



# Political Parties, Elections and Referendums Act 2000

## 2000 CHAPTER 41

### 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.
- (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—

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- (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;
  - [<sup>F1</sup>(b) the Lord Chancellor;]
  - (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.

#### Textual Amendments

**F1** S. 2(2)(b) substituted (25.11.2002) by [S.I. 2002/2626](#), art. 20, [Sch. 2 para. 25\(2\)](#)

#### Modifications etc. (not altering text)

**C1** S. 2(2)(b): functions transferred (25.11.2002) by [S.I. 2002/2626](#), [arts. 11-13](#)

### 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.
- (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;

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- (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 <sup>[F2]</sup>, or
  - (iv) been named as a participant in the register of recordable transactions reported under Part 4A.]
- (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 <sup>M1</sup>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 <sup>M2</sup>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.

#### Textual Amendments

- F2** S. 3(4)(d)(iv) and preceding word inserted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 74(1), 77(1), [Sch. 1 para. 139](#); S.I. 2006/1972, [art. 3](#), [Sch. 1 paras. 24, 25\(g\)](#) (subject to [art. 4](#), [Sch. 2](#))

#### Marginal Citations

- M1** 1866 c. 19.  
**M2** 1998 c. 48.

VALID FROM 21/07/2009

### <sup>[F3]</sup>3A Four Electoral Commissioners to be persons put forward by parties

- (1) Four of the Electoral Commissioners shall each be a person whom the registered leader of a qualifying party put forward to be considered for appointment as an Electoral Commissioner (a “nominated Commissioner”).
- (2) In subsection (1) “qualifying party” means a registered party with two or more Members of the House of Commons at the time of the person's appointment.
- (3) Three of the nominated Commissioners shall each be a person put forward by the registered leader of one of the three largest nominating parties at the time of the person's appointment.
- (4) In subsection (3) “nominating party” means a party whose registered leader—

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- (a) has put forward three persons to be considered for appointment as a nominated Commissioner, or
  - (b) previously put forward persons one of whom was appointed as a nominated Commissioner and is expected to continue to hold office.
- (5) No appointment may be made that would result in two or more nominated Commissioners being persons put forward by the leader of the same party (and nothing in this section has effect so as to require that result).
- (6) A nominated Commissioner may not be appointed as the chairman of the Commission.
- (7) For the purposes of this section, the relative size of any two or more registered parties shall be determined according to the number of Members of the House of Commons belonging to each party at the time in question (or, in the case of two parties with the same number of Members, according to the total number of votes cast for persons standing for election in the name of each of those parties at the most recent parliamentary general election).
- (8) A reference in this section to a Member 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.]

#### Textual Amendments

**F3** S. 3A inserted (21.7.2009) by [Political Parties and Elections Act 2009 \(c. 12\)](#), ss. 5(2), 43(1)(5)(b)

#### 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.

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- (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 <sup>M3</sup>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.

#### Commencement Information

**II** S. 4 wholly in force at 16.2.2001; s. 4 not in force at Royal Assent, see s. 163(2); s. 4 in force at 16.2.2001 by S.I. 2001/222, art. 2, Sch. 1 Pt. I (subject to transitional provisions in Sch. 1 Pt. II)

#### Marginal Citations

**M3** 1866 c. 19.

### *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;
  - [<sup>F4</sup>(d) a National Assembly for Wales general election;]
  - (e) a Northern Ireland Assembly general election.

[<sup>F5</sup>(2A) After—

- (a) a parliamentary by-election,
- (b) an election held under section 9 of the Scotland Act 1998 (election for the Scottish Parliament in the case of a constituency vacancy), or
- (c) an election held under [<sup>F6</sup>section 10 of the Government of Wales Act 2006] (election for the National Assembly for Wales in the case of a constituency vacancy),

the Commission may prepare and publish (in such manner as the Commission may determine) a report on the administration of the election.]

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- (3) After a poll held under [F7 section 64 of the Government of Wales Act 2006] 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.

#### Textual Amendments

- F4** S. 5(2)(d) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 90(a)**, the amending provision coming into force immediately after the ordinary election under s. 3 of the [Government of Wales Act 1998 \(c. 38\)](#) held on 3.5.2007, see art. 1(2) of the amending S.I.
- F5** S. 5(2A) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 28, 77(2); S.I. 2006/3412, art. 3, Sch. 1 para. 14(m) (subject to art. 6, Sch. 2); S.I. 2008/1316, arts. 2(2), 4(j)
- F6** Words in s. 5(2A)(c) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 90(b)**, S. 5(2)(d) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 90(a)**, the amending provision coming into force immediately after the ordinary election under s. 3 of the [Government of Wales Act 1998 \(c. 38\)](#) held on 3.5.2007, see art. 1(2) of the amending S.I.
- F7** Words in s. 5(3) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 90(c)**, the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) -- see ss. 46, 161(5) of the [Government of Wales Act 2006 \(c. 32\)](#) and art. 1(2) of the amending S.I.

#### Modifications etc. (not altering text)

- C2** S. 5 applied (with modifications) (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 7(1), **Sch. 3 Pt. 1**

#### Commencement Information

- I2** S. 5 wholly in force at 16.2.2001; s. 5 not in force at Royal Assent, see s. 163(2); s. 5 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in [Sch. 1 Pt. II](#))

## 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;
  - (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).

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- (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 <sup>M4</sup>Scotland Act 1998 or for the purpose of assisting members of the Northern Ireland Assembly connected with such parties to perform their Assembly duties [<sup>F8</sup>or the funding of political groups under section 24 of the Government of Wales Act 2006];
  - (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 [<sup>F9</sup>section 64 of the Government of Wales Act 2006];
  - (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 <sup>M5</sup>Local Government Act 2000.

#### Textual Amendments

- F8** Words in s. 6(3)(a) inserