regulated donee which is a members association, the responsible person for the purposes of Schedule 7,
    - (iv) in relation to a recognised third party, the responsible person for the purposes of Part VI,
    - (v) in relation to a permitted participant, the responsible person for the purposes of Part VII;
  - (d) “regulated donee” and “members association” have the same meaning as in Schedule 7;
  - (e) “recognised third party” and “permitted participant” have the same meaning as in Parts VI and VII respectively.

*Inspection of registers etc.*

**149 Inspection of Commission’s registers etc**

- (1) This section applies to any register kept by the Commission under—
- (a) section 23;
  - (b) section 69;
  - (c) section 89; or
  - (d) section 107.

- (2) The Commission shall make a copy of the register available for public inspection during ordinary office hours, either at the Commission's offices or at some convenient place appointed by them.
- (3) The Commission may make other arrangements for members of the public to have access to the contents of the register.
- (4) If requested to do so by any person, the Commission shall supply him with a copy of the register or any part of it.
- (5) The Commission may charge such reasonable fee as they may determine in respect of—
  - (a) any inspection or access allowed under subsection (2) or (3); or
  - (b) any copy supplied under subsection (4).
- (6) Subsections (2) to (5) shall apply in relation to any document a copy of which the Commission are for the time being required to make available for public inspection by virtue of—
  - (a) section 46,
  - (b) section 84,
  - (c) section 100, or
  - (d) section 124,
 as they apply in relation to any register falling within subsection (1).
- (7) Where any register falling within subsection (1) or any document falling within subsection (6) is held by the Commission in electronic form, any copy—
  - (a) made available for public inspection under subsection (2), or
  - (b) supplied under subsection (4),
 must be made available, or (as the case may be) supplied, in a legible form.

*Provisions relating to offences*

## 150 Punishment of offences

- (1) Schedule 20 makes provision for the punishment of offences under this Act.
- (2) In relation to an offence under any provision specified in the first column of that Schedule, the second column shows—
  - (a) whether the offence is punishable on summary conviction only or is punishable either on summary conviction or on conviction on indictment; and
  - (b) the maximum punishment (or, in the case of a fine on a conviction on indictment, the punishment) which may be imposed by way of fine or imprisonment on a person convicted of the offence in the way specified;
 and, where that column shows two alternative penalties that may be imposed on a person convicted in the way specified, as a further alternative both of those penalties may be imposed on him.
- (3) In the second column of that Schedule—
  - (a) “Level 5” means a fine not exceeding level 5 on the standard scale;
  - (b) “statutory maximum” means a fine not exceeding the statutory maximum; and

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- (c) any reference to 1 year or 6 months is a reference to a term of imprisonment not exceeding 1 year or 6 months (as the case may be).

### **151 Summary proceedings**

- (1) Summary proceedings for any offence under this Act may, without prejudice to any jurisdiction exercisable apart from this subsection, be taken against any body, including an unincorporated association, at any place at which it has a place of business, and against an individual at any place at which he is for the time being.
- (2) Despite anything in section 127(1) of the Magistrates' Courts Act 1980, any information relating to an offence under this Act which is triable by a magistrates' court in England and Wales may be so tried if it is laid at any time within three years after the commission of the offence and within six months after the relevant date.
- (3) Despite anything in section 136 of the Criminal Procedure (Scotland) Act 1995, summary proceedings for such an offence may be commenced in Scotland at any time within three years after the commission of the offence and within six months after the relevant date; and subsection (3) of that section shall apply for the purposes of this subsection as it applies for the purposes of that section.
- (4) Despite anything in Article 19(1) of the Magistrates' Courts (Northern Ireland) Order 1981, a complaint relating to such an offence which is triable by a court of summary jurisdiction in Northern Ireland may be so tried if it is made at any time within three years after the commission of the offence and within six months after the relevant date.
- (5) In this section “the relevant date” means the date on which evidence sufficient in the opinion of the prosecutor to justify proceedings comes to his knowledge.
- (6) For the purposes of subsection (5) a certificate of any prosecutor as to the date on which such evidence as is there mentioned came to his knowledge shall be conclusive evidence of that fact.

### **152 Offences committed by bodies corporate**

- (1) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
  - (a) any director, manager, secretary or other similar officer of the body corporate, or
  - (b) any person who was purporting to act in any such capacity,he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

### **153 Offences committed by unincorporated associations**

- (1) Proceedings for an offence alleged to have been committed under this Act by an unincorporated association shall be brought against the association in its own name (and not in that of any of its members) and, for the purposes of any such proceedings,

any rules of court relating to the service of documents shall have effect as if the association were a corporation.

- (2) A fine imposed on an unincorporated association on its conviction of an offence under this Act shall be paid out of the funds of the association.
- (3) Section 33 of the Criminal Justice Act 1925 and Schedule 3 to the Magistrates' Courts Act 1980 (procedure on charge of offence against a corporation) shall have effect in a case in which an unincorporated association is charged in England or Wales with an offence under this Act in like manner as they have effect in the case of a corporation so charged.
- (4) In relation to any proceedings on indictment in Scotland for an offence alleged to have been committed under this Act by an unincorporated association, section 70 of the Criminal Procedure (Scotland) Act 1995 (proceedings on indictment against bodies corporate) shall have effect as if the association were a body corporate.
- (5) Section 18 of the Criminal Justice Act (Northern Ireland) 1945 and Schedule 4 to the Magistrates' Courts (Northern Ireland) Order 1981 (procedure on charge of offence against a corporation) shall have effect in a case in which an unincorporated association is charged in Northern Ireland with an offence under this Act in like manner as they have effect in the case of a corporation so charged.
- (6) Where a partnership is guilty of an offence under this Act and the offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any partner, he as well as the partnership shall be guilty of that offence and be liable to be proceeded against and punished accordingly.
- (7) Where any other unincorporated association is guilty of an offence under this Act and the offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
  - (a) any officer of the association, or
  - (b) any member of the committee or other similar governing body of the association,
 he, as well as the association, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

#### **154 Duty of court to report convictions to Commission**

The court by or before which a person is convicted of—

- (a) an offence under this Act, or
- (b) an offence committed in connection with a relevant election (within the meaning of Part II),

shall notify the Commission of his conviction as soon as is practicable.

#### *Variation of specified sums*

#### **155 Power to vary specified sums**

- (1) The Secretary of State may by order vary any sum for the time being specified in any provision of this Act (other than the sum specified in section 12(8) or 36(5)).
- (2) The Secretary of State may make such an order either—

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- (a) where he considers it expedient to do so in consequence of changes in the value of money, or
- (b) where the order gives effect to a recommendation of the Commission.

*Supplementary*

**156 Orders and regulations**

- (1) Any power of the Secretary of State to make any order or regulations under this Act shall be exercised by statutory instrument.
- (2) Subject to subsections (3) and (4), a statutory instrument containing any order or regulations made under this Act by the Secretary of State shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Subsection (2) does not apply to—
  - (a) any order under section 16(3) or 163(2) or paragraph 14(7) of Schedule 1; or
  - (b) any order made in pursuance of section 155(2)(a).
- (4) Subsection (2) also does not apply to any order under—
  - (a) section 18(1),
  - (b) section 51(4),
  - (c) section 67(1),
  - (d) section 70(1),
  - (e) section 101(4),
  - (f) section 108(3),
  - (g) section 109(6),
  - (h) section 129,
  - (i) paragraph 3(4) of Schedule 7,
  - (j) paragraph 4 of Schedule 8,
  - (k) paragraph 3(4) of Schedule 11,
  - (l) paragraph 4 of Schedule 13,
  - (m) paragraph 2 of Schedule 14, or
  - (n) paragraph 3(4) of Schedule 15;

and no such order shall be made (whether alone or with other provisions) unless a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament.
- (5) Any order or regulations made by the Secretary of State under this Act may—
  - (a) contain such consequential, incidental, supplementary or transitional provisions or savings (including provisions amending, repealing or revoking enactments) as the Secretary of State considers appropriate; and
  - (b) make different provision for different cases.
- (6) Nothing in this Act shall be read as affecting the generality of subsection (5) (including that subsection as applied by section 19(9)).
- (7) Paragraphs 21 to 23 of Schedule 1 contain provisions relating to regulations made by the Commission.



### **157 Documents for purposes of the Act**

- (1) Any application, notice or notification required or authorised to be made or given under this Act must be in writing.
- (2) Any document required or authorised to be given or sent under this Act may be sent by post.

### **158 Minor and consequential amendments and repeals**

- (1) The minor and consequential amendments specified in Schedule 21 shall have effect.
- (2) The enactments specified in Schedule 22 are repealed to the extent specified.
- (3) However, none of the repeals—
  - (a) of provisions of Part II or III of the Representation of the People Act 1983 (election campaigns and legal proceedings in respect of elections), or
  - (b) of provisions amending any of those provisions,have effect in relation to local government elections in Scotland.

### **159 Financial provisions**

- (1) There shall be paid out of money provided by Parliament—
  - (a) any expenses incurred by the Secretary of State in consequence of this Act; and
  - (b) any increase attributable to this Act in the sums which under any other Act are payable out of money so provided.
- (2) There shall be charged on and paid out of the Consolidated Fund any increase attributable to this Act in the sums to be charged on and paid out of that Fund under any other Act.

### **160 General interpretation**

- (1) In this Act—
  - “accounting unit” and “party with accounting units” shall be construed in accordance with section 26(11);
  - “bequest” includes any form of testamentary disposition;
  - “body”, without more, means a body corporate or any combination of persons or other unincorporated association;
  - “broadcaster” has the meaning given by section 37(2);
  - “business” includes every trade, profession and occupation;
  - “central organisation”, in relation to a registered party, shall be construed in accordance with section 26(11);
  - “the Commission” means the Electoral Commission;
  - “document” means a document in whatever form it is kept;
  - “enactment” includes—
    - (a) any provision of an Act (including this Act),
    - (b) any provision of or of any instrument made under Northern Ireland legislation, and

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- (c) any provision of subordinate legislation (within the meaning of the Interpretation Act 1978);
- “exempt trust donation” has the meaning given by section 162;
- “functions” includes powers and duties;
- “the Great Britain register” and “the Northern Ireland register” mean the registers of political parties referred to in section 23(2)(a) and (b) respectively;
- “local election”, in relation to Northern Ireland, means a local election within the meaning of the Electoral Law Act (Northern Ireland) 1962;
- “local government election” means a local government election within the meaning of section 191, 203 or 204 of the Representation of the People Act 1983 or an election under Part II of the Local Government Act 2000 for the return of an elected mayor;
- “market value”, in relation to any property, means the price which might reasonably be expected to be paid for the property on a sale in the open market;
- “minor party” means (in accordance with section 34(1)) a party registered in the Great Britain register in pursuance of a declaration falling within section 28(2)(d);
- “modifications” includes additions, omissions and amendments, and “modify” shall be construed accordingly;
- “organisation” includes any body corporate and any combination of persons or other unincorporated association;
- “property” includes any description of property, and references to the provision of property accordingly include the supply of goods;
- “qualified auditor” means (subject to subsection (2)) a person who is, in accordance with section 25 of the Companies Act 1989 or Article 28 of the Companies (Northern Ireland) Order 1990 (eligibility for appointment), eligible for appointment as a company auditor;
- “record” means a record in whatever form it is kept;
- “registered party” means a party registered under Part II of this Act;
- “treasurer”, in relation to a registered party, means registered treasurer.
- (2) A person is not a qualified auditor in relation to any registered party or any other body or individual if he is—
- (a) a member of the party or body or the individual himself, or
  - (b) an officer or employee of the party, body or individual.
- For this purpose “officer or employee” does not include an auditor.
- (3) References in this Act to a person standing for election in the name of a registered party shall be construed in accordance with section 22(6).
- (4) References in this Act (in whatever terms) to payments out of public funds are references to any of the following, namely—
- (a) payments out of—
    - (i) the Consolidated Fund of the United Kingdom, the Scottish Consolidated Fund or the Consolidated Fund of Northern Ireland, or
    - (ii) money provided by Parliament or appropriated by Act of the Northern Ireland Assembly;
  - (b) payments by—
    - (i) any Minister of the Crown, the Scottish Ministers or any Minister within the meaning of the Northern Ireland Act 1998,

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- (ii) any government department (including a Northern Ireland department) or any part of the Scottish Administration, or
  - (iii) the National Assembly for Wales;
  - (c) payments by the Scottish Parliamentary Corporate Body or the Northern Ireland Assembly Commission; and
  - (d) payments by the Electoral Commission;
- and references in this Act (in whatever terms) to expenses met, or things provided, out of public funds are references to expenses met, or things provided, by means of any such payments.
- (5) References in this Act to conditions, in the context of grants being made subject to conditions, include conditions requiring repayment of the grants in specified circumstances.

## **161 Interpretation: donations**

- (1) This section has effect for the purposes of the provisions of this Act relating to donations.
- (2) Where any provision of this Act refers to a donation for the purpose of meeting a particular kind of expenses incurred by or on behalf of a person of a particular description—
- (a) the reference includes a reference to a donation for the purpose of securing that any such expenses are not so incurred; and
  - (b) a donation shall be taken to be a donation for either of those purposes if, having regard to all the circumstances, it must be reasonably assumed to be such a donation.
- (3) Subsections (4) and (5) apply to any provision of this Act which provides, in relation to a person of a particular description (“the donee”), that money spent (otherwise than by or on behalf of the donee) in paying any expenses incurred directly or indirectly by the donee is to constitute a donation to the donee.
- (4) The reference in any such provision to money so spent is a reference to money so spent by a person, other than the donee, out of his own resources (with no right to reimbursement out of the resources of the donee).
- (5) Where by virtue of any such provision any amount of money so spent constitutes a donation to the donee, the donee shall be treated as receiving an equivalent amount on the date on which the money is paid to the creditor in respect of the expenses in question.
- (6) For the purposes of this Act it is immaterial whether a donation received by a registered party or a person of any other description is so received in the United Kingdom or elsewhere.

## **162 Interpretation: exempt trust donations**

- (1) For the purposes of this Act “exempt trust donation” means a donation to which subsection (2) or (3) applies, other than one falling within subsection (5).
- (2) This subsection applies to any donation received from a trustee of any property in accordance with the terms of a trust—

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- (a) which was created before 27th July 1999,
  - (b) to which no property has been transferred on or after that date, and
  - (c) whose terms have not been varied on or after that date,
- provided that, at or before the time of the receipt of the donation, the trustee gives the recipient of the donation the full name of the person who created the trust and of every other person by whom, or under whose will, property was transferred to the trust before that date.
- (3) This subsection applies to any donation received from a trustee of any property in accordance with the terms of a trust—
- (a) which was created by—
    - (i) a person who was a permissible donor falling within section 54(2) at the time when the trust was created, or
    - (ii) the will of a person falling within section 54(3), and
  - (b) to which no property has been transferred otherwise than—
    - (i) by a person who was a permissible donor falling within section 54(2) at the time of the transfer, or
    - (ii) under the will of a person falling within section 54(3),
 provided that, at or before the time of the receipt of the donation, the trustee gives the recipient of the donation the relevant information.
- (4) For the purposes of subsection (3) “the relevant information” means the information which is required by virtue of paragraph 2 of Schedule 6 to be given in respect of a recordable donation to which that subsection applies.
- (5) A donation falls within this subsection if it is received from a trustee of any property pursuant to the exercise of any discretion vested by a trust in him or any other person.
- (6) In this section—
- (a) “donation” means a donation for the purposes of the provisions of this Act in which the relevant reference to an exempt trust donation occurs;
  - (b) “property”, in the context of the transfer of property to a trust, does not include any income of the trust;
  - (c) “trust” includes a trust created by a will; and
  - (d) any reference to a donation received from a trustee is a reference to a donation received from a trustee in his capacity as such, other than a donation transmitted on behalf of a beneficiary under a trust.

### **163 Short title, commencement, transitional provisions and extent**

- (1) This Act may be cited as the Political Parties, Elections and Referendums Act 2000.
- (2) Subject to subsections (3) and (4), this Act does not come into force until such day as the Secretary of State may by order appoint; and different days may be so appointed for different purposes.
- (3) The following provisions come into force on the day on which this Act is passed—
  - (a) sections 1 to 3 and Schedules 1 and 2,
  - (b) sections 156, 159 and 160, and paragraph 12(1) and (4) of Schedule 21,
  - (c) this section, and Part II of Schedule 23, and
  - (d) any other provision so far as it confers power to make an order or regulations.

- (4) The following provisions come into force at the end of the period of two weeks beginning with the day on which this Act is passed—
  - (a) section 36,
  - (b) Part I of Schedule 23, and
  - (c) any provision of Part II of this Act so far as necessary for the purposes of the operation of any provision of Part I of that Schedule.
- (5) An order under subsection (2) may contain such transitional provisions and savings (including provisions modifying enactments) as the Secretary of State considers appropriate.
- (6) Such an order may, in particular, make provision as respects the operation of any financial limit imposed by any provision of this Act in cases where a period in relation to which any such limit is imposed would otherwise begin at a time before the commencement of that provision of this Act.
- (7) The transitional provisions contained in Schedule 23 shall have effect.
- (8) Subject to subsections (9) and (10), this Act extends to the whole of the United Kingdom.
- (9) Part IX and paragraphs 2 and 3 of Schedule 12 and paragraphs 12 and 13 of Schedule 23 extend to England, Wales and Scotland.
- (10) Subject to any express limitation contained in this Act, the extent of any amendment or repeal made by this Act is the same as that of the enactment amended or repealed.

## SCHEDULES

### SCHEDULE 1

Section 1.

#### THE ELECTORAL COMMISSION

##### *Status of Commission and their property*

- 1 (1) The Commission shall not be regarded—
- (a) as the servant or agent of the Crown, or
  - (b) as enjoying any status, immunity or privilege of the Crown.
- (2) The property of the Commission shall not be regarded as property of, or property held on behalf of, the Crown.

##### *Powers*

- 2 The Commission may do anything (except borrow money) which is calculated to facilitate, or is incidental or conducive to, the carrying out of any of their functions.

##### *Term of office etc. of Electoral Commissioners*

- 3 (1) Subject to the provisions of this paragraph, an Electoral Commissioner shall hold office as such Commissioner—
- (a) for the period for which he is appointed, and
  - (b) otherwise in accordance with the terms of his appointment.
- (2) The period for which an Electoral Commissioner is appointed shall be the period specified in relation to him in the address pursuant to which he is appointed.
- (3) An Electoral Commissioner shall cease to hold office on the occurrence of any of the following events—
- (a) he consents to being nominated as a candidate at a relevant election (within the meaning of Part II) or to being included in a registered party's list of candidates at such an election;
  - (b) he takes up any office or employment in or with—
    - (i) a registered party or any accounting unit of such a party,
    - (ii) a recognised third party (within the meaning of Part VI), or
    - (iii) a permitted participant (within the meaning of Part VII);
  - (c) he is named as a donor in the register of donations reported under Chapter III or V of Part IV or in any statement of donations included in a return delivered to the Commission under section 98 or 122;
  - (d) he becomes a member of a registered party.
- (4) An Electoral Commissioner may be removed from office by Her Majesty in pursuance of an Address from the House of Commons.

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- (5) No motion shall be made for such an Address unless the Speaker’s Committee have presented a report to the House of Commons stating that the Committee are satisfied that one or more of the following grounds is made out in the case of the Electoral Commissioner in question—
- (a) he has failed to discharge the functions of his office for a continuous period of at least 3 months;
  - (b) he has failed to comply with the terms of his appointment;
  - (c) he has been convicted of a criminal offence;
  - (d) he is an undischarged bankrupt or his estate has been sequestrated in Scotland and he has not been discharged;
  - (e) he has made an arrangement or composition contract with, or has granted a trust deed for, his creditors;
  - (f) he is otherwise unfit to hold his office or unable to carry out its functions.
- (6) A motion for such an Address shall not be made on the ground mentioned in subparagraph (5)(a) if more than 3 months have elapsed since the end of the period in question.
- (7) An Electoral Commissioner may be relieved of his office by Her Majesty at his own request.
- (8) In this paragraph “registered party” includes, in relation to times before the appointed day for the purposes of Part II of this Act, a party registered under the Registration of Political Parties Act 1998.

*Term of office etc. of Commission chairman*

- 4 (1) Subject to the provisions of this paragraph, the chairman of the Commission shall hold office as such chairman—
- (a) for the period for which he is appointed, and
  - (b) otherwise in accordance with the terms of his appointment.
- (2) The period for which a person is appointed as chairman of the Commission shall be the period specified in relation to him in the address pursuant to which he is appointed.
- (3) The chairman of the Commission may be relieved of his office of chairman by Her Majesty at his own request.
- (4) If the chairman of the Commission ceases to be an Electoral Commissioner, he also ceases to be chairman.

*Electoral Commissioners: salary etc.*

- 5 (1) There shall be paid to an Electoral Commissioner such remuneration, and any such allowances or expenses, as may be specified in a resolution of the House of Commons.
- (2) If a resolution of the House of Commons so provides in the case of any person who is an Electoral Commissioner or former Electoral Commissioner—
- (a) such amounts shall be paid towards the provision of superannuation benefits for or in respect of him as may be specified in the resolution;

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- (b) (in the case of a former Electoral Commissioner) such pension shall be paid to or in respect of him as may be so specified.
- (3) A resolution for the purposes of this paragraph may—
  - (a) specify the amounts to be paid;
  - (b) provide that the amounts to be paid shall be the same as, or calculated on the same basis as, those payable to or in respect of a person employed in a specified office under, or in a specified capacity in the service of, the Crown;
  - (c) specify the amounts to be paid and provide for them to be increased by reference to such variables as may be specified in the resolution;
  - (d) have the effect of making different provision for different Electoral Commissioners or former Electoral Commissioners.
- (4) A resolution for the purposes of this paragraph may take effect from the date on which it is passed or from any earlier or later date specified in the resolution.
- (5) Any amount payable under this paragraph (other than by way of expenses) shall be charged on and issued out of the Consolidated Fund.
- (6) Any amount payable under this paragraph by way of expenses shall be paid by the Commission.
- (7) In this paragraph “pension” includes allowance and gratuity.

*Deputy Electoral Commissioners: term of office etc.*

- 6 (1) Subject to sub-paragraphs (2) and (3) a Deputy Electoral Commissioner shall hold and vacate his office in accordance with the terms of his appointment.
- (2) A Deputy Electoral Commissioner shall cease to hold office on the occurrence of such an event as is mentioned in any of paragraphs (a) to (d) of paragraph 3(3).
- (3) A Deputy Electoral Commissioner may be removed from office by the Commission, but only if they are satisfied that one or more of the following grounds is made out in his case—
  - (a) he has failed to discharge the functions of his office for a continuous period of at least 3 months;
  - (b) he has failed to comply with the terms of his appointment;
  - (c) he has been convicted of a criminal offence;
  - (d) he is an undischarged bankrupt or his estate has been sequestrated in Scotland and he has not been discharged;
  - (e) he has made an arrangement or composition contract with, or has granted a trust deed for, his creditors;
  - (f) he is otherwise unfit to hold his office or unable to carry out its functions.
- (4) The Commission shall pay to a Deputy Electoral Commissioner such remuneration, and any such allowances or expenses, as may be provided for by or under the terms of his appointment.
- (5) If the terms of his appointment as Deputy Electoral Commissioner so provide, the Commission shall—
  - (a) pay towards the provision of superannuation benefits for or in respect of a Deputy Electoral Commissioner or former Deputy Electoral Commissioner such amounts as may be provided for by or under those terms;



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(b) pay such pension to or in respect of a former Deputy Electoral Commissioner as may be so provided.

(6) In sub-paragraph (5) “pension” includes allowance and gratuity.

#### *Assistant Electoral Commissioners*

- 7
- (1) The Commission may appoint one or more Assistant Electoral Commissioners to inquire into, and report to the Commission or a Boundary Committee on, such matters as the Commission or a Boundary Committee think fit.
  - (2) A person may not be appointed as an Assistant Electoral Commissioner if he is a person who (by virtue of section 3(4)) may not be appointed as an Electoral Commissioner.
  - (3) An Assistant Electoral Commissioner shall—
    - (a) be appointed either for a fixed term or for the purposes of a particular inquiry; and
    - (b) (subject to sub-paragraph (4)) hold and vacate office in accordance with the terms of his appointment.
  - (4) An Assistant Electoral Commissioner shall cease to hold office on the occurrence of such an event as is mentioned in any of paragraphs (a) to (d) of paragraph 3(3).
  - (5) The Commission shall pay an Assistant Electoral Commissioner such remuneration, and any such allowances or expenses, as may be provided for by or under the terms of his appointment.

#### *Committees*

- 8
- (1) The Commission may establish (in addition to the Boundary Committees) any committees which the Commission consider appropriate.
  - (2) Any committee of the Commission established under sub-paragraph (1) may establish one or more sub-committees.
  - (3) A person shall not be a member of a committee or sub-committee established under this paragraph unless he is an Electoral Commissioner.

#### *Delegation to committees*

- 9
- (1) The Commission may delegate functions of the Commission (to such extent as the Commission may determine) to any committee of the Commission established under paragraph 8(1).
  - (2) Sub-paragraph (1) does not apply to any function transferred to the Commission by virtue of section 16(1) or by an order under section 18(1), 19(1) or 20(1).
  - (3) A committee of the Commission established under paragraph 8(1) may delegate functions of the committee (to such extent as the committee may determine) to any sub-committee of the committee.

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*Procedure and proceedings*

- 10 (1) The Commission shall regulate their own procedure, and the procedure of their committees and sub-committees (whether established under paragraph 8 or section 14), including the quorum for meetings.
- (2) The validity of any proceedings of the Commission, or of any of their committees or sub-committees, shall not be affected by—
- (a) any vacancy among the members of the Commission, or of the committee or sub-committee, or
  - (b) any defect in the appointments of any such member.

*Staff*

- 11 (1) The Commission—
- (a) shall appoint a chief executive, and
  - (b) may appoint such other staff as the Commission consider necessary to assist them and their committees in the performance of their functions.
- (2) A person may not be appointed—
- (a) as chief executive of the Commission if he is a person who (by virtue of section 3(4)(a) to (d)) may not be appointed as an Electoral Commissioner, or
  - (b) as any other member of the staff of the Commission if he is a person who (by virtue of section 3(4)(b) to (d)) may not be appointed as an Electoral Commissioner.
- (3) Subject to sub-paragraph (4), the staff of the Commission shall be appointed on such terms and conditions as the Commission may determine; and the Commission shall pay their staff such remuneration as may be provided for by or under their terms of appointment.
- (4) The appointment of any member of the staff of the Commission shall terminate—
- (a) if he is their chief executive, on the occurrence of such an event as is mentioned in any of paragraphs (a) to (d) of paragraph 3(3), and
  - (b) in any other case, on the occurrence of such an event as is mentioned in any of paragraphs (a) to (c) of paragraph 3(3).
- (5) In determining the terms and conditions of staff under sub-paragraph (3) above, the Commission shall have regard to the desirability of keeping the remuneration and other terms and conditions of employment of its staff broadly in line with those applying to persons employed in the civil service of the State.
- (6) Service as an officer or employee of the Commission shall be included in the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 can apply; and, accordingly, in Schedule 1 to that Act (which lists the kinds of employment to which a scheme can apply), the following entry shall be inserted at the end of the list of “Royal Commissions and other Commissions”—
- “Electoral Commission”.
- (7) The Commission shall pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of any increase attributable to sub-paragraph (6) in the sums payable out of money provided by Parliament under the Superannuation Act 1972.

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- (8) No member of the staff of the Commission shall be regarded—
  - (a) as the servant or agent of the Crown, or
  - (b) as enjoying any status, immunity or privilege of the Crown.
- (9) The Secretary of State may appoint a person to be the Commission’s chief executive until such time as the first person to be appointed by the Commission as their chief executive takes up office; and until such time as the Commission have appointed their own staff the Secretary of State may appoint persons to serve as members of the Commission’s staff.
- (10) Until such time as the Commission may determine, the Commission’s chief executive appointed under sub-paragraph (9) may incur expenditure and do other things in the name and on behalf of the Commission, whether or not the membership of the Commission has yet to be constituted in accordance with section 1.
- (11) The power conferred by sub-paragraph (10) shall be exercisable by that person subject to and in accordance with any directions given to him by the Secretary of State.

*Delegation to staff*

- 12 Each of the following—
  - (a) the Commission,
  - (b) any committee of the Commission (whether established under paragraph 8 or section 14),
  - (c) any sub-committee of such a committee, and
  - (d) the Commission’s chief executive,may delegate functions of theirs or his (to such extent as they or he may determine) to the Commission’s staff (either generally or otherwise).

*Delegation and contracting-out of superannuation functions*

- 13 (1) Section 1(2) of the Superannuation Act 1972 (delegation of functions relating to civil service superannuation schemes by Minister for the Civil Service to another officer of the Crown etc.) shall have effect as if the reference to an officer of the Crown other than a Minister included the Commission’s chief executive.
- (2) Any administration function conferred on the Commission’s chief executive under section 1(2) of the Superannuation Act 1972 (as it has effect in accordance with sub-paragraph (1)) may be exercised by (or by employees of) such person as may be authorised in that behalf by the Commission’s chief executive.
- (3) For the purposes of this paragraph an “administration function” is a function of administering schemes—
  - (a) made under section 1 of the Superannuation Act 1972, and
  - (b) from time to time in force.
- (4) An authorisation given by virtue of sub-paragraph (2) may authorise the exercise of an administration function—
  - (a) either wholly or to such extent as may be specified in the authorisation;
  - (b) either generally or in such cases as may be so specified; and

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- (c) either unconditionally or subject to the fulfilment of such conditions as may be so specified.
- (5) An authorisation given by virtue of sub-paragraph (2)—
- (a) shall be treated for all purposes as if it were given by virtue of an order under section 69 of the Deregulation and Contracting Out Act 1994 (contracting out of functions of Ministers and office-holders);
  - (b) may be revoked at any time by the Commission (as well as by the chief executive).

#### *Financing of Commission*

- 14 (1) The expenditure of the Commission, so far as it cannot be met out of income received by the Commission, shall be met, in accordance with this paragraph, out of money provided by Parliament (except so far as it is—
- (a) reimbursed by the Secretary of State under section 18(9) or the Scottish Ministers in pursuance of section 13(9), 19(11) or 145(6); or
  - (b) met by the National Assembly for Wales in pursuance of section 5(3) or 20(12)).
- (2) For each financial year (other than the Commission’s first financial year) the Commission shall prepare, and submit to the Speaker’s Committee, an estimate of the Commission’s income and expenditure.
- (3) The Speaker’s Committee shall—
- (a) examine each such estimate submitted to them; and
  - (b) decide whether they are satisfied that the estimated level of income and expenditure is consistent with the economical, efficient and effective discharge by the Commission of their functions; and
  - (c) if they are not so satisfied, shall make such modifications to the estimate as they consider appropriate for the purpose of achieving such consistency.
- (4) Before deciding whether they are so satisfied or making any such modifications, the Speaker’s Committee shall—
- (a) have regard to the most recent report made to them by the Comptroller and Auditor General under paragraph 16 and to any recommendations contained in that report; and
  - (b) consult the Treasury and have regard to any advice which the Treasury may give.
- (5) The Speaker’s Committee shall, after concluding their examination and making their modifications (if any) to the estimate, lay the estimate before the House of Commons.
- (6) If the Speaker’s Committee, in the discharge of their functions under this paragraph—
- (a) do not follow any recommendation contained in the report of the Comptroller and Auditor General,
  - (b) do not follow any advice given to them by the Treasury, or
  - (c) make any modification to the estimate,
- they shall include in the next report which they make to the House of Commons under paragraph 1 of Schedule 2 a statement of their reasons for so doing.

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- (7) The Secretary of State may by order provide for the transfer to the Commission of such property, rights and liabilities—
- (a) to which he is entitled or subject, and
  - (b) which are specified in the order,
- as he considers appropriate in connection with the establishment of the Commission.
- (8) Such an order may in particular provide for the order to have effect despite any provision (of whatever nature) which would prevent or restrict the transfer of any such property, rights or liabilities otherwise than by the order.

*Five-year plan*

- 15 (1) When the Commission submit to the Speaker's Committee such an estimate as is mentioned in paragraph 14 the Commission shall also submit to the Committee a plan prepared by the Commission setting out the Commission's—
- (a) aims and objectives for the period of five years beginning with the financial year to which the estimate relates, and
  - (b) estimated requirements for resources during that five-year period.
- (2) The Speaker's Committee shall—
- (a) examine each plan submitted to them;
  - (b) decide whether they are satisfied that the plan is consistent with the economical, efficient and effective discharge by the Commission of their functions; and
  - (c) if they are not so satisfied, shall make such modifications to the plan as they consider appropriate for the purpose of achieving such consistency.
- (3) Before deciding whether they are so satisfied or making any such modifications, the Speaker's Committee shall—
- (a) have regard to the most recent report made to them by the Comptroller and Auditor General under paragraph 16 and to any recommendations contained in that report; and
  - (b) consult the Treasury and have regard to any advice which the Treasury may give.
- (4) The Speaker's Committee shall, after concluding their examination and making their modifications (if any) to the plan, lay the plan before the House of Commons.
- (5) If the Speaker's Committee, in the discharge of their functions under this paragraph—
- (a) do not follow any recommendation contained in the report of the Comptroller and Auditor General,
  - (b) do not follow any advice given to them by the Treasury, or
  - (c) make any modification to the plan,
- they shall include in the next report which they make to the House of Commons under paragraph 1 of Schedule 2 a statement of their reasons for so doing.

*Annual examination of Commission by Comptroller and Auditor General*

- 16 (1) For the purpose of assisting the Speaker's Committee to discharge their functions under paragraphs 14 and 15 the Comptroller and Auditor General shall in each year—

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- (a) carry out an examination into the economy, efficiency or effectiveness (or, if he so determines, any combination thereof) with which the Commission have used their resources in discharging their functions (or, if he so determines, any particular functions of theirs);
  - (b) report to the Speaker's Committee the results of the examination; and
  - (c) include in his report such recommendations as he considers appropriate in the light of the examination.
- (2) Section 8 of the National Audit Act 1983 (right to obtain documents and information) shall apply in relation to any examination under this paragraph as it applies in relation to an examination under section 6 of that Act.

#### *Accounts*

- 17 (1) The Commission shall keep proper accounting records.
- (2) The Commission shall, for each financial year, prepare accounts in accordance with directions given to the Commission by the Treasury.
- (3) The directions which the Treasury may give under sub-paragraph (2) include, in particular, directions as to—
- (a) the information to be contained in the accounts and the manner in which it is to be presented,
  - (b) the methods and principles in accordance with which the accounts are to be prepared, and
  - (c) the additional information (if any) that is to accompany the accounts.

#### *Audit*

- 18 (1) The accounts prepared by the Commission for any financial year shall be submitted by the Commission to—
- (a) the Comptroller and Auditor General, and
  - (b) the Speaker's Committee,
- as soon after the end of the financial year as may be practicable.
- (2) The Comptroller and Auditor General shall—
- (a) examine and certify any accounts submitted to him under this paragraph, and
  - (b) lay before each House of Parliament a copy of the accounts as certified by him together with his report on them.

