
DRAFT STATUTORY INSTRUMENTS

2010 No.

**The Political Parties, Elections and
Referendums (Civil Sanctions) Order 2010**

Citation and commencement

1. This Order may be cited as the Political Parties, Elections and Referendums (Civil Sanctions) Order 2010 and comes into force on 1st December 2010.

Interpretation

2. In this Order—

“the 2000 Act” means the Political Parties, Elections and Referendums Act 2000;

“compliance notice” means a notice imposing a requirement under paragraph 5(5)(b) of Schedule 19C;

“final notice” means a notice under paragraph 2(4) or 6(5) of Schedule 19C;

“restoration notice” means a notice imposing a requirement under paragraph 5(5)(c) of Schedule 19C; and

“Schedule 19C” means Schedule 19C to the 2000 Act.

Provision made by Schedule 1

3.—(1) Part 1 of Schedule 1 makes provision for fixed monetary penalties(1).

(2) Part 2 of Schedule 1 makes provision for discretionary requirements(2).

(3) Part 3 of Schedule 1 makes provision for stop notices(3).

(4) Part 4 of Schedule 1 makes provision for enforcement undertakings(4).

Prescribed offences and prescribed restrictions and requirements

4.—(1) Part 1 of Schedule 2 lists the offences prescribed for the purposes of paragraphs 1(1)(a) (fixed monetary penalties), 5(1)(a) (discretionary requirements), 10(2)(b)(i) and (3)(b)(i) (stop notices) and 15(1)(a)(i) (enforcement undertakings) of Schedule 19C.

(2) Part 2 of Schedule 2 lists the restrictions and requirements prescribed for the purposes of paragraphs 1(1)(b), 5(1)(b), 10(2)(b)(ii) and (3)(b)(ii) and 15(1)(a)(ii) of Schedule 19C.

(3) Part 3 of Schedule 2 lists the restrictions and requirements prescribed for the purposes of paragraphs 1(2)(b), (3)(b) and (4)(b) (fixed monetary penalties) and 5(2)(b), (3)(b) and (4)(b) (discretionary requirements) of Schedule 19C.

(1) “Fixed monetary penalty” is defined at paragraph 1(5) of Schedule 19C.

(2) “Discretionary requirement” is defined at paragraph 5(5) of Schedule 19C.

(3) “Stop notice” is defined at paragraph 10(1) of Schedule 19C.

(4) “Enforcement undertaking” is defined at paragraph 15(1)(b) of Schedule 19C.

Recovery of payments

5.—(1) In England and Wales and Northern Ireland, the Commission(5) may recover a fixed monetary penalty, variable monetary penalty(6), or any interest or other financial penalty for late payment on the order of a court, as if payable under a court order.

(2) In Scotland, the Commission may recover a fixed monetary penalty, variable monetary penalty, or any interest or other financial penalty for late payment as a civil debt.

Non-compliance penalties

6.—(1) The amount of a non-compliance penalty(7) must be determined by the Commission having regard to all the circumstances of the case and must not be less than £500 nor more than £20,000.

(2) The notice imposing a non-compliance penalty must include information as to—

- (a) the grounds for imposing the non-compliance penalty;
- (b) the amount of the penalty;
- (c) the period within which payment must be made, which must not be less than 28 days beginning with the day on which the notice imposing the penalty is received;
- (d) rights of appeal; and
- (e) the consequences of failure to make payment within the specified period.

(3) A non-compliance penalty must be paid to the Commission.

(4) If the steps specified in the compliance notice or restoration notice are completed, and a certificate is issued by the Commission under paragraph 6 of Schedule 1, within the period set for payment of the non-compliance penalty the Commission may by notice waive, or reduce the amount of, a non-compliance penalty.

(5) An appeal under paragraph 9(3) of Schedule 19C against a notice imposing a non-compliance penalty must be made within 28 days of the day on which the notice was received.

Withdrawal or variation of notices

7.—(1) The Commission may by notice in writing at any time withdraw, reduce the monetary amount payable under, or reduce the steps to be taken under, any final notice.

(2) The Commission may by notice in writing at any time withdraw a stop notice (without prejudice to their power to serve another in respect of the activity specified in the withdrawn notice).

Appeals

8.—(1) Where an appeal under paragraph 13(1) or (2) of Schedule 19C is made, the stop notice is not suspended unless suspended or varied on the order of the county court or (in Scotland) the sheriff.

(2) On an appeal under paragraph 2(6), 6(6), 9(3) or 13(1) of Schedule 19C the county court or (in Scotland) the sheriff may—

- (a) withdraw, confirm or vary the requirement or notice;
- (b) take such steps as the Commission could take in relation to the act or omission giving rise to the requirement or notice;

(5) “The Commission” is defined in section 1(1) of the 2000 Act.

(6) “Variable monetary penalty” is defined at paragraph 5(7) of Schedule 19C.

(7) “Non-compliance penalty” is defined at paragraph 9(1) of Schedule 19C.

(c) remit the decision whether to confirm the requirement or notice, or any matter relating to that decision, to the Commission.

(3) On an appeal under paragraph 13(2) of Schedule 19C or paragraph 8 or 16 of Schedule 1 to this Order, the county court or (in Scotland) the sheriff may make an order requiring the Commission to issue a certificate under paragraph 12 of Schedule 19C or, as the case may be, paragraph 6 or 15 of Schedule 1 to this Order.

Signed by authority of the Secretary of State

Date

Name
Minister of State
Ministry of Justice