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**Changes to legislation:** There are currently no known outstanding effects for the Political Parties and Elections Act 2009, Cross Heading: Political Parties, Elections and Referendums Act 2000 (c. 41). (See end of Document for details)

## SCHEDULES

### SCHEDULE 6

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *Political Parties, Elections and Referendums Act 2000 (c. 41)*

- 9 In section 1 (establishment of the Electoral Commission), in subsection (5) (appointment of chairman), after “in accordance with section 3” there is inserted “but subject to section 3A(6)”.
- 10 In section 3 (appointment of Electoral Commissioners and Commission chairman), in subsection (4) (political restrictions), for “A person may not be appointed” there is substituted “Subject to subsection (4A), a person may not be appointed”.
- 11 In section 15 (Deputy Electoral Commissioners), in subsection (3) (Deputy Electoral Commissioner must be eligible for appointment as Electoral Commissioner), for the words after “he is” there is substituted “prevented by section 3(4) (read without regard to section 3(4A)) from being appointed as an Electoral Commissioner”.

PROSPECTIVE

- 12 In section 54 (permissible donors), in subsection (1)(b), for “that person” there is substituted “the person offering the donation”.

PROSPECTIVE

- 13 (1) In section 55 (payments etc which are (or are not) to be treated as donations by permissible donors), at the end of subsection (2) there is inserted— “But such a payment shall not be regarded as a donation for the purposes of section 54A or paragraph 6A of Schedule 7.”
- (2) In that section as amended by sub-paragraph (1) above—
- (a) after “section 54A” there is inserted “or 54B”;
  - (b) after “paragraph 6A” there is inserted “or 6B”.

PROSPECTIVE

- 14 In section 56 (acceptance or return of donations: general), in subsection (5)—
- (a) in paragraph (a), for “paragraph (a) or (b)” there is substituted “paragraph (a), (aa) or (b)”;
  - (b) in paragraph (b)(i), for “subsection (2)(a)” there is substituted “subsection (2)(a) or (aa)”.

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PROSPECTIVE

- 15 In section 58 (forfeiture of donations made by impermissible or unidentifiable donors), in subsection (1)(a) (donations that may not be accepted), for “section 54(1)(a) or (b)” there is substituted “ section 54(1)(a), (aa) or (b) ”.

PROSPECTIVE

- 16 In section 62 (quarterly donation reports), in subsection (9) (donation report to record donations that may not be accepted), for “section 54(1)(a) or (b)” there is substituted “ section 54(1)(a), (aa) or (b) ”.

PROSPECTIVE

- 17 In section 65 (submission of donation reports to Commission), in subsection (4) (offence of failing to comply with reporting requirements), for “the recording of donations in such a report” there is substituted “ the information to be given in such a report ”.

PROSPECTIVE

- 18 In section 67 (weekly donation reports in connection with elections other than general elections), in subsection (1)(c) (application of section 147 with modifications), for “section 147” there is substituted “ an order under paragraph 16 of Schedule 19C ”.

PROSPECTIVE

- 19 In section 71H (authorised participants), after subsection (3) there is inserted—  
 “(3ZA) For the purposes of subsection (3), any reference to a donation in section 54(2ZB) is to be read as a reference to a regulated transaction.”

PROSPECTIVE

- 20 In section 71U (weekly donation reports in connection with elections other than general elections), in subsection (1)(c) (application of section 147 with modifications), for “section 147” there is substituted “ an order under paragraph 16 of Schedule 19C ”.

PROSPECTIVE

- 21 In the heading to Part 9, after “COMPANIES” there is inserted “ AND UNINCORPORATED ASSOCIATIONS ”.

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- 22 In section 145 (function of Commission with respect to compliance with controls imposed by 2000 Act etc), in subsection (7) (definitions), for “and sections 146 and 148” there is substituted “, section 148 and Schedule 19B”.

**Commencement Information**

- I1** Sch. 6 para. 22 in force at 1.12.2010 by S.I. 2010/2866, art. 3(g)

- 23 In section 148 (general offences), in subsection (1) (offence of tampering with or hiding documents etc), for the words after paragraph (b) there is substituted “ any book, record or other document which is or is liable to be required to be produced for inspection under paragraph 1 or 3 of Schedule 19B, and does so with the intention of falsifying the document or enabling any person to evade any of the provisions of this Act. ”

**Commencement Information**

- I2** Sch. 6 para. 23 in force at 1.12.2010 by S.I. 2010/2866, art. 3(g)

- 24 In section 149 (inspection of Commission's registers etc), in subsection (1), after paragraph (d) there is inserted—  
    “(e) paragraph 19 of Schedule 7;  
    (f) paragraph 7 of Schedule 19A.”