#### *Accounting officer*

- 19 (1) The Speaker's Committee shall designate a member of the Commission's staff to be the Commission's accounting officer.
- (2) The Commission's accounting officer shall have, in relation to the Commission's accounts and finances, the responsibilities that are from time to time specified by the Speaker's Committee.
- (3) In this paragraph references to responsibilities include in particular—
- (a) responsibilities in relation to the signing of accounts;
  - (b) responsibilities for the propriety and regularity of the Commission's finances; and

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- (c) responsibilities for the economy, efficiency and effectiveness with which the Commission's resources are used.
- (4) The responsibilities which may be specified under this paragraph include responsibilities owed to the Commission, the Speaker's Committee or the House of Commons or its Committee of Public Accounts.
- (5) In this paragraph any reference to the Public Accounts Committee of the House of Commons shall, if—
  - (a) the name of the Committee is changed, or
  - (b) the functions of the Committee at the passing of this Act (or functions substantially corresponding thereto) become functions of a different committee of the House of Commons,be taken to be references to the Committee by its new name or (as the case may be) to the committee by whom the functions are for the time being exercisable.
- (6) The Secretary of State may designate any member of the Commission's staff or other person to be the Commission's accounting officer until such time as the first designation made under sub-paragraph (1) takes effect.

#### *Reports*

- 20 (1) The Commission shall, as soon after the end of each financial year as may be practicable, prepare and lay before each House of Parliament a report about the performance of the Commission's functions during that financial year.
- (2) The Commission shall, on so laying such a report, publish the report in such manner as they determine.

#### *Notification of Commission regulations*

- 21 (1) If the Commission make any regulations, they must give a copy to the Secretary of State without delay.
- (2) If the Commission alter or revoke any regulations, they must give notice to the Secretary of State without delay.
- (3) Notice of an alteration must include details of the alteration.

#### *Regulation-making instruments*

- 22 (1) Any power conferred on the Commission to make regulations is exercisable in writing.
- (2) An instrument by which regulations are made by the Commission ("a regulation-making instrument") must specify the provision under which the regulations are made.
- (3) To the extent to which a regulation-making instrument does not comply with sub-paragraph (2), it is void.
- (4) Immediately after a regulation-making instrument is made, it must be printed and made available to the public.

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- (5) The Commission may charge a reasonable fee for providing a person with a copy of a regulation-making instrument.
- (6) A person is not to be taken to have contravened any regulation made by the Commission if he shows that at the time of the alleged contravention the regulation-making instrument concerned had not been made available in accordance with this paragraph.
- (7) Any power of the Commission to make regulations includes power to make different provision for different cases.

#### *Verification of regulations*

- 23 (1) The production of a printed copy of a regulation-making instrument purporting to be made by the Commission—
- (a) on which is endorsed a certificate signed by a member of the Commission’s staff authorised by the Commission for that purpose, and
  - (b) which contains the required statements,
- is evidence (or in Scotland sufficient evidence) of the facts stated in the certificate.
- (2) The required statements are—
- (a) that the instrument was made by the Commission;
  - (b) that the copy is a true copy of the instrument; and
  - (c) that on a specified date the instrument was made available to the public in accordance with paragraph 22(4).
- (3) A certificate purporting to be signed as mentioned in sub-paragraph (1) is to be taken to have been properly signed unless the contrary is shown.
- (4) A person who wishes in any legal proceedings to rely on a regulation-making instrument may require the Commission to endorse a copy of the instrument with a certificate of the kind mentioned in sub-paragraph (1).

#### *Documentary evidence*

- 24 A document purporting to be—
- (a) duly executed under the seal of the Commission, or
  - (b) signed on behalf of the Commission or a Boundary Committee,
- shall be received in evidence and shall, unless the contrary is proved, be taken to be so executed or signed.

#### *Interpretation*

- 25 In this Schedule “delegate” includes further delegate.



## SCHEDULE 2

Section 2.

### THE SPEAKER’S COMMITTEE

#### *Reports*

- 1 (1) The Speaker’s Committee shall, at least once in each year, make to the House of Commons a report on the exercise by the Committee of their functions.
- (2) For the purposes of the law of defamation the publication of any matter by the Speaker’s Committee in making such a report shall be absolutely privileged.

#### *Term of office of Committee members*

- 2 (1) In this paragraph “appointed member” means a member of the Speaker’s Committee other than—
- (a) the Speaker of the House of Commons;
  - (b) the member who is the Chairman of the Home Affairs Committee of the House of Commons; or
  - (c) the member who is the Secretary of State for the Home Department.
- (2) An appointed member shall cease to be a member of the Speaker’s Committee if—
- (a) he ceases to be a Member of the House of Commons; or
  - (b) another person is appointed to be a member of the Committee in his place.
- (3) An appointed member may resign from the Committee at any time by giving notice to the Speaker.
- (4) Subject to sub-paragraphs (2) and (3), an appointed member shall be a member of the Committee for the duration of the Parliament in which he is appointed.
- (5) An appointed member may be re-appointed (or further re-appointed) to membership of the Committee.

#### *Committee proceedings*

- 3 (1) The Speaker’s Committee may determine their own procedure.
- (2) The validity of any proceedings of the Committee shall not be affected by—
- (a) any vacancy among, or
  - (b) any defect in the appointment of any of, the members of the Committee.
- (3) The Committee may appoint a member of the Committee to act as chairman at any meeting of the Committee in the absence of the Speaker.

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## SCHEDULE 3

Section 16.

### TRANSFER OF FUNCTIONS OF BOUNDARY COMMISSIONS

#### PART I

#### AMENDMENTS OF PARLIAMENTARY CONSTITUENCIES ACT 1986

##### *Preliminary*

1       The Parliamentary Constituencies Act 1986 shall be amended as follows.

*Duty to keep under review, and report on, parliamentary representation*

2       (1) Section 3 (reports of the Commissions) shall be amended as follows.

(2) In subsection (1), for the words from “Each Boundary Commission” to “the whole of that part” there shall be substituted “The Electoral Commission shall keep under review the representation in the House of Commons of each of England, Scotland, Wales and Northern Ireland and shall, in accordance with subsection (2) below, submit to the Secretary of State separate reports with respect to the whole of each of those parts”.

(3) For subsection (2) there shall be substituted—

“(2) Reports under subsection (1) with respect to a particular part of the United Kingdom shall be submitted by the Electoral Commission not less than eight nor more than twelve years from the date of the last report under that subsection with respect to that part of the United Kingdom.”

(4) In subsection (2A), for “a Boundary Commission” there shall be substituted “the Electoral Commission”.

(5) In subsection (3)—

(a) for “Any Boundary Commission” there shall be substituted “The Electoral Commission”; and

(b) for “the part of the United Kingdom with which they are concerned” there shall be substituted “any part of the United Kingdom”.

(6) In subsection (4), for “a Boundary Commission” there shall be substituted “the Electoral Commission”.

(7) For subsection (5) there shall be substituted—

“(5) As soon as practicable after the Electoral Commission have submitted a report to the Secretary of State under this Act, he shall lay before Parliament—

(a) the report; and

(b) (except where the report states that no alteration is required to be made in respect of the part of the United Kingdom to which it relates) the draft of an Order in Council for giving effect to the recommendations contained in the report.”

(8) In subsection (7)—

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- (a) for “a Boundary Commission under subsection (1) above” there shall be substituted “the Electoral Commission under subsection (1) above with respect to a particular part of the United Kingdom”;
  - (b) for “of the Commission under subsection (1) above” there shall be substituted “under subsection (1) above with respect to that part of the United Kingdom”; and
  - (c) for “a Boundary Commission publishing” there shall be substituted “a Boundary Committee publishing under section 5 below”.
- (9) For the sidenote for section 3 there shall be substituted “Reports of the Electoral Commission.”
- (10) In section 3(2) and (7), as amended by this paragraph, any reference to a previous report under section 3(1) with respect to a particular part of the United Kingdom includes a reference to such a report which, at any time before the coming into force of this paragraph in relation to that part, was made with respect to that part by one of the Boundary Commissions constituted under the Act.

#### *Functions of Boundary Committees*

3 After section 3 there shall be inserted—

#### **“3A Reviews and proposed recommendations by Boundary Committees**

- (1) Where the Electoral Commission intend to consider making a report under this Act (“the section 3 report”) with respect to—
  - (a) a particular part of the United Kingdom, or
  - (b) any area comprised in a particular part of the United Kingdom,the Boundary Committee for that part of the United Kingdom shall (subject to subsection (4) below) carry out a review in accordance with this Act for the purpose of enabling them to submit to the Electoral Commission proposals as to the recommendations to be included in the section 3 report.
- (2) Once the Boundary Committee have carried out a review under subsection (1) above, they shall accordingly submit to the Electoral Commission a report containing the recommendations which the Committee propose should be included in the section 3 report in the light of the review.
- (3) Where the Electoral Commission have received a report of a Boundary Committee under subsection (2) above, the Commission may—
  - (a) accept in full the proposed recommendations contained in that report and include them in the section 3 report;
  - (b) accept those proposed recommendations subject to modifications agreed with the Committee and include them, as so modified, in the section 3 report;
  - (c) reject those proposed recommendations and either—
    - (i) require the Committee to reconsider their proposed recommendations with a view to deciding whether to submit a further report under subsection (2) above containing different proposed recommendations,
    - (ii) require the Committee to carry out a fresh review under subsection (1) above with respect to the whole, or any

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specified part, of the area which was the subject of the original review, or

(iii) (in the case only of a review carried out for the purposes of a report under section 3(3) above) take no further action.

(4) A Boundary Committee shall, in or in connection with the exercise or performance of their powers or duties under this Act, comply with any directions given to them by the Commission (so far as consistent with the rules set out in paragraphs 1 to 6 of Schedule 2 to this Act (read with paragraph 7)).

(5) In this Act—

(a) “Boundary Committee” means a Boundary Committee established by the Electoral Commission under section 14 of the Political Parties, Elections and Referendums Act 2000; and

(b) “recommendations” includes (unless the context otherwise requires) a recommendation that no alteration is required.”

#### *Implementation of Commission’s reports*

4 (1) Section 4 (Orders in Council) shall be amended as follows.

(2) In subsection (1), for the words from “, whether with or without modifications,” to “Boundary Commission” there shall be substituted “to the recommendations contained in a report of the Electoral Commission under this Act”.

(3) Subsection (2) (draft Order implementing recommendations with modifications) shall be omitted.

#### *Notices relating to proposed reports or recommendations*

5 For section 5 there shall be substituted—

#### **“5 Notices relating to proposed reports or recommendations**

(1) Where the Electoral Commission intend to consider making a report under this Act, they shall inform the Secretary of State accordingly by notice in writing; and a copy of the notice shall be published—

(a) in the London Gazette, if the report would be with respect to England or Wales (or an area comprised therein);

(b) in the Edinburgh Gazette, if the report would be with respect to Scotland (or an area comprised therein); and

(c) in the Belfast Gazette, if the report would be with respect to Northern Ireland (or an area comprised therein).

(2) Where a Boundary Committee have provisionally determined proposed recommendations affecting any constituency which they are minded to include in a report under section 3A(2) above, they shall publish in at least one newspaper circulating in the constituency a notice stating—

(a) the effect of the proposed recommendations and (except where their effect is that no alteration should be made in respect of the constituency) that a copy of the recommendations is open to inspection at a specified place in the constituency; and

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- (b) that representations with respect to the proposed recommendations may be made to the Boundary Committee within one month after publication of the notice;  
and the Boundary Committee shall take into consideration any representations duly made in accordance with any such notice.
- (3) Where a Boundary Committee revise any proposed recommendations after publishing a notice of them under subsection (2) above, the Committee shall comply again with that subsection in relation to the revised recommendations, as if no earlier notice had been published.
- (4) Where the Electoral Commission are minded to exercise in relation to a Boundary Committee's proposed recommendations any of the powers conferred by section 3A(3)(b) or (c) above, they shall have regard to—
  - (a) any representations duly made with respect to the recommendations in accordance with a notice published under subsection (2) above; or
  - (b) (where they are minded to exercise any of those powers in relation to part only of the area subject to the Committee's review) any representations so made with respect to the recommendations so far as relating to that part of that area.
- (5) Where a Boundary Committee's proposed recommendations affecting any constituency have been modified by the Electoral Commission under section 3A(3)(b) above, the Boundary Committee shall publish in at least one newspaper circulating in the constituency a notice stating the effect of those recommendations as so modified."

#### *Local inquiries*

- 6 (1) Section 6 (local inquiries) shall be amended as follows.
- (2) In subsection (1), for "A Boundary Commission" there shall be substituted "In connection with carrying out any review under section 3A(1) above a Boundary Committee".
  - (3) In subsection (2)—
    - (a) for "recommendation of a Boundary Commission" there shall be substituted "proposed recommendation of a Boundary Committee";
    - (b) for "the Commission", in both places, there shall be substituted "the Committee"; and
    - (c) for "make the recommendation" there shall be substituted "proceed with the proposed recommendation".
  - (4) In subsection (3), for "Commission" there shall be substituted "Committee".
  - (5) After subsection (4) there shall be inserted—
    - "(4A) Where a Boundary Committee have caused a local inquiry to be held in pursuance of this Act, the Committee shall take into consideration the findings of the inquiry.
    - (4B) Where a Boundary Committee have caused a local inquiry to be held in pursuance of this Act and the Electoral Commission are minded to exercise in relation to the Committee's proposed recommendations any of the powers

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conferred by section 3A(3)(b) or (c) above, the Electoral Commission shall have regard to—

- (a) the findings of the inquiry; or
- (b) (where they are minded to exercise any of those powers in relation to part only of the area which was the subject of the Committee’s review) the findings of the inquiry so far as relating to that part of that area.”

- (6) In subsections (5) to (7), for “Commission”, wherever occurring, there shall be substituted “Committee”.

*Rules for redistribution of seats*

- 7 (1) Schedule 2 (rules for redistribution of seats) shall be amended as follows.
- (2) In paragraph 1(4), for “the Boundary Commission” there shall be substituted “the Electoral Commission or (as the case may be) the Boundary Committee”.
- (3) In paragraph 5, for “a Boundary Commission” there shall be substituted “the Electoral Commission or (as the case may be) a Boundary Committee”.
- (4) In paragraph 6, for “A Boundary Commission” there shall be substituted “The Electoral Commission or (as the case may be) a Boundary Committee”.
- (5) In paragraph 7, for “a Boundary Commission” there shall be substituted “the Electoral Commission or (as the case may be) a Boundary Committee”.
- (6) In paragraph 8—
- (a) the words “for which there is a Boundary Commission” shall be omitted; and
  - (b) for “report of a Boundary Commission” there shall be substituted “report of the Electoral Commission (or one made by a Boundary Committee for the purposes of it)”.

**PART II**

AMENDMENTS OF OTHER ACTS

*Government of Wales Act 1998 (c. 38)*

- 8 Schedule 1 to the Government of Wales Act 1998 (Assembly constituencies and Assembly regions) shall be amended as follows.

- 9 For paragraph 4 there shall be substituted—

- “4 (1) When the Boundary Committee for Wales (“the Committee”) provisionally determine (in pursuance of the 1986 Act) proposed recommendations which they are minded to include in a report under section 3A(2) of that Act and which would involve any alterations in any parliamentary constituencies in Wales, the Committee shall consider whether any alteration—
- (a) in the Assembly electoral regions, or
  - (b) in the allocation of seats to the Assembly electoral regions,
- would be required in order to give effect to the rules set out in paragraph 8.

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- (2) Any such report by the Committee as is mentioned in sub-paragraph (1) shall contain, in addition, the recommendations which, in the light of their consideration of the question mentioned in that sub-paragraph, the Committee propose should be included in the Electoral Commission's section 3 report in pursuance of paragraph 7.
- (3) In section 3A of the 1986 Act—
- (a) subsection (3) shall apply with any necessary modifications in relation to any such proposed recommendations as they apply in relation to any proposed recommendations of a Boundary Committee under section 3A(2) of that Act; and
  - (b) in subsection (4), the first reference to that Act shall include a reference to this Schedule, and the reference to the rules set out as there mentioned shall include a reference to the rules set out in paragraph 8.
- (4) In this paragraph—
- “the Boundary Committee for Wales” means the Committee of that name established by the Electoral Commission under section 14 of the Political Parties, Elections and Referendums Act 2000;
  - “the Electoral Commission's section 3 report” means the report of the Electoral Commission under section 3 of the 1986 Act for the purposes of which the proposed recommendations mentioned in sub-paragraph (1) would be made.”
- 10 (1) Paragraph 5 (notices of proposed recommendations) shall be amended as follows.
- (2) In sub-paragraph (1), for “paragraph 4, the Commission have provisionally determined to make” there shall be substituted “paragraph 4(1), the Committee have provisionally determined to propose (in pursuance of paragraph 4(2))”.
- (3) In sub-paragraph (2)—
- (a) for “the Commission propose to recommend” there shall be substituted “their effect is”; and
  - (b) for “to the Commission” there shall be substituted “to the Committee”.
- (4) In sub-paragraphs (3) to (5), for “the Commission”, wherever occurring, there shall be substituted “the Committee”.
- (5) After sub-paragraph (5) there shall be inserted—
- “(5A) Where the Electoral Commission are minded to exercise in relation to the Committee's proposed recommendations any of the powers conferred by section 3A(3)(b) or (c) of the 1986 Act (as applied by paragraph 4(3) above) they shall have regard to—
- (a) any representations duly made with respect to the recommendations in accordance with any notice published under sub-paragraph (1); or
  - (b) (where they are minded to exercise any of those powers in relation to part only of the Assembly electoral region) any representations so made with respect to the recommendations so far as relating to that part of the region.

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- (5B) Where the Committee’s proposed recommendations have been modified by the Electoral Commission under section 3A(3)(b) of the 1986 Act (as applied by paragraph 4(3) above), the Committee shall publish in at least one newspaper circulating in the Assembly electoral region a notice stating the effect of those recommendations as so modified.”
- 11 (1) Paragraph 6 (local inquiries) shall be amended as follows.
- (2) In sub-paragraph (1) for “The Commission” there shall be substituted “For the purposes of this Schedule the Committee”.
- (3) In sub-paragraph (2)—
- (a) for “the Commission”, wherever occurring, there shall be substituted “the Committee”; and
- (b) for “make the recommendation” there shall be substituted “proceed with the proposed recommendation”.
- (4) In sub-paragraphs (3) and (5), for “the Commission”, wherever occurring, there shall be substituted “the Committee”.
- (5) After sub-paragraph (5) there shall be added—
- “(6) Where the Committee have caused a local inquiry to be held in pursuance of this paragraph, the Committee shall take into consideration the findings of the inquiry.
- (7) Where the Committee have caused a local inquiry to be held in pursuance of this paragraph and the Electoral Commission are minded to exercise in relation to the Committee’s proposed recommendations any of the powers conferred by section 3A(3)(b) or (c) of the 1986 Act (as applied by paragraph 4(3) above), the Electoral Commission shall have regard to—
- (a) the findings of the inquiry; or
- (b) (where, in the case of any Assembly electoral region in respect of which the inquiry was held, they are minded to exercise any of those powers in relation to part only of the region) the findings of the inquiry so far as relating to that part of the region.”
- 12 In paragraph 7 (reports)—
- (a) for “the Commission”, wherever occurring, there shall be substituted “the Electoral Commission”;
- (b) in sub-paragraph (1)(a), after “constituencies” there shall be inserted “in Wales”; and
- (c) in sub-paragraph (1)(b), at the end there shall be added “relating to any constituency or constituencies in Wales.”
- 13 In paragraph 8 (the rules), for “Commission”, wherever occurring, there shall be substituted “Electoral Commission or (as the case may be) the Committee”.
- 14 In paragraph 9(1) (Orders in Council), for the words from “, with or without modifications,” to “the Commission” there shall be substituted “to the recommendations contained in a report of the Electoral Commission”.
- 15 In paragraph 10 (interpretation)—
- (a) for “the Commission”, wherever occurring, there shall be substituted “the Electoral Commission”; and



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(b) at the end there shall be added—

“(3) Sub-paragraphs (1) and (2) also apply for construing references to the regional electorate for an Assembly electoral region in relation to any report of the Committee made for the purposes of any such report of the Electoral Commission.”

16 In paragraph 11 (definitions)—

(a) for the definition of “the Commission” there shall be substituted—

““the Committee” means the Boundary Committee for Wales (as defined by paragraph 4(4));”;

(b) after that definition there shall be added—

““recommendations” includes (unless the context otherwise requires) a recommendation that no alteration is required.”

*Scotland Act 1998 (c. 46)*

17 Schedule 1 to the Scotland Act 1998 (constituencies, regions and regional members) shall be amended as follows.

18 In paragraph 3 (reports of Boundary Commission for Scotland), for sub-paragraph (1) and the cross-heading preceding it there shall be substituted—

*“Reports of Electoral Commission*

3 (1) This paragraph applies where the Electoral Commission (“the Commission”) submit a report to the Secretary of State under section 3(1) or (3) of the 1986 Act recommending any alteration in any parliamentary constituencies in Scotland.”

19 After paragraph 4 there shall be inserted—

*“Proposed recommendations by Boundary Committee for Scotland*

4A (1) When the Boundary Committee for Scotland provisionally determine (in pursuance of the 1986 Act) proposed recommendations which they are minded to include in a report under section 3A(2) of that Act and which would involve any alteration in any parliamentary constituencies in Scotland, the Committee shall consider whether any alteration within paragraph 3(2) would be required to be made in order to give effect to the rules in paragraph 7.

(2) Any such report by the Committee as is mentioned in sub-paragraph (1) shall contain, in addition, the recommendations which the Committee propose should be included in the Electoral Commission’s section 3 report in the light of the Committee’s consideration of the question mentioned in that sub-paragraph.

(3) In section 3A of the 1986 Act—

(a) subsection (3) shall apply with any necessary modifications in relation to any such proposed recommendations as they apply in relation to any proposed recommendations of a Boundary Committee under section 3A(2) of that Act; and

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- (b) in subsection (4), the first reference to that Act shall include a reference to this Schedule, and the reference to the rules set out as there mentioned shall include a reference to the rules set out in paragraph 7.
- (4) In this paragraph—
- “the Boundary Committee for Scotland” means the Committee of that name established by the Electoral Commission under section 14 of the Political Parties, Elections and Referendums Act 2000;
- “the Electoral Commission’s section 3 report” means the report of the Electoral Commission under section 3 of the 1986 Act for the purposes of which the proposed recommendations mentioned in sub-paragraph (1) would be made.”
- 20 (1) Paragraph 5 (notices of proposed recommendations) shall be amended as follows.
- (2) In sub-paragraph (1)—
- (a) for “the Commission have provisionally determined to make” there shall be substituted “the Committee have provisionally determined to propose (in pursuance of paragraph 4A(2))”;
- (b) for “they propose to recommend” there shall be substituted “their effect is”;
- and
- (c) for “to the Commission” and “the Commission shall” there shall be substituted “to the Committee” and “the Committee shall” respectively.
- (3) In sub-paragraph (2), for “the Commission”, wherever occurring, there shall be substituted “the Committee”.
- (4) After sub-paragraph (2) there shall be inserted—
- “(3) Where the Electoral Commission are minded to exercise in relation to the Committee’s proposed recommendations any of the powers conferred by section 3A(3)(b) or (c) of the 1986 Act (as applied by paragraph 4A(3) above) they shall have regard to—
- (a) any representations duly made with respect to the recommendations in accordance with any notice published under sub-paragraph (1); or
- (b) (where they are minded to exercise any of those powers in relation to part only of the region) any representations so made with respect to the recommendations so far as relating to that part of the region.
- (4) Where the Committee’s proposed recommendations have been modified by the Electoral Commission under section 3A(3)(b) of the 1986 Act (as applied by paragraph 4A(3) above), the Committee shall publish in at least one newspaper circulating in the region a notice stating the effect of those recommendations as so modified.”
- 21 (1) Paragraph 6 (local inquiries) shall be amended as follows.
- (2) In sub-paragraph (1) for “The Commission” there shall be substituted “For the purposes of this Schedule the Committee”.
- (3) In sub-paragraph (2)—

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- (a) for “the Commission”, wherever occurring, there shall be substituted “the Committee”; and
  - (b) for “make the recommendation” there shall be substituted “proceed with the proposed recommendation”.
- (4) In sub-paragraph (3), for “the Commission” there shall be substituted “the Committee”.
- (5) After sub-paragraph (5) there shall be added—
- “(6) Where the Committee have caused a local inquiry to be held in pursuance of this paragraph, the Committee shall take into consideration the findings of the inquiry.
  - (7) Where the Committee have caused a local inquiry to be held in pursuance of this paragraph and the Electoral Commission are minded to exercise in relation to the Committee’s proposed recommendations any of the powers conferred by section 3A(3)(b) or (c) of the 1986 Act (as applied by paragraph 4(3) above), the Electoral Commission shall have regard to—
    - (a) the findings of the inquiry; or
    - (b) (where, in the case of any region in respect of which the inquiry was held, they are minded to exercise any of those powers in relation to part only of the region) the findings of the inquiry so far as relating to that part of the region.”
- 22 In paragraph 7 (the rules), for “Commission”, wherever occurring, there shall be substituted “Electoral Commission or (as the case may be) the Committee”.
- 23 In paragraph 8 (meaning of regional electorate)—
- (a) in sub-paragraph (1), for “the Commission” there shall be substituted “the Electoral Commission”; and
  - (b) at the end there shall be added—
    - “(3) Sub-paragraphs (1) and (2) also apply for construing references to the regional electorate in relation to any report of the Committee made for the purposes of any such report of the Electoral Commission.”
- 24 After paragraph 8 there shall be added—

*“Interpretation*

- 9 In this Schedule—
- “the 1986 Act” means the Parliamentary Constituencies Act 1986;
  - “the Committee” means the Boundary Committee for Scotland (as defined by paragraph 4A(4));
  - “recommendations” includes (unless the context otherwise requires) a recommendation that no alteration is required.”

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## SCHEDULE 4

Sections 28, 30, 31 and 33.

### APPLICATIONS UNDER PART II

#### PART I

##### APPLICATION FOR REGISTRATION

###### *Introductory*

- 1 (1) Paragraphs 2 to 7 must be complied with in relation to an application under section 28.
- (2) Such an application must be accompanied by any fee prescribed by order made by the Secretary of State.
- (3) In the following provisions of this Part of this Schedule “an application” means an application under section 28.

###### *Names*

- 2 (1) An application for registration in the Great Britain register must specify either—
- (a) a name to be the party’s registered name, or
  - (b) a name in Welsh and a name in English to be the party’s registered names.
- (2) If a name to be registered in that register is in a language other than English or Welsh, the application must include an English translation.
- (3) An application for registration in the Northern Ireland register must specify either—
- (a) a name to be the party’s registered name, or
  - (b) a name in Irish and a name in English to be the party’s registered names.
- (4) If a name to be registered in that register is in a language other than English or Irish, the application must include an English translation.

###### *Headquarters*

- 3 (1) An application must specify—
- (a) the address of the party’s headquarters, or
  - (b) if the party has no headquarters, an address to which communications to the party may be sent.
- (2) Where the party is a party with accounting units, any reference to the party in subparagraph (1) above is to be read as a reference to the central organisation.

###### *Registered officers*

- 4 (1) An application must give the name and home address of each of the following—
- (a) a person to be registered as the party’s leader;
  - (b) a person to be registered as the party’s nominating officer;
  - (c) a person to be registered as the party’s treasurer.

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- (2) If the application is for the party to be registered as a party with a campaigns officer, the application must also give the name and home address of a person to be registered as the party's campaigns officer.
- (3) If the person to be registered as the party's leader is (as mentioned in section 24(2)) the leader of the party for some particular purpose, the application must specify that purpose.
- (4) If one person is named in an application as leader, nominating officer and treasurer, the application must also give the name and home address of the holder of some other specified office in the party.

#### *Party organisation*

- 5 (1) An application must be accompanied by—
  - (a) a copy of the party's constitution (within the meaning of section 26); and
  - (b) a draft of the scheme which the party proposes to adopt for the purposes of section 26 if approved by the Commission under that section.
- (2) Where the party is a party with accounting units, the application must state in relation to each accounting unit—
  - (a) the name of the accounting unit and of its treasurer and of the officer to be registered for the purposes of section 27(3), and
  - (b) the address of its headquarters or, if it has no headquarters, an address to which communications to the accounting unit may be sent.

#### *Additional information*

- 6 An application must include any other information prescribed by regulations made by the Commission.

#### *Signature*

- 7 (1) An application must be signed—
  - (a) by the proposed registered leader or registered nominating officer,
  - (b) by the proposed registered treasurer, and
  - (c) (if the application is for the party to be registered as a party with a campaigns officer) by the proposed registered campaigns officer,and must include a declaration by each person signing the application that he is authorised to sign it on behalf of the party.
- (2) An application may be signed by the same person in his capacity as proposed registered leader or registered nominating officer and in his capacity as proposed registered treasurer or as proposed registered campaigns officer, but in that case it must be apparent from the application that he is signing it in both of those capacities.

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## PART II

### APPLICATION FOR ALTERATION OF ENTRY

#### *Introductory*

- 8 (1) Paragraph 9 and (if applicable) paragraph 10 must be complied with in relation to an application under section 30.
- (2) Such an application must be accompanied by any fee prescribed by order made by the Secretary of State.
- (3) In paragraphs 9 and 10 “an application” means an application under section 30.

#### *Signature*

- 9 (1) Subject to sub-paragraph (3), an application must be signed by the responsible officers of the party.
- (2) For the purposes of this paragraph “the responsible officers” are—
- (a) the registered leader;
  - (b) the registered nominating officer;
  - (c) the registered treasurer;
  - (d) where the leader, the nominating officer and the treasurer are the same person, any other registered officer.
- (3) If any responsible officer is unable to sign an application—
- (a) the holder of some other office in the party may sign in his place, and
  - (b) the application must include a statement of the reason why the responsible officer is unable to sign and a declaration that the holder of the other office is authorised to sign in his place.

#### *Details of campaigns officer*

- 10 If an application is for the addition of a statement that the party is registered as a party with a campaigns officer, the application must—
- (a) give the name and home address of the person who is to be registered as the party’s campaigns officer; and
  - (b) be accompanied by a declaration of acceptance of office signed by that person.

## PART III

### APPLICATION FOR REGISTRATION OF REPLACEMENT OFFICER

#### *Introductory*

- 11 (1) Paragraphs 12 and 13 must be complied with in relation to an application under section 31(3)(a).
- (2) In paragraphs 12 and 13 “an application” means an application under section 31(3)(a).

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*Details of replacement etc. officers*

- 12 (1) If as a result of an application one person will be registered as leader, nominating officer and treasurer, the application must request the addition of the name of the holder of some other specified office in the party.
- (2) If an application requests—
- (a) the substitution of the name of a leader, nominating officer, treasurer or other officer, or
  - (b) an addition in accordance with sub-paragraph (1),
- the application must give the home address of the person whose name is to be substituted or added.

*Signature*

- 13 (1) Subject to sub-paragraph (3), an application must be signed by—
- (a) each person (other than the person to be registered in pursuance of the application) who is one of the responsible officers of the party; and
  - (b) the person who is to be so registered.
- (2) For the purposes of this paragraph “the responsible officers” has the same meaning as in paragraph 9.
- (3) If any such person as is mentioned in sub-paragraph (1)(a) is unable to sign an application—
- (a) the holder of some other office in the party may sign in his place, and
  - (b) the application must include a statement of the reason why the person in question is unable to sign and a declaration that the holder of the other office is authorised to sign in his place.

**PART IV**

APPLICATION FOR REMOVAL OF ENTRY

*Signature*

- 14 Paragraph 9 above shall apply in relation to an application under section 33 as it applies in relation to an application under section 30.

SCHEDULE 5

Section 49.

ACCOUNTING UNITS: APPLICATION OF ACCOUNTING REQUIREMENTS

*Introductory*

- 1 (1) This Schedule provides for the application of sections 41 to 48 in a case where a registered party is a party with accounting units.
- (2) For the purposes of this Schedule all or any of the following are financial matters relating to a party or (as the case may be) an accounting unit, namely—

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- (a) its transactions and financial position; and
  - (b) its assets and liabilities.
- (3) For the purposes of this Schedule, and any provision as applied by this Schedule, an accounting unit's financial year is the same as that of the party.
- (4) In this Schedule "treasurer", in relation to an accounting unit, means the person specified in the Great Britain or Northern Ireland register as the unit's treasurer.
- (5) If any question arises under this Schedule as to whether, in relation to any matter, anything falls to be done by the treasurer of a party or by the treasurer of an accounting unit, it shall be determined by the Commission.

*Accounting records*

- 2 (1) Section 41—
- (a) shall not impose any duty on the treasurer of the party in relation to any financial matters relating to any accounting unit; but
  - (b) shall apply with any necessary modifications to the treasurer of each such unit so as to make provision for or in connection with requiring the keeping and preservation of proper accounting records with respect to financial matters relating to the unit.
- (2) In its application in relation to an accounting unit, section 41(5) shall be read as if the reference to the last treasurer of the party were to the last treasurer of the unit.

*Annual statements of accounts*

- 3 (1) Section 42—
- (a) shall not impose any duty on the treasurer of the party in relation to any financial matter relating to any accounting unit; but
  - (b) shall apply with any necessary modifications to the treasurer of each such unit so as to make provision for or in connection with requiring the preparation, in respect of each financial year, of a statement of accounts relating to financial matters relating to the unit.
- (2) In its application in relation to any such statement of accounts, section 42(2)(b) shall be read as requiring approval—
- (a) by the management committee of the unit, if there is one; and
  - (b) otherwise by an officer of the unit other than its treasurer.
- (3) In its application in relation to a party with accounting units or (as the case may be) to any accounting unit, section 42(4)(a) shall be read as if the reference to the gross income or total expenditure of the party were—
- (a) to the gross income or total expenditure of the party exclusive of any income or expenditure of any accounting unit, or
  - (b) to the gross income or total expenditure of the unit,
- as the case may be.

*Annual audits*

- 4 (1) Section 43 shall apply in relation to any accounting unit and its treasurer as it applies in relation to the party and its treasurer.



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- (2) In its application in relation to the party or (as the case may be) to any accounting unit, section 43(1) or (2) shall be read as if the reference to the gross income or total expenditure of the party were—
- (a) to the gross income or total expenditure of the party exclusive of any income or expenditure of any accounting unit, or
  - (b) to the gross income or total expenditure of the unit,
- as the case may be.

*Supplementary provisions about auditors*

- 5 (1) Section 44 shall apply in relation to any accounting unit and the treasurer, or any other officer, of any such unit as it applies in relation to the party and the treasurer, or any other officer, of the party.
- (2) In sub-paragraph (1) any reference to a treasurer or other officer includes a former treasurer or other officer.

