

SCHEDULE 1

Article 3

PART 1

Fixed monetary penalties

Prescribed amount

1. For the purposes of paragraph 1(5) of Schedule 19C (fixed monetary penalty) the amount prescribed is £200.

Discharge of liability

2. For the purposes of paragraph 2(2) of Schedule 19C (sum by which penalty may be discharged) the sum prescribed is £200.

Appeals

3.—(1) An appeal under paragraph 2(6) of Schedule 19C against the decision to impose a fixed monetary penalty must be made within 28 days of the day on which the final notice was received.

(2) The penalty is suspended from the day on which the appeal is made.

(3) The suspension has effect until the day on which the appeal is determined or withdrawn.

Late payment

4.—(1) Subject to sub-paragraphs (4) and (5), the fixed monetary penalty must be paid within 28 days of the day on which the final notice was received.

(2) If the penalty is not paid within that period the amount payable is increased by 25%.

(3) If the penalty (as increased by sub-paragraph (2)) is not paid within 56 days of the day on which the final notice was received, the amount payable is the amount of the fixed monetary penalty originally imposed increased by 50%.

(4) In the case of an appeal, any penalty which falls to be paid, whether because the court upheld the penalty or varied it, or because the appeal was withdrawn, is payable within 28 days of the day of determination or withdrawal of the appeal, and if not paid within that period the amount payable is increased by 25%.

(5) If the penalty (as increased by sub-paragraph (4)) is not paid within 56 days of the day of the determination or withdrawal of the appeal, the amount payable is the amount of the fixed monetary penalty originally imposed increased by 50%.

PART 2

Discretionary Requirements

Variable monetary penalties: maximum amount

5. The maximum amount that the Commission may impose as a variable monetary penalty is £20,000.

Completion

6.—(1) Where, after the service of a compliance notice or a restoration notice on a person, the Commission are satisfied that the person has taken the steps specified in the notice, they must issue a certificate to that effect.

(2) A compliance notice or a restoration notice ceases to have effect on the issue of a certificate relating to that notice.

(3) A person on whom a compliance notice or a restoration notice has been served may at any time apply for a certificate and the Commission must make a decision whether to issue a certificate within 28 days of the day on which they receive such an application.

(4) An application under sub-paragraph (3) must be accompanied by such information as is reasonably necessary to enable the Commission to determine whether the compliance notice or restoration notice has been complied with.

(5) Where, on an application under sub-paragraph (3), the Commission decide not to issue a certificate they must notify the applicant and provide the applicant with information as to—

- (a) the grounds for the decision not to issue a certificate; and
- (b) rights of appeal.

(6) The Commission may revoke a certificate if it was granted on the basis of inaccurate, incomplete or misleading information, and if the Commission revoke a certificate, the compliance notice or restoration notice has effect as if the certificate had not been issued.

Appeals

7.—(1) An appeal under paragraph 6(6) of Schedule 19C against the decision to impose a discretionary requirement must be made within 28 days of the day on which the final notice was received.

(2) The requirement is suspended from the day on which the appeal is made.

(3) The suspension has effect until the day on which the appeal is determined or withdrawn.

8.—(1) A person served with a compliance notice or a restoration notice may appeal to a county court or (in Scotland) the sheriff against a decision not to issue a certificate under paragraph 6 on the ground that the decision was—

- (a) based on an error of fact;
- (b) wrong in law; or
- (c) unfair or unreasonable.

(2) An appeal must be made within 28 days of the day on which notification of the decision was received.

Late payment

9.—(1) Subject to sub-paragraphs (4) and (5), the variable monetary penalty must be paid within 28 days of the day on which the final notice was received.

(2) If the penalty is not paid within that period the amount payable is increased by 25%.

(3) If the penalty (as increased by sub-paragraph (2)) is not paid within 56 days of the day on which the final notice was received, the amount payable is the amount of the variable monetary penalty originally imposed increased by 50%.

(4) In the case of an appeal, any penalty which falls to be paid, whether because the court upheld the penalty or varied it, or because the appeal was withdrawn, is payable within 28 days of the day of

determination or withdrawal of the appeal, and if it is not paid within that period the amount payable is increased by 25%.

(5) If the penalty (as increased by sub-paragraph (4)) is not paid within 56 days of the day of determination or withdrawal of the appeal the amount payable is the amount of the variable monetary penalty originally imposed increased by 50%.