**Commencement Information**

- I3** Sch. 6 para. 24 in force at 1.1.2010 by S.I. 2009/3084, art. 4(j)

- 25 In section 156 (orders and regulations), in subsection (2), for “subsections (3) and (4)” there is substituted “ subsections (3) to (4A) ”.

**Commencement Information**

- I4** Sch. 6 para. 25 in force at 1.12.2010 by S.I. 2010/2866, art. 3(g)

- 26 In section 160 (general interpretation), in subsection (1) (definitions), at the appropriate places there are inserted—  
    ““contravention” includes a failure to comply, and cognate expressions shall be construed accordingly;”;  
    ““restriction” includes prohibition;”.

**Commencement Information**

- I5** Sch. 6 para. 26 in force at 1.12.2010 by S.I. 2010/2866, art. 3(g)

- 27 (1) Schedule 1 (the Electoral Commission) is amended as follows.  
(2) In paragraph 3 (term of office etc of Electoral Commissioners)—

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- (a) in sub-paragraph (3) (circumstances in which Electoral Commissioner ceases to hold office), for “An Electoral Commissioner” there is substituted “ Subject to sub-paragraph (3A), an Electoral Commissioner ”;
- (b) after that sub-paragraph there is inserted—

“(3A) Paragraph (d) of sub-paragraph (3) does not apply to a nominated Commissioner (within the meaning of section 3A).”

- (3) In paragraph 7 (Assistant Electoral Commissioners), in sub-paragraph (2) (Assistant Electoral Commissioner must be eligible for appointment as Electoral Commissioner), for the words after “he is” there is substituted “ prevented by section 3(4) (read without regard to section 3(4A)) from being appointed as an Electoral Commissioner ”.
- (4) In paragraph 11 (staff)—
  - (a) sub-paragraphs (2) and (4) (which are superseded by the provision made by section 7(2) above) are omitted;
  - (b) in sub-paragraph (3), for “sub-paragraph (4)” there is substituted “ paragraph 11A(4) ”.

PROSPECTIVE

- 28 (1) Schedule 7 (control of donations to individuals and members associations) is amended as follows.
- (2) In sub-paragraph (1)(b) of paragraph 6 (prohibition on accepting donations from impermissible donors), for “that person” there is substituted “ the person offering the donation ”.
  - (3) In sub-paragraph (2) of paragraph 8 (acceptance or return of donations), for “section 56(3) and (4)” there is substituted “ section 56(3), (3B) and (4) ”.

PROSPECTIVE

- 29 (1) Schedule 11 (control of donations to recognised third parties) is amended as follows.
- (2) In paragraph 4 (payments etc not to be regarded as donations), at the end there is inserted—
    - “(3) Any payment out of public funds shall not be regarded as a donation for the purposes of paragraph 6A.”
  - (3) In sub-paragraph (3) of that paragraph (inserted by sub-paragraph (2) above), after “paragraph 6A” there is inserted “ or 6B ”.
  - (4) In sub-paragraph (2)(b) of paragraph 7 (acceptance or return of donations), for “section 56(3) and (4)” there is substituted “ section 56(3), (3B) and (4) ”.

PROSPECTIVE

- 30 (1) Schedule 15 (control of donations to permitted participants) is amended as follows.
- (2) In paragraph 4 (payments etc not to be regarded as donations)—

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- (a) sub-paragraph (1)(a) is omitted;
- (b) at the end there is inserted—

“(3) Any payment out of public funds shall not be regarded as a donation for the purposes of paragraph 6A.

(4) For all other purposes of this Schedule, such a payment shall not be regarded as a donation unless it is a grant provided to a designated organisation by virtue of section 110(2).”

(3) In sub-paragraph (3) of that paragraph (inserted by sub-paragraph (2)(b) above), after “paragraph 6A” there is inserted “ or 6B ”.

(4) In sub-paragraph (2)(b) of paragraph 7 (acceptance or return of donations), for “section 56(3) and (4)” there is substituted “ section 56(3), (3B) and (4) ”.

PROSPECTIVE

31 In Schedule 20 (penalties), in the entry for section 56(3) or (4), for “(3) or (4)” there is substituted “ (3), (3B) or (4) ”.

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