*Submission of statements of accounts etc. to Commission*

- 6 (1) In the case of any accounting unit whose gross income or total expenditure in a financial year exceeds £25,000, section 45 shall (except so far as it relates to any notification under section 32) apply in relation to the accounting unit and the treasurer of the unit as it applies in relation to the party and the treasurer of the party.
- (2) If the Commission in the case of any other accounting unit at any time so require by notice in relation to any financial year, the treasurer of the unit shall no later than the relevant date send the Commission—
- (a) the statement of accounts prepared for that year in accordance with paragraph 3, and
  - (b) if the unit's accounts for that year have been audited in accordance with paragraph 4, a copy of the auditor's report.
- (3) In sub-paragraph (2) "the relevant date" means—
- (a) if the unit's accounts for the financial year are not required to be audited in accordance with paragraph 4, the end of the period of three months from the end of that year or (if later) the end of the period of 30 days beginning with the day when the requirement under sub-paragraph (2) is imposed;
  - (b) if the unit's accounts for that year are required to be so audited, the end of the period of six months from the end of that year or (if later) the end of the period of three months beginning with the date when the requirement under sub-paragraph (2) is imposed.
- (4) If for any special reason the Commission think it fit to do so they may, on an application made to them before the end of the period otherwise allowed under this paragraph for sending a unit's documents within sub-paragraph (2) for any financial year, by notice extend that period by a further period specified in the notice.
- (5) Any reference to section 45 in any of sections 46 to 48 (as they apply in accordance with this Schedule) shall be read as including a reference to sub-paragraph (2) above.

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*Public inspection of parties' statements of accounts*

- 7 Section 46 shall apply in relation to any statement of accounts received by the Commission from an accounting unit as it applies in relation to a statement of accounts received by them from the party.

*Criminal penalty for failure to submit proper statement of accounts etc.*

- 8 (1) Subject to sub-paragraph (2), section 47 shall apply in relation to any accounting unit and the treasurer of any such unit as it applies in relation to the party and the treasurer of the party.
- (2) In a case where paragraph 6(2) applies—
- (a) subsection (4) of section 47 shall not apply, and
  - (b) the relevant period for the purposes of that section (as it applies in accordance with sub-paragraph (1) above) shall instead be the period allowed by paragraph 6(2) and (3) for sending the statement of accounts or auditor's report to the Commission or, if that period has been extended under paragraph 6(4), that period as so extended.

*Revision of statement of accounts*

- 9 (1) Subject to sub-paragraph (2), section 48 shall apply in relation to any accounting unit and the treasurer of any such unit as it applies in relation to the party and the treasurer of the party.
- (2) In its application in relation to any such unit—
- (a) section 48(7) shall have effect with the omission of the reference to the registered leader of the party; and
  - (b) section 48(8) shall accordingly have effect with the omission of paragraphs (a) and (b) and all references to the registered leader of the party.

SCHEDULE 6

Sections 62 and 63.

DETAILS TO BE GIVEN IN DONATION REPORTS

*Preliminary*

- 1 (1) In this Schedule—
- (a) “quarterly report” means a report required to be prepared by virtue of section 62;
  - (b) “weekly report” means a report required to be prepared by virtue of section 63;
- and “recordable donation”, in relation to a quarterly or weekly report, means a donation required to be recorded in that report.
- (2) References in this Schedule to a registered party shall, in the case of a party with accounting units, be read as references to the central organisation of the party.

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*Identity of donors: quarterly reports*

- 2 (1) In relation to each recordable donation (other than one to which paragraph 6 or 7 applies) a quarterly report must give the following information about the donor—
- (a) the information required by any of sub-paragraphs (2) to (10), (12) and (13) below; and
  - (b) such other information as may be required by regulations made by the Secretary of State after consulting the Commission;
- or, in the case of a donation falling within sub-paragraph (11) below, the information required by that sub-paragraph.
- (2) In the case of an individual the report must give his full name and—
- (a) if his address is, at the date of receipt of the donation, shown in an electoral register (within the meaning of section 54), that address; and
  - (b) otherwise, his home address (whether in the United Kingdom or elsewhere).
- (3) Sub-paragraph (2) does not apply in the case of a donation in the form of a bequest, and in such a case the report must state that the donation was received in pursuance of a bequest and give—
- (a) the full name of the person who made the bequest; and
  - (b) his address at the time of his death or, if he was not then registered in an electoral register (within the meaning of section 54) at that address, the last address at which he was so registered during the period of five years ending with the date of his death.
- (4) In the case of a company falling within section 54(2)(b) the report must give—
- (a) the company's registered name;
  - (b) the address of its registered office; and
  - (c) the number with which it is registered.
- (5) In the case of a registered party the report must give—
- (a) the party's registered name; and
  - (b) the address of its registered headquarters.
- (6) In the case of a trade union falling within section 54(2)(d) the report must give—
- (a) the name of the union, and
  - (b) the address of its head or main office,
- as shown in the list kept under the Trade Union and Labour Relations (Consolidation) Act 1992 or the Industrial Relations (Northern Ireland) Order 1992.
- (7) In the case of a building society within the meaning of the Building Societies Act 1986, the report must give—
- (a) the name of the society; and
  - (b) the address of its principal office.
- (8) In the case of a limited liability partnership falling within section 54(2)(f), the report must give—
- (a) the partnership's registered name; and
  - (b) the address of its registered office.
- (9) In the case of a friendly or other registered society falling within section 54(2)(g) the report must give—

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- (a) the name of the society, and
  - (b) the address of its registered office.
- (10) In the case of an unincorporated association falling within section 54(2)(h) the report must give—
- (a) the name of the association; and
  - (b) the address of its main office in the United Kingdom.
- (11) In the case of a payment to which section 55(2) applies the report must give the statutory or other provision under which it was made.
- (12) In the case of a donation to which section 55(3) applies, the report must give the full name and address of the donor.
- (13) In the case of a donation to which section 55(5) applies, the report must state that the donation was received from a trustee, and—
- (a) in the case of a donation falling within section 162(2), give—
    - (i) the date on which the trust was created, and
    - (ii) the full name of the person who created the trust and of every other person by whom, or under whose will, property was transferred to the trust before 27th July 1999, and
  - (b) in the case of a donation falling within section 162(3), give in respect of—
    - (i) the person who created the trust, and,
    - (ii) every other person by whom, or under whose will, property has been transferred to the trust,

the information which is required by any of sub-paragraphs (2) to (10) to be given in respect of the donor of a recordable donation.
- (14) In this Act or the Representation of the People Act 1983 any reference (however expressed) to information about the donor of a donation which is framed by reference to this paragraph is, in relation to such a donation as is mentioned in paragraph (a) or (b) of sub-paragraph (13), a reference to information about every person specified in paragraph (a) or (b) of that sub-paragraph.

*Identity of donors: weekly reports*

- 3 In relation to each recordable donation a weekly report must give all such details of the name and address of the donor as are for the time being known to the party.

*Value of donation*

- 4 (1) In relation to each recordable donation a quarterly or weekly report must give the following details about the donation.
- (2) If the donation was a donation of money (in cash or otherwise) the report must give the amount of the donation.
- (3) Otherwise the report must give details of the nature of the donation and its value as determined in accordance with section 53.

*Circumstances in which donation made*

- 5 (1) In relation to each recordable donation a quarterly or weekly report must—

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- (a) give the relevant date for the donation; and
  - (b) (in the case of a quarterly report)—
    - (i) state whether the donation was made to the registered party or any accounting unit of the party; or
    - (ii) in the case of a donation to which section 62(12) applies, indicate that it is a donation which falls to be treated as made to the party by virtue of that provision.
- (2) In the case of a donation to which section 55(3) applies, the report must in addition give—
- (a) the date or dates on or between which the visit to which the donation relates took place, and
  - (b) the destination and purpose of the visit.
- (3) For the purposes of this paragraph as it applies to a quarterly report, the relevant date for a donation is—
- (a) (if within section 62(4)(a) or (7)(a)) the date when the donation was accepted by the party or the accounting unit;
  - (b) (if within section 62(4)(b) or (7)(b)) the date when the donation was accepted by the party or the accounting unit which caused the aggregate amount in question to be more than the limit specified in that provision;
  - (c) (if within section 62(9)) the date when the donation was received.
- (4) For the purposes of this paragraph as it applies to a weekly report, the relevant date for a donation is the date when the donation was received by the party or its central organisation as mentioned in section 63(3).

*Donations from impermissible donors*

- 6 In relation to each recordable donation to which section 54(1)(a) applies a quarterly report must—
- (a) give the name and address of the donor; and
  - (b) give the date when, and the manner in which, the donation was dealt with in accordance with section 56(2)(a).

*Donations from unidentifiable donors*

- 7 In relation to each recordable donation to which section 54(1)(b) applies a quarterly report must give—
- (a) details of the manner in which it was made,
  - (b) details of any element of deception or concealment employed by the donor of which the registered party or any accounting unit of the party became aware and the means by which it was revealed; and
  - (c) the date when, and the manner in which, the donation was dealt with in accordance with section 56(2)(b).

*Other details*

- 8 A quarterly or weekly report must give such other information (if any) as is required by regulations made by the Commission.

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## SCHEDULE 7

Section 71.

### CONTROL OF DONATIONS TO INDIVIDUALS AND MEMBERS ASSOCIATIONS

#### PART I

##### INTRODUCTORY

###### *Operation and interpretation of Schedule*

- 1 (1) This Schedule has effect for controlling donations to—
- (a) members of registered parties;
  - (b) members associations; and
  - (c) holders of relevant elective offices.
- (2) The following provisions have effect for the purposes of this Schedule.
- (3) “Controlled donation”—
- (a) in relation to a member of a registered party, means a donation received by that person which is—
    - (i) offered to him, or
    - (ii) where it has been accepted, retained by him,
 for his use or benefit in connection with any of his political activities as a member of the party;
  - (b) in relation to a members association, means a donation received by the association which is—
    - (i) offered to the association, or
    - (ii) where it has been accepted, retained by the association,
 for its use or benefit in connection with any of its political activities;
  - (c) in relation to a holder of a relevant elective office, means a donation received by that person which is—
    - (i) offered to him, or
    - (ii) where it has been accepted, retained by him,
 for his use or benefit (as the holder of such an office) in connection with any of his political activities.
- (4) For the purposes of this Schedule the political activities of a party member or (as the case may be) of a members association include, in particular—
- (a) promoting or procuring the election of any person to any position in, or to any committee of, the party in question;
  - (b) promoting or procuring the selection of any person as the party’s candidate for election to a relevant elective office; and
  - (c) promoting or developing policies with a view to their adoption by the party;
- and in the application of paragraph (a) or (b) to a party member the reference to any person includes that member.
- (5) “Donation” shall be construed in accordance with paragraphs 2 to 4; and (in the absence of any express indication) a donation shall be taken to have been offered to, or retained by, a person or organisation as mentioned in sub-paragraph (1)(a), (b) or

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- (c) if, having regard to all the circumstances, it must reasonably be assumed to have been so offered or retained.
- (6) “Members association” means any organisation whose membership consists wholly or mainly of members of a registered party, other than—
- (a) a registered party falling within section 26(2)(a); or
  - (b) an organisation falling within section 26(2)(b) (that is, the central organisation of a registered party or an accounting unit of such a party).
- (7) “Regulated donee” means—
- (a) a member of a registered party;
  - (b) a members association; or
  - (c) the holder of a relevant elective office, whether or not he is a member of a registered party.
- (8) “Relevant elective office” means the office of—
- (a) member of the House of Commons;
  - (b) member of the European Parliament elected in the United Kingdom;
  - (c) member of the Scottish Parliament;
  - (d) member of the National Assembly for Wales;
  - (e) member of the Northern Ireland Assembly;
  - (f) member of—
    - (i) any local authority in any part of the United Kingdom, including the Common Council of the City of London but excluding a parish or community council, or
    - (ii) the Greater London Assembly; or
  - (g) Mayor of London or elected mayor within the meaning of Part II of the Local Government Act 2000.
- (9) “The responsible person”, in relation to a members association, means—
- (a) the treasurer, if there is one, and
  - (b) otherwise any person responsible for dealing with donations to the association.
- (10) Where—
- (a) at a time when any order is in force under section 70(1) a donation is received by a regulated donee resident or carrying on activities in Great Britain, and
  - (b) the order provides for this sub-paragraph to apply to any such donation,
- section 54(2)(c) shall have effect in relation to the donation as if it referred only to a registered party which is registered in the Great Britain register.

*Donations: general rules*

- 2 (1) “Donation”, in relation to a regulated donee, means (subject to paragraph 4)—
- (a) any gift to the donee of money or other property;
  - (b) any sponsorship provided in relation to the donee (as defined by paragraph 3);
  - (c) any money spent (otherwise than by or on behalf of the donee) in paying any expenses incurred directly or indirectly by the donee;
  - (d) any money lent to the donee otherwise than on commercial terms;

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- (e) the provision otherwise than on commercial terms of any property, services or facilities for the use or benefit of the donee (including the services of any person);
- (f) (where the donee is a members association) any subscription or other fee paid for affiliation to, or membership of, the donee.

(2) Where—

- (a) any money or other property is transferred to a regulated donee pursuant to any transaction or arrangement involving the provision by or on behalf of the donee of any property, services or facilities or other consideration of monetary value, and
- (b) the total value in monetary terms of the consideration so provided by or on behalf of the donee is less than the value of the money or (as the case may be) the market value of the property transferred,

the transfer of the money or property shall (subject to sub-paragraph (4)) constitute a gift to the donee for the purposes of sub-paragraph (1)(a).

(3) In determining—

- (a) for the purposes of sub-paragraph (1)(d) whether any money lent to a regulated donee is so lent otherwise than on commercial terms, or
- (b) for the purposes of sub-paragraph (1)(e) whether any property, services or facilities provided for the use or benefit of a regulated donee is or are so provided otherwise than on such terms,

regard shall be had to the total value in monetary terms of the consideration provided by or on behalf of the donee in respect of the loan or the provision of the property, services or facilities.

(4) Where (apart from this sub-paragraph) anything would be a donation both by virtue of sub-paragraph (1)(b) and by virtue of any other provision of this paragraph, sub-paragraph (1)(b) (together with paragraph 3) shall apply in relation to it to the exclusion of the other provision of this paragraph.

(5) Anything given or transferred to any officer, member, trustee or agent of a members association in his capacity as such (and not for his own use or benefit) is to be regarded as given or transferred to the association (and references to donations received by a regulated donee accordingly include, in the case of a members association, donations so given or transferred).

(6) In this paragraph—

- (a) any reference to anything being given or transferred to a regulated donee or any other person is a reference to its being so given or transferred either directly or indirectly through any third person;
- (b) “gift” includes bequest.

### *Sponsorship*

3 (1) For the purposes of this Schedule sponsorship is provided in relation to a regulated donee if—

- (a) any money or other property is transferred to the donee or to any person for the benefit of the donee, and
- (b) the purpose (or one of the purposes) of the transfer is (or must, having regard to all the circumstances, reasonably be assumed to be)—



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- (i) to help the donee with meeting, or to meet, to any extent any defined expenses incurred or to be incurred by or on behalf of the donee, or
  - (ii) to secure that to any extent any such expenses are not so incurred.
- (2) In sub-paragraph (1) “defined expenses” means expenses in connection with—
  - (a) any conference, meeting or other event organised by or on behalf of the donee,
  - (b) the preparation, production or dissemination of any publication by or on behalf of the donee, or
  - (c) any study or research organised by or on behalf of the donee.
- (3) The following do not, however, constitute sponsorship by virtue of sub-paragraph (1)  
—
  - (a) the making of any payment in respect of—
    - (i) any charge for admission to any conference, meeting or other event, or
    - (ii) the purchase price of, or any other charge for access to, any publication;
  - (b) the making of any payment in respect of the inclusion of an advertisement in any publication where the payment is made at the commercial rate payable for the inclusion of such an advertisement in any such publication.
- (4) The Secretary of State may by order made on the recommendation of the Commission amend sub-paragraph (2) or (3).
- (5) In this paragraph “publication” means a publication made available in whatever form and by whatever means (whether or not to the public at large or any section of the public).

*Payments etc. not to be regarded as donations*

- 4 (1) None of the following shall be regarded as a donation—
- (a) any facility provided in pursuance of any right conferred on candidates at an election by any enactment;
  - (b) the provision of assistance by a person appointed under section 9 of the Local Government and Housing Act 1989;
  - (c) the provision by any individual of his own services which he provides voluntarily and in his own time;
  - (d) any interest accruing to a regulated donee in respect of any donation which is dealt with by the donee in accordance with section 56(2)(a) or (b) (as applied by paragraph 8);
  - (e) any money or other property, or any services or facilities, provided out of public funds for the personal security of a regulated donee who is an individual.
- (2) For the avoidance of doubt no remuneration or allowances paid to the holder of a relevant elective office in his capacity as such shall be regarded as a donation.
- (3) There shall also be disregarded—
- (a) any donation which (in accordance with any enactment) falls to be included in a return as to election expenses in respect of a candidate or candidates at a particular election; and

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- (b) except for the purposes of paragraph 14, any donation whose value (as determined in accordance with paragraph 5) is not more than £200.

*Value of donations*

- 5 (1) The value of any donation falling within paragraph 2(1)(a) (other than money) shall be taken to be the market value of the property in question.
- (2) Where, however, paragraph 2(1)(a) applies by virtue of paragraph 2(2) the value of the donation shall be taken to be the difference between—
- (a) the value of the money, or the market value of the property, in question, and
  - (b) the total value in monetary terms of the consideration provided by or on behalf of the donee.
- (3) The value of any donation falling within paragraph 2(1)(b) shall be taken to be the value of the money, or (as the case may be) the market value of the property, transferred as mentioned in paragraph 3(1); and accordingly any value in monetary terms of any benefit conferred on the person providing the sponsorship in question shall be disregarded.
- (4) The value of any donation falling within paragraph 2(1)(d) or (e) shall be taken to be the amount representing the difference between—
- (a) the total value in monetary terms of the consideration that would have had to be provided by or on behalf of the donee in respect of the loan or the provision of the property, services or facilities if—
    - (i) the loan had been made, or
    - (ii) the property, services or facilities had been provided, on commercial terms, and
  - (b) the total value in monetary terms of the consideration (if any) actually so provided by or on behalf of the donee
- (5) Where a donation such as is mentioned in sub-paragraph (4) confers an enduring benefit on the donee over a particular period, the value of the donation—
- (a) shall be determined at the time when it is made, but
  - (b) shall be so determined by reference to the total benefit accruing to the donee over that period.

**PART II**

CONTROLS ON DONATIONS

*Prohibition on accepting donations from impermissible donors*

- 6 (1) A controlled donation received by a regulated donee must not be accepted by the donee if—
- (a) the person by whom the donation would be made is not, at the time of its receipt by the donee, a permissible donor, or
  - (b) the donee is (whether because the donation is given anonymously or by reason of any deception or concealment or otherwise) unable to ascertain the identity of that person.

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- (2) Where any person (“the principal donor”) causes an amount (“the principal donation”) to be received by a regulated donee by way of a donation—
- (a) on behalf of himself and one or more other persons, or
  - (b) on behalf of two or more other persons,
- then for the purposes of this Schedule each individual contribution by a person falling within paragraph (a) or (b) of more than £200 shall be treated as if it were a separate donation received from that person.
- (3) In relation to each such separate donation, the principal donor must ensure that, at the time when the principal donation is received by the regulated donee, the responsible person is given—
- (a) (except in the case of a donation which the principal donor is treated as making) all such details in respect of the person treated as making the donation as are required by virtue of paragraph 2 of Schedule 6 to be given in respect of the donor of a recordable donation to a registered party; and
  - (b) (in any case) all such details in respect of the donation as are required by virtue of paragraph 4 of Schedule 6 to be given in respect of a recordable donation to a registered party.
- (4) Where—
- (a) any person (“the agent”) causes an amount to be received by a regulated donee by way of a donation on behalf of another person (“the donor”), and
  - (b) the amount of the donation is more than £200,
- the agent must ensure that, at the time when the donation is received by the regulated donee, the responsible person is given all such details in respect of the donor as are required by virtue of paragraph 2 of Schedule 6 to be given in respect of the donor of a recordable donation to a registered party.
- (5) A person commits an offence if, without reasonable excuse, he fails to comply with sub-paragraph (3) or (4).

*Payments etc. which are (or are not) to be treated as donations by permissible donors*

- 7 (1) The following provisions have effect for the purposes of this Schedule.
- (2) Any payment out of public funds received by a regulated donee which is a members association, for its use and benefit in connection with any of its political activities, shall be regarded as a controlled donation received by the association from a permissible donor.
- (3) Any donation received by a regulated donee shall (if it would not otherwise fall to be so regarded) be regarded as a controlled donation received by the donee from a permissible donor if and to the extent that—
- (a) the purpose of the donation is to meet qualifying costs incurred or to be incurred in connection with any visit—
    - (i) by the donee in connection with any of the donee’s political activities, or
    - (ii) in the case of a members association, by any member or officer of the association in connection with any of its political activities, to a country or territory outside the United Kingdom, and

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- (b) the amount of the donation does not exceed a reasonable amount in respect of such costs.
- (4) In sub-paragraph (3) “qualifying costs”, in relation to the donee or (as the case may be) any member or officer of the donee, means costs relating to that person in respect of—
- (a) travelling between the United Kingdom and the country or territory in question; or
  - (b) travelling, accommodation or subsistence while within that country or territory.
- (5) Any controlled donation received by a regulated donee which is an exempt trust donation shall be regarded as a controlled donation received by the donee from a permissible donor.
- (6) But any controlled donation received by a regulated donee from a trustee of any property (in his capacity as such) which is not—
- (a) an exempt trust donation, or
  - (b) a controlled donation transmitted by the trustee to the donee on behalf of beneficiaries under the trust who are—
    - (i) persons who at the time of its receipt by the donee are permissible donors falling within section 54(2), or
    - (ii) the members of an unincorporated association which at that time is a permissible donor,
- shall be regarded as a controlled donation received by the donee from a person who is not a permissible donor.

*Acceptance or return of donations*

- 8 (1) Sections 56 to 60 shall apply for the purposes of this Schedule in relation to a regulated donee and any controlled donation received by a regulated donee as they apply for the purposes of this Part in relation to a registered party and any donation received by a registered party.
- (2) In its application in accordance with sub-paragraph (1), section 56(3) and (4) shall each have effect as if the reference to the treasurer of the party were construed—
- (a) in relation to a regulated donee other than a members association, as a reference to the donee; and
  - (b) in relation to a members association, as a reference to the responsible person.

*Evasion of restrictions on donations*

- 9 Section 61 shall apply for the purposes of this Schedule as if—
- (a) any reference to donations were to controlled donations;
  - (b) any reference to a registered party were to a regulated donee; and
  - (c) any reference to the treasurer of such a party were construed as mentioned in paragraph 8(2)(a) or (b).

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### PART III

#### REPORTING OF DONATIONS BY REGULATED DONEES

##### *Donation reports: donations from permissible donors*

- 10 (1) A regulated donee shall—
- (a) prepare a report under this paragraph in respect of each controlled donation accepted by the donee which is a recordable donation; and
  - (b) deliver the report to the Commission within the period of 30 days beginning with the date of acceptance of the donation.
- (2) For the purposes of this paragraph a controlled donation is a recordable donation—
- (a) if it is a donation of more than £5,000 (where the donee is a members association) or £1,000 (in any other case); or
  - (b) if, when it is added to any other controlled donation or donations accepted by the donee—
    - (i) which have been made by the same permissible donor and in the same calendar year, and
    - (ii) in respect of which no report has been previously made under this paragraph,the aggregate amount of the donations is more than £5,000 (where the donee is a members association) or £1,000 (in any other case).
- (3) Each report prepared by virtue of sub-paragraph (1) must—
- (a) give the name and address of the donee; and
  - (b) if he is the holder of a relevant elective office, specify the office in question.
- (4) Each such report must also give—
- (a) such information as is required to be given, in the case of a report prepared by virtue of section 62 by virtue of paragraphs 2 and 4 of Schedule 6;
  - (b) the date when the donation was accepted by the donee, and
  - (c) such other information as is required by regulations made by the Commission.
- (5) In the application of paragraphs 2 and 4 of Schedule 6 in accordance with sub-paragraph (4) above—
- (a) any reference to a recordable donation within the meaning of that Schedule shall be construed as a reference to a recordable donation within the meaning of this paragraph;
  - (b) any reference to section 55(2) or to section 55(3) shall be construed as a reference to paragraph 7(2) above or to paragraph 7(3) above respectively; and
  - (c) any reference to section 53 shall be construed as a reference to paragraph 5 above.
- (6) In the case of a donation to which paragraph 7(2) applies, sub-paragraph (2)(b) above shall have effect as if for “by the same permissible donor” there were substituted “in circumstances falling within paragraph 7(2)”.
- (7) In the case of a donation to which paragraph 7(3) applies—

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- (a) sub-paragraph (2)(b) above shall have effect as if for “by the same permissible donor” there were substituted “in circumstances falling within paragraph 7(3) by the same donor”; and
- (b) any report prepared by virtue of sub-paragraph (1) above in respect of the donation must give—
  - (i) the date or dates on or between which the visit to which the donation relates took place, and
  - (ii) the destination and purpose of the visit.

*Donation reports: donations from impermissible or unidentifiable donors*

- 11 (1) A regulated donee shall—
- (a) prepare a report under this paragraph in respect of each controlled donation received by the donee and falling within paragraph 6(1)(a) or (b); and
  - (b) deliver the report to the Commission within the period of 30 days beginning with the date when the donation was dealt with in accordance with section 56(2)(a) or (b).
- (2) Each such report must—
- (a) give the name and address of the donee; and
  - (b) if he is the holder of a relevant elective office, specify the office in question.
- (3) Each such report in respect of a donation falling within paragraph 6(1)(a) must also give—
- (a) the name and address of the donor;
  - (b) the amount of the donation (if a donation of money, in cash or otherwise) or (in any other case) the nature of the donation and its value as determined in accordance with paragraph 5;
  - (c) the date when the donation was received and the date when, and the manner in which, it was dealt with in accordance with section 56(2)(a); and
  - (d) such other information as is required by regulations made by the Commission.
- (4) Each such report in respect of a donation falling within paragraph 6(1)(b) must also give—
- (a) details of the manner in which it was made;
  - (b) the amount of the donation (if a donation of money, in cash or otherwise) or (in any other case) the nature of the donation and its value as determined in accordance with paragraph 5;
  - (c) the date when the donation was received, and the date when, and the manner in which, it was dealt with in accordance with section 56(2)(b); and
  - (d) such other information as is required by regulations made by the Commission.
- (5) In this paragraph any reference to any provision of section 56 is a reference to that provision as applied by paragraph 8.

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*Offence of failing to deliver donation report*

- 12 (1) Where a report required to be delivered to the Commission under paragraph 10(1) or 11(1) is not delivered by the end of the period of 30 days mentioned in that provision—
- (a) the regulated donee, or
  - (b) (if a members association) the responsible person,
- is guilty of an offence.
- (2) If such a report is delivered to the Commission which does not comply with any requirements of paragraph 10 or 11 as regards the information to be given in such a report—
- (a) the regulated donee, or
  - (b) (if a members association) the responsible person,
- is guilty of an offence.
- (3) Where a person is charged with an offence under this paragraph, it shall be a defence to prove that he took all reasonable steps, and exercised all due diligence, to ensure that any requirements—
- (a) as regards the preparation and delivery of a report in respect of the donation in question, or
  - (b) as regards the information to be given in the report in question,
- as the case may be, were complied with in relation to that donation or report.
- (4) Where the court is satisfied, on an application made by the Commission, that any failure to comply with any such requirements in relation to any donation to the regulated donee was attributable to an intention on the part of any person to conceal the existence or true amount of the donation, the court may order the forfeiture by the donee of an amount equal to the value of the donation.
- (5) The following provisions, namely—
- (a) subsections (3) to (5) of section 58, and
  - (b) sections 59 and 60,
- shall apply for the purposes, or in connection with the operation, of sub-paragraph (4) in relation to a regulated donee as they apply for the purposes, or in connection with the operation, of section 58 in relation to a registered party.

*Declaration in donation report*

- 13 (1) Each report under paragraph 10 or 11 must, when delivered to the Commission, be accompanied by a declaration made by—
- (a) the regulated donee, or
  - (b) (if a members association) the responsible person,
- which complies with sub-paragraph (2) or (3).
- (2) In the case of a report under paragraph 10, the declaration must state that, to the best of the declarant's knowledge and belief, any donation recorded in the report as having been accepted by the donee was from a permissible donor.
- (3) In the case of a report under paragraph 11, the declaration must state that, to the best of the declarant's knowledge and belief, the donation recorded in the report as having been received by the donee, or a payment of an equivalent amount, has been returned

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to the donor or otherwise dealt with in accordance with the provisions of Chapter II of Part IV of this Act.

- (4) A person commits an offence if he knowingly or recklessly makes a false declaration under this paragraph.

## PART IV

### REPORTING OF DONATIONS BY DONORS

- 14 (1) This paragraph applies where a person (“the donor”) has during the course of a calendar year made small donations to a regulated donee whose aggregate value is more than £5,000 (where the donee is a members association) or £1,000 (in any other case).
- (2) The donor must make a report to the Commission in respect of the donations which gives the following details—
- (a) the aggregate value of the donations and the year in which they were made;
  - (b) the name of the regulated donee to whom they were made; and
  - (c) the full name and address of the donor (if an individual) and (in any other case) the details required by virtue of paragraph 2 of Schedule 6 in respect of the donor of a recordable donation.
- (3) The report must be delivered to the Commission by 31st January in the year following that in which the donations were made.
- (4) The report must, when delivered to the Commission, be accompanied by a declaration by the donor stating—
- (a) that small donations whose aggregate value was that specified in the report were made by him to the specified regulated donee during the specified year, and
  - (b) that no other small donations were made by him to that regulated donee during that year.
- (5) A person commits an offence if—
- (a) he delivers a report under this paragraph which does not comply with sub-paragraph (2);
  - (b) he fails to deliver such a report in accordance with sub-paragraph (3) or such a report, when delivered by him, is not accompanied by a declaration under sub-paragraph (4); or
  - (c) he knowingly or recklessly makes a false declaration under that sub-paragraph.
- (6) In this paragraph—
- (a) “small donation” means a controlled donation whose value is not more than £200; and
  - (b) “specified” means specified in the report in question.



## PART V

### REGISTER OF DONATIONS

#### *Register of recordable donations*

- 15 (1) Section 69 shall apply in relation to donations reported to the Commission under this Schedule (“relevant donations”) as it applies to donations reported to them under Chapter III of Part IV of this Act.
- (2) But in its application in accordance with sub-paragraph (1), section 69 shall have effect with the modifications set out in sub-paragraph (3).
- (3) Those modifications are as follows—
- (a) subsection (2) shall have effect in relation to a relevant donation as if (instead of requiring the register to contain the details mentioned in paragraphs (a) to (c) of that subsection) it required the register to contain such details as have been given in relation to the donation in pursuance of paragraph 10(3), 10(4), 11(2), 11(3) or 11(4); and
  - (b) subsection (3) shall be read as referring to paragraph 14 and sub-paragraph (2) of that paragraph instead of to section 68 and subsection (2) of that section.

## PART VI

### POWER TO MAKE SPECIAL PROVISION

#### *Exemption from disclosure*

- 16 (1) The power conferred by section 70(1)(b) shall include power to make provision for disapplying any specified provisions of Part IV of this Act, for such period as is specified, in relation to regulated donees who are—
- (a) individuals ordinarily resident in Northern Ireland; or
  - (b) members associations wholly or mainly consisting of members of a Northern Ireland party.
- (2) Each order under section 70(1)(b) (as applied by sub-paragraph (1)) shall be so made as to—
- (a) apply to every person or members association falling within sub-paragraph (1)(a) or (b), and
  - (b) make the same provision with respect to every such person or members association.
- (3) In this paragraph “specified” and “Northern Ireland party” have the same meaning as in section 70.

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*Status: This is the original version (as it was originally enacted).*

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## SCHEDULE 8

Section 72.

### CAMPAIGN EXPENDITURE: QUALIFYING EXPENSES

#### PART I

#### QUALIFYING EXPENSES

##### *Expenses qualifying where incurred for election purposes*

- 1 For the purposes of section 72(2) the expenses falling within this Part of this Schedule are expenses incurred in respect of any of the matters set out in the following list.

##### *List of matters*

- (1) Party political broadcasts.

Expenses in respect of such broadcasts include agency fees, design costs and other costs in connection with preparing or producing such broadcasts.

- (2) Advertising of any nature (whatever the medium used).

Expenses in respect of such advertising include agency fees, design costs and other costs in connection with preparing, producing, distributing or otherwise disseminating such advertising or anything incorporating such advertising and intended to be distributed for the purpose of disseminating it.

- (3) Unsolicited material addressed to electors (whether addressed to them by name or intended for delivery to households within any particular area or areas).

Expenses in respect of such material include design costs and other costs in connection with preparing, producing or distributing such material (including the cost of postage).

- (4) Any manifesto or other document setting out the party's policies.

Expenses in respect of such a document include design costs and other costs in connection with preparing or producing or distributing or otherwise disseminating any such document.

- (5) Market research or canvassing conducted for the purpose of ascertaining polling intentions.

- (6) The provision of any services or facilities in connection with press conferences or other dealings with the media.

- (7) Transport (by any means) of persons to any place or places with a view to obtaining publicity in connection with an election campaign.

Expenses in respect of the transport of such persons include the costs of hiring a particular means of transport for the whole or part of the period during which the election campaign is being conducted.

- (8) Rallies and other events, including public meetings (but not annual or other party conferences) organised so as to obtain publicity in connection with an election campaign or for other purposes connected with an election campaign.

Expenses in respect of such events include costs incurred in connection with the attendance of persons at such events, the hire of premises for the purposes of such events or the provision of goods, services or facilities at them.

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### *Exclusions*

- 2 Nothing in paragraph 1 shall be taken as extending to—
- (a) any expenses in respect of newsletters or similar publications issued by or on behalf of the party with a view to giving electors in a particular electoral area information about the opinions or activities of, or other personal information relating to, their elected representatives or existing or prospective candidates;
  - (b) any expenses incurred in respect of unsolicited material addressed to party members;
  - (c) any expenses in respect of any property, services or facilities so far as those expenses fall to be met out of public funds;
  - (d) any expenses incurred in respect of the remuneration or allowances payable to any member of the staff (whether permanent or otherwise) of the party; or
  - (e) any expenses incurred in respect of an individual by way of travelling expenses (by any means of transport) or in providing for his accommodation or other personal needs to the extent that the expenses are paid by the individual from his own resources and are not reimbursed to him.

## **PART II**

### SUPPLEMENTAL

#### *Guidance by Commission*

- 3 (1) The Commission may prepare, and from time to time revise, a code of practice giving guidance as to the kinds of expenses which do, or do not, fall within Part I of this Schedule.
- (2) Once the Commission have prepared a draft code under this paragraph, they shall submit it to the Secretary of State for his approval.
- (3) The Secretary of State may approve a draft code either without modification or with such modifications as he may determine.
- (4) Once the Secretary of State has approved a draft code he shall lay a copy of the draft, whether—
- (a) in its original form, or
  - (b) in a form which incorporates any modifications determined under subparagraph (3),
- before each House of Parliament.
- (5) If the draft incorporates any such modifications, the Secretary of State shall at the same time lay before each House a statement of his reasons for making them.
- (6) If, within the 40-day period, either House resolves not to approve the draft, the Secretary of State shall take no further steps in relation to the draft code.
- (7) If no such resolution is made within the 40-day period—
- (a) the Secretary of State shall issue the code in the form of the draft laid before Parliament, and

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- (b) the code shall come into force on such date as the Secretary of State may by order appoint;  
and the Commission shall arrange for it to be published in such manner as they consider appropriate.
- (8) Sub-paragraph (6) does not prevent a new draft code from being laid before Parliament.
- (9) In this paragraph “40-day period”, in relation to a draft code, means—
- (a) if the draft is laid before one House on a day later than the day on which it is laid before the other House, the period of 40 days beginning with the later of the two days, and
  - (b) in any other case, the period of 40 days beginning with the day on which the draft is laid before each House,
- no account being taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.
- (10) In this paragraph references to a draft code include a draft revised code.