PART 3

Stop notices

Completion certificates

10.—(1) An application for a completion certificate⁽¹⁾ must be accompanied by such information as is reasonably necessary to enable the Commission to determine whether the stop notice has been complied with.

(2) Where, on an application under paragraph 12(3) of Schedule 19C, the Commission decide not to issue a completion certificate they must notify the applicant and provide the applicant with information as to—

- (a) the grounds for the decision not to issue a completion certificate; and
- (b) rights of appeal.

11. The Commission may revoke a completion certificate if it was granted on the basis of inaccurate, incomplete or misleading information, and if the Commission revoke a completion certificate, the stop notice has effect as if the certificate had not been issued.

Appeals

12.—(1) An appeal under paragraph 13(1) of Schedule 19C against the decision to serve a stop notice must be made within 28 days of the day on which the notice was received.

(2) An appeal under paragraph 13(2) of Schedule 19C against a decision not to issue a completion certificate must be made within 28 days of the day on which notification of the decision was received.

PART 4

Enforcement undertakings

Contents of an enforcement undertaking

13.—(1) An enforcement undertaking must be in writing and include—

- (a) a statement that the undertaking is an enforcement undertaking regulated by the 2000 Act and this Order;
- (b) the terms of the undertaking;
- (c) the period within which the action specified in the undertaking must be completed;
- (d) details of how and when a person is to be considered to have complied with the undertaking; and

(1) “Completion certificate” is defined at paragraph 12(1) of Schedule 19C.

- (e) information as to the consequences of failure to comply in full or in part with the undertaking, including reference to the effect of paragraph 15(2) of Schedule 19C.
- (2) The enforcement undertaking may be varied or extended if both parties agree.

Publication of enforcement undertakings

14. The Commission may publish any enforcement undertaking which they accept in whatever manner they see fit.

Compliance with an enforcement undertaking

15.—(1) Where, after accepting an enforcement undertaking from a person, the Commission are satisfied that the undertaking has been complied with in full they must issue a certificate to that effect.

(2) An enforcement undertaking ceases to have effect on the issue of a certificate relating to that undertaking.

(3) A person who has given an enforcement undertaking may at any time apply for a certificate, and the Commission must make a decision whether to issue a certificate within 28 days of the day on which they receive such an application.

(4) An application under sub-paragraph (3) must be accompanied by such information as is reasonably necessary to enable the Commission to determine whether the undertaking has been complied with.

(5) Where, on an application under sub-paragraph (3), the Commission decide not to issue a certificate they must notify the applicant and provide the applicant with information as to—

- (a) the grounds for the decision not to issue a certificate; and
- (b) rights of appeal.

(6) The Commission may revoke a certificate if it was granted on the basis of inaccurate, incomplete or misleading information, and if the Commission revoke a certificate, the enforcement undertaking has effect as if the certificate had not been issued.

Appeals

16.—(1) A person who has given an enforcement undertaking may appeal to a county court or (in Scotland) the sheriff against a decision not to issue a certificate under paragraph 15 on the ground that the decision was—

- (a) based on an error of fact;
- (b) wrong in law; or
- (c) unfair or unreasonable.

(2) An appeal must be made within 28 days of the day on which notification of the decision was received.

SCHEDULE 2

Prescribed Offences, Restrictions and Requirements

Article 4(1)

PART 1

Prescribed Offences

<i>Provision creating offence</i>	<i>Offence</i>
section 24(8)(2)	registration as treasurer where convicted of certain offences
section 43(7)	failure to deliver statement relating to auditor's resignation etc.
section 47(1)(a)(3)	failure to deliver proper statement of accounts
section 47(1)(b)	failure to deliver accounts within time limits
section 54(7)	failure to provide information about donors
section 56(3), (3B) or (4)(4)	failure to return donations
section 65(3)(5)	failure to deliver donation reports to Commission within time limits
section 65(4)	failure to comply with requirements for recording donations in donation report
section 71L(1)(6)	registered party entering into regulated transaction with unauthorised participant
section 71L(2)	treasurer of party entering into regulated transaction with unauthorised participant
section 71L(3)	party liable if treasurer fails to repay money obtained under regulated transaction with unauthorised participant
section 71L(4)	treasurer failing to repay money obtained under regulated transaction with unauthorised participant
section 71L(5)	party benefiting from connected transaction to which an unauthorised participant is a party
section 71L(6)	treasurer of registered party which benefits from connected transaction to which an unauthorised participant is a party
section 71L(7)	party liable if treasurer fails to repay benefit obtained in consequence of security given by unauthorised participant
section 71L(8)	treasurer failing to repay benefit obtained in consequence of security given by unauthorised participant
section 71S(4)(7)	failure to deliver transaction reports to Commission within time limits
section 71S(5)	failure to comply with requirements for recording transactions in transaction report
section 74(4)	acceptance by ineligible person of office of deputy treasurer