*Power to amend Part I*

- 4 (1) The Secretary of State may by order make such amendments of Part I of this Schedule as he considers appropriate.
- (2) The Secretary of State may make such an order either—
- (a) where the order gives effect to a recommendation of the Commission; or
  - (b) after consultation with the Commission.

SCHEDULE 9

Section 79.

LIMITS ON CAMPAIGN EXPENDITURE

**PART I**

INTRODUCTORY

*Interpretation*

- 1 (1) In this Schedule—
- (a) “an ordinary general election to the Scottish Parliament” means an election held under section 2 of the Scotland Act 1998;
  - (b) “an extraordinary general election to the Scottish Parliament” means an election held under section 3 of the Scotland Act 1998;
  - (c) “an ordinary election to the Welsh Assembly” means an election held under section 3 of the Government of Wales Act 1998;
  - (d) “an ordinary general election to the Northern Ireland Assembly” means an election held under section 31 of the Northern Ireland Act 1998; and
  - (e) “an extraordinary general election to the Northern Ireland Assembly” means an election held under section 32 of the Northern Ireland Act 1998.

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- (2) For the purposes of this Schedule a registered party—
- (a) contests a constituency if any candidate stands for election for that constituency in the name of the party; and
  - (b) contests any region if the party is included in the statement of parties and candidates nominated for that region.
- (3) For the purposes of this Schedule a parliamentary general election is pending during the period—
- (a) beginning with the date on which Her Majesty’s intention to dissolve Parliament is announced in connection with a forthcoming parliamentary general election, and
  - (b) ending with the date of the poll for that election.

*Attribution of expenditure to different parts of the United Kingdom*

- 2 (1) For the purposes of this Schedule—
- (a) campaign expenditure incurred by or on behalf of a party registered in the Great Britain register shall (subject to the following provisions of this paragraph) be attributed to each of England, Scotland and Wales in proportion to the number of parliamentary constituencies for the time being situated in that part of Great Britain; and
  - (b) campaign expenditure incurred by or on behalf of a party registered in the Northern Ireland register shall be attributed solely to Northern Ireland.
- (2) Campaign expenditure whose effects are wholly or substantially confined to any particular parts or part of Great Britain—
- (a) shall be attributed to those parts in proportion to the number of parliamentary constituencies for the time being situated in those parts, or
  - (b) shall be attributed solely to that part,
- as the case may be.
- (3) For the purposes of sub-paragraph (2) the effects of campaign expenditure are wholly or substantially confined to any particular parts or part of Great Britain if they have no significant effects in any other part or parts (so that, for example, expenditure on an advertisement in a newspaper circulating in Wales is to be attributed solely to Wales if the newspaper does not circulate to any significant extent in any other part of Great Britain).
- (4) References in this Schedule to campaign expenditure “in” a particular part of the United Kingdom are accordingly to campaign expenditure which is to be attributed to that part in accordance with this paragraph.

## **PART II**

### **GENERAL LIMITS**

*Parliamentary general elections*

- 3 (1) This paragraph imposes limits in relation to campaign expenditure incurred by or on behalf of a registered party which contests one or more constituencies at a parliamentary general election.

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- (2) Where a registered party contests one or more constituencies in England, Scotland or Wales, the limit applying to campaign expenditure which is incurred by or on behalf of the party in the relevant period in that part of Great Britain is—
- (a) £30,000 multiplied by the number of constituencies contested by the party in that part of Great Britain; or
  - (b) if greater, the appropriate amount specified in sub-paragraph (3).
- (3) The appropriate amount is—
- (a) in relation to England, £810,000;
  - (b) in relation to Scotland, £120,000; and
  - (c) in relation to Wales, £60,000.
- (4) Where a registered party contests one or more constituencies in Northern Ireland, the limit applying to campaign expenditure which is incurred by or on behalf of the party in the relevant period in Northern Ireland is £30,000 multiplied by the number of constituencies contested by the party there.
- (5) Sub-paragraph (6) applies to a registered party in a case where at the election a candidate stands for election in any constituency in the name of that party and one or more other registered parties.
- (6) In such a case, the amount applying to the party in respect of the constituency under sub-paragraph (2)(a) or (4) (as the case may be) shall, instead of being the amount specified in that provision, be that amount divided by the number of registered parties in whose name the candidate stands for election as mentioned in sub-paragraph (5).
- (7) For the purposes of this paragraph the relevant period is—
- (a) (subject to paragraph (b)) the period of 365 days ending with the date of the poll for the election;
  - (b) where the election (“the election in question”) follows another parliamentary general election held less than 365 days previously, the period—
    - (i) beginning with the day after the date of the poll for the earlier election, and
    - (ii) ending with the date of the poll for the election in question.

#### *General elections to European Parliament*

- 4 (1) This paragraph imposes limits in relation to campaign expenditure incurred by or on behalf of a registered party which stands for election or (as the case may be) in whose name candidates stand for election at a general election to the European Parliament.
- (2) Where at the election a registered party stands for election in only one electoral region in England, the limit applying to campaign expenditure which is incurred by or on behalf of the party in the relevant period in England is £45,000 multiplied by the number of MEPs to be returned for that region at the election.
- (3) Where at the election a registered party stands for election in two or more electoral regions in England, the limit applying to campaign expenditure incurred by or on behalf of the party in the relevant period in England is £45,000 multiplied by the total number of MEPs to be returned for those regions, taken together.
- (4) Where at the election—
- (a) a registered party stands for election in Scotland or Wales, or

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- (b) one or more candidates stand for election in Northern Ireland in the name of a registered party,

the limit applying to campaign expenditure which is incurred by or on behalf of the party in the relevant period in that part of the United Kingdom is £45,000 multiplied by the number of MEPs to be returned for that part of the United Kingdom at the election.

- (5) For the purposes of this paragraph the relevant period is the period of four months ending with the date of the poll for the election.

*General elections to Scottish Parliament*

- 5 (1) This paragraph imposes limits in relation to campaign expenditure incurred by or on behalf of a registered party which contests one or more constituencies or regions at an ordinary or extraordinary general election to the Scottish Parliament.

- (2) The limit applying to campaign expenditure which is incurred by or on behalf of a registered party in the relevant period in Scotland is—

- (a) £12,000 for each constituency contested by the party; plus  
(b) £80,000 for each region contested by the party.

- (3) In the case of an ordinary general election, “the relevant period” for the purposes of this paragraph is the period beginning with the appropriate date (as defined by sub-paragraph (4)) and ending with the date of the poll.

- (4) In sub-paragraph (3) “the appropriate date” means the date which falls four months before the date of the poll where—

- (a) the date of the poll is that determined by section 2(2) of the Scotland Act 1998; or  
(b) no less than five months before the day on which the poll would have taken place under section 2(2) of that Act, the date of the poll is brought forward under section 2(5) of that Act; or  
(c) no less than four months before the day on which the poll would have taken place under section 2(2) of that Act, the date of the poll is postponed under section 2(5) of that Act;

but where the date of the poll is brought forward or postponed otherwise than as mentioned in paragraph (b) or (c) above “the appropriate date” means the date which falls four months before the date when the poll would have taken place under section 2(2) of the Act.

- (5) In the case of an extraordinary general election, “the relevant period” for the purposes of this paragraph is the period beginning with the date when the Presiding Officer proposes a day for the poll for the election under section 3(1) of the Scotland Act 1998 and ending with the date of the poll for the election.

*Ordinary elections to Welsh Assembly*

- 6 (1) This paragraph imposes limits in relation to campaign expenditure incurred by or on behalf of a registered party which contests one or more constituencies or regions at an ordinary election to the Welsh Assembly.

- (2) The limit applying to campaign expenditure which is incurred by or on behalf of a registered party in the relevant period in Wales is—

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- (a) £10,000 for each constituency contested by the party; plus
  - (b) £40,000 for each region contested by the party.
- (3) For the purposes of this paragraph “the relevant period” is the period beginning with the appropriate date (as defined by sub-paragraph (4)) and ending with the date of the poll.
- (4) In sub-paragraph (3) “the appropriate date” is the date which falls four months before the date of the poll where—
- (a) the date of the poll is that determined by section 3(2) of the Government of Wales Act 1998;
  - (b) no less than five months before the day on which the poll would have taken place under section 3(2) of that Act, the date of the poll is brought forward under section 3(3) of that Act; or
  - (c) no less than four months before the day on which the poll would have taken place under section 3(2) of the Act, the date of the poll is postponed under section 3(3) of that Act;

but where the date of the poll is brought forward or postponed otherwise than as mentioned in paragraph (b) or (c) above “the appropriate date” means the date which falls four months before the date when the poll would have taken place under section 3(2) of that Act.

*General elections to Northern Ireland Assembly*

- 7 (1) This paragraph imposes limits in relation to campaign expenditure incurred by or on behalf of a registered party which contests one or more constituencies at an ordinary or extraordinary general election to the Northern Ireland Assembly.
- (2) The limit applying to campaign expenditure which is incurred by or on behalf of a registered party in the relevant period in Northern Ireland is £17,000 for each constituency contested by the party.
- (3) In the case of an ordinary general election, “the relevant period” for the purposes of this paragraph is the period beginning with the appropriate date (as defined by sub-paragraph (4)) and ending with the date of the poll.
- (4) In sub-paragraph (3) “the appropriate date” means the date which falls four months before the date of the poll where—
- (a) the date of the poll is that determined by section 31(1) and (2) of the Northern Ireland Act 1998;
  - (b) no less than five months before the day on which the poll would have taken place under section 31(1) and (2) of that Act, the date of the poll is brought forward under section 31(3) of that Act; or
  - (c) no less than four months before the day on which the poll would have taken place under section 31(1) and (2) of that Act, the date of the poll is postponed under section 31(3) of that Act;

but where the date of the poll is brought forward or postponed otherwise than as mentioned in paragraph (b) or (c) above “the appropriate date” means the date which falls four months before the date when the poll would have taken place under section 31(1) and (2) of that Act.

- (5) In the case of an extraordinary general election, “the relevant period” for the purposes of this paragraph is the period beginning with the date when the Secretary of State



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proposes a date for the poll for the election under section 32(1) or (3) of the Northern Ireland Act 1998 and ending with the date of the poll for the election.

### PART III

#### LIMITS APPLYING IN SPECIAL CIRCUMSTANCES

##### *Combination of elections to European Parliament and to devolved legislature*

- 8 (1) This paragraph applies where (apart from this paragraph)—
- (a) separate limits would apply as follows to campaign expenditure incurred by or on behalf of a registered party in Scotland, Wales or Northern Ireland (as the case may be), namely—
    - (i) under paragraph 4 in relation to a general election to the European Parliament; and
    - (ii) under paragraph 5, 6 or 7 in relation to an election within that paragraph; and
  - (b) any part of the period which would be the relevant period for the purposes of paragraph 4 falls within any part of the period which would be the relevant period for the purposes of paragraph 5, 6 or 7.
- (2) In such a case—
- (a) neither paragraph 4 nor paragraph 5, 6 or 7 (as the case may be) shall apply, in connection with either of those elections, to campaign expenditure incurred by or on behalf of the party in Scotland, Wales or Northern Ireland (as the case may be); and
  - (b) the limit imposed by this paragraph shall apply to it instead.
- (3) The limit applying to campaign expenditure which is incurred by or on behalf of the party in the relevant period for the purposes of this paragraph in Scotland, Wales or Northern Ireland (as the case may be) is the aggregate of—
- (a) the limit which by virtue of paragraph 4 would (apart from this paragraph) apply to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph; and
  - (b) the limit which by virtue of paragraph 5, 6 or 7 would (apart from this paragraph) apply to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph.
- (4) For the purposes of this paragraph “the relevant period” is the period which—
- (a) begins with whichever is the earlier of the dates on which the periods mentioned in sub-paragraph (1) begin, and
  - (b) ends with whichever is the later of the dates on which those periods end.

##### *Combined limits where parliamentary election pending*

- 9 (1) This paragraph applies where—
- (a) separate limits would (apart from this paragraph) apply as follows to campaign expenditure incurred by or on behalf of a registered party in England, Scotland, Wales or Northern Ireland (as the case may be), namely—

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- (i) under paragraph 3 in relation to a parliamentary general election; and
    - (ii) under paragraph 4, 5, 6, 7 or 8 in relation to an election or elections within that paragraph; and
  - (b) the parliamentary general election is pending during any part of the period in relation to which the limit imposed by paragraph 4, 5, 6, 7 or 8 would (apart from this paragraph) apply.
- (2) In such a case—
- (a) neither paragraph 3, nor paragraph 4, 5, 6, 7 or 8 (as the case may be) shall apply to the expenditure mentioned in sub-paragraph (1)(a); and
  - (b) the limit or limits imposed by this paragraph shall apply to it instead.
- (3) Subject to sub-paragraphs (5) to (7), the limit applying to campaign expenditure which is incurred by or on behalf of the registered party in the relevant period for the purposes of this sub-paragraph in England, Scotland, Wales or Northern Ireland (as the case may be) is the aggregate of—
- (a) the limit which by virtue of paragraph 3 would (apart from this paragraph) apply to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph; and
  - (b) the limit which by virtue of paragraph 4, 5, 6, 7 or 8 would (apart from this paragraph) apply to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph.
- (4) For the purposes of sub-paragraph (3) “the relevant period” is—
- (a) where the parliamentary general election takes place at the same time as, or later than—
    - (i) the election in relation to which paragraph 4, 5, 6 or 7 would otherwise apply, or
    - (ii) (as the case may be) the later of the elections in relation to which paragraph 8 would otherwise apply,
 the period which for the purposes of paragraph 3 is the relevant period in relation to the parliamentary general election;
  - (b) where the parliamentary general election takes place earlier than the election mentioned in paragraph (a)(i) or (ii), the period which—
    - (i) begins at the beginning of the period mentioned in paragraph (a), and
    - (ii) ends with the date of the poll for the later, or (where paragraph 8 would otherwise apply) the last, of the elections.
- (5) Where sub-paragraph (1)(a)(i) is applicable in the case of each of two parliamentary general elections which are pending during different parts of any such period as is mentioned in sub-paragraph (1)(b), the limits applying to campaign expenditure which is incurred by or on behalf of the registered party in the relevant periods in England, Scotland, Wales or Northern Ireland (as the case may be) are as follows—
- (a) in the case of expenditure incurred in the first relevant period, the limit is the aggregate of—
    - (i) the limit which by virtue of paragraph 3 would (apart from this paragraph) apply, in connection with the first of the parliamentary general elections to take place, to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph, and

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- (ii) the limit mentioned in sub-paragraph (3)(b) above; and
  - (b) in the case of expenditure incurred in the second relevant period, the limit is the limit which by virtue of paragraph 3 would (apart from this paragraph) apply, in connection with the second parliamentary general election to take place, to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph.
- (6) For the purposes of sub-paragraph (5) “the first relevant period” is the period which—
- (a) begins at the beginning of the period which would, apart from this paragraph, apply for the purposes of paragraph 3 to the first of the parliamentary general elections to take place; and
  - (b) ends with the date on which Her Majesty’s intention to dissolve Parliament is announced in connection with the second of the parliamentary general elections to take place.
- (7) For the purposes of sub-paragraph (5) “the second relevant period” is the period which—
- (a) begins on the day after the date mentioned in sub-paragraph (6)(b) above; and
  - (b) ends with whichever is the later of the following, namely—
    - (i) the date of the poll for the second parliamentary general election to take place; and
    - (ii) the date of the poll for the election in relation to which paragraph 4, 5, 6 or 7 would otherwise apply or, as the case may be, the date of the poll for the later of the elections in relation to which paragraph 8 would otherwise apply.

*Combination of limit under paragraph 9 and other limit*

- 10 (1) This paragraph applies where—
- (a) a limit under paragraph 9 would (apart from this paragraph) apply to campaign expenditure incurred by or on behalf of a registered party in England, Scotland, Wales or Northern Ireland (as the case may be) in relation to a period that would either be—
    - (i) a relevant period for the purposes of paragraph 9(3), or
    - (ii) a first relevant period for the purposes of paragraph 9(5); and
  - (b) another limit under paragraph 4, 5, 6, 7 or 8 applies to campaign expenditure incurred by or on behalf of the party in that part of the United Kingdom in relation to a period (“the other campaign period”) which is not a period during which the parliamentary general election is pending but which either—
    - (i) falls wholly within, or
    - (ii) ends at any time falling within,the period mentioned in paragraph (a).
- (2) In such a case—
- (a) the limit imposed by paragraph 9 shall not apply in relation to the period mentioned in sub-paragraph (1)(a); and
  - (b) instead the limit imposed by this paragraph shall apply in relation to the period which is the combined period for the purposes of this paragraph.

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- (3) The limit applying to campaign expenditure which is incurred by or on behalf of the party during the combined period in England, Scotland, Wales or Northern Ireland (as the case may be) is the aggregate of—
- (a) the limit which by virtue of paragraph 9 would (apart from this paragraph) apply to such expenditure incurred in that part of the United Kingdom during the period mentioned in sub-paragraph (1)(a); and
  - (b) the limit applying, by virtue of paragraph 4, 5, 6, 7 or 8 (as the case may be), to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph.
- (4) For the purposes of this paragraph “the combined period” is the period which begins with whichever is the earlier of the following, namely—
- (a) the beginning of the period which is the relevant period for the purposes of paragraph 4, 5, 6, 7 or 8 (as the case may be), and
  - (b) the beginning of the period mentioned in sub-paragraph (1)(a),
- and ends at the end of the period mentioned in sub-paragraph (1)(a).
- (5) Nothing in this paragraph affects the application of any limit imposed by virtue of paragraph 4, 5, 6, 7 or 8 in relation to any period which is a relevant period for the purposes of that paragraph.

*Combination of parliamentary general election and other election, or elections, falling within paragraphs 4 to 8*

- 11 (1) This paragraph applies where—
- (a) a limit under paragraph 3 would (apart from this paragraph) apply to campaign expenditure incurred by or on behalf of a registered party in England, Scotland, Wales or Northern Ireland (as the case may be);
  - (b) another limit under paragraph 4, 5, 6, 7 or 8 applies to campaign expenditure incurred by or on behalf of the party in that part of the United Kingdom in relation to any period (“the other campaign period”) which either—
    - (i) falls wholly within, or
    - (ii) ends at any time falling within,
 the period which would (apart from this paragraph) be the relevant period for the purposes of paragraph 3 in relation to the parliamentary general election; and
  - (c) paragraph 9 does not apply in connection with that expenditure.
- (2) In such a case—
- (a) the limit imposed by paragraph 3 shall not apply in relation to the relevant period for the purposes of that paragraph, and
  - (b) instead the limit imposed by this paragraph shall apply in relation to the period which is the combined period for the purposes of this paragraph.
- (3) The limit applying to campaign expenditure which is incurred by or on behalf of the party in the combined period in England, Scotland, Wales or Northern Ireland, as the case may be, is the aggregate of—
- (a) the limit which by virtue of paragraph 3 would (apart from this paragraph) apply to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph; and

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- (b) the limit applying by virtue of paragraph 4, 5, 6, 7 or 8 (as the case may be) to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph.
- (4) Where two or more periods (“the other campaign periods”) which are relevant periods for the purposes of any of paragraphs 4, 5, 7 or 8—
- (a) fall wholly within, or
  - (b) end at any time falling within,
- the period which would (apart from this paragraph) be the relevant period for the purposes of paragraph 3 in relation to the parliamentary general election, sub-paragraph (3)(b) shall operate in relation to each of the limits applying in relation to those periods so as to produce two or more amounts to be added to the amount referred to in sub-paragraph (3)(a).
- (5) For the purposes of this paragraph “the combined period” is the period which begins with whichever is the earlier of the following, namely—
- (a) the beginning of—
    - (i) the period which is the relevant period for the purposes of paragraph 4, 5, 6, 7 or 8 (as the case may be), or
    - (ii) where sub-paragraph (4) applies, whichever of the relevant periods for the purposes of any of paragraphs 4, 5, 7 or 8 is the first to begin, and
  - (b) the beginning of the period which would (apart from this paragraph) be the relevant period for the purposes of paragraph 3 in relation to the parliamentary general election,
- and ends with the date of the poll for the parliamentary general election.
- (6) Nothing in this paragraph affects the application of any limit imposed by virtue of paragraph 4, 5, 6, 7 or 8 in relation to any period which is a relevant period for the purposes of that paragraph.

## SCHEDULE 10

Section 94.

### LIMITS ON CONTROLLED EXPENDITURE

#### PART I

##### INTRODUCTORY

##### *Interpretation*

- 1 (1) In this Schedule—
- (a) “an ordinary general election to the Scottish Parliament” means an election held under section 2 of the Scotland Act 1998;
  - (b) “an extraordinary general election to the Scottish Parliament” means an election held under section 3 of the Scotland Act 1998;
  - (c) “an ordinary election to the Welsh Assembly” means an election held under section 3 of the Government of Wales Act 1998;

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- (d) “an ordinary general election to the Northern Ireland Assembly” means an election held under section 31 of the Northern Ireland Act 1998; and
  - (e) “an extraordinary general election to the Northern Ireland Assembly” means an election held under section 32 of the Northern Ireland Act 1998.
- (2) For the purposes of this Schedule a parliamentary general election is pending during the period—
- (a) beginning with the date on which Her Majesty’s intention to dissolve Parliament is announced in connection with a forthcoming parliamentary general election, and
  - (b) ending with the date of the poll for that election.

*Attribution of expenditure to different parts of the United Kingdom*

- 2 (1) For the purposes of this Schedule controlled expenditure incurred by or on behalf of any recognised third party shall (subject to the following provisions of this paragraph) be attributed to each of England, Scotland, Wales and Northern Ireland in proportion to the number of parliamentary constituencies for the time being situated in that part of the United Kingdom.
- (2) Controlled expenditure whose effects are wholly or substantially confined to any particular parts or part of the United Kingdom—
- (a) shall be attributed to those parts in proportion to the number of parliamentary constituencies for the time being situated in those parts, or
  - (b) shall be attributed solely to that part,
- as the case may be.
- (3) For the purposes of sub-paragraph (2) the effects of controlled expenditure are wholly or substantially confined to any particular parts or part of the United Kingdom if they have no significant effects in any other part or parts (so that, for example, expenditure on an advertisement in a newspaper circulating in Wales is to be attributed solely to Wales if the newspaper does not circulate to any significant extent in any other part of the United Kingdom).
- (4) References in this Schedule to controlled expenditure “in” a particular part of the United Kingdom are accordingly to controlled expenditure which is to be attributed to that part in accordance with this paragraph.

**PART II**

GENERAL LIMITS

*Parliamentary general elections*

- 3 (1) This paragraph imposes limits in relation to a parliamentary general election.
- (2) The limit applying to controlled expenditure which is incurred by or on behalf of a recognised third party in the relevant period in each of England, Scotland, Wales and Northern Ireland is—
- (a) in relation to England, £793,500;
  - (b) in relation to Scotland, £108,000;
  - (c) in relation to Wales, £60,000; and

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(d) in relation to Northern Ireland, £27,000.

- (3) For the purposes of this paragraph the relevant period is—
- (a) (subject to paragraph (b)) the period of 365 days ending with the date of the poll for the election;
  - (b) where the election (“the election in question”) follows another parliamentary general election held less than 365 days previously, the period—
    - (i) beginning with the day after the date of the poll for the earlier election, and
    - (ii) ending with the date of the poll for the election in question.

*General elections to European Parliament*

- 4 (1) This paragraph imposes limits in relation to a general election to the European Parliament.
- (2) The limit applying to controlled expenditure which is incurred by or on behalf of a recognised third party in the relevant period in each of England, Scotland, Wales and Northern Ireland is—
- (a) in relation to England, £159,750;
  - (b) in relation to Scotland, £18,000;
  - (c) in relation to Wales, £11,259; and
  - (d) in relation to Northern Ireland, £6,750.
- (3) For the purposes of this paragraph the relevant period is the period of four months ending with the date of the poll for the election.

*General elections to Scottish Parliament*

- 5 (1) This paragraph imposes limits in relation to an ordinary or extraordinary general election to the Scottish Parliament.
- (2) The limit applying to controlled expenditure which is incurred by or on behalf of a recognised third party in the relevant period in Scotland is £75,800.
- (3) In the case of an ordinary general election, “the relevant period” for the purposes of this paragraph is the period beginning with the appropriate date (as defined by sub-paragraph (4)) and ending with the date of the poll.
- (4) In sub-paragraph (3) “the appropriate date” means the date which falls four months before the date of the poll where—
- (a) the date of the poll is that determined by section 2(2) of the Scotland Act 1998; or
  - (b) no less than five months before the day on which the poll would have taken place under section 2(2) of that Act, the date of the poll is brought forward under section 2(5) of that Act; or
  - (c) no less than four months before the day on which the poll would have taken place under section 2(2) of that Act, the date of the poll is postponed under section 2(5) of that Act;

but where the date of the poll is brought forward or postponed otherwise than as mentioned in paragraph (b) or (c) above “the appropriate date” means the date which falls four months before the date when the poll would have taken place under section 2(2) of the Act.

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- (5) In the case of an extraordinary general election, “the relevant period” for the purposes of this paragraph is the period beginning with the date when the Presiding Officer proposes a day for the poll for the election under section 3(1) of the Scotland Act 1998 and ending with the date of the poll for the election.

*Ordinary elections to Welsh Assembly*

- 6 (1) This paragraph imposes limits in relation to an ordinary election to the Welsh Assembly.
- (2) The limit applying to controlled expenditure which is incurred by or on behalf of a recognised third party in the relevant period in Wales is £30,000.
- (3) For the purposes of this paragraph “the relevant period” is the period beginning with the appropriate date (as defined by sub-paragraph (4)) and ending with the date of the poll.
- (4) In sub-paragraph (3) “the appropriate date” is the date which falls four months before the date of the poll where—
- (a) the date of the poll is that determined by section 3(2) of the Government of Wales Act 1998;
  - (b) no less than five months before the day on which the poll would have taken place under section 3(2) of that Act, the date of the poll is brought forward under section 3(3) of that Act; or
  - (c) no less than four months before the day on which the poll would have taken place under section 3(2) of the Act, the date of the poll is postponed under section 3(3) of that Act;
- but where the date of the poll is brought forward or postponed otherwise than as mentioned in paragraph (b) or (c) above “the appropriate date” means the date which falls four months before the date when the poll would have taken place under section 3(2) of that Act.

*General elections to Northern Ireland Assembly*

- 7 (1) This paragraph imposes limits in relation to an ordinary or extraordinary general election to the Northern Ireland Assembly.
- (2) The limit applying to controlled expenditure which is incurred by or on behalf of a recognised third party in the relevant period in Northern Ireland is £15,300.
- (3) In the case of an ordinary general election, “the relevant period” for the purposes of this paragraph is the period beginning with the appropriate date (as defined by sub-paragraph (4)) and ending with the date of the poll.
- (4) In sub-paragraph (3) “the appropriate date” means the date which falls four months before the date of the poll where—
- (a) the date of the poll is that determined by section 31(1) and (2) of the Northern Ireland Act 1998; or
  - (b) no less than five months before the day on which the poll would have taken place under section 31(1) and (2) of that Act, the date of the poll is brought forward under section 31(3) of that Act; or



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- (c) no less than four months before the day on which the poll would have taken place under section 31(1) and (2) of that Act, the date of the poll is postponed under section 31(3) of that Act;

but where the date of the poll is brought forward or postponed otherwise than as mentioned in paragraph (b) or (c) above “the appropriate date” means the date which falls four months before the date when the poll would have taken place under section 31(1) and (2) of that Act.

- (5) In the case of an extraordinary general election, “the relevant period” for the purposes of this paragraph is the period beginning with the date when the Secretary of State proposes a date for the poll for the election under section 32(1) or (3) of the Northern Ireland Act 1998 and ending with the date of the poll for the election.

### PART III

#### LIMITS APPLYING IN SPECIAL CIRCUMSTANCES

##### *Combination of elections to European Parliament and to devolved legislature*

- 8 (1) This paragraph imposes, in the circumstances mentioned in sub-paragraph (2), a limit in relation to—
  - (a) a general election to the European Parliament; and
  - (b) an election to which paragraph 5, 6 or 7 would (apart from this paragraph) apply.
- (2) Where any part of the period which is the relevant period for the purposes of paragraph 4 in relation to a general election to the European Parliament falls within any period which is the relevant period for the purposes of any of paragraphs 5 to 7 in relation to an election to the legislature mentioned in that paragraph—
  - (a) neither paragraph 4 nor paragraph 5, 6 or 7 (as the case may be) shall apply, in connection with either of those elections, to controlled expenditure incurred by or on behalf of a recognised third party in the part of the United Kingdom mentioned in paragraph 5(2), 6(2) or 7(2) (as the case may be); and
  - (b) the limit imposed by this paragraph shall apply to it instead.
- (3) The limit applying to controlled expenditure which is incurred by or on behalf of a recognised third party in the relevant period for the purposes of this paragraph in Scotland, Wales or Northern Ireland (as the case may be) is the aggregate of—
  - (a) the limit which by virtue of paragraph 4 would (apart from this paragraph) apply to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph; and
  - (b) the limit which by virtue of paragraph 5, 6 or 7 would (apart from this paragraph) apply to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph.
- (4) For the purposes of this paragraph “the relevant period” is the period which—
  - (a) begins with whichever is the earlier of the dates on which the periods mentioned in sub-paragraph (2) begin, and
  - (b) ends with whichever is the later of the dates on which those periods end.

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*Combined limits where parliamentary election pending*

- 9 (1) This paragraph imposes—
- (a) in the circumstances mentioned in sub-paragraph (2), a limit in relation to—
    - (i) such a pending parliamentary general election as is mentioned in that sub-paragraph, and
    - (ii) an election, or elections, in relation to which the limit imposed by any of paragraphs 4 to 8 would otherwise apply as mentioned in that sub-paragraph; and
  - (b) in the circumstances mentioned in sub-paragraph (5), limits in relation to—
    - (i) two such pending parliamentary elections as are mentioned in that sub-paragraph, and
    - (ii) an election, or elections, in relation to which the limit imposed by any of paragraphs 4 to 8 would otherwise apply as mentioned in sub-paragraph (2).
- (2) Where a parliamentary general election is pending during any part of the period in relation to which a limit imposed by any of paragraphs 4 to 8 would otherwise apply to controlled expenditure incurred by or on behalf of a recognised third party in a particular part of the United Kingdom—
- (a) neither that paragraph, nor paragraph 3, shall apply in relation to such expenditure; and
  - (b) the limit imposed by this paragraph shall apply to it instead.
- (3) Subject to sub-paragraphs (5) to (7), the limit applying to controlled expenditure which is incurred by or on behalf of the recognised third party in the relevant period for the purposes of this sub-paragraph in England, Scotland, Wales or Northern Ireland (as the case may be) is the aggregate of—
- (a) the limit which by virtue of paragraph 3 would (apart from this paragraph) apply to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph; and
  - (b) the limit which by virtue of paragraph 4, 5, 6, 7 or 8 would (apart from this paragraph) apply to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph.
- (4) For the purposes of sub-paragraph (3) “the relevant period” is—
- (a) where the parliamentary general election takes place at the same time as, or later than—
    - (i) the election in relation to which paragraph 4, 5, 6 or 7 would otherwise apply, or
    - (ii) (as the case may be) the later of the elections in relation to which paragraph 8 would otherwise apply,
 the period which for the purposes of paragraph 3 is the relevant period in relation to the parliamentary general election;
  - (b) where the parliamentary general election takes place earlier than the election mentioned in paragraph (a)(i) or (ii), the period which—
    - (i) begins at the beginning of the period mentioned in paragraph (a), and
    - (ii) ends with the date of the poll for the later, or (where paragraph 8 would otherwise apply) the last, of the elections.
- (5) Where two parliamentary general elections are pending during different parts of any such period as is mentioned in sub-paragraph (2), the limits applying to controlled

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expenditure which is incurred by or on behalf of the recognised third party in the relevant periods in England, Scotland, Wales or Northern Ireland (as the case may be) are as follows—

- (a) in the case of expenditure incurred in the first relevant period, the limit is the aggregate of—
    - (i) the limit which by virtue of paragraph 3 would (apart from this paragraph) apply, in connection with the first of the parliamentary general elections to take place, to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph, and
    - (ii) the limit mentioned in sub-paragraph (3)(b) above; and
  - (b) in the case of expenditure incurred in the second relevant period, the limit is the limit which by virtue of paragraph 3 would (apart from this paragraph) apply, in connection with the second parliamentary general election to take place, to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph.
- (6) For the purposes of sub-paragraph (5) “the first relevant period” is the period which—
- (a) begins at the beginning of the period which would, apart from this paragraph, apply for the purposes of paragraph 3 to the first of the parliamentary general elections to take place; and
  - (b) ends with the date on which Her Majesty’s intention to dissolve Parliament is announced in connection with the second of the parliamentary general elections to take place.
- (7) For the purposes of sub-paragraph (5) “the second relevant period” is the period which—
- (a) begins on the day after the date mentioned in sub-paragraph (6)(b) above; and
  - (b) ends with whichever is the later of the following, namely—
    - (i) the date of the poll for the second parliamentary general election to take place; and
    - (ii) the date of the poll for the election in relation to which paragraph 4, 5, 6 or 7 would otherwise apply or, as the case may be, the date of the poll for the later of the elections in relation to which paragraph 8 would otherwise apply.

*Combination of limit under paragraph 9 and other limit*

- 10 (1) This paragraph imposes a limit where—
- (a) paragraph 9 would (apart from this paragraph) impose a limit on controlled expenditure in relation to a period that would either be—
    - (i) a relevant period for the purposes of paragraph 9(3), or
    - (ii) a first relevant period for the purposes of paragraph 9(5); and
  - (b) any period (“the other controlled period”) which is the relevant period for the purposes of any of paragraphs 4 to 8, but is not a period during which the parliamentary general election is pending, either—
    - (i) falls wholly within, or
    - (ii) ends at any time falling within,the period mentioned in paragraph (a).

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- (2) In such a case—
- (a) the limit imposed by paragraph 9 shall not apply in relation to the period mentioned in sub-paragraph (1)(a); and
  - (b) instead the limit imposed by this paragraph shall apply in relation to the period which is the combined period for the purposes of this paragraph.
- (3) The limit applying to controlled expenditure which is incurred by or on behalf of a recognised third party during the combined period in England, Scotland, Wales or Northern Ireland (as the case may be) is the aggregate of—
- (a) the limit which by virtue of paragraph 9 would (apart from this paragraph) apply to such expenditure incurred in that part of the United Kingdom during the period mentioned in sub-paragraph (1)(a); and
  - (b) the limit applying, by virtue of paragraph 4, 5, 6, 7 or 8 (as the case may be), to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph.
- (4) For the purposes of this paragraph “the combined period” is the period which begins with whichever is the earlier of the following, namely—
- (a) the beginning of the period which is the relevant period for the purposes of paragraph 4, 5, 6, 7 or 8 (as the case may be), and
  - (b) the beginning of the period mentioned in sub-paragraph (1)(a),
- and ends at the end of the period mentioned in sub-paragraph (1)(a).
- (5) Nothing in this paragraph affects the application of any limit imposed by virtue of paragraph 4, 5, 6, 7 or 8 in relation to any period which is a relevant period for the purposes of that paragraph. Combination of parliamentary general election and other election, or elections, falling within paragraphs 4 to 8
- 11 (1) This paragraph imposes a limit where—
- (a) any period (“the other controlled period”) which is the relevant period for the purposes of any of paragraphs 4 to 8 either—
    - (i) falls wholly within, or
    - (ii) ends at any time falling within,
 the period which would (apart from this paragraph) be the relevant period for the purposes of paragraph 3 in relation to a parliamentary general election; and
  - (b) paragraph 9 does not apply in connection with those elections.
- (2) In such a case—
- (a) the limit imposed by paragraph 3 shall not apply in relation to the relevant period for the purposes of that paragraph, and
  - (b) instead the limit imposed by this paragraph shall apply in relation to the period which is the combined period for the purposes of this paragraph.
- (3) The limit applying to controlled expenditure which is incurred by or on behalf of a recognised third party in the combined period in England, Scotland, Wales or Northern Ireland, as the case may be, is the aggregate of—
- (a) the limit which by virtue of paragraph 3 would (apart from this paragraph) apply to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph; and

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- (b) the limit applying by virtue of paragraph 4, 5, 6, 7 or 8 (as the case may be) to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph.
- (4) Where two or more periods (“the other controlled periods”) which are relevant periods for the purposes of any of paragraphs 4, 5, 7 or 8—
- (a) fall wholly within, or
  - (b) end at any time falling within,
- the period which would (apart from this paragraph) be the relevant period for the purposes of paragraph 3 in relation to the parliamentary general election, sub-paragraph (3)(b) shall operate in relation to each of the limits applying in relation to those periods so as to produce two or more amounts to be added to the amount referred to in sub-paragraph (3)(a).
- (5) For the purposes of this paragraph “the combined period” is the period which begins with whichever is the earlier of the following, namely—
- (a) the beginning of—
    - (i) the period which is the relevant period for the purposes of paragraph 4, 5, 6, 7 or 8 (as the case may be), or
    - (ii) where sub-paragraph (4) applies, whichever of the relevant periods for the purposes of paragraph 4, 5, 7 or 8 is the first to begin, and
  - (b) the beginning of the period which would (apart from this paragraph) be the relevant period for the purposes of paragraph 3 in relation to the parliamentary general election,
- and ends with the date of the poll for the parliamentary general election.
- (6) Nothing in this paragraph affects the application of any limit imposed by virtue of paragraph 4, 5, 6, 7 or 8 in relation to any period which is a relevant period for the purposes of that paragraph.

## SCHEDULE 11

Section 95.

### CONTROL OF DONATIONS TO RECOGNISED THIRD PARTIES

#### PART I

##### INTRODUCTORY

###### *Operation and interpretation of Schedule*

- 1 (1) This Schedule has effect for controlling donations to recognised third parties which either are not registered parties or are minor parties.
- (2) The following provisions have effect for the purposes of this Schedule.
- (3) In accordance with sub-paragraph (1), “recognised third party” does not include a recognised third party which is a registered party other than a minor party.

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- (4) “Relevant donation”, in relation to a recognised third party, means a donation to the recognised third party for the purpose of meeting controlled expenditure incurred by or on behalf of that third party.
- (5) “Donation” shall be construed in accordance with paragraphs 2 to 4.
- (6) References to a permissible donor falling within section 54(2) do not include a registered party.

*Donations: general rules*

- 2 (1) “Donation”, in relation to a recognised third party, means (subject to paragraph 4)—
  - (a) any gift to the recognised third party of money or other property;
  - (b) any sponsorship provided in relation to the recognised third party (as defined by paragraph 3);
  - (c) any money spent (otherwise than by or on behalf of the recognised third party) in paying any controlled expenditure incurred by or on behalf of the recognised third party;
  - (d) any money lent to the recognised third party otherwise than on commercial terms;
  - (e) the provision otherwise than on commercial terms of any property, services or facilities for the use or benefit of the recognised third party (including the services of any person); and
  - (f) in the case of a recognised third party, other than an individual, any subscription or other fee paid for affiliation to, or membership of, the third party.
- (2) Where—
  - (a) any money or other property is transferred to a recognised third party pursuant to any transaction or arrangement involving the provision by or on behalf of the recognised third party of any property, services or facilities or other consideration of monetary value, and
  - (b) the total value in monetary terms of the consideration so provided by or on behalf of the recognised third party is less than the value of the money or (as the case may be) the market value of the property transferred,
 the transfer of the money or property shall (subject to sub-paragraph (4)) constitute a gift to the recognised third party for the purposes of sub-paragraph (1)(a).
- (3) In determining—
  - (a) for the purposes of sub-paragraph (1)(d) whether any money lent to a recognised third party is so lent otherwise than on commercial terms, or
  - (b) for the purposes of sub-paragraph (1)(e) whether any property, services or facilities provided for the use or benefit of a recognised third party is or are so provided otherwise than on such terms,
 regard shall be had to the total value in monetary terms of the consideration provided by or on behalf of the recognised third party in respect of the loan or the provision of the property, services or facilities.
- (4) Where (apart from this sub-paragraph) anything would be a donation both by virtue of sub-paragraph (1)(b) and by virtue of any other provision of this paragraph, sub-paragraph (1)(b) (together with paragraph 3) shall apply in relation to it to the exclusion of the other provision of this paragraph.

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- (5) Anything given or transferred to any officer, member, trustee or agent of a recognised third party in his capacity as such (and not for his own use or benefit) is to be regarded as given or transferred to the recognised third party (and references to donations received by a recognised third party accordingly include donations so given or transferred).
- (6) In this paragraph—
  - (a) any reference to anything being given or transferred to a recognised third party includes a reference to its being given or transferred either directly or indirectly through any third person;
  - (b) “gift” includes bequest.

### *Sponsorship*

- 3 (1) For the purposes of this Schedule sponsorship is provided in relation to a recognised third party if—
  - (a) any money or other property is transferred to the recognised third party or to any person for the benefit of the recognised third party, and
  - (b) the purpose (or one of the purposes) of the transfer is (or must, having regard to all the circumstances, reasonably be assumed to be)—
    - (i) to help the recognised third party with meeting, or to meet, to any extent any defined expenses incurred or to be incurred by or on behalf of the recognised third party, or
    - (ii) to secure that to any extent any such expenses are not so incurred.
- (2) In sub-paragraph (1) “defined expenses” means expenses in connection with—
  - (a) any conference, meeting or other event organised by or on behalf of the recognised third party,
  - (b) the preparation, production or dissemination of any publication by or on behalf of the recognised third party, or
  - (c) any study or research organised by or on behalf of the recognised third party.
- (3) The following do not, however, constitute sponsorship by virtue of sub-paragraph (1)—
  - (a) the making of any payment in respect of—
    - (i) any charge for admission to any conference, meeting or other event, or
    - (ii) the purchase price of, or any other charge for access to, any publication;
  - (b) the making of any payment in respect of the inclusion of an advertisement in any publication where the payment is made at the commercial rate payable for the inclusion of such an advertisement in any such publication.
- (4) The Secretary of State may by order made on the recommendation of the Commission amend sub-paragraph (2) or (3).
- (5) In this paragraph “publication” means a publication made available in whatever form and by whatever means (whether or not to the public at large or any section of the public).

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*Payments etc not to be regarded as donations*

- 4 (1) None of the following shall be regarded as a donation—
- (a) the provision by an individual of his own services which he provides voluntarily in his own time and free of charge;
  - (b) any interest accruing to a recognised third party in respect of any donation which is dealt with by the responsible person in accordance with section 56(2)(a) or (b) (as applied by paragraph 7).
- (2) Any donation whose value (as determined in accordance with paragraph 5) is not more than £200 shall be disregarded.

*Value of donations*

- 5 (1) The value of any donation falling within paragraph 2(1)(a) (other than money) shall be taken to be the market value of the property in question.
- (2) Where, however, paragraph 2(1)(a) applies by virtue of paragraph 2(2), the value of the donation shall be taken to be the difference between—
- (a) the value of the money, or the market value of the property, in question, and
  - (b) the total value in monetary terms of the consideration provided by or on behalf of the recognised third party.
- (3) The value of any donation falling within paragraph 2(1)(b) shall be taken to be the value of the money, or (as the case may be) the market value of the property, transferred as mentioned in paragraph 3(1); and accordingly any value in monetary terms of any benefit conferred on the person providing the sponsorship in question shall be disregarded.
- (4) The value of any donation falling within paragraph 2(1)(d) or (e) shall be taken to be the amount representing the difference between—
- (a) the total value in monetary terms of the consideration that would have had to be provided by or on behalf of the recognised third party in respect of the loan or the provision of the property, services or facilities if—
    - (i) the loan had been made, or
    - (ii) the property, services or facilities had been provided, on commercial terms, and
  - (b) the total value in monetary terms of the consideration (if any) actually so provided by or on behalf of the recognised third party.
- (5) Where a donation such as is mentioned in sub-paragraph (4) confers an enduring benefit on the donee over a particular period, the value of the donation—
- (a) shall be determined at the time when it is made, but
  - (b) shall be so determined by reference to the total benefit accruing to the donee over that period.



## PART II

### CONTROLS ON DONATIONS

#### *Prohibition on accepting donations from impermissible donors*

- 6 (1) A relevant donation received by a recognised third party must not be accepted if—
- (a) the person by whom the donation would be made is not, at the time of its receipt by the recognised third party, a permissible donor falling within section 54(2); or
  - (b) the recognised third party is (whether because the donation is given anonymously or by reason of any deception or concealment or otherwise) unable to ascertain the identity of the person offering the donation.
- (2) For the purposes of this Schedule, any relevant donation received by a recognised third party which is an exempt trust donation shall be regarded as a relevant donation received by the recognised third party from a permissible donor.
- (3) But, for the purposes of this Schedule, any relevant donation received by a recognised third party from a trustee of any property (in his capacity as such) which is not—
- (a) an exempt trust donation, or
  - (b) a relevant donation transmitted by the trustee to the recognised third party on behalf of beneficiaries under the trust who are—
    - (i) persons who at the time of its receipt by the recognised third party are permissible donors falling within section 54(2), or
    - (ii) the members of an unincorporated association which at that time is such a permissible donor,
- shall be regarded as a relevant donation received by the recognised third party from a person who is not such a permissible donor.
- (4) Where any person (“the principal donor”) causes an amount (“the principal donation”) to be received by a recognised third party by way of a relevant donation—
- (a) on behalf of himself and one or more other persons, or
  - (b) on behalf of two or more other persons,
- then for the purposes of this Schedule each individual contribution by a person falling within paragraph (a) or (b) of more than £200 shall be treated as if it were a separate donation received from that person.
- (5) In relation to each such separate donation, the principal donor must ensure that, at the time when the principal donation is received by the recognised third party, the responsible person is given—
- (a) (except in the case of a donation which the principal donor is treated as making) all such details in respect of the person treated as making the donation as are required by virtue of paragraph 10(1)(c) to be given in respect of the donor of a donation to which that paragraph applies; and
  - (b) (in any case) all such details in respect of the donation as are required by virtue of paragraph 10(1)(a).
- (6) Where—
- (a) any person (“the agent”) causes an amount to be received by a recognised third party by way of a donation on behalf of another person (“the donor”), and

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(b) the amount of the donation is more than £200,  
the agent must ensure that, at the time when the donation is received by the recognised third party, the responsible person is given all such details in respect of the donor as are required by virtue of paragraph 10(1)(c) to be given in respect of the donor of a donation to which that paragraph applies.

(7) A person commits an offence if, without reasonable excuse, he fails to comply with sub-paragraph (5) or (6).

*Acceptance or return of donations*

7 (1) Sections 56 to 60 shall apply for the purposes of this Schedule in relation to a recognised third party and any relevant donation received by a recognised third party as they apply in relation to a registered party and any donation received by a registered party.

- (2) In the application of sections 56 to 60 in accordance with sub-paragraph (1)—
- (a) section 56(1) shall have effect as if the reference to the particulars relating to a donor which would be required to be included in a donation report by virtue of paragraph 2 of Schedule 6 (if the donation were a recordable donation within the meaning of that Schedule) were construed as a reference to the particulars which are required to be included in a return by virtue of paragraph 10(1)(c) (in relation to a donation to which that paragraph applies); and
  - (b) section 56(3) and (4) shall each have effect as if any reference to the treasurer of the party were construed as a reference to the responsible person.

*Evasion of restrictions on donations*

- 8 Section 61 shall apply for the purposes of this Schedule as if—
- (a) any reference to donations were to relevant donations;
  - (b) any reference to a registered party were a reference to a recognised third party; and
  - (c) any reference to the treasurer of a registered party were, in relation to a recognised third party, a reference to the responsible person.

### PART III

#### REPORTING OF DONATIONS

*Statement of relevant donations*

9 The recognised third party must include in any return required to be prepared under section 96 a statement of relevant donations received in respect of the relevant election or elections (within the meaning of that section) which complies with paragraphs 10 and 11.

*Donations from permissible donors*

10 (1) The statement must record, in relation to each relevant donation falling within sub-paragraph (2) which is accepted by the recognised third party—

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- (a) the amount of the donation (if a donation of money, in cash or otherwise) or (in any other case) the nature of the donation and its value as determined in accordance with paragraph 5;
  - (b) the date when the donation was accepted by the recognised third party; and
  - (c) the information about the donor which is, in connection with recordable donations to registered parties, required to be recorded in donation reports by virtue of paragraph 2 of Schedule 6.
- (2) Sub-paragraph (1) applies to a relevant donation where—
- (a) the value of the donation is more than £5,000, or
  - (b) the value of the donation, when added to the value of any other donation or donations made by the same donor (whether or not falling within paragraph (a)), is more than that amount.
- (3) The statement must also record—
- (a) the total value of any relevant donations, other than those falling within sub-paragraph (2), which are accepted by the recognised third party; and
  - (b) such other information as may be required by regulations made by the Commission.

*Donations from impermissible donors*

- 11 (1) This paragraph applies to relevant donations falling within paragraph 6(1)(a) or (b).
- (2) Where paragraph 6(1)(a) applies, the statement must record—
- (a) the name and address of the donor;
  - (b) the amount of the donation (if a donation of money, in cash or otherwise) or (in any other case) the nature of the donation and its value as determined in accordance with paragraph 5;
  - (c) the date when the donation was received, and the date when, and the manner in which, it was dealt with in accordance with section 56(2)(a); and
  - (d) such other information as is required by regulations made by the Commission.
- (3) Where paragraph 6(1)(b) applies, the statement must record—
- (a) details of the manner in which the donation was made;
  - (b) the amount of the donation (if a donation of money, in cash or otherwise) or (in any other case) the nature of the donation and its value as determined in accordance with paragraph 5;
  - (c) the date when the donation was received, and the date when, and the manner in which, it was dealt with in accordance with section 56(2)(b); and
  - (d) such other information as is required by regulations made by the Commission.
- (4) In this paragraph any reference to any provision of section 56 is a reference to that provision as applied by paragraph 7.

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## SCHEDULE 12

Section 110.

### ASSISTANCE AVAILABLE TO DESIGNATED ORGANISATIONS

#### *Right to send referendum address post free*

- 1 (1) A designated organisation is, subject to such reasonable terms and conditions as the universal service provider concerned may specify, entitled to send free of any charge for postage which would otherwise be made by a universal service provider either—
- (a) one unaddressed postal communication, containing matter relating to the referendum only and not exceeding 60 grammes in weight, to each place in the referendum area which, in accordance with those terms and conditions, constitutes a delivery point for the purposes of this sub-paragraph; or
  - (b) one such postal communication addressed to each person entitled to vote at the referendum.
- (2) A designated organisation is also, subject to any such terms and conditions, entitled to send free of any such charge for postage to each person entered in the list of proxies for the referendum one such postal communication for each appointment in respect of which that person is so entered.
- (3) Section 200A of the Representation of the People Act 1983 (remuneration of universal service provider for free postal services rendered in relation to parliamentary elections) shall apply in relation to a postal service rendered by a universal service provider in pursuance of this paragraph as it applies in relation to a postal service rendered by such a provider in pursuance of that Act.
- (4) In this paragraph—
- “the referendum area” means the area throughout which the referendum is being held;
- “universal service provider” has the same meaning as in the Postal Services Act 2000.
- (5) If this paragraph comes into force at a time when the amendments made to section 91 of the Representation of the People Act 1983 by the Postal Services Act 2000 have not come into force, then until such time as those amendments come into force, this paragraph shall have effect subject to such modifications as may be specified in the order under section 163 of this Act which brings this paragraph into force.

#### *Right to use rooms for holding public meetings*

- 2 (1) Subject to the provisions of this paragraph, persons authorised by a designated organisation are entitled for the purpose of holding public meetings in furtherance of the organisation’s referendum campaign to the use free of charge, at reasonable times during the relevant period, of—
- (a) a suitable room in the premises of a school to which this paragraph applies in accordance with sub-paragraph (2);
  - (b) any meeting room to which this paragraph applies in accordance with sub-paragraph (3).
- For this purpose “the relevant period” means the period of 28 days ending with the day before the date of the poll.

- (2) This paragraph applies—

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- (a) in England and Wales, to community, foundation and voluntary schools whose premises are situated in the referendum area, and
  - (b) in Scotland, to any school whose premises are so situated, other than an independent school within the meaning of the Education (Scotland) Act 1980.
- (3) This paragraph applies to meeting rooms situated in the referendum area the expense of maintaining which is payable wholly or mainly out of public funds or by any local authority, or by a body whose expenses are so payable.
- (4) Where a room is used for a meeting in pursuance of the rights conferred by this paragraph, the person by whom or on whose behalf the meeting is convened—
  - (a) shall defray any expenses incurred in preparing, warming, lighting and cleaning the room and providing attendance for the meeting and restoring the room to its usual condition after the meeting; and
  - (b) shall defray any damage done to the room or the premises in which it is situated, or to the furniture, fittings or apparatus in the room or premises.
- (5) A person is not entitled to exercise the rights conferred by this paragraph except on reasonable notice; and this paragraph does not authorise any interference with the hours during which a room in school premises is used for educational purposes, or any interference with the use of a meeting room either for the purposes of the person maintaining it or under a prior agreement for its letting for any purpose.
- (6) For the purposes of this paragraph (except those of paragraph (b) of subparagraph (4)), the premises of a school shall not be taken to include any private dwelling, and in this paragraph—
  - “dwelling” includes any part of a building where that part is occupied separately as a dwelling;
  - “meeting room” means any room which it is the practice to let for public meetings; and
  - “room” includes a hall, gallery or gymnasium.
- (7) In this paragraph “the referendum area” means the area throughout which the referendum is being held.
- (8) Neither this paragraph, nor paragraph 3, applies to Northern Ireland.

*Supplementary provisions about use of rooms for public meetings*

- 3
- (1) This paragraph has effect with respect to the rights conferred by paragraph 2 and the arrangements to be made for their exercise.
  - (2) Any arrangements for the use of a room in school premises shall be made—
    - (a) with the local education authority (or, in Scotland, education authority) maintaining the school, or
    - (b) in the case of a room in the premises of a foundation or voluntary aided school, with the governing body of the school.
  - (3) Any question as to the rooms in school premises which a person authorised by a designated organisation is entitled to use, or as to the times at which he is entitled to use them, or as to the notice which is reasonable, shall be determined by the Secretary of State.

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- (4) Any person authorised by a designated organisation is entitled at all reasonable hours to inspect—
- (a) any lists prepared in pursuance of paragraph 4 or 6 of Schedule 5 to the Representation of the People Act 1983 (use of rooms for parliamentary election meetings), or
  - (b) a copy of any such lists,
- in connection with exercising the rights conferred by paragraph 2.

*Referendum campaign broadcasts*

- 4 (1) Sections 36(1) and (2) and 107(1) of the Broadcasting Act 1990 (party political broadcasts) shall apply in relation to referendum campaign broadcasts by designated organisations as they apply in relation to party political broadcasts.
- (2) Without prejudice to section 36(1)(b) or 107(1)(b) of the 1990 Act, as it applies in accordance with sub-paragraph (1), the licensing body may determine the length and frequency of the broadcasts which are to be included in a licensed service by virtue of conditions included in a licence by virtue of sub-paragraph (1).
- (3) Any rules made by the licensing body for the purposes of section 36 or 107 of the 1990 Act, as it applies in accordance with sub-paragraph (1), may make different provision for different cases or circumstances.
- (4) Before making any such rules the licensing body shall have regard to any views expressed by the Electoral Commission for the purposes of this sub-paragraph.
- (5) As soon as practicable after the commencement of this paragraph the licensing body shall, in the case of each licence in force at that commencement in which conditions are to be included by virtue of sub-paragraph (1)—
- (a) determine the conditions which are to be so included;
  - (b) notify the licence holder of those conditions; and
  - (c) send the licence holder a revised licence which includes those conditions.
- (6) The British Broadcasting Corporation and Sianel Pedwar Cymru shall each, in determining its policy with respect to referendum campaign broadcasts by designated organisations, have regard to any views expressed by the Electoral Commission for the purposes of this sub-paragraph.
- (7) In this paragraph—
- “the 1990 Act” means the Broadcasting Act 1990;
- “licence” means—
- (a) in the context of section 36 of the 1990 Act, a regional Channel 3 licence or a licence to provide Channel 4 or 5 (each within the meaning of Part I of that Act), or
  - (b) in the context of section 107 of the 1990 Act, a national licence (within the meaning of Part III of that Act),
- and “licensed” shall be construed accordingly;
- “the licensing body” means the Independent Television Commission or (as the case may be) the Radio Authority;
- “referendum campaign broadcast” has the same meaning as in section 127.

## SCHEDULE 13

Section 111.

### REFERENDUM EXPENSES: QUALIFYING EXPENSES

#### PART I

#### QUALIFYING EXPENSES

##### *Expenses qualifying where incurred for referendum purposes*

- 1 For the purposes of section 111(2) the expenses falling within this Part of this Schedule are expenses incurred in respect of any of the matters set out in the following list.

##### *List of matters*

- (1) Referendum campaign broadcasts.  
Expenses in respect of such broadcasts include agency fees, design costs and other costs in connection with preparing or producing such broadcasts.
- (2) Advertising of any nature (whatever the medium used).  
Expenses in respect of such advertising include agency fees, design costs and other costs in connection with preparing, producing, distributing or otherwise disseminating such advertising or anything incorporating such advertising and intended to be distributed for the purpose of disseminating it.
- (3) Unsolicited material addressed to electors (whether addressed to them by name or intended for delivery to households within any particular area or areas).  
Expenses in respect of such material include design costs and other costs in connection with preparing, producing or distributing such material (including the cost of postage).
- (4) Any material to which section 125 applies.  
Expenses in respect of such material include design costs and other costs in connection with preparing or producing or distributing or otherwise disseminating such material.
- (5) Market research or canvassing conducted for the purpose of ascertaining polling intentions.
- (6) The provision of any services or facilities in connection with press conferences or other dealings with the media.
- (7) Transport (by any means) of persons to any place or places with a view to obtaining publicity in connection with a referendum campaign.  
Expenses in respect of the transport of such persons include the costs of hiring a particular means of transport for the whole or part of the period during which the campaign is being conducted.
- (8) Rallies and other events, including public meetings (but not annual or other party conferences) organised so as to obtain publicity in connection with a referendum campaign or for other purposes connected with a referendum campaign.

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Expenses in respect of such events include costs incurred in connection with the attendance of persons at such events, the hire of premises for the purposes of such events or the provision of goods, services or facilities at them.

*Exclusions*

- 2 Nothing in paragraph 1 shall be taken as extending to—
- (a) any expenses in respect of any property, services or facilities so far as those expenses fall to be met out of public funds;
  - (b) any expenses incurred in respect of the remuneration or allowances payable to any member of the staff (whether permanent or otherwise) of the campaign organiser; or
  - (c) any expenses incurred in respect of an individual by way of travelling expenses (by any means of transport) or in providing for his accommodation or other personal needs to the extent that the expenses are paid by the individual from his own resources and are not reimbursed to him.

**PART II**

SUPPLEMENTAL

*Guidance by Commission*

- 3 (1) The Commission may prepare, and from time to time revise, a code of practice giving guidance as to the kinds of expenses which do, or do not, fall within Part I of this Schedule.
- (2) Once the Commission have prepared a draft code under this paragraph, they shall submit it to the Secretary of State for his approval.
- (3) The Secretary of State may approve a draft code either without modification or with such modifications as he may determine.
- (4) Once the Secretary of State has approved a draft code he shall lay a copy of the draft, whether—
- (a) in its original form, or
  - (b) in a form which incorporates any modifications determined under subparagraph (3),
- before each House of Parliament.
- (5) If the draft incorporates any such modifications, the Secretary of State shall at the same time lay before each House a statement of his reasons for making them.
- (6) If, within the 40-day period, either House resolves not to approve the draft, the Secretary of State shall take no further steps in relation to the draft code.
- (7) If no such resolution is made within the 40-day period—
- (a) the Secretary of State shall issue the code in the form of the draft laid before Parliament, and
  - (b) the code shall come into force on such date as the Secretary of State may by order appoint;



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and the Commission shall arrange for it to be published in such manner as they consider appropriate.

- (8) Sub-paragraph (6) does not prevent a new draft code from being laid before Parliament.
- (9) In this paragraph “40-day period”, in relation to a draft code, means—
- (a) if the draft is laid before one House on a day later than the day on which it is laid before the other House, the period of 40 days beginning with the later of the two days, and
  - (b) in any other case, the period of 40 days beginning with the day on which the draft is laid before each House,
- no account being taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.
- (10) In this paragraph references to a draft code include a draft revised code.

#### *Power to amend Part I*

- 4 (1) The Secretary of State may by order make such amendments of Part I of this Schedule as he considers appropriate.
- (2) The Secretary of State may make such an order either—
- (a) where the order gives effect to a recommendation of the Commission; or
  - (b) after consultation with the Commission.

### SCHEDULE 14

Section 118.

#### **LIMITS ON REFERENDUM EXPENSES BY PERMITTED PARTICIPANTS**

##### *Limits in relation to referendums held throughout United Kingdom*

- 1 (1) This paragraph imposes limits in relation to a referendum falling within section 101(1)(a).
- (2) The limit on referendum expenses incurred by or on behalf of a permitted participant during the referendum period in the case of such a referendum is—
- (a) £5 million in the case of a person or body designated under section 108;
  - (b) in the case of a registered party falling within section 105(1)(a) but not designated under section 108—
    - (i) £5 million, if the party’s relevant percentage exceeds 30 per cent,
    - (ii) £4 million, if the party’s relevant percentage is more than 20 per cent. but not more than 30 per cent,
    - (iii) £3 million, if the party’s relevant percentage is more than 10 per cent. but not more than 20 per cent,
    - (iv) £2 million, if the party’s relevant percentage is more than 5 per cent. but not more than 10 per cent,
    - (v) £500,000, if the party’s relevant percentage is not more than 5 per cent. or if it has no relevant percentage; and

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- (c) £500,000 in the case of a person or body falling within section 105(1)(b) but not designated under section 108.
- (3) For the purposes of this paragraph—
- (a) a registered party has a relevant percentage in relation to a referendum to which this paragraph applies if, at the last parliamentary general election taking place before the referendum, votes were cast for one or more candidates at the election authorised to use the party's registered name; and
  - (b) the amount of its relevant percentage is equal to the percentage of the total number of votes cast for all candidates at that election which is represented by the total number of votes cast for the candidate or candidates mentioned in paragraph (a).
- (4) Where at any such general election a candidate was authorised to use the registered name of more than one registered party, then for the purposes of sub-paragraph (3) (b) as it applies in relation to each of those parties, the number of votes cast for the candidate shall be taken to be the total number cast for him divided by the number of parties.
- (5) In this paragraph any reference to a parliamentary general election is to one taking place after the passing of this Act.

*Limits in relation to referendums held in particular parts of United Kingdom*

- 2
- (1) This paragraph imposes limits in relation to a referendum to which this Part applies, other than one falling within section 101(1)(a).
  - (2) The limit on referendum expenses incurred by or on behalf of a permitted participant during the referendum period in the case of such a referendum is such amount as the Secretary of State may by order prescribe.
  - (3) Different amounts may be so prescribed for different referendums or different categories of permitted participants.
  - (4) Before making an order under this paragraph the Secretary of State shall seek, and have regard to, the views of the Commission.
  - (5) Where the Secretary of State proposes to make such an order otherwise than in accordance with the views of the Commission, he shall on laying a draft of a statutory instrument containing the order before each House of Parliament also lay before each House a statement of his reasons for departing from the views of the Commission.

## SCHEDULE 15

Section 119.

### CONTROL OF DONATIONS TO PERMITTED PARTICIPANTS

#### PART I

##### INTRODUCTORY

###### *Operation and interpretation of Schedule*

- 1 (1) This Schedule has effect for controlling donations to permitted participants that either are not registered parties or are minor parties.
- (2) The following provisions have effect for the purposes of this Schedule.
- (3) In accordance with sub-paragraph (1) “permitted participant” does not include a permitted participant which is a registered party other than a minor party.
- (4) “Relevant donation”, in relation to a permitted participant at a referendum, means a donation to the permitted participant for the purpose of meeting referendum expenses incurred by or on behalf of the permitted participant.
- (5) “Donation” shall be construed in accordance with paragraphs 2 to 4.
- (6) In relation to donations received by a permitted participant other than a designated organisation, references to a permissible donor falling within section 54(2) do not include a registered party.

In this sub-paragraph “designated organisation” has the meaning given by section 110(5).

###### *Donations: general rules*

- 2 (1) “Donation”, in relation to a permitted participant, means (subject to paragraph 4)—
- (a) any gift to the permitted participant of money or other property;
  - (b) any sponsorship provided in relation to the permitted participant (as defined by paragraph 3);
  - (c) any money spent (otherwise than by or on behalf of the permitted participant) in paying any referendum expenses incurred by or on behalf of the permitted participant;
  - (d) any money lent to the permitted participant otherwise than on commercial terms;
  - (e) the provision otherwise than on commercial terms of any property, services or facilities for the use or benefit of the permitted participant (including the services of any person);
  - (f) in the case of a permitted participant other than an individual, any subscription or other fee paid for affiliation to, or membership of, the permitted participant.
- (2) Where—
- (a) any money or other property is transferred to a permitted participant pursuant to any transaction or arrangement involving the provision by or on behalf

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of the permitted participant of any property, services or facilities or other consideration of monetary value, and

- (b) the total value in monetary terms of the consideration so provided by or on behalf of the permitted participant is less than the value of the money or (as the case may be) the market value of the property transferred,

the transfer of the money or property shall (subject to sub-paragraph (4)) constitute a gift to the permitted participant for the purposes of sub-paragraph (1)(a).

- (3) In determining—

- (a) for the purposes of sub-paragraph (1)(d) whether any money lent to a permitted participant is so lent otherwise than on commercial terms, or
- (b) for the purposes of sub-paragraph (1)(e) whether any property, services or facilities provided for the use or benefit of a permitted participant is or are so provided otherwise than on such terms,

regard shall be had to the total value in monetary terms of the consideration provided by or on behalf of the permitted participant in respect of the loan or the provision of the property, services or facilities.

- (4) Where (apart from this sub-paragraph) anything would be a donation both by virtue of sub-paragraph (1)(b) and by virtue of any other provision of this paragraph, sub-paragraph (1)(b) (together with paragraph 3) shall apply in relation to it to the exclusion of the other provision of this paragraph.

- (5) Anything given or transferred to any officer, member, trustee or agent of a permitted participant in his capacity as such (and not for his own use or benefit) is to be regarded as given or transferred to the permitted participant (and references to donations received by a permitted participant accordingly include donations so given or transferred).

- (6) In this paragraph—

- (a) any reference to anything being given or transferred to a permitted participant or any other person is a reference to its being given or transferred either directly or indirectly through any third person;
- (b) “gift” includes bequest.

### *Sponsorship*

- 3 (1) For the purposes of this Schedule sponsorship is provided in relation to a permitted participant if—

- (a) any money or other property is transferred to the permitted participant or to any person for the benefit of the permitted participant, and
- (b) the purpose (or one of the purposes) of the transfer is (or must, having regard to all the circumstances, reasonably be assumed to be)—
- (i) to help the permitted participant with meeting, or to meet, to any extent any defined expenses incurred or to be incurred by or on behalf of the permitted participant, or
- (ii) to secure that to any extent any such expenses are not so incurred.

- (2) In sub-paragraph (1) “defined expenses” means expenses in connection with—

- (a) any conference, meeting or other event organised by or on behalf of the permitted participant,

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- (b) the preparation, production or dissemination of any publication by or on behalf of the permitted participant, or
  - (c) any study or research organised by or on behalf of the permitted participant.
- (3) The following do not, however, constitute sponsorship by virtue of sub-paragraph (1)
- (a) the making of any payment in respect of—
    - (i) any charge for admission to any conference, meeting or other event, or
    - (ii) the purchase price of, or any other charge for access to, any publication;
  - (b) the making of any payment in respect of the inclusion of an advertisement in any publication where the payment is made at the commercial rate payable for the inclusion of such an advertisement in any such publication.
- (4) The Secretary of State may by order made on the recommendation of the Commission amend sub-paragraph (2) or (3).
- (5) In this paragraph “publication” means a publication made available in whatever form and by whatever means (whether or not to the public at large or any section of the public).

*Payments etc. not to be regarded as donations*

- 4 (1) None of the following shall be regarded as a donation—
- (a) any grant provided out of public funds, other than a grant provided to a designated organisation by virtue of section 110(2);
  - (b) the provision of any rights conferred on a designated organisation (or persons authorised by a designated organisation) by virtue of section 110(4) and Schedule 12;
  - (c) the provision by an individual of his own services which he provides voluntarily in his own time and free of charge; or
  - (d) any interest accruing to a permitted participant in respect of any donation which is dealt with by the permitted participant in accordance with section 56(2)(a) or (b) (as applied by paragraph 7).
- (2) Any donation whose value (as determined in accordance with paragraph 5) is not more than £200 shall be disregarded.

*Value of donations*

- 5 (1) The value of any donation falling within paragraph 2(1)(a) (other than money) shall be taken to be the market value of the property in question.
- (2) Where, however, paragraph 2(1)(a) applies by virtue of paragraph 2(2), the value of the donation shall be taken to be the difference between—
- (a) the value of the money, or the market value of the property, in question, and
  - (b) the total value in monetary terms of the consideration provided by or on behalf of the permitted participant.
- (3) The value of any donation falling within paragraph 2(1)(b) shall be taken to be the value of the money, or (as the case may be) the market value of the property, transferred as mentioned in paragraph 3(1); and accordingly any value in monetary

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terms of any benefit conferred on the person providing the sponsorship in question shall be disregarded.