(2) Section 24(8) is amended by paragraph 3 of the Schedule to [S.I. 2004/366](#).

(3) Section 47(1) is amended by section 13(2) of the Political Parties and Elections Act 2009 (c. 12).

(4) Section 56(3B) is inserted by section 12 of the Political Parties and Elections Act 2009 (c. 12).

(5) Section 65(3) and (4) is amended by section 13(3)(a) of and paragraph 17 of Schedule 6 to the Political Parties and Elections Act 2009 (c. 12).

(6) Section 71L is inserted by section 61(1) of the Electoral Administration Act 2006 (c. 22).

(7) Section 71S is inserted by section 61(1) of the Electoral Administration Act 2006 (c. 22) and subsections (4) and (5) are amended by section 13(4)(a) of the Political Parties and Elections Act 2009 (c. 12).

<i>Provision creating offence</i>	<i>Offence</i>
section 75(2)	incurring campaign expenditure without authority
section 76(4)(a)	making payments in respect of campaign expenditure without authority
section 76(4)(b)	failure to notify treasurer of payments in respect of campaign expenditure
section 77(3)(a)	paying claim in respect of campaign expenditure where failure to comply with procedure
section 77(3)(b)	paying claim in respect of campaign expenditure outside specified time period
section 79(2)	exceeding limits on campaign expenditure
section 82(4)(a)	failure of treasurer to deliver return and auditor's report to Commission
section 82(4)(b)	failure to comply with requirements for returns
section 82(4)(c)	failure of treasurer to deliver return and court order to Commission
section 83(3)(b)	failure to deliver signed declaration with return to Commission
section 90(2)	incurring controlled expenditure without authority
section 91(4)(a)	making payments in respect of controlled expenditure without authority
section 91(4)(b)	failure to notify responsible person of payments in respect of controlled expenditure
section 92(3)(a)	paying claim in respect of controlled expenditure where failure to comply with procedure
section 92(3)(b)	paying claim in respect of controlled expenditure outside specified time period
section 94(2) or (4)	exceeding limits on controlled expenditure
section 98(4)(a)	failure of responsible person to deliver return and auditor's report to Commission
section 98(4)(b)	failure to comply with requirements for returns
section 98(4)(c)	failure to deliver return and court order to Commission
section 99(4)(b)	failure to deliver signed declaration with return to Commission
section 113(2)	incurring referendum expenses without authority
section 114(4)(a)	making payments in respect of referendum expenses without authority
section 114(4)(b)	failure to notify responsible person of payments in respect of referendum expenses
section 115(3)(a)	paying claim in respect of referendum expenses where failure to comply with procedure

<i>Provision creating offence</i>	<i>Offence</i>
section 115(3)(b)	paying claim in respect of referendum expenses outside specified time period
section 117(2)	individual (other than permitted participant) exceeding limits on referendum expenses
section 117(3) or (4)	body (other than permitted participant) exceeding limits on referendum expenses
section 118(2)	permitted participant exceeding limits on referendum expenses
section 122(4)(a)	failure to deliver return and auditor's report to Commission
section 122(4)(b)	failure to comply with requirements for returns
section 122(4)(c)	failure to deliver return and court order to Commission
section 123(4)(b)	failure to deliver signed declaration with return to Commission
section 126(8) and (9)	printing or publishing referendum material without details of printer or publisher
section 143(8) or (9)	printing or publishing election material without details of printer or publisher
section 148(2)(a)	failure to supply relevant person with information
paragraph 1B of Schedule 7(8)	failure by members association to comply with requirement to appoint responsible person
paragraph 6(5) of Schedule 7	failure to provide information about donors
paragraph 12(1) of Schedule 7(9)	failure to deliver donation report to Commission within time limit
paragraph 12(2) of Schedule 7	failure to comply with requirements for recording donations in donation reports
paragraph 8(3) of Schedule 7A(10)	individual regulated participant failing to repay money obtained under controlled transaction with unauthorised participant
paragraph 8(4) of Schedule 7A	responsible person failing to repay money obtained by members association under controlled transaction with unauthorised participant
paragraph 8(7) of Schedule 7A	individual regulated participant failing to repay value of benefit obtained in consequence of connected transaction involving unauthorised participant
paragraph 8(8) of Schedule 7A	responsible person failing to repay value of benefit obtained by members association in consequence of connected transaction involving unauthorised participant