- (4) The value of any donation falling within paragraph 2(1)(d) or (e) shall be taken to be the amount representing the difference between—
- (a) the total value in monetary terms of the consideration that would have had to be provided by or on behalf of the permitted participant in respect of the loan or the provision of the property, services or facilities if—
    - (i) the loan had been made, or
    - (ii) the property, services or facilities had been provided, on commercial terms, and
  - (b) the total value in monetary terms of the consideration (if any) actually so provided by or on behalf of the permitted participant.
- (5) Where a donation such as is mentioned in sub-paragraph (4) confers an enduring benefit on the donee over a particular period, the value of the donation—
- (a) shall be determined at the time when it is made, but
  - (b) shall be so determined by reference to the total benefit accruing to the donee over that period.

## PART II

### CONTROLS ON DONATIONS

#### *Prohibition on accepting donations from impermissible donors*

- 6 (1) A relevant donation received by a permitted participant must not be accepted by the permitted participant if—
- (a) the person by whom the donation would be made is not, at the time of its receipt by the permitted participant, a permissible donor falling within section 54(2), or
  - (b) the permitted participant is (whether because the donation is given anonymously or by reason of any deception or concealment or otherwise) unable to ascertain the identity of the person offering the donation.
- (2) For the purposes of this Schedule any payment received by a designated organisation by virtue of section 110(2) shall be regarded as a donation received by the organisation from a permissible donor falling within section 54(2).
- (3) For the purposes of this Schedule, any relevant donation received by a permitted participant which is an exempt trust donation shall be regarded as a relevant donation received by the permitted participant from a permissible donor.
- (4) But, for the purposes of this Schedule, any relevant donation received by a permitted participant from a trustee of any property (in his capacity as such) which is not—
- (a) an exempt trust donation, or
  - (b) a relevant donation transmitted by the trustee to the permitted participant on behalf of beneficiaries under the trust who are—
    - (i) persons who at the time of its receipt by the permitted participant are permissible donors falling within section 54(2), or

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- (ii) the members of an unincorporated association which at that time is such a permissible donor,  
shall be regarded as a relevant donation received by the permitted participant from a person who is not such a permissible donor.
- (5) Where any person (“the principal donor”) causes an amount (“the principal donation”) to be received by a permitted participant by way of a relevant donation—
- (a) on behalf of himself and one or more other persons, or
  - (b) on behalf of two or more other persons,
- then for the purposes of this Schedule each individual contribution by a person falling within paragraph (a) or (b) of more than £200 shall be treated as if it were a separate donation received from that person.
- (6) In relation to each such separate donation, the principal donor must ensure that, at the time when the principal donation is received by the permitted participant, the responsible person is given—
- (a) (except in the case of a donation which the principal donor is treated as making) all such details in respect of the person treated as making the donation as are required by virtue of paragraph 10(1)(c) to be given in respect of the donor of a donation to which that paragraph applies; and
  - (b) (in any case) all such details in respect of the donation as are required by virtue of paragraph 10(1)(a).
- (7) Where—
- (a) any person (“the agent”) causes an amount to be received by a permitted participant by way of a donation on behalf of another person (“the donor”), and
  - (b) the amount of the donation is more than £200,
- the agent must ensure that, at the time when the donation is received by the permitted participant, the responsible person is given all such details in respect of the donor as are required by virtue of paragraph 10(1)(c) to be given in respect of the donor of a donation to which that paragraph applies.
- (8) A person commits an offence if, without reasonable excuse, he fails to comply with sub-paragraph (6) or (7).

#### *Acceptance or return of donations*

- 7 (1) Sections 56 to 60 shall apply for the purposes of this Schedule in relation to a permitted participant and any relevant donation received by a permitted participant as they apply in relation to a registered party and a donation received by a registered party.
- (2) In the application of sections 56 to 60 in accordance with sub-paragraph (1)—
- (a) section 56(1) shall have effect as if the reference to the particulars relating to a donor which would be required to be included in a donation report by virtue of paragraph 2 of Schedule 6 (if the donation were a recordable donation within the meaning of that Schedule) were construed as a reference to the particulars which are required to be included in a return by virtue of paragraph 10(1)(c) (in relation to a donation to which that paragraph applies); and

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- (b) section 56(3) and (4) shall each have effect as if any reference to the treasurer of a registered party were construed as a reference to the responsible person in relation to the permitted participant.

*Evasion of restrictions on donations*

- 8 Section 61 shall apply for the purposes of this Schedule as if—
- (a) any reference to donations were to relevant donations;
  - (b) any reference to a registered party were a reference to a permitted participant; and
  - (c) any reference to the treasurer of such a party were, in relation to a permitted participant, a reference to the responsible person.

**PART III**

REPORTING OF DONATIONS

*Statement of relevant donations*

- 9 The responsible person in relation to a permitted participant must include in any return required to be prepared under section 120 a statement of relevant donations which complies with paragraphs 10 and 11.

*Donations from permissible donors*

- 10 (1) The statement must record, in relation to each relevant donation falling within sub-paragraph (2) which is accepted by the permitted participant—
- (a) the amount of the donation (if a donation of money, in cash or otherwise) or (in any other case) the nature of the donation and its value as determined in accordance with paragraph 5;
  - (b) the date when the donation was accepted by the permitted participant; and
  - (c) the information about the donor which is, in connection with recordable donations to registered parties, required to be recorded in donation reports by virtue of paragraph 2 of Schedule 6.
- (2) Sub-paragraph (1) applies to a relevant donation where—
- (a) the value of the donation is more than £5,000, or
  - (b) the value of the donation, when added to the value of any other donation or donations made by the same donor (whether or not falling within paragraph (a)), is more than that amount.
- (3) The statement must also record—
- (a) the total value of any relevant donations, other than those falling within sub-paragraph (2), which are accepted by the permitted participant; and
  - (b) such other information as may be required by regulations made by the Commission.

*Donations from impermissible or unidentifiable donors*

- 11 (1) This paragraph applies to relevant donations falling within paragraph 6(1)(a) or (b).



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- (2) Where paragraph 6(1)(a) applies, the statement must record—
- (a) the name and address of the donor;
  - (b) the amount of the donation (if a donation of money, in cash or otherwise) or (in any other case) the nature of the donation and its value as determined in accordance with paragraph 5;
  - (c) the date when the donation was received, and the date when, and the manner in which, it was dealt with in accordance with section 56(2)(a); and
  - (d) such other information as is required by regulations made by the Commission.
- (3) Where paragraph 6(1)(b) applies the statement must record—
- (a) details of the manner in which the donation was made;
  - (b) the amount of the donation (if a donation of money, in cash or otherwise) or (in any other case) the nature of the donation and its value as determined in accordance with paragraph 5;
  - (c) the date when the donation was received, and the date when, and the manner in which, it was dealt with in accordance with section 56(2)(b); and
  - (d) such other information as is required by regulations made by the Commission.
- (4) In this paragraph any reference to any provision of section 56 is a reference to that provision as applied by paragraph 7.

## SCHEDULE 16

Section 130.

### CONTROL OF DONATIONS TO CANDIDATES: NEW SCHEDULE 2A TO THE REPRESENTATION OF THE PEOPLE ACT 1983

#### “SCHEDULE 2A

#### CONTROL OF DONATIONS TO CANDIDATES

#### PART I

#### INTRODUCTORY

##### *Operation and interpretation of Schedule*

- 1 (1) This Schedule has effect for controlling donations to candidates at an election.
- (2) The following provisions have effect for the purposes of this Schedule.
- (3) “Relevant donation”, in relation to a candidate at an election, means a donation to the candidate or his election agent for the purpose of meeting election expenses incurred by or on behalf of the candidate.
- (4) In sub-paragraph (3) above the reference to a donation for the purpose of meeting election expenses incurred by or on behalf of a candidate includes a reference to a donation for the purpose of securing that any such expenses are not so incurred;

and a donation shall be taken to be a donation for either of those purposes if, having regard to all the circumstances, it must be reasonably assumed to be such a donation.

- (5) “Donation” shall be construed in accordance with paragraphs 2 to 4 below.
- (6) “The 2000 Act” means the Political Parties, Elections and Referendums Act 2000.
- (7) Where—
  - (a) at a time when any order is in force under section 70(1) of the 2000 Act a donation is received by a candidate at an election in Great Britain, and
  - (b) the order provides for this sub-paragraph to apply to any such donation, references to a permissible donor falling within section 54(2) of that Act shall be construed, in relation to the donation, as not including a registered party which is registered in the Northern Ireland register maintained by the Commission under Part II of that Act.
- (8) “The Commission” means the Electoral Commission established by section 1 of that Act.
- (9) Any reference to a donation received by a candidate when he is (or is deemed to be) his own election agent includes a reference to a donation received by a candidate on a list of candidates to be London members of the London Assembly at an ordinary election who is, or is deemed to be, the election agent of all the candidates on the list.
- (10) Any donation which is received by a candidate as mentioned in sub-paragraph (9) above shall be regarded as received by him in his capacity as election agent.

*Donations: general rules*

- 2 (1) “Donation”, in relation to a candidate at an election, means (subject to paragraph 4 below)—
  - (a) any gift to the candidate or his election agent of money or other property;
  - (b) any sponsorship provided in relation to the candidate (as defined by paragraph 3 below);
  - (c) any money spent (otherwise than by the candidate, his election agent or any sub-agent) in paying any election expenses incurred by or on behalf of the candidate;
  - (d) any money lent to the candidate or his election agent otherwise than on commercial terms;
  - (e) the provision otherwise than on commercial terms of any property, services or facilities for the use or benefit of the candidate (including the services of any person).
- (2) Where—
  - (a) any money or other property is transferred to a candidate or his election agent pursuant to any transaction or arrangement involving the provision by or on behalf of the candidate of any property, services or facilities or other consideration of monetary value, and
  - (b) the total value in monetary terms of the consideration so provided by or on behalf of the candidate is less than the value of the money or (as the case may be) the market value of the property transferred,

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the transfer of the money or property shall (subject to sub-paragraph (4) below) constitute a gift to the candidate or (as the case may be) his election agent for the purposes of sub-paragraph (1)(a) above.

- (3) In determining—
- (a) for the purposes of sub-paragraph (1)(d) above, whether any money lent to a candidate or his election agent is so lent otherwise than on commercial terms, or
  - (b) for the purposes of sub-paragraph (1)(e) above, whether any property, services or facilities provided for the use or benefit of a candidate is or are so provided otherwise than on such terms,

regard shall be had to the total value in monetary terms of the consideration provided by or on behalf of the candidate in respect of the loan or the provision of the property, services or facilities.

- (4) Where (apart from this sub-paragraph) anything would be a donation both by virtue of sub-paragraph (1)(b) above and by virtue of any other provision of this paragraph, sub-paragraph (1)(b) (together with paragraph 3 below) shall apply in relation to it to the exclusion of the other provision of this paragraph.
- (5) The reference in sub-paragraph (1)(c) above to money spent as mentioned in that provision is a reference to money so spent by a person, other than the candidate, his election agent or any sub-agent, out of his own resources (with no right to reimbursement out of the resources of any such other person); and where, by virtue of sub-paragraph (1)(c) above, money so spent constitutes a donation to the candidate, the candidate shall be treated as receiving an equivalent amount on the date on which the money is paid to the creditor in respect of the expenses in question.
- (6) In this paragraph—
- (a) any reference to anything being given or transferred to a candidate or his election agent includes a reference to its being given or transferred either directly or indirectly through any third person;
  - (b) “gift” includes a bequest or any other form of testamentary disposition.

### *Sponsorship*

- 3 (1) For the purposes of this Schedule sponsorship is provided in relation to a candidate if—
- (a) any money or other property is transferred to the candidate or to any person for the benefit of the candidate, and
  - (b) the purpose (or one of the purposes) of the transfer is (or must, having regard to all the circumstances, reasonably be assumed to be)—
    - (i) to help the candidate with meeting, or to meet, to any extent any defined expenses incurred or to be incurred by or on behalf of the candidate, or
    - (ii) to secure that to any extent any such expenses are not so incurred.
- (2) In sub-paragraph (1) above “defined expenses” means expenses in connection with—
- (a) any conference, meeting or other event organised by or on behalf of the candidate,

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- (b) the preparation, production or dissemination of any publication by or on behalf of the candidate, or
  - (c) any study or research organised by or on behalf of the candidate.
- (3) The following do not, however, constitute sponsorship by virtue of sub-paragraph (1) above—
- (a) the making of any payment in respect of—
    - (i) any charge for admission to any conference, meeting or other event, or
    - (ii) the purchase price of, or any other charge for access to, any publication;
  - (b) the making of any payment in respect of the inclusion of an advertisement in any publication where the payment is made at the commercial rate payable for the inclusion of such an advertisement in any such publication.
- (4) The Secretary of State may by order made on the recommendation of the Commission amend sub-paragraph (2) or (3) above.
- (5) Any order under sub-paragraph (4) above shall be made by statutory instrument; but no such order shall be made unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.
- (6) In this paragraph “publication” means a publication made available in whatever form and by whatever means (whether or not to the public at large or any section of the public).

*Payments etc. not to be regarded as donations*

- 4 (1) None of the following shall be regarded as a donation—
- (a) the provision of any facilities provided in pursuance of any right conferred on a candidate at an election by this Act;
  - (b) the provision by an individual of his own services which he provides voluntarily in his own time and free of charge;
  - (c) any interest accruing to a candidate or his election agent in respect of any donation which is dealt with by the candidate or (as the case may be) his election agent in accordance with section 56(2)(a) or (b) of the 2000 Act (as applied by paragraph 7 below).
- (2) There shall also be disregarded any donation whose value (determined in accordance with paragraph 5 below) is not more than £50.

*Value of donations*

- 5 (1) The value of any donation falling within paragraph 2(1)(a) above (other than money) shall be taken to be the market value of the property in question.
- (2) Where, however, paragraph 2(1)(a) above applies by virtue of paragraph 2(2) above, the value of the donation shall be taken to be the difference between—
- (a) the value of the money, or the market value of the property, in question, and
  - (b) the total value in monetary terms of the consideration provided by or on behalf of the candidate or his election agent.

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- (3) The value of any donation falling within paragraph 2(1)(b) above shall be taken to be the value of the money, or (as the case may be) the market value of the property, transferred as mentioned in paragraph 3(1) above; and accordingly any value in monetary terms of any benefit conferred on the person providing the sponsorship in question shall be disregarded.
- (4) The value of any donation falling within paragraph 2(1)(d) or (e) above shall be taken to be the amount representing the difference between—
  - (a) the total value in monetary terms of the consideration that would have had to be provided by or on behalf of the candidate or his election agent in respect of the loan or the provision of the property, services or facilities if—
    - (i) the loan had been made, or
    - (ii) the property, services or facilities had been provided,on commercial terms, and
  - (b) the total value in monetary terms of the consideration (if any) actually so provided by or on behalf of the candidate or his election agent.
- (5) Where a donation such as is mentioned in sub-paragraph (4) above confers an enduring benefit on the donee over a particular period, the value of the donation—
  - (a) shall be determined at the time when it is made, but
  - (b) shall be so determined by reference to the total benefit accruing to the donee over that period.
- (6) In this paragraph “market value” in relation to any property, means the price which might reasonably be expected to be paid for the property on a sale in the open market.

## PART II

### CONTROLS ON DONATIONS

#### *Prohibition on accepting donations from impermissible donors*

- 6 (1) A relevant donation received by a candidate or his election agent must not be accepted if—
  - (a) the person by whom the donation would be made is not, at the time of its receipt by the candidate or (as the case may be) his election agent, a permissible donor falling within section 54(2) of the 2000 Act; or
  - (b) the candidate or (as the case may be) his election agent is (whether because the donation is given anonymously or by reason of any deception or concealment or otherwise) unable to ascertain the identity of the person offering the donation.
- (2) For the purposes of this Schedule any relevant donation received by a candidate or his election agent which is an exempt trust donation shall be regarded as a relevant donation received by the candidate or his election agent from a permissible donor; and section 162 of the 2000 Act (interpretation: exempt trust donations) shall apply for the purposes of this Schedule as it applies for the purposes of that Act.

- (3) But, for the purposes of this Schedule, any relevant donation received by a candidate or his election agent from a trustee of any property (in his capacity as such) which is not—
- (a) an exempt trust donation, or
  - (b) a relevant donation transmitted by the trustee to the candidate or his election agent on behalf of beneficiaries under the trust who are—
    - (i) persons who at the time of its receipt by the candidate or his election agent are permissible donors falling within section 54(2) of the 2000 Act, or
    - (ii) the members of an unincorporated association which at that time is such a permissible donor,
 shall be regarded as a relevant donation received by the candidate or his election agent from a person who is not such a permissible donor.
- (4) Where any person (“the principal donor”) causes an amount (“the principal donation”) to be received by a candidate or his election agent by way of a relevant donation—
- (a) on behalf of himself and one or more other persons, or
  - (b) on behalf of two or more other persons,
- then for the purposes of this Part each individual contribution by a person falling within paragraph (a) or (b) of more than £50 shall be treated as if it were a separate donation received from that person.
- (5) In relation to each such separate donation, the principal donor must ensure that, at the time when the principal donation is received by the candidate or his election agent, the candidate or (as the case may be) his election agent is given—
- (a) (except in the case of a donation which the principal donor is treated as making) all such details in respect of the person treated as making the donation as are required by virtue of paragraph 11(c) below; and
  - (b) (in any case) all such details in respect of the donation as are required by virtue of paragraph 11(a) below.
- (6) Where—
- (a) any person (“the agent”) causes an amount to be received by a candidate or his election agent by way of a donation on behalf of another person (“the donor”), and
  - (b) the amount of the donation is more than £50,
- the agent must ensure that, at the time when the donation is received by the candidate or his election agent, the candidate or (as the case may be) his election agent is given all such details in respect of the donor as are required by virtue of paragraph 11(c) below.
- (7) A person commits an offence if, without reasonable excuse, he fails to comply with sub-paragraph (5) or (6) above.
- (8) A person guilty of an offence under sub-paragraph (7) shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum or to a term of imprisonment not exceeding 6 months (or both);
  - (b) on conviction on indictment, to a fine or to a term of imprisonment not exceeding one year (or both).

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*Acceptance or return of donations*

- 7 (1) Sections 56 to 60 of the 2000 Act shall apply for the purposes of this Schedule in relation to—
- (a) a relevant donation received by a candidate or his election agent, and
  - (b) the candidate or (as the case may be) the election agent,
- as they apply in relation to a donation received by a registered party and the registered party.
- (2) In the application of sections 56 to 60 of that Act in accordance with sub-paragraph (1)—
- (a) section 56(1) shall have effect as if the reference to the particulars relating to a donor which would be required to be included in a donation report by virtue of paragraph 2 of Schedule 6 (if the donation were a recordable donation within the meaning of that Schedule) were construed as a reference to the particulars which are required to be included in a return by virtue of paragraph 11(c) below;
  - (b) section 56(3) shall have effect as if the reference to the party were omitted and the reference to the treasurer of the party were construed as a reference to the candidate or (as the case may be) his election agent; and
  - (c) section 56(4) shall have effect as if the reference to the treasurer of the party were construed as a reference to the candidate or (as the case may be) his election agent.

*Transfer of donations received by candidate to election agent*

- 8 (1) Sub-paragraph (2) below applies in relation to any relevant donation received by a candidate after the deadline for appointing an election agent (unless the candidate is, or is deemed to be, his own election agent at the time of receipt of the donation).
- (2) The candidate shall, on receipt of any such donation as is mentioned in sub-paragraph (1) above, forthwith deliver to his election agent—
- (a) the donation,
  - (b) where paragraph 6(5) or (6) above applies in relation to the donation, the information provided to the candidate in pursuance of that provision, and
  - (c) any other information which the candidate has about the donation and its donor which might reasonably be expected to assist the election agent in the discharge of any duties imposed on him, in relation to the donation, under this Part or Part III of this Schedule.
- (3) Where a donation is delivered to an election agent in accordance with sub-paragraph (2) above, the donation shall be treated for the purposes of paragraph 6(1) to (4) above and the provisions applied by paragraph 7 above as if it had been—
- (a) originally received by the election agent, and
  - (b) so received by him on the date on which it was received by the candidate.
- (4) Where a candidate receives a relevant donation before the deadline for appointing an election agent but at a time when an appointment of a person (other than the candidate himself) as election agent is in force he shall either—
- (a) forthwith deliver the donation and the information mentioned in sub-paragraph (2)(b) and (c) above to the agent, or

- (b) (if he fails to do so) deal with the donation in accordance with section 56 of the 2000 Act.
- (5) Sub-paragraph (3) above shall have effect in relation to any relevant donation delivered to an election agent in accordance with sub-paragraph (4)(a) above as it has effect in relation to a donation delivered to him in accordance with sub-paragraph (2) above.
- (6) Sub-paragraph (7) below applies where—
- (a) a relevant donation received by a candidate before the deadline for appointing an election agent has been dealt with by the candidate in accordance with section 56 of the 2000 Act either because—
    - (i) it was received by him at a time when no appointment of another person as his election agent was in force, or
    - (ii) although such an appointment was in force, he was by virtue of sub-paragraph (4)(b) required to deal with the donation; and
  - (b) an appointment of a person (other than the candidate himself) as election agent is in force at, or at any time after—
    - (i) the deadline for appointing an election agent, or
    - (ii) if later, the time when the candidate has dealt with the donation in accordance with section 56 of the 2000 Act.
- (7) Subject to sub-paragraph (9) below, the candidate shall, as soon as reasonably practicable after the relevant time, deliver to the election agent—
- (a) the donation (if it has been accepted by him), and
  - (b) any information which he has about the donation and the donor which might reasonably be expected to assist the election agent in the discharge of any duties imposed on him, in relation to the donation, under Part III of this Schedule.
- (8) The relevant time for the purposes of sub-paragraph (7) above is—
- (a) the time mentioned in sub-paragraph (6)(b)(i) or (ii) (as the case may be) if the appointment of another person as election agent is in force at that time, or
  - (b) otherwise, the time when any such appointment subsequently comes into force.
- (9) The duty imposed on a candidate by sub-paragraph (7)(a) above does not apply to any relevant donation to the extent to which it has been lawfully used by the candidate for the purpose of paying election expenses.
- (10) In this paragraph—
- (a) any reference to the deadline for appointing an election agent is a reference to the latest time by which an election agent may in accordance with section 67(1) or (1A) of this Act be named as election agent—
    - (i) by the candidate, or
    - (ii) in the case of a candidate on a list of candidates submitted by a registered political party to be London members of the London Assembly at an ordinary election, by the party; and
  - (b) any reference to any provision of section 56 of the 2000 Act is a reference to that provision as applied by paragraph 7 above.



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*Evasion of restrictions on donations*

- 9 Section 61 of the 2000 Act shall apply for the purposes of this Schedule as if—
- (a) any reference to donations were to relevant donations;
  - (b) any reference to a registered party were, in relation to a relevant donation, a reference to a candidate or (as the case may be) his election agent; and
  - (c) any reference in subsection (2) to the treasurer of a registered party were, in relation to a relevant donation, a reference to either the candidate or his election agent (or both).

**PART III**

REPORTING OF DONATIONS

*Statement of relevant donations*

- 10 The candidate's election agent must include in any return required to be delivered under section 81 of this Act a statement of relevant donations which complies with paragraphs 11 and 12 below.

*Donations from permissible donors*

- 11 The statement must record, in relation to each relevant donation accepted by the candidate or his election agent—
- (a) the amount of the donation (if a donation of money, in cash or otherwise) or (in any other case) the nature of the donation and its value as determined in accordance with paragraph 5 above;
  - (b) the date when the donation was accepted by the candidate or his election agent;
  - (c) the information about the donor which is, in connection with recordable donations to registered parties, required to be recorded in donation reports by virtue of paragraph 2 of Schedule 6 to the 2000 Act; and
  - (d) such other information as may be required by regulations made by the Commission.

*Donations from impermissible donors*

- 12 (1) This paragraph applies to relevant donations falling within paragraph 6(1)(a) or (b) above.
- (2) Where paragraph 6(1)(a) above applies, the statement must record—
- (a) the name and address of the donor;
  - (b) the amount of the donation (if a donation of money, in cash or otherwise) or (in any other case) the nature of the donation and its value as determined in accordance with paragraph 5 above;
  - (c) the date when the donation was received, and the date when, and the manner in which, it was dealt with in accordance with section 56(2)(a) of the 2000 Act; and
  - (d) such other information as is required by regulations made by the Commission.

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- (3) Where paragraph 6(1)(b) above applies, the statement must record—
- (a) details of the manner in which the donation was made;
  - (b) the amount of the donation (if a donation of money, in cash or otherwise) or (in any other case) the nature of the donation and its value as determined in accordance with paragraph 5 above;
  - (c) the date when the donation was received, and the date when, and the manner in which, it was dealt with in accordance with section 56(2)(b) of the 2000 Act; and
  - (d) such other information as is required by regulations made by the Commission.
- (4) In this paragraph any reference to any provision of section 56 of the 2000 Act is a reference to that provision as applied by paragraph 7 above.”

## SCHEDULE 17

Section 137.

### AMENDMENTS RELATING TO ELECTION PETITIONS

#### *Preliminary*

- 1 The Representation of the People Act 1983 shall be amended as follows.

#### *Local election petitions*

- 2 In section 130 (election court for election in England and Wales and place of trial), in subsection (2)(b) (disqualification of persons to constitute election court) for the words from “area” onwards substitute “area in which he resides.”

#### *Procedure on all election petitions*

- 3 (1) For section 137 there shall be substituted—

#### **“137 Petition at issue**

- (1) The petition shall be at issue as from the relevant time, as defined by subsection (2) below.
- (2) In this section “the relevant time” means—
  - (a) where the petitioner gives the security for costs required by section 136 above by a deposit of money equal to the amount of the security so required, the time when the security is so given; and
  - (b) in any other case, the time when—
    - (i) the time prescribed for the making of objections under section 136(4) above expires, or
    - (ii) if such an objection is made, that objection is disallowed or removed,
 whichever happens later.”
- (2) The amendment made by sub-paragraph (1) does not have effect in relation to election petitions in respect of local government elections in Scotland.

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- 4 In section 138(1) (list of petitions) the words from “, a copy of which” onwards shall be omitted.
- 5 (1) Sections 148 to 153 (withdrawal or abatement of petition) shall be omitted.
- (2) The repeals made by sub-paragraph (1) do not have effect in relation to election petitions in respect of local government elections in Scotland.
- 6 In section 157 (appeals and jurisdiction), subsection (5) (additional remuneration for designated masters) shall be omitted.

*Consequences of finding by election court of corrupt or illegal practice*

- 7 In section 159 (candidate reported guilty of corrupt or illegal practice)—
- (a) subsection (2) shall be omitted, and
  - (b) for subsection (3) there shall be substituted—
    - “(3) A candidate at a local government election in Scotland who is reported personally guilty or guilty by his agents of any corrupt or illegal practice shall also be incapable from the date of the report of holding the office of councillor of any local authority in Scotland—
    - (a) for ten years, if reported personally guilty of a corrupt practice,
    - (b) for three years, if reported guilty by his agents of a corrupt practice, or
    - (c) during the period for which the candidate was elected to serve or for which if elected he might have served, if reported personally guilty or guilty by his agents of an illegal practice,and if at the date of the report he holds any such office, then the office shall be vacated as from that date.”
- 8 In section 160 (candidate or other person reported personally guilty of corrupt practice or illegal practice), for subsections (4) and (5) there shall be substituted—
- “(4) Subject to the provisions of subsection (4A) and section 174 below, a candidate or other person reported by an election court personally guilty of a corrupt or illegal practice—
- (a) shall during the relevant period specified in subsection (5) below be incapable of—
    - (i) being registered as an elector or voting at any parliamentary election in the United Kingdom or at any local government election in Great Britain,
    - (ii) being elected to the House of Commons, or
    - (iii) holding any elective office; and
  - (b) if already elected to a seat in the House of Commons, or holding any such office, shall vacate the seat or office as from the date of the report.
- (4A) The incapacity imposed by subsection (4)(a)(i) above applies only to a candidate or other person reported personally guilty of a corrupt practice under section 60 above or of an illegal practice under section 61 above.

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- (5) For the purposes of subsection (4) above the relevant period is the period beginning with the date of the report and ending—
- (a) in the case of a person reported personally guilty of a corrupt practice, five years after that date, or
  - (b) in the case of a person reported personally guilty of an illegal practice, three years after that date.
- (5A) Subject to the provisions of section 174 but in addition to any incapacity arising by virtue of subsection (4) above, a candidate or other person reported by an election court personally guilty of a corrupt practice—
- (a) shall for the period of five years beginning with the date of the report, be incapable of holding any public or judicial office in Scotland, and
  - (b) if already holding such an office, shall vacate it as from that date.”
- 9 In section 166 (votes to be struck off for corrupt or illegal practices), in subsection (3) (person’s vote to be void if he is subject to any incapacity to vote), for “public office” there shall be substituted “elective office or to any public office in Scotland”.
- 10 In section 185(1) (interpretation of Part III of the Act)—
- (a) after the definition of “declaration as to election expenses” there shall be inserted—
 

““elective office” means any office to which a local government election is held in England or Wales;”; and
  - (b) in the definition of “public office” for “ “public office” means any office —” substitute “ “public office” in relation to Scotland means any office held in Scotland—”.

## SCHEDULE 18

Section 138.

### ELECTION CAMPAIGNS AND PROCEEDINGS: MISCELLANEOUS AMENDMENTS

#### *Preliminary*

- 1 The Representation of the People Act 1983 shall be amended as follows.

#### *Contracts about election expenses*

- 2 Section 72 (contracts through election agent) shall be omitted.

#### *Payment of election expenses*

- 3 (1) Section 73 (payment of expenses through election agent) shall be amended as follows.
- (2) For subsection (1) there shall be substituted—
- “(1) Subject to subsection (5) below, no payment (of whatever nature) shall be made by—
- (a) a candidate at an election, or

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- (b) any other person,  
in respect of election expenses incurred by or on behalf of the candidate unless it is made by or through the candidate’s election agent.”
- (3) In subsection (2), for “and by a receipt” there shall be substituted “or by a receipt”.
- (4) Subsection (4) shall be omitted.
- (5) For subsection (5) there shall be substituted—
- “(5) This section does not apply to—
- (a) any expenses which are, in accordance with section 74(1) or (1B), 78(5) or 79(2) below, paid by the candidate;
- (b) any expenses which are paid in accordance with section 74(3) below by a person authorised as mentioned in that provision;
- (c) any expenses included in a declaration made by the election agent under section 74A below; or
- (d) any expenses which are to be regarded as incurred by or on behalf of the candidate by virtue of section 90A(5)(b) below.”
- (6) In subsection (6)—
- (a) for “any payment, advance or deposit” there shall be substituted “any payment (of whatever nature)”; and
- (b) the words from “, or pays” to “as mentioned above,” shall be omitted.
- 4 (1) Section 74 (candidate’s personal expenses, and petty expenses) shall be amended as follows.
- (2) For the sidenote there shall be substituted “Expenses which may be paid otherwise than by election agent.”
- (3) After subsection (1A) there shall be inserted—
- “(1B) The candidate at an election may also pay any election expenses (other than expenses falling within subsection (1) above) which were incurred by him or on his behalf and in respect of which payment falls to be made before the date on which he appoints (or is deemed to have appointed) an election agent.”
- (4) In subsection (2), for “personal expenses paid as mentioned above” there shall be substituted “expenses paid as mentioned in subsection (1) or (1B) above”.
- (5) After subsection (4) there shall be inserted—
- “(5) Sections 78 and 79 below do not apply to expenses which, in accordance with any provision of this section, are paid otherwise than by the candidate’s election agent.”
- 5 After section 74 there shall be inserted—
- “74A Expenses incurred otherwise than for election purposes**
- (1) Neither section 73 above nor sections 78 and 79 below shall apply to election expenses—
- (a) which are incurred by or on behalf of a candidate otherwise than for the purposes of the candidate’s election, but

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- (b) which by virtue of section 90A(1) below fall to be regarded as election expenses by reason of the property, services or facilities in respect of which they were incurred being used for the purposes of the candidate's election.
  - (2) The candidate's election agent shall make a declaration of the amount (determined in accordance with section 90B below) of any election expenses falling within subsection (1) above.
  - (3) In this section "for the purposes of the candidate's election" has the same meaning as in sections 90A to 90C below."
- 6 (1) Section 78 (time for sending in and paying claims) shall be amended as follows.
- (2) In subsections (1) and (2) for "within" wherever it occurs there shall be substituted "not later than".

*Returns of election expenses*

- 7 (1) Section 81 (return as to election expenses) shall be amended as follows.
- (2) In subsection (1) for the words from "in the form" onwards there shall be substituted "containing as respects that candidate—
- (a) a statement of all election expenses incurred by or on behalf of the candidate; and
  - (b) a statement of all payments made by the election agent together with all bills or receipts relating to the payments."
- (3) For subsection (2) there shall be substituted—
- “(2) A return under this section must—
- (a) specify the poll by virtue of which the return is required;
  - (b) specify the name of the candidate to whom the return relates and of the candidate's election agent; and
  - (c) deal under a separate heading with any expenses in respect of which a return is required by virtue of section 75(2) above.”
- (4) In subsection (3)—
- (a) for paragraph (a) there shall be substituted—
    - “(a) a statement of all payments made—
    - (i) by the candidate in accordance with section 74(1) or (1B) above, or
    - (ii) by any other person in accordance with section 74(3) above,
    - together with all bills or receipts relating to any such payments made in accordance with section 74(1B) or 74(3);”, and
  - (b) for paragraph (d) there shall be substituted—
    - “(d) any declarations of value falling to be made by the candidate's election agent by virtue of section 74A(2) above or 90C(2) below;

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- (da) a declaration of the amount of expenses which are to be regarded as election expenses incurred by or on behalf of the candidate by virtue of section 90A(5)(b) below;
- (e) a statement of donations made to the candidate or his election agent which complies with the requirements of paragraphs 11 and 12 of Schedule 2A to this Act; and
- (f) a statement of the amount, if any, of money provided by the candidate from his own resources for the purpose of meeting election expenses incurred by him or on his behalf.”

(5) Subsection (4) shall be omitted.

(6) In subsection (7), the words from “; and” onwards shall be omitted.

(7) After subsection (10) there shall be inserted—

“(10A) The Electoral Commission may, by regulations, prescribe a form of return which may be used for the purposes of making any (or any description of) return required by this section.”

(8) Subsection (11) shall be omitted.

8 Section 82(4) (person before whom declaration as to elections expenses may be made) shall be omitted.

9 After section 87 there shall be inserted—

**“87A Duty of appropriate officer to forward returns and declarations to Electoral Commission**

(1) Where the appropriate officer receives any return or declaration under section 75, 81 or 82 above in respect of —

- (a) a parliamentary election, or
- (b) an election of the Mayor of London,

he shall as soon as reasonably practicable after receiving the return or declaration deliver a copy of it to the Electoral Commission and, if so requested by the Commission, he shall also deliver to them a copy of any accompanying documents.

(2) Where the appropriate officer receives any return or declaration under section 75, 81 or 82 in respect of any election other than one mentioned in subsection (1) above, he shall, if so requested by the Electoral Commission, deliver to them a copy of the return and any accompanying documents.”

10 For section 89(1) (inspection of returns and declarations) there shall be substituted—

“(1) Where the appropriate officer receives any return or declaration under section 75, 81 or 82 above he shall—

- (a) as soon as reasonably practicable after receiving the return or declaration make a copy of it, and any accompanying documents, available for public inspection at his office, or some other convenient place chosen by him, for a period of two years beginning with the date when the return is received by him;

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- (b) if requested to do so by any person, and on payment of the prescribed fee, supply that person with a copy of the return or declaration and any accompanying documents.

(1A) If any such return contains a statement of donations in accordance with section 81(3)(e) above, the appropriate officer shall secure that the copy of the statement made available for public inspection under subsection (1) (a) above or (as the case may be) supplied under subsection (1)(b) above does not include, in the case of any donation by an individual, the donor's address."

- 11 In section 90 (election expenses at elections where election agent not required)—
- (a) in subsection (1)(a), for "section 76(1) above has" there shall be substituted "section 76(1B) above and sections 90A(5) and 90C below have";
  - (b) in subsection (1)(b), for "sections 72 to 75 and 78 to 89 above" there shall be substituted "sections 71A to 75 and 78 to 89 above, and Schedule 2A to this Act,";
  - (c) for subsection (1)(c) there shall be substituted—
    - "(c) section 76A(2) has effect as if it referred, in substitution for the provisions set out in paragraphs (a) to (c) of that subsection, to paragraph 3 of Schedule 4 to this Act.";
  - (d) in subsection (2) for "sections 72 to 89" there shall be substituted "sections 71A to 89".

*Conveyance of voters to and from the poll*

- 12 Sections 101 to 105 (conveyance of voters to and from the polls) shall be omitted.

*Illegal practices, payments, employments and hirings*

- 13 Section 108 (premises not to be used as committee rooms) shall be omitted.

- 14 For section 110 there shall be substituted—

**"110 Details to appear on election publications**

- (1) This section applies to any material which can reasonably be regarded as intended to promote or procure the election of a candidate at an election (whether or not it can be so regarded as intended to achieve any other purpose as well).
- (2) No material to which this section applies shall be published unless—
  - (a) in the case of material which is, or is contained in, such a document as is mentioned in subsection (4), (5) or (6) below, the requirements of that subsection are complied with; or
  - (b) in the case of any other material, any requirements falling to be complied with in relation to the material by virtue of regulations under subsection (7) below are complied with.
- (3) For the purposes of subsections (4) to (6) below the following details are "the relevant details" in the case of any material falling within subsection (2) (a) above, namely—
  - (a) the name and address of the printer of the document;



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- (b) the name and address of the promoter of the material; and
  - (c) the name and address of any person on behalf of whom the material is being published (and who is not the promoter).
- (4) Where the material is a document consisting (or consisting principally) of a single side of printed matter, the relevant details must appear on the face of the document.
- (5) Where the material is a printed document other than one to which subsection (4) above applies, the relevant details must appear either on the first or the last page of the document.
- (6) Where the material is an advertisement contained in a newspaper or periodical—
  - (a) the name and address of the printer of the newspaper or periodical must appear either on its first or last page; and
  - (b) the relevant details specified in subsection (3)(b) and (c) above must be included in the advertisement.
- (7) The Secretary of State may, after consulting the Electoral Commission, by regulations make provision for and in connection with the imposition of requirements as to the inclusion in material falling within subsection (2)(b) above of the following details, namely—
  - (a) the name and address of the promoter of the material; and
  - (b) the name and address of any person on behalf of whom the material is being published (and who is not the promoter).
- (8) Regulations under subsection (7) above may in particular specify—
  - (a) the manner and form in which such details must be included in any such material for the purpose of complying with any such requirement;
  - (b) circumstances in which—
    - (i) any such requirement does not have to be complied with by a person of any description specified in the regulations, or
    - (ii) a breach of any such requirement by a person of any description so specified is not to result in the commission of an offence under this section by that person or by a person of any other such description;
  - (c) circumstances in which material is, or is not, to be taken for the purposes of the regulations to be published or (as the case may be) published by a person of any description so specified.
- (9) Where any material falling within subsection (2)(a) above is published in contravention of subsection (2), then (subject to subsections (11) and (12) below)—
  - (a) the promoter of the material,
  - (b) any other person by whom the material is so published, and
  - (c) the printer of the document,shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

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- (10) Where any material falling within subsection (2)(b) above is published in contravention of subsection (2), then (subject to regulations made by virtue of subsection (8)(b) above and to subsections (11) and (12) below)—
- (a) the promoter of the material, and
  - (b) any other person by whom the material is so published,
- shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (11) It shall be a defence for a person charged with an offence under this section to prove—
- (a) that the contravention of subsection (2) above arose from circumstances beyond his control; and
  - (b) that he took all reasonable steps, and exercised all due diligence, to ensure that that contravention would not arise.
- (12) Where a candidate or his election agent would (apart from this subsection) be guilty of an offence under subsection (9) or (10) above, he shall instead be guilty of an illegal practice.
- (13) In this section—
- “print” means print by whatever means, and “printer” shall be construed accordingly;
- “the promoter”, in relation to any material to which this section applies, means the person causing the material to be published;
- “publish” means make available to the public at large, or any section of the public, in whatever form and by whatever means.
- (14) For the purpose of determining whether any material is material such as is mentioned in subsection (1) above, it is immaterial that it does not expressly mention the name of any candidate.”

#### *Election expenses*

- 15 In section 118 (interpretation of Part II)—
- (a) for the definition of “election expenses” there shall be substituted—
 

““election expenses”, in relation to an election, shall be construed in accordance with sections 90A to 90D above;”, and
  - (b) in the definition of “money”, for “sections 113 and 114 above” there shall be substituted “sections 71A, 113 and 114 above and Schedule 2A to this Act”.
- 16 In Schedule 3—
- (a) the form of return, and
  - (b) in the form of declarations—
    - (i) in paragraph 3, the words “in relation to my [the candidate's] personal expenses”, and
    - (ii) paragraph 4,

shall be omitted.
- 17 In Schedule 4 (election expenses in connection with certain local elections), in paragraph 3, for “and receipts” there shall be substituted “or by receipts”.

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*Jurisdiction and procedure*

- 18 (1) The following provisions shall be omitted—
- (a) section 78(6);
  - (b) section 79(3);
  - (c) section 86(9);
  - (d) section 106(8);
  - (e) section 122(8);
  - (f) section 167(4); and
  - (g) section 174(6).
- (2) For section 78(7) there shall be substituted—
- “(7) Article 60 of the County Courts (Northern Ireland) Order 1980 (appeals from county courts) shall apply in relation to any order of a county court in Northern Ireland made by virtue of subsection (4) above as it applies in relation to any such decree of a county court as is mentioned in paragraph (1) of that Article.”
- (3) For section 86(10) and (11) there shall be substituted—
- “(10) Article 60 of the County Courts (Northern Ireland) Order 1980 (appeals from county courts) shall apply in relation to any order of a county court in Northern Ireland made by virtue of this section as it applies in relation to any such decree of a county court as is mentioned in paragraph (1) of that Article.”
- (4) For section 106(9) there shall be substituted—
- “(9) Article 60 of the County Courts (Northern Ireland) Order 1980 (appeals from county courts) shall apply in relation to any order of a county court in Northern Ireland made by virtue of subsection (3) above as it applies in relation to any such decree of a county court as is mentioned in paragraph (1) of that Article.”
- (5) For section 167(5) there shall be substituted—
- “(5) Article 60 of the County Courts (Northern Ireland) Order 1980 (appeals from county courts) shall apply in relation to any order of a county court in Northern Ireland made by virtue of this section as it applies in relation to any such decree of a county court as is mentioned in paragraph (1) of that Article.”

*References to documents used in legal proceedings*

- 19 (1) In section 69 (office of election agent and sub-agent)—
- (a) in subsection (1), for “writs, summonses and” substitute “legal process and other”; and
  - (b) in subsection (3), for “writ, summons or” substitute “legal process or other”.
- (2) In section 85(4) (penalty for sitting or voting where no return and declarations transmitted), for—
- (a) “the writ or other process” (in both places), and
  - (b) “a writ or other process”,

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substitute “legal process”.

- (3) In section 121(5) (presentation and service of parliamentary election petition), for the words from “as nearly” to “such other” substitute “in such”.
- (4) In section 136(2) (security for costs), in paragraphs (a) and (b), for “on summons, directs” substitute “directs on an application made by the petitioner”.
- (5) In section 184(1) (service of notices), for “summons, notice or” substitute “notice, legal process or other”.
- (6) In section 202(1) (general provisions as to interpretation), after the definition of “legal incapacity” insert—
 

““legal process” means a claim form, application notice, writ, summons or other process;”.
- (7) In Schedule 4 (election expenses at certain local elections in England and Wales), in paragraph 4(3) (penalty for sitting or voting where no return and declarations transmitted), for “a writ or other process” substitute “legal process”.

## SCHEDULE 19

Section 139.

### CONTROL OF POLITICAL DONATIONS BY COMPANIES: NEW PART XA OF COMPANIES ACT 1985

#### “PART XA

#### CONTROL OF POLITICAL DONATIONS

#### **347A Introductory provisions**

- (1) This Part has effect for controlling—
  - (a) contributions and other donations made by companies to registered parties and other EU political organisations; and
  - (b) EU political expenditure incurred by companies.
- (2) The following provisions have effect for the purposes of this Part, but subsections (4) and (7) have effect subject to section 347B.
- (3) “Director” includes shadow director.
- (4) “Donation”, in relation to an organisation, means anything that would constitute a donation for the purposes of Part IV of the Political Parties, Elections and Referendums Act 2000 in accordance with sections 50 to 52 of that Act (references in those sections to a registered party being read as applying equally to an organisation which is not such a party); and—
  - (a) subsections (3) to (8) of section 50 of that Act shall apply, with any necessary modifications, for the purpose of determining whether something is a donation to an organisation for the purposes of this Part as they apply for the purpose of determining whether something is a donation to a registered party for the purposes of Part IV of that Act; and

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- (b) section 53 of that Act shall similarly apply for the purpose of determining, for the purposes of this Part, the value of any donation.
- (5) “EU political expenditure”, in relation to a company, means any expenditure incurred by the company—
- (a) in respect of the preparation, publication or dissemination of any advertising or any other promotional or publicity material—
    - (i) of whatever nature, and
    - (ii) however published or otherwise disseminated,which, at the time of publication or dissemination, is capable of being reasonably regarded as intended to affect public support for any EU political organisation, or
  - (b) in respect of any activities on the part of the company such as are mentioned in subsection (7)(b) or (c).
- (6) “EU political organisation” means—
- (a) a registered party; or
  - (b) any other organisation to which subsection (7) applies.
- (7) This subsection applies to an organisation if—
- (a) it is a political party which carries on, or proposes to carry on, activities for the purpose of or in connection with the participation of the party in any election or elections to public office held in a member State other than the United Kingdom;
  - (b) it carries on, or proposes to carry on, activities which are capable of being reasonably regarded as intended to affect public support for—
    - (i) any registered party,
    - (ii) any other political party within paragraph (a), or
    - (iii) independent candidates at any election or elections of the kind mentioned in that paragraph; or
  - (c) it carries on, or proposes to carry on, activities which are capable of being reasonably regarded as intended to influence voters in relation to any national or regional referendum held under the law of any member State.
- (8) “Organisation” includes any body corporate and any combination of persons or other unincorporated association.
- (9) “Registered party” means a party registered under Part II of the Political Parties, Elections and Referendums Act 2000.
- (10) “The relevant time”, in relation to any donation or expenditure made or incurred by a company or subsidiary undertaking, means—
- (a) the time when the donation or expenditure is made or incurred; or
  - (b) if earlier, the time when any contract is entered into by the company or undertaking in pursuance of which the donation or expenditure is made or incurred.
- (11) “Subsidiary undertaking” has the same meaning as in Part VII.

### 347B Exemptions

- (1) Section 347A(4) does not extend to a subscription paid to an EU trade association for membership of the association, and accordingly such a payment is not a donation to the association for the purposes of this Part.
- (2) In subsection (1)—
  - “EU trade association” means any organisation formed for the purpose of furthering the trade interests—
    - (a) of its members, or
    - (b) of persons represented by its members,
 which carries on its activities wholly or mainly in one or more of the member States;
    - “subscription”, in relation to a trade association, does not include any payment to the association to the extent that it is made for the purpose of financing any particular activity of the association.
- (3) Section 347A(7) does not apply to any all-party parliamentary group composed of members of one or both of the Houses of Parliament (or of such members and other persons), and accordingly any such group is not an EU political organisation for the purposes of this Part.
- (4) For the purposes of this Part—
  - (a) a company does not need to be authorised as mentioned in section 347C(1) or section 347D(2) or (3), and
  - (b) a subsidiary undertaking does not need to be authorised as mentioned in section 347E(2),
 in connection with any donation or donations to any EU political organisation or organisations made in a particular qualifying period, except to the extent (if any) that the amount or aggregate amount of any such donation or donations made in that period exceeds £5,000.
- (5) The restrictions imposed by sections 347C(1), 347D(2) and (3) and 347E(2) accordingly have effect subject to subsection (4); and, where a resolution is passed for the purposes of any of those provisions, any amount of donations in relation to which, by virtue of subsection (4), no authorisation is needed shall accordingly not count towards the sum specified in the resolution.
- (6) In subsection (4) “qualifying period” means—
  - (a) the period of 12 months beginning with the relevant date for the company or (in the case of a subsidiary undertaking) the parent company; and
  - (b) each succeeding period of twelve months.
- (7) For the purposes of subsection (6) the relevant date for a company is—
  - (a) if an annual general meeting of the company is held within the period of 12 months beginning with the date of the coming into force of this section, the date of that meeting; and
  - (b) otherwise, the date immediately following the end of that period.
- (8) For the purposes of this Part—
  - (a) a company does not need to be authorised as mentioned in section 347C(1) or section 347D(2) or (3), and

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- (b) a subsidiary undertaking does not need to be authorised as mentioned in section 347E(2),  
in connection with any EU political expenditure in relation to which an exemption is conferred on the company or (as the case may be) subsidiary undertaking by virtue of an order made by the Secretary of State by statutory instrument.
- (9) The restrictions imposed by sections 347C(1), 347D(2) and (3) and 347E(2) accordingly have effect subject to subsection (8); and, where a resolution is passed for the purposes of any of those provisions, any amount of EU political expenditure in relation to which, by virtue of subsection (8), no authorisation is needed shall accordingly not count towards the sum specified in the resolution.
- (10) An order under subsection (8) may confer an exemption for the purposes of that subsection in relation to—
- (a) companies or subsidiary undertakings of any description or category specified in the order, or
  - (b) expenditure of any description or category so specified (whether framed by reference to goods, services or other matters in respect of which such expenditure is incurred or otherwise),
- or both.
- (11) An order shall not be made under subsection (8) unless a draft of the statutory instrument containing the order has been laid before and approved by each House of Parliament.

### **347C Prohibition on donations and political expenditure by companies**

- (1) A company must not—
- (a) make any donation to any registered party or to any other EU political organisation, or
  - (b) incur any EU political expenditure,
- unless the donation or expenditure is authorised by virtue of an approval resolution passed by the company in general meeting before the relevant time.  
This subsection has effect subject to section 347D(3).
- (2) For the purposes of this section an approval resolution is a qualifying resolution which authorises the company to do either (or both) of the following, namely—
- (a) make donations to EU political organisations not exceeding in total a sum specified in the resolution, or
  - (b) incur EU political expenditure not exceeding in total a sum so specified, during the requisite period beginning with the date of the resolution.
- (3) In subsection (2)—
- (a) “qualifying resolution” means an ordinary resolution or, if the directors so determine or the articles so require—
    - (i) a special resolution, or
    - (ii) a resolution passed by any percentage of the members greater than that required for an ordinary resolution;
  - (b) “the requisite period” means four years or such shorter period as the directors may determine or the articles may require;
- and the directors may make a determination for the purposes of paragraph (a) or (b) above except where any provision of the articles operates to prevent them from doing so.

- (4) The resolution must be expressed in general terms conforming with subsection (2), and accordingly may not purport to authorise particular donations or expenditure.
- (5) Where a company makes any donation or incurs any expenditure in contravention of subsection (1), no ratification or other approval made or given by the company or its members after the relevant time is capable of operating to nullify that contravention.
- (6) Nothing in this section enables a company to be authorised to do anything that it could not lawfully do apart from this section.

### **347D Special rules for subsidiaries**

- (1) This section applies where a company is a subsidiary of another company (“the holding company”).
- (2) Where the subsidiary is not a wholly-owned subsidiary of the holding company—
  - (a) it must not make any donation or incur any expenditure to which subsection (1) of section 347C applies unless the donation or expenditure is authorised by virtue of a subsidiary approval resolution passed by the holding company in general meeting before the relevant time; and
  - (b) this requirement applies in addition to that imposed by that subsection.
- (3) Where the subsidiary is a wholly-owned subsidiary of the holding company—
  - (a) it must not make any donation or incur any expenditure to which subsection (1) of section 347C applies unless the donation or expenditure is authorised by virtue of a subsidiary approval resolution passed by the holding company in general meeting before the relevant time; and
  - (b) this requirement applies in place of that imposed by that subsection.
- (4) For the purposes of this section a subsidiary approval resolution is a qualifying resolution of the holding company which authorises the subsidiary to do either (or both) of the following, namely—
  - (a) make donations to EU political organisations not exceeding in total a sum specified in the resolution, or
  - (b) incur EU political expenditure not exceeding in total a sum so specified, during the requisite period beginning with the date of the resolution.
- (5) Subsection (3) of section 347C shall apply for the purposes of subsection (4) above as it applies for the purposes of subsection (2) of that section.
- (6) The resolution must be expressed in general terms conforming with subsection (4), and accordingly may not purport to authorise particular donations or expenditure.
- (7) The resolution may not relate to donations or expenditure by more than one subsidiary.
- (8) Where a subsidiary makes any donation or incurs any expenditure in contravention of subsection (2) or (3), no ratification or other approval made or given by the holding company or its members after the relevant time is capable of operating to nullify that contravention.
- (9) Nothing in this section enables a company to be authorised to do anything that it could not lawfully do apart from this section.



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### **347E Special rule for parent company of non-GB subsidiary undertaking**

- (1) This section applies where a company (“the parent company”) has a subsidiary undertaking which is incorporated or otherwise established outside Great Britain.
- (2) The parent company shall take all such steps as are reasonably open to it to secure that the subsidiary undertaking does not make any donation or incur any expenditure to which subsection (1) of section 347C applies except to the extent that the donation or expenditure is authorised by virtue of a subsidiary approval resolution passed by the parent company in general meeting before the relevant time.
- (3) For the purposes of this section a subsidiary approval resolution is a qualifying resolution of the parent company which authorises the subsidiary undertaking to do either (or both) of the following, namely—
  - (a) make donations to EU political organisations not exceeding in total a sum specified in the resolution, or
  - (b) incur EU political expenditure not exceeding in total a sum so specified, during the requisite period beginning with the date of the resolution.
- (4) Subsection (3) of section 347C shall apply for the purposes of subsection (3) above as it applies for the purposes of subsection (2) of that section.
- (5) The resolution must be expressed in general terms conforming with subsection (3), and accordingly may not purport to authorise particular donations or expenditure.
- (6) The resolution may not relate to donations or expenditure by more than one subsidiary undertaking.
- (7) Where a subsidiary undertaking makes any donation or incurs any expenditure which (to any extent) is not authorised as mentioned in subsection (2), no ratification or other approval made or given by the parent company or its members after the relevant time is capable of operating to authorise that donation or expenditure.

### **347F Remedies for breach of prohibitions on company donations etc**

- (1) This section applies where a company has made any donation or incurred any expenditure in contravention of any of the provisions of sections 347C and 347D.
- (2) Every person who was a director of the company at the relevant time is liable to pay the company—
  - (a) the amount of the donation or expenditure made or incurred in contravention of the provisions in question; and
  - (b) damages in respect of any loss or damage sustained by the company as a result of the donation or expenditure having been made or incurred in contravention of those provisions.
- (3) Every such person is also liable to pay the company interest on the amount mentioned in subsection (2)(a) in respect of the period—
  - (a) beginning with the date when the donation or expenditure was made or incurred, and
  - (b) ending with the date when that amount is paid to the company by any such person;and such interest shall be payable at such rate as the Secretary of State may prescribe by regulations.

- (4) Where two or more persons are subject to a particular liability arising by virtue of any provision of this section, each of those persons is jointly and severally liable.
- (5) Where only part of any donation or expenditure was made or incurred in contravention of any of the provisions of sections 347C and 347D, this section applies only to so much of it as was so made or incurred.
- (6) Where—
  - (a) this section applies as mentioned in subsection (1), and
  - (b) the company in question is a subsidiary of another company (“the holding company”),then (subject to subsection (7)) subsections (2) to (5) shall, in connection with the donation or expenditure made or incurred by the subsidiary, apply in relation to the holding company as they apply in relation to the subsidiary.
- (7) Those subsections do not apply in relation to the holding company if—
  - (a) the subsidiary is not a wholly-owned subsidiary of the holding company; and
  - (b) the donation or expenditure was authorised by such a resolution of the holding company as is mentioned in section 347D(2)(a).
- (8) Nothing in section 727 shall apply in relation to any liability of any person arising under this section.

#### **347G Remedy for unauthorised donation or expenditure by non-GB subsidiary**

- (1) This section applies where—
  - (a) a company (“the parent company”) has a subsidiary undertaking falling within subsection (1) of section 347E;
  - (b) the subsidiary undertaking has made any donation or incurred any expenditure to which subsection (1) of section 347C applies; and
  - (c) the parent company has, in relation to that donation or expenditure, failed to discharge its duty under subsection (2) of section 347E to take all such steps as are mentioned in that subsection.
- (2) Subsections (2) to (4) of section 347F shall, in connection with the donation or expenditure made or incurred by the subsidiary undertaking, apply in relation to the holding company as if—
  - (a) it were a company falling within subsection (1) of that section, and
  - (b) the donation or expenditure had been made or incurred by it in contravention of section 347C or 347D.
- (3) Where only part of the donation or expenditure was not authorised as mentioned in section 347E(2), those subsections shall so apply only to that part of it.
- (4) Section 347F(8) applies to any liability of any person arising under section 347F by virtue of this section.

#### **347H Exemption of directors from liability in respect of unauthorised donation or expenditure**

- (1) Where proceedings are brought against a director or former director of a company in respect of any liability arising under section 347F(2)(a) in connection with a donation

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- or expenditure made or incurred by the company, it shall be a defence for that person to show that—
- (a) the unauthorised amount has been repaid to the company, together with any interest on that amount due under section 347F(3);
  - (b) that repayment has been approved by the company in general meeting; and
  - (c) in the notice of the relevant resolution submitted to that meeting full disclosure was made—
    - (i) of the circumstances in which the donation or expenditure was made or incurred in contravention of section 347C or 347D, and
    - (ii) of the circumstances in which, and the person or persons by whom, the repayment was made.
- (2) Where proceedings are brought against a director or former director of a holding company in respect of any liability arising under section 347F(2)(a) in connection with a donation or expenditure made or incurred by a subsidiary of the company, it shall be a defence for that person to show that—
- (a) the unauthorised amount has been repaid either to the subsidiary or to the holding company, together with any interest on that amount due under section 347F(3);
  - (b) that repayment has been approved—
    - (i) (if made to the subsidiary) by both the subsidiary and the holding company in general meeting, or
    - (ii) (if made to the holding company) by the holding company in general meeting; and
  - (c) in the notice of the relevant resolution submitted to each of those meetings or (as the case may be) to that meeting, full disclosure was made—
    - (i) of the circumstances in which the donation or expenditure was made in contravention of section 347D, and
    - (ii) of the circumstances in which, and the person or persons by whom, the repayment was made.
- (3) If the subsidiary is a wholly-owned subsidiary of the holding company, it is not necessary for the purposes of subsection (2) to show (where the repayment was made to the subsidiary) that the repayment has been approved by the subsidiary, and paragraphs (b) and (c) of that subsection shall apply accordingly.
- (4) Where proceedings are brought against a director or former director of a holding company in respect of any liability arising under section 347F(2)(a) in connection with a donation or expenditure made or incurred by a subsidiary of the company which is not a wholly-owned subsidiary, then (subject to subsection (5)) it shall be a defence for that person to show that—
- (a) proceedings have been instituted by the subsidiary against all or any of its directors in respect of the unauthorised amount; and
  - (b) those proceedings are being pursued with due diligence by the subsidiary.
- (5) A person may not avail himself of the defence provided by subsection (4) except with the leave of the court; and on an application for leave under this subsection the court may make such order as it thinks fit, including an order adjourning, or sanctioning the continuation of, the proceedings against the applicant on such terms and conditions as it thinks fit.

- (6) Where proceedings are brought against a director or former director of a company in respect of any liability arising under section 347F(2)(a) (as applied by virtue of section 347G) in connection with a donation or expenditure made or incurred by a subsidiary undertaking of the company, it shall be a defence for that person to show that—
- (a) the unauthorised amount has been repaid to the subsidiary undertaking, together with any interest on that amount due under section 347F(3) (as so applied);
  - (b) that repayment has been approved by the company in general meeting; and
  - (c) in the notice of the relevant resolution submitted to that meeting full disclosure was made—
    - (i) of the circumstances in which the donation or expenditure was made without having been authorised as mentioned in section 347E(2), and
    - (ii) of the circumstances in which, and the person or persons by whom, the repayment was made.
- (7) In this section “the unauthorised amount”, in relation to any donation or expenditure, means the amount of the donation or expenditure—
- (a) which was made or incurred in contravention of section 347C or 347D, or
  - (b) which was not authorised as mentioned in section 347E(2),
- as the case may be.

### **347I Enforcement of directors' liabilities by shareholder action**

- (1) Any liability of any person under section 347F or 347G as a director or former director of a company is (in addition to being enforceable by proceedings brought by the company) enforceable by proceedings brought under this section in the name of the company by an authorised group of members of the company.
- (2) For the purposes of this section “authorised group”, in relation to the members of a company, means any such combination of members as is specified in section 54(2)(a), (b) or (c).
- (3) An authorised group of members of a company may not bring proceedings under this section unless—
- (a) the group has given written notice to the company stating—
    - (i) the cause of action and a summary of the facts on which the proceedings are to be based,
    - (ii) the names and addresses of the members of the company comprising the group, and
    - (iii) the grounds on which it is alleged that those members constitute an authorised group; and
  - (b) not less than 28 days have elapsed between the date of the giving of the notice to the company and the institution of the proceedings.
- (4) Where such a notice is given to a company, any director may apply to the court within the period of 28 days beginning with the date of the giving of the notice for an order directing that the proposed proceedings are not to be instituted.
- (5) An application under subsection (4) may be made on one or more of the following grounds—

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- (a) that the unauthorised amount within the meaning of section 347H has been repaid to the company or subsidiary undertaking as mentioned in subsection (1), (2), (4) or (6) of that section (as the case may be) and the other conditions mentioned in that subsection were satisfied with respect to that repayment;
  - (b) that proceedings to enforce the liability have been instituted by the company and are being pursued with due diligence by the company;
  - (c) that the members proposing to institute proceedings under this section do not constitute an authorised group.
- (6) Where such an application is made on the ground mentioned in subsection (5)(b), the court may make such order as it thinks fit; and such an order may, as an alternative to directing that the proposed proceedings under this section are not to be instituted, direct—
- (a) that those proceedings may be instituted on such terms and conditions as the court thinks fit;
  - (b) that the proceedings instituted by the company are to be discontinued;
  - (c) that the proceedings instituted by the company may be continued on such terms and conditions as the court thinks fit.
- (7) If proceedings are brought under this section by an authorised group of members of a company, the group shall owe the same duties to the company in relation to the bringing of those proceedings on behalf of the company as would be owed by the directors of the company if the proceedings were being brought by the company itself; but no proceedings to enforce any duty owed by virtue of this subsection shall be brought by the company except with the leave of the court.
- (8) Proceedings brought under this section may not be discontinued or settled by the group except with the leave of the court; and the court may grant leave under this subsection on such terms as it thinks fit.

### **347J Costs of shareholder action**

- (1) This section applies in relation to proceedings brought under section 347I by an authorised group of members of a company (“the group”).
- (2) The group may apply to the court for an order directing the company to indemnify the group in respect of costs incurred or to be incurred by the group in connection with the proceedings; and on such an application the court may make such an order on such terms as it thinks fit.
- (3) The group shall not be entitled to be paid any such costs out of the assets of the company except by virtue of such an order.
- (4) If—
  - (a) the company is awarded costs in connection with the proceedings or it is agreed that costs incurred by the company in connection with the proceedings should be paid by any defendant, and
  - (b) no order has been made with respect to the proceedings under subsection (2),the costs shall be paid to the group.
- (5) If—

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- (a) any defendant is awarded costs in connection with the proceedings or it is agreed that any defendant should be paid costs incurred by him in connection with the proceedings, and
  - (b) no order has been made with respect to the proceedings under subsection (2), the costs shall be paid by the group.
- (6) In the application of this section to Scotland references to costs are to expenses and references to any defendant are to any defender.

### **347K Information for purposes of shareholder action**

- (1) Where any proceedings have been instituted under section 347I by an authorised group within the meaning of that section, the group is entitled to require the company to provide the group with all information relating to the subject matter of the proceedings which is in the company's possession or under its control or which is reasonably obtainable by it.
- (2) If the company, having been required by the group to provide the information referred to in subsection (1), refuses to provide the group with all or any of the information, the court may, on an application made by the group, make an order directing—
- (a) the company, and
  - (b) any of its officers or employees specified in the application,
- to provide the group with the information in question in such form and by such means as the court may direct.”

## SCHEDULE 20

Section 150.

### PENALTIES

<i>Provision creating offence</i>	<i>Penalty</i>
Section 24(8) (registration as treasurer where convicted of certain offences)	On summary conviction: Level 5
Section 39 (false statements)	On summary conviction: Level 5
Section 43(7) (failure to deliver statement relating to auditor's resignation etc)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 44(4) (making false statement to auditor)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 47(1)(a) (failure to deliver proper statement of accounts)	On summary conviction: Level 5
Section 47(1)(b) (failure to deliver accounts within time limits)	On summary conviction: Level 5
Section 54(7) (failure to provide information about donors)	On summary conviction: statutory maximum or 6 months

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<i>Provision creating offence</i>	<i>Penalty</i>
	On indictment : fine or 1 year
Section 56(3) or (4) (failure to return donations)	On summary conviction: statutory maximum or 6 months
	On indictment : fine or 1 year
Section 61(1) (facilitating the making of donations by impermissible donors)	On summary conviction: statutory maximum or 6 months
	On indictment : fine or 1 year
Section 61(2)(a) (knowingly giving treasurer false information about donations)	On summary conviction: statutory maximum or 6 months
	On indictment : fine or 1 year
Section 61(2)(b) (withholding information about donations from treasurer with intent to deceive)	On summary conviction: statutory maximum or 6 months
	On indictment : fine or 1 year
Section 65(3) (failure to deliver donation reports to Commission within time limits)	On summary conviction: Level 5
Section 65(4) (failure to comply with requirements for recording donations in donation report)	On summary conviction: statutory maximum or 6 months
	On indictment : fine or 1 year
Section 66(5) (making a false declaration about donation report)	On summary conviction: statutory maximum or 6 months
	On indictment : fine or 1 year
Section 68(5) (failure to report multiple small donations; false declaration about such donations)	On summary conviction: statutory maximum or 6 months
	On indictment : fine or 1 year
Section 73(8) (making a false declaration about value of property etc.)	On summary conviction: statutory maximum or 6 months
	On indictment : fine or 1 year
Section 74(4) (acceptance by ineligible person of office of deputy treasurer)	On summary conviction: Level 5
Section 75(2) (incurring campaign expenditure without authority)	On summary conviction: Level 5
Section 76(4)(a) (making payments in respect of campaign expenditure without authority)	On summary conviction: Level 5
Section 76(4)(b) (failure to notify treasurer of payments in respect of campaign expenditure)	On summary conviction: Level 5
Section 77(3)(a) (paying claim in respect of campaign expenditure where failure to comply with procedure)	On summary conviction: Level 5

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<i>Provision creating offence</i>	<i>Penalty</i>
Section 77(3)(b) (paying claim in respect of campaign expenditure outside specified time period)	On summary conviction: Level 5
Section 79(2) (exceeding limits on campaign expenditure)	On summary conviction: statutory maximum On indictment : fine
Section 82(4)(a) (failure of treasurer to deliver return and auditor’s report to Commission)	On summary conviction: Level 5
Section 82(4)(b) (failure to comply with requirements for returns)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 82(4)(c) (failure of treasurer to deliver return and court order to Commission)	On summary conviction: Level 5
Section 83(3)(a) (making a false declaration to Commission when delivering return)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 83(3)(b) (failure to deliver signed declaration with return to Commission)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 86(8) (making false declaration about value of property etc)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 90(2) (incurring controlled expenditure without authority)	On summary conviction: level 5
Section 91(4)(a) (making payments in respect of controlled expenditure without authority)	On summary conviction: Level 5
Section 91(4)(b) (failure to notify responsible person of payments in respect of controlled expenditure)	On summary conviction: Level 5
Section 92(3)(a) (paying claim in respect of controlled expenditure where failure to comply with procedure)	On summary conviction: Level 5
Section 92(3)(b) (paying claim in respect of controlled expenditure outside specified time period)	On summary conviction: Level 5
Section 94(2) or (4) (exceeding limits on controlled expenditure)	On summary conviction: statutory maximum On indictment : fine
Section 98(4)(a) (failure of responsible person to deliver return and auditor’s report to Commission)	On summary conviction: Level 5



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<i>Provision creating offence</i>	<i>Penalty</i>
Section 98(4)(b) (failure to comply with requirements for returns)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 98(4)(c) (failure to deliver return and court order to Commission)	On summary conviction: Level 5
Section 99(4)(a) (making a false declaration to Commission when delivering return)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 99(4)(b) (failure to deliver signed declaration with return to Commission)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 112(8) (making a false declaration about value of property etc)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 113(2) (incurring referendum expenses without authority)	On summary conviction: Level 5
Section 114(4)(a) (making payments in respect of referendum expenses without authority)	On summary conviction: Level 5
Section 114(4)(b) (failure to notify responsible person of payments in respect of referendum expenses)	On summary conviction: Level 5
Section 115(3)(a) (paying claim in respect of referendum expenses where failure to comply with procedure)	On summary conviction: Level 5
Section 115(3)(b) (paying claim in respect of referendum expenses outside specified time period)	On summary conviction: Level 5
Section 117(2) (individual (other than permitted participant) exceeding limits on referendum expenses)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 117(3) or (4) (body (other than permitted participant) exceeding limits on referendum expenses)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 118(2) (permitted participant exceeding limits on referendum expenses)	On summary conviction: statutory maximum On indictment : fine
Section 122(4)(a) (failure to deliver return and auditor's report to Commission)	On summary conviction: Level 5
Section 122(4)(b) (failure to comply with requirements for returns)	On summary conviction: statutory maximum or 6 months

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<i>Provision creating offence</i>	<i>Penalty</i>
	On indictment : fine or 1 year
Section 122(4)(c) (failure to deliver return and court order to Commission)	On summary conviction: Level 5
Section 123(4)(a) (making a false declaration to Commission when delivering return)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 123(4)(b) (failure to deliver signed declaration with return to Commission)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 126(8) or (9) (printing or publishing referendum material without details of printer or publisher)	On summary conviction: Level 5
Section 143(8) or (9) (printing or publishing election material without details of printer or publisher)	On summary conviction: Level 5
Section 146(5) (failure to comply with supervision requirement)	On summary conviction: Level 5
Section 146(6) (intentional obstruction of person exercising right of entry etc.)	On summary conviction: Level 5
Section 148(1) (alteration of documents etc.)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 148(2)(a) (failure to supply relevant person with information)	On summary conviction: Level 5
Section 148(2)(b) (supplying relevant person with false information)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 148(3) (withholding information from relevant person with intent to deceive)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Paragraph 6(5) of Schedule 7 (failure to provide information about donors)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Paragraph 12(1) of Schedule 7 (failure to deliver donation report to Commission within time limit)	On summary conviction: Level 5
Paragraph 12(2) of Schedule 7 (failure to comply with requirements for recording donations in donation reports)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year

*Status: This is the original version (as it was originally enacted).*

<i>Provision creating offence</i>	<i>Penalty</i>
Paragraph 13(4) of Schedule 7 (making a false declaration about donation report)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Paragraph 14(5) of Schedule 7 (failure to report multiple small donations; false declaration about such donations)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Paragraph 6(7) of Schedule 11 (failure to provide information about donors)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Paragraph 6(8) of Schedule 15 (failure to provide information about donors)	On summary conviction: statutory maximum or 6 months: On indictment : fine or 1 year

## SCHEDULE 21

Section 158.