(8) Paragraph 1B is inserted by section 14(3) of the Political Parties and Elections Act 2009 (c. 12).

(9) Paragraph 12(1) and (2) is amended by paragraph 154(7) of Part 7 of Schedule 1 to the Electoral Administration Act 2006 (c. 22) and sections 13(5) and 14(4) of the Political Parties and Elections Act 2009 (c. 12).

(10) Schedule 7A is inserted by paragraph 99 of Schedule 1 to the Electoral Administration Act 2006 (c. 22). Paragraph 12(1) and (2) is amended by sections 13(6) and 16(3) of the Political Parties and Elections Act 2009 (c. 12).

<i>Provision creating offence</i>	<i>Offence</i>
paragraph 12(1) of Schedule 7A	failure to deliver transaction report to Commission within time limit
paragraph 12(2) of Schedule 7A	failure to comply with requirements for recording transactions on transaction reports
paragraph 6(7) of Schedule 11	failure to provide information about donors
paragraph 6(8) of Schedule 15	failure to provide information about donors
paragraph 6(1) of Schedule 19A(11)	of failure to give notification or report within specified period
paragraph 6(2) of Schedule 19A	giving notification or report that fails to comply with requirements of that Schedule
paragraph 13(1) of Schedule 19B(12)	of failure to comply with investigation requirement

Article 4(2)

PART 2

Prescribed Restrictions and Requirements

<i>Provision containing restriction or requirement</i>	<i>Restriction or requirement</i>
section 31(1) or (3A)(13)	notification required to be given by the treasurer of a registered party
section 34(3)(14)	requirement to submit annual notification of minor party details on time
section 41(1)	requirement to keep accounts
section 41(4) or (5)	requirement to maintain accounts for six years
section 74(6)	requirement for the treasurer to notify the Commission of change of details
paragraph 4(1) and (3) of Schedule 6	of requirement to give details of the nature and value of a non-cash donation

Article 4(3)

(11) Schedule 19A is inserted by Schedule 5 to the Political Parties and Elections Act 2009 (c. 12).

(12) Schedule 19B is inserted by Schedule 1 to the Political Parties and Elections Act 2009 (c. 12).

(13) Section 31(3A) is inserted by paragraph 6(b) of the Schedule to S.I. 2004/366.

(14) Section 34(3) is amended by paragraph 143(2) of Part 7 of Schedule 1 to the Electoral Administration Act 2006 (c. 22).

PART 3

Prescribed restrictions or requirements for which party or organisation may be liable for actions of an office holder or responsible person

<i>Provision containing restriction or requirement</i>	<i>Restriction or requirement</i>
section 31(1) or (3A)	notification required to be given by the treasurer of a registered party
section 34(3)	requirement to submit annual notification of minor party details on time
section 41(1)	requirement to keep accounts
section 41(4) or (5)	requirement to maintain accounts for six years
section 45(1) or (2)(15)	requirement to deliver any statement of accounts, notification or auditor's report relating to a registered party or any accounting unit of such a party;
section 65(1) or (2)	requirement to deliver any donation report relating to a registered party
section 74(6)	requirement for the treasurer to notify the Commission of change of details
section 82(1), (2) or (3)	requirement in relation to any return or auditor's report relating to a registered party
section 98(1), (2) or (3)	requirement in relation to any return or auditor's report relating to a recognised third party
section 122(1), (2) or (3)	requirement in relation to any return or auditor's report relating to a permitted participant
paragraph 4(1) and (3) of Schedule 6	of requirement in relation to any requirement to give details of the nature and value of a non-cash donation

(15) Section 45(1) is amended by section 54 of the Electoral Administration Act 2006 (c. 22).