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### *Public Records Act 1958 (c. 51)*

- 1 In Part II of the Table at the end of paragraph 3 of the First Schedule to the Public Records Act 1958 (establishments and organisations whose records are public records), insert at the appropriate place—

“Electoral Commission.”

#### *Parliamentary Commissioner Act 1967 (c. 13)*

- 2 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc. subject to investigation), insert at the appropriate place—

“Electoral Commission.”

#### *House of Commons Disqualification Act 1975 (c. 24)*

- 3 In Schedule 1 to the House of Commons Disqualification Act 1975 (offices disqualifying for membership)—

- (a) in Part II (bodies of which all members are disqualified), insert at the appropriate place—

“The Electoral Commission.”; and

- (b) in Part III (other disqualifying offices), insert at the appropriate places—

“Deputy Electoral Commissioners.”,

“Assistant Electoral Commissioners.”, and

“Member of the staff of the Electoral Commission.”

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*Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

- 4 In Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (offices disqualifying for membership)—
- (a) in Part II (bodies of which all members are disqualified), insert at the appropriate place—
    - “The Electoral Commission.”; and
  - (b) in Part III (other disqualifying offices), insert at the appropriate places—
    - “Deputy Electoral Commissioners.”,
    - “Assistant Electoral Commissioners.”, and
    - “Member of the staff of the Electoral Commission.”

*European Parliamentary Elections Act 1978 (c. 10)*

- 5 (1) The European Parliamentary Elections Act 1978 (as amended by the European Parliamentary Elections Act 1999) is amended as follows.
- (2) In section 3(8)(a) (electoral system in Great Britain: meaning of “registered party”), for “a party registered under the Registration of Political Parties Act 1998” substitute “a party registered under Part II of the Political Parties, Elections and Referendums Act 2000”.
  - (3) In paragraph 2(3A)(a) of Schedule 1 (European Parliamentary elections), for “(including expenses incurred in relation to a general election as a whole)” substitute “of candidates”.

*Representation of the People Act 1983 (c. 2)*

- 6 (1) The Representation of the People Act 1983 is amended as follows.
- (2) In section 18(5) (polling districts and places at parliamentary elections)—
    - (a) for “the Secretary of State”, wherever occurring, substitute “the Electoral Commission”; and
    - (b) for “he thinks fit” substitute “they think fit”.
  - (3) In section 29 (payments by and to returning officer), for subsections (3) to (9) substitute—
    - “(3) A returning officer shall be entitled to recover his charges in respect of services properly rendered, or expenses properly incurred, for or in connection with a parliamentary election if—
      - (a) the services or expenses are of a kind specified in regulations made by the Electoral Commission (“the Commission”) with the consent of the Treasury; and
      - (b) the charges are reasonable.
    - (4) Regulations under subsection (3) above may specify a maximum recoverable amount for services or expenses of any specified description and, subject to subsection (5) below, the returning officer may not recover more than that amount in respect of any such services or expenses.

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- (5) In a particular case the Commission may, with the consent of the Treasury, authorise the payment of more than the specified maximum amount for any specified services or expenses if satisfied—
    - (a) that it was reasonable for the returning officer concerned to render the services or incur the expenses; and
    - (b) that the charges in question are reasonable.
  - (6) Any regulations under subsection (3) above which specify a maximum amount for services or expenses of a particular description may provide for that amount to increase at prescribed dates, or after prescribed periods, by reference to such formula or other method of determination as may be specified in the regulations.
  - (7) The amount of any charges recoverable in accordance with this section shall be paid by the Commission on an account being submitted to them; but if the Commission think fit they may, before payment, apply for the account to be taxed under the provisions of section 30 below.
  - (8) Where the superannuation contributions required to be paid by a local authority in respect of any person are increased by any fee paid under this section as part of a returning officer's charges at a parliamentary election, then on an account being submitted to the Commission a sum equal to the increase shall be paid to the authority by the Commission.
  - (9) On the returning officer's request for an advance on account of his charges, the Commission may make such an advance on such terms as they think fit.
  - (10) The Commission may by regulations make provision as to the time when and the manner and form in which accounts are to be rendered to the Commission for the purposes of the payment of a returning officer's charges.
  - (11) Any sums required by the Commission for making payments under this section shall be charged on and paid out of the Consolidated Fund.”
- (4) In section 47(1) (loan of equipment for local elections), for “the Secretary of State” substitute “the Electoral Commission”.
  - (5) In section 52 (discharge of registration duties), after subsection (1) insert—
    - “(1A) Without prejudice to the generality of subsection (1) above, the directions which may be given under subsection (1) include directions requiring a registration officer to maintain his registers in a specified electronic form; and any such directions may in particular specify—
      - (a) the software which is to be used in connection with the maintenance of the registers in that form;
      - (b) the standards in accordance with which that software is to be maintained and updated;
      - (c) how information required (by or under any enactment) to be included in the registers is to be recorded and stored in that form.”
  - (6) In section 175 (illegal payments etc.), for “illegal payment, employment or hiring”, wherever they occur, substitute “illegal payment or employment”.
  - (7) In section 201 (regulations)—
    - (a) in subsection (1), omit the words from “and except” to “section 29(8)”;

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- (b) in subsection (2), for “section 29(8)” substitute “section 110(7)”;
- (c) after subsection (2) insert—

“(2A) Any regulations under section 110(7) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.”; and

- (d) in subsection (3), after “the Secretary of State” insert “, or the Electoral Commission (in the case of any regulations made by them).”.

(8) In section 202(1) (general definitions), for “a party registered under the Registration of Political Parties Act 1998” substitute “a party registered under Part II of the Political Parties, Elections and Referendums Act 2000”.

(9) In Schedule 1 (parliamentary elections rules), at the end of rule 14 (publication of statement of persons nominated) insert—

“(5) The returning officer shall send to the Electoral Commission—

- (a) a copy of the statement; and
- (b) in the case of each candidate standing nominated in respect of whom a certificate has been received by the returning officer in accordance with rule 6A above, a copy of that certificate as well.”

*Representation of the People Regulations 1986 (S.I. 1986/1081) and  
Representation of the People (Scotland) Regulations 1986 (S.I. 1986/1111)*

7 (1) In regulation 99 of the Representation of the People Regulations 1986 and in regulation 97 of the Representation of the People (Scotland) Regulations 1986 (modification of provisions about expenses in the Act of 1983)—

- (a) in paragraph (1), for “subsections (3), (4), (4A), (4B), (5), (7) and (8) of section 29” substitute “subsections (3), (4), (5), (6), (7), (9) and (10) of section 29”; and
- (b) in paragraph (3), for “the Secretary of State” substitute “the Electoral Commission”.

(2) The amendments made by sub-paragraph (1) shall not be taken to prejudice the power to make regulations varying or revoking the amended provisions.

*Broadcasting Act 1990 (c. 42)*

8 In sections 36(3) and 107(2) of the Broadcasting Act 1990 (party political broadcasts), for “but subject to section 14 of the Registration of Political Parties Act 1998 (prohibition of broadcasts by unregistered parties)” substitute “but subject to section 37 of the Political Parties, Elections and Referendums Act 2000 (prohibition of broadcasts by unregistered parties)”.

*Local Government Act 1992 (c. 19)*

9 (1) Section 13 of the Local Government Act 1992 (duty of Local Government Commission for England to conduct reviews) is amended as follows.

(2) For subsections (1) and (1A) (duty to conduct reviews when directed to do so) substitute—

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- “(1) The Secretary of State may direct the Local Government Commission to conduct a review of such areas in England as are specified in the direction or are of a description so specified.
- (1AA) A direction under subsection (1) above shall, in respect of each area to which it relates, specify which of the following kinds of changes, namely—
- (a) structural changes,
  - (b) boundary changes, and
  - (c) electoral changes,
- is or are to be considered in the review of that area.
- (1A) Where the Secretary of State gives a direction under subsection (1) above requiring the Local Government Commission to conduct any review, the Local Government Commission shall conduct the review in accordance with this Part and any directions given under it and, in respect of each of the areas to which the direction relates, recommend in the case of each kind of changes required to be considered in the review of the area either—
- (a) that the Secretary of State should make such changes of that kind as are specified in the recommendations; or
  - (b) that he should make no changes of that kind.”
- (3) In subsection (1C) (interpretation of subsections (1A) and (1B))—
- (a) for “subsections (1A) and (1B)” substitute “subsection (1B)”; and
  - (b) omit paragraph (b) and the “and” preceding it.
- (4) Omit subsections (3) and (4) (timing of periodic reviews).
- 10 In section 14(8) of that Act (changes that may be recommended), for “section 13(1) above” substitute “section 13(1A) above”.

*Criminal Justice and Public Order Act 1994 (c. 33)*

- 11 In section 170 of the Criminal Justice and Public Order Act 1994 (security at party conferences), in subsection (5) for “the Registration of Political Parties Act 1998” substitute “the Political Parties, Elections and Referendums Act 2000”.

*Government of Wales Act 1998 (c. 38)*

- 12 (1) The Government of Wales Act 1998 is amended as follows.
- (2) In section 4(8) (National Assembly for Wales: voting at ordinary elections) for “a party registered under the Registration of Political Parties Act 1998” substitute “a party registered under Part II of the Political Parties, Elections and Referendums Act 2000”.
- (3) In section 11(2)(c) (power to make provision about elections) omit “and registered political parties”.
- (4) After section 34 insert—

**“34A Assistance to groups of Assembly members**

- (1) The Assembly may make to (or in respect of) groups of Assembly members such payments as the Assembly from time to time determines for the purpose

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of assisting Assembly members in the groups to perform their functions as Assembly members.

- (2) A determination under this section may make provision—
  - (a) for ascertaining the groups to which (or in respect of which) payments are to be made,
  - (b) for calculating the amount of any payment to a group,
  - (c) for the conditions subject to which payments are to be made, and
  - (d) for the presiding officer to decide questions arising under the determination about which groups Assembly members belong to.
- (3) A determination under this section may make different provision for different groups.
- (4) The Assembly may not delegate the function of making a determination under this section.
- (5) A determination under this section shall not be made unless a motion to approve it is passed by the Assembly on a vote in which at least two-thirds of the Assembly members voting support the motion.
- (6) The standing orders of the Assembly must include provision for the publication of every determination under this section.”

*Scotland Act 1998 (c. 46)*

- 13 (1) The Scotland Act 1998 is amended as follows.
- (2) In section 5(9) (candidates at general elections) for “the Registration of Political Parties Act 1998” substitute “Part II of the Political Parties, Elections and Referendums Act 2000”.
- (3) In section 12(2)(c) (power to make provision about elections) omit “and registered political parties”.

*Northern Ireland Act 1998 (c. 47)*

- 14 (1) The Northern Ireland Act 1998 is amended as follows.
- (2) In section 18(13)(a) (Northern Ireland Ministers) for “a party registered under the Registration of Political Parties Act 1998” substitute “a party registered under Part II of the Political Parties, Elections and Referendums Act 2000”.
- (3) In Schedule 2 (excepted matters), for paragraph 13 substitute—
  - “13 The subject-matter of the Political Parties, Elections and Referendums Act 2000 with the exception of Part IX (political donations etc. by companies).  
 This paragraph does not include the funding of political parties for the purpose of assisting members of the Northern Ireland Assembly connected with such parties to perform their Assembly duties.”



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*Greater London Authority Act 1999 (c. 29)*

- 15 In section 4(11) of the Greater London Authority Act 1999 (voting at ordinary elections), for “a party registered under the Registration of Political Parties Act 1998” substitute “a party registered under Part II of the Political Parties, Elections and Referendums Act 2000”.

*Representation of the People Act 2000 (c. 2)*

- 16 (1) Section 10 of the Representation of the People Act 2000 (pilot schemes) is amended as follows.

- (2) After subsection (1) insert—

“(1A) Subsection (1) applies to proposals falling within that subsection which are submitted by a relevant local authority jointly with the Electoral Commission as if in that subsection—

- (a) the first reference to any such authority in paragraph (a), and  
(b) the reference to the authority in paragraph (b)(ii),

were each a reference to the authority and the Commission; and, in a case where any such proposals are not jointly so submitted, the Secretary of State must consult the Commission before making an order under that subsection.”

- (3) In subsection (5)(a), after “the authority concerned” insert “and to the Electoral Commission”.

- (4) In subsection (6), for “the authority concerned” substitute “the Electoral Commission”.

- (5) After subsection (6) insert—

“(6A) The report shall be prepared by the Electoral Commission in consultation with the authority concerned; and that authority shall provide the Commission with such assistance as they may reasonably require in connection with the preparation of the report (which may, in particular, include the making by the authority of arrangements for ascertaining the views of voters about the operation of the scheme).”

- (6) In subsection (7), after “The report shall” insert “, in particular,”.

- (7) For subsection (10) substitute—

“(10) Once the Electoral Commission have prepared the report, they shall send a copy of the report—

- (a) to the Secretary of State, and  
(b) to the authority concerned,

and that authority shall publish the report in their area, in such manner as they think fit, by the end of the period of three months beginning with the date of the declaration of the result of the elections in question.”

- 17 (1) Section 11 of that Act (revision of procedures in the light of pilot schemes) is amended as follows.

- (2) At the end of subsection (1) insert—

“The power of the Secretary of State to make such an order shall, however, be exercisable only on a recommendation of the Electoral Commission.”

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- (3) In subsection (4), for the words from “the report” onwards substitute “every report under section 10 which relates to a scheme making provision similar to that made by the order.”

*Local Government Act 2000 (c. 22)*

- 18 (1) The Local Government Act 2000 is amended as follows.
- (2) In section 44 (conduct of elections of elected mayors or elected executive members), after subsection (3) insert—
- “(3A) Before making any regulations under this section, the Secretary of State shall consult the Electoral Commission.
- (3B) In addition, the power of the Secretary of State to make regulations under this section so far as relating to matters mentioned in subsection (2)(c) shall be exercisable only on, and in accordance with, a recommendation of the Electoral Commission, except where the Secretary of State considers that it is expedient to exercise that power in consequence of changes in the value of money.”
- (3) In section 45 (conduct of referendums under the Act), after subsection (8) insert—
- “(8A) Before making any regulations under this section, the Secretary of State shall consult the Electoral Commission, but this subsection does not apply to—
- (a) provisions which specify the wording of the question to be asked in a referendum, or
- (b) provisions for matters mentioned in subsection (8)(c).
- (8B) No regulations which specify the wording of the question to be asked in a referendum may be made under subsection (5) unless—
- (a) before laying a draft of the regulations before Parliament in accordance with section 105(6), the Secretary of State consulted the Electoral Commission as to the intelligibility of that question, and
- (b) when so laying the draft, the Secretary of State also laid before each House a report stating any views as to the intelligibility of that question which were expressed by the Electoral Commission in response to that consultation.
- (8C) Where any such regulations specify not only the question to be asked in a referendum but also any statement which is to precede that question on the ballot paper at the referendum, any reference in subsection (8B) to the intelligibility of that question is to be read as a reference to the intelligibility of that question and that statement taken together.
- (8D) No regulations which make provision for the matters mentioned in subsection (8)(c) may be made under subsection (5) unless—
- (a) before laying a draft of the regulations before Parliament in accordance with section 105(6), the Secretary of State sought, and had regard to, the views of the Electoral Commission as to the provision to be made by the regulations as to those matters, and
- (b) where the draft regulations laid before Parliament made provision as to those matters otherwise than in accordance with the views of the Electoral Commission, the Secretary of State, when so laying

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the draft, also laid before each House a statement of his reasons for departing from the views of the Commission.”

(4) In section 45(9), after “(8)” insert “to (8C)”.

## SCHEDULE 22

Section 158.

### REPEALS

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
<a href="#">1975 c. 24.</a>	House of Commons Disqualification Act 1975.	In Part III of Schedule 1, the entry relating to Boundary Commissioners and assistant Commissioners appointed under Schedule 1 to the Parliamentary Constituencies Act 1986.
<a href="#">1975 c. 25.</a>	Northern Ireland Assembly Disqualification Act 1975.	In Part III of Schedule 1, the entry relating to Boundary Commissioners and Assistant Boundary Commissioners appointed under Schedule 1 to the Parliamentary Constituencies Act 1986.
<a href="#">1983 c. 2.</a>	Representation of the People Act 1983.	Section 72. In section 73, subsection (4), and in subsection (6) the words from “, or pays” to “as mentioned above,”. Section 75(1B) and (1C). Section 78(6). Section 79(3). In section 81, subsection (4), in subsection (7) the words from “; and” onwards, and subsection (11). Section 82(4). Section 86(9). Sections 101 to 105. Section 106(8). Section 108. Section 122(8).

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
		<p>In section 138(1), the words from “, a copy of which” onwards.</p> <p>Sections 148 to 153.</p> <p>Section 157(5).</p> <p>Section 159(2).</p> <p>Section 167(4).</p> <p>Section 174(6).</p> <p>In section 201(1), the words from “and except” to “section 29(8)”.</p> <p>In Schedule 1, in rule 30(5), the words from the beginning to “agents, and”.</p> <p>In Schedule 3—</p> <p>(a) the form of return, and</p> <p>(b) in the form of declarations, the words in paragraph 3 “in relation to my [the candidate's] personal expenses” and paragraph 4.</p>
1985 c. 50.	Representation of the People Act 1985.	<p>Section 14(3) to (5).</p> <p>In Schedule 3, paragraphs 6 and 7.</p> <p>In Schedule 4, paragraph 35.</p>
1986 c. 56.	Parliamentary Constituencies Act 1986.	<p>Section 2.</p> <p>Section 4(2).</p> <p>Schedule 1.</p> <p>In Schedule 2, in paragraph 8, the words “for which there is a Boundary Commission”.</p>
1989 c. 28.	Representation of the People Act 1989.	Section 6(1)(b) and (2).
1991 c. 11.	Representation of the People Act 1991.	The whole Act.
1992 c. 19.	Local Government Act 1992.	<p>In section 13(1C), paragraph (b) and the “and” preceding it.</p> <p>Section 13(3) and (4).</p>

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1992 c. 55.	Boundary Commissions Act 1992.	Section 1. Section 2(1) to (3). Section 3(2) and (3).
1996 c. 55.	Broadcasting Act 1996.	In Schedule 10, paragraph 29, and in paragraph 30 “or 29”.
1998 c. 38.	Government of Wales Act 1998.	In section 11(2)(c), the words “and registered political parties”.
1998 c. 46.	Scotland Act 1998.	In section 12(2)(c), the words “and registered political parties”.
1998 c. 48.	Registration of Political Parties Act 1998.	The whole Act, except for sections 13, 15, 24 and 26 and Schedule 2.
1999 c. 29.	Greater London Authority Act 1999.	In Schedule 3, paragraphs 16, 19(4), 21, 24(5), 28, 31 and 35.
2000 c. 2.	Representation of the People Act 2000.	In Schedule 6, paragraph 4.

## SCHEDULE 23

Section 163.

### TRANSITIONAL PROVISIONS

#### PART I

##### TRANSFER OF REGISTRATION OF EXISTING REGISTERED PARTIES

###### *Interpretation of Part I*

- 1 In this Part of this Schedule—
- “the 1998 Act” means the Registration of Political Parties Act 1998;
  - “the appointed day” means the appointed day for the purposes of Part II of this Act;
  - “the compliance period” means the period of six weeks beginning with the initial date;
  - “emblem”, in relation to a party, means an emblem to be used by the party on ballot papers;
  - “the initial date” means the date falling 14 days after the day on which this Act is passed;
  - “the new registers” means the Great Britain register and the Northern Ireland register.

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*Declaration for purposes of section 28*

- 2 (1) This paragraph applies to any party registered under the 1998 Act on the initial date.
- (2) Subject to sub-paragraph (7), the party must within the compliance period send to the Commission a declaration falling within section 28(2).
- (3) In connection with any such declaration, any reference in section 28(2) or (3) to a party's applying to be registered shall have effect in relation to the party making the declaration as a reference to its seeking to be registered under Part II of this Act in accordance with paragraph 4(2).
- (4) Where the party sends the Commission a declaration falling within section 28(2)(a), the party must at the same time send to them, with a view to the registration in the Northern Ireland register of a separate Northern Ireland party—
- (a) such information as would, by virtue of Schedule 1 to the 1998 Act, be required to be provided in connection with an application by the Northern Ireland party to be registered under that Act;
  - (b) a notification as to whether the party wishes to be registered in the Northern Ireland register under its existing registered name or under that name with an addition permitted by sub-paragraph (5); and
  - (c) a notification as to whether the party wishes—
    - (i) any emblem or emblems already registered in respect of it under the 1998 Act to be registered in respect of the Northern Ireland party in that register,
    - (ii) any emblem or emblems not so registered under the 1998 Act, but shown in the notification, to be registered in respect of the Northern Ireland party in that register (whether in addition to any emblem or emblems falling within sub-paragraph (i) or otherwise).
- (5) For the purposes of sub-paragraph (4)(b) any one of the following, namely “Northern Ireland”, “Northern Irish”, “Ulster”, “Ireland” or “Irish” may be added to a party's existing registered name, at such point as the party may specify in its notification.
- (6) For the purposes of sub-paragraph (4)(c) the total number of emblems whose registration may be sought in a notification under that provision is three.
- (7) If the party within the compliance period sends to the Commission a declaration that the party does not intend to contest any relevant election on or after the appointed day—
- (a) nothing in sub-paragraphs (2) to (6) or in paragraphs 3 to 5 shall have effect in relation to the party; and
  - (b) the party's registration under the 1998 Act shall terminate on the appointed day.
- (8) References to a party of any description in paragraph 3(1), 4(1) or 5(1) accordingly do not include a party falling within sub-paragraph (7).

*Draft scheme for purposes of section 26*

- 3 (1) This paragraph applies to any party registered under the 1998 Act on the initial date.
- (2) The party must within the compliance period send to the Commission—
- (a) a copy of the party's constitution (within the meaning of section 26); and

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- (b) a draft of the scheme which the party proposes to adopt for the purposes of section 26 if approved by the Commission under that section; and subsections (2) to (6) of that section shall apply in connection with any such scheme and its approval by the Commission.
- (3) The party must also within the compliance period give a notification to the Commission under this sub-paragraph.
- (4) A notification under sub-paragraph (3) must—
  - (a) give the name and home address—
    - (i) of a person to be registered under Part II of this Act as the party’s treasurer; and
    - (ii) (if the party is seeking to be so registered as a party with a campaigns officer) of a person to be registered as that officer; and
  - (b) be signed by the person registered under the 1998 Act as leader or nominating officer of the party and by the proposed registered treasurer mentioned in paragraph (a) and (if paragraph (a)(ii) applies) by the proposed campaigns officer.
- (5) Where the party would on registration under Part II of this Act be a party with accounting units, a notification under sub-paragraph (3) must also give in relation to each accounting unit—
  - (a) the name of the accounting unit and of its treasurer and of an officer of the unit to be registered for the purposes of section 27(3), and
  - (b) the address of its headquarters or, if it has no headquarters, an address to which communications to the accounting unit may be sent.
- (6) A notification under sub-paragraph (3) may be signed by the same person in his capacity as registered leader or nominating officer and in his capacity as proposed registered treasurer, but in that case it must be apparent from the notification that he is signing it in both of those capacities.
- (7) Where the party sends the Commission a declaration falling within section 28(2)(a), the provisions of sub-paragraphs (2) to (6) shall be read as applying separately in relation to—
  - (a) the party to be registered in the Great Britain register, and
  - (b) the party to be registered in the Northern Ireland register.

*Registration under Part II of this Act as from appointed day*

- 4 (1) This paragraph applies where a party registered under the 1998 Act has complied with the provisions of paragraphs 2 and 3 so far as applicable to the party.
- (2) The Commission shall secure that, as from the appointed day, one (or each) of the new registers contains such entry in respect of the party (or the two parties mentioned in paragraph 3(7)) as the Commission consider appropriate to reflect—
  - (a) the party’s existing entry in the register maintained under the 1998 Act and the date when the party was first registered under that Act;
  - (b) the declaration sent to the Commission by the party in pursuance of paragraph 2(2);
  - (c) any information or notification sent to them in pursuance of paragraph 2(4); and

- (d) the notification given to them in pursuance of paragraph 3(3).
- (3) In connection with the registration in the Northern Ireland register (in accordance with sub-paragraph (2)) of any emblem shown in a notification by a party in pursuance of paragraph 2(4)(c)(ii)—
- (a) section 29(2) shall apply (with any necessary modifications) as it applies in connection with the registration of any emblem in pursuance of a request under section 29, but
  - (b) for this purpose any emblem which on the initial date is registered under the 1998 Act in respect of any other party (except one falling within paragraph 2(7)) shall be treated as if it were already registered in the Northern Ireland register.
- (4) As from the appointed day the draft scheme sent to the Commission in pursuance of paragraph 3(2) shall be treated for the purposes of this Act as if it were a scheme approved by the Commission and adopted by the party under section 26 until—
- (a) such time as the scheme, or any revised scheme submitted under subsection (6) of that section, is in fact approved by the Commission under that section, or
  - (b) the end of the period of nine months beginning immediately after the end of the compliance period (or such longer period as the Commission may determine in relation to the party),
- whichever is the earlier.
- (5) If the draft scheme, or any such revised scheme, has not been so approved by the end of the period which applies for the purposes of sub-paragraph (4)(b)—
- (a) the Commission shall forthwith send the party a copy of the scheme incorporating such modifications as the Commission consider appropriate; and
  - (b) the scheme, as so modified, shall be treated for the purposes of this Act as if it had been approved by the Commission, and adopted by the party, under section 26.
- (6) Section 30(1)(e) shall apply in relation to a party registered in accordance with sub-paragraph (2) as if the reference to the time when the party applied for registration were a reference to the appointed day.

*Failure to comply with paragraph 2 or 3*

- 5 (1) This paragraph applies where a party registered under the 1998 Act on the initial date fails to send or give to the Commission by the end of the compliance period one or more of the following things, namely—
- (a) any declaration required under paragraph 2(2);
  - (b) any information or notification required under paragraph 2(4);
  - (c) any document required under paragraph 3(2);
  - (d) any notification required under paragraph 3(3).
- (2) In this paragraph—
- (a) “the outstanding material” means the thing or things which as mentioned in sub-paragraph (1) was or were not sent or given to the Commission by the end of the compliance period;



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- (b) “the transitional period” means the period of three months beginning immediately after the end of the compliance period;
  - (c) “the protected period” means the period beginning with the appointed day and ending—
    - (i) at the end of the transitional period, or
    - (ii) in a case where sub-paragraph (4) applies, on the date determined by the Commission under that sub-paragraph.
- (3) During so much of the transitional period as falls before the appointed day, the party shall be treated for all purposes relating to elections or referendums as if it were not registered under the 1998 Act; and on that day the party’s registration under that Act shall terminate without being replaced by any such registration under Part II of this Act as is mentioned in paragraph 4(2).
- (4) However, if the Commission receive the outstanding material before the end of the transitional period, paragraph 4(2) shall have effect so as to require the Commission to secure that any such entry as is mentioned in that provision is made in one (or each) of the new registers with effect from such date (not earlier than the appointed day) as they may determine.
- (5) During the protected period sections 28(4) and 29(2) shall have effect as if—
- (a) the name of the party registered under the 1998 Act on the initial date and any emblems so registered in respect of it were registered in respect of the party in each of the new registers, and
  - (b) any such registration in the Great Britain register was in respect of each of England, Scotland and Wales.
- (6) In a case where sub-paragraph (4) applies—
- (a) section 26(5) and (6) shall apply in connection with the approval of the party’s draft scheme by the Commission; and
  - (b) paragraph 4(4) and (5) above shall also so apply, except that in paragraph 4(4)(b) the reference to nine months beginning immediately after the end of the compliance period shall be read as a reference to six months beginning immediately after the end of the protected period.

*Exercise of functions by person appointed as Commission’s chief executive*

- 6 In relation to any time when the functions of the Commission with respect to the receipt of documents or information falling to be sent or given to the Commission under this Schedule are being exercised by a person appointed as the Commission’s chief executive under paragraph 11(9) of Schedule 1, references in this Schedule to the Commission, in the context of the sending or giving of such documents or information to them, shall be construed as references to the person so appointed.

*Termination of registration functions of registrar of companies*

- 7 (1) The registration functions of the registrar under the 1998 Act shall terminate on the initial date.
- (2) Accordingly, as from that date, the registrar shall not—
- (a) make any new entry in his register, or
  - (b) alter or remove any entry already contained in his register,

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and no application or notice may be made or given to him under any provision of that Act.

- (3) Where an application has been made to the registrar under any such provision before the initial date and the application has not been determined by that date, the registrar shall not take any steps (or, as the case may be, any further steps) on or after that date to deal with the application.
- (4) Nothing in section 7 of the 1998 Act shall apply at any time on or after the initial date in relation to a party registered under that Act; and in particular a party's registration under that Act shall not lapse at any such time by virtue of that section.
- (5) The registrar shall provide the Commission with such information and assistance as they reasonably require for the purpose of discharging their duty under paragraph 4(2); and where any information relating to a party registered under the 1998 Act—
  - (a) is held by the registrar in connection with the registration of the party under that Act, but
  - (b) is not contained in the party's entry in his register,
 the registrar shall provide the Commission with that information in order that it may be held by them, as from the appointed day, in connection with the registration of the party in one or other of the new registers.
- (6) In this paragraph "the registrar" means the registrar of companies (within the meaning of Part II of this Act), and any reference to "his" register is a reference to the register maintained by the registrar under the 1998 Act.

## PART II

### OTHER TRANSITIONAL PROVISIONS

#### *Appointment of Electoral Commissioners*

- 8 For the purposes of section 3(2)—
- (a) any agreement to a proposed motion for an Address under section 3(1) which has been signified by the Speaker of the House of Commons before the day on which this Act is passed shall be as effective as if signified on or after that day; and
  - (b) any consultation with respect to such a motion which has been carried out before that day with such a person as is mentioned in section 3(2)(b) shall be as effective as if carried out on or after that day.

#### *Orders specifying organisations which are not to count as accounting units*

- 9 The requirement in section 26(8)(c) for any order under that provision to be made on the recommendation of the Commission shall not apply in relation to any such order which is made before the end of the period of three months beginning with the day on which this Act is passed.

#### *Orders prohibiting use of certain words in parties' registered names*

- 10 The requirement in section 28(4)(f) for any order under that provision to be made after consultation with the Commission shall not apply in relation to any such order

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which is made before the end of the period of three months beginning with the day on which this Act is passed.

*Confirmation of registered particulars*

- 11 (1) This paragraph applies to a party which is registered under Part II of this Act at the end of the period of nine months beginning with the appointed day.
- (2) The treasurer of the party shall deliver to the Commission a notification which—
- (a) complies with the requirements of section 32(2) and (3) (as modified by sub-paragraphs (3) and (4)), and
  - (b) is accompanied by any fee prescribed by order made by the Secretary of State,
- within the period beginning one month before and ending three months after the first anniversary of the appointed day.
- (3) In the application of section 32(2)(a) in accordance with sub-paragraph (2), the reference to the relevant time shall be read as a reference to the time when the party applied for registration or, in the case of a party registered by virtue of paragraph 4(2), the appointed day.
- (4) In the application of section 32(3) in accordance with sub-paragraph (2), the reference to the relevant time shall be read as a reference to the time when the party applied for registration or, in the case of a party registered by virtue of paragraph 4(2), the time when the documents required under paragraph 3(2) were sent to the Commission.
- (5) If the notification required by virtue of sub-paragraph (2) is not delivered before the end of the period mentioned in that sub-paragraph, the person who was the treasurer of the party immediately before the end of that period shall be guilty of an offence and shall be liable to the same punishment as if he were guilty of an offence under section 47(1)(b).
- (6) It is a defence for a person charged with an offence under sub-paragraph (5) to prove that he took all reasonable steps, and exercised all due diligence, to ensure that the notification required by virtue of sub-paragraph (2) would be delivered before the end of the period mentioned in that sub-paragraph.
- (7) Any notification delivered under sub-paragraph (2) shall be treated, for the purposes of section 32(4)(b), as a notification given under section 32.
- (8) In this paragraph “the appointed day” means the appointed day for the purposes of Part II of this Act.

*Control of political donations by companies*

- 12 (1) The provisions of Part XA of the Companies Act 1985 inserted by section 139(1) of this Act shall not apply to a company (within the meaning of that Act) in relation to any time falling before the relevant date for the company.
- (2) For the purposes of this paragraph the relevant date for a company is—
- (a) if an annual general meeting of the company is held within the first commencement year, the date of that meeting; and
  - (b) otherwise, the date immediately following the end of that year.

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- (3) In sub-paragraph (2) “the first commencement year” means the period of 12 months beginning with the date of the commencement of section 139(1).

*Disclosure of political donations and expenditure in directors' report*

- 13 The provisions of Schedule 7 to the Companies Act 1985 substituted by section 140 of this Act shall, in the case of any company (within the meaning of that Act), apply only in relation to directors' reports for financial years beginning on or after the first anniversary of the date which is the relevant date for the company for the purposes of paragraph 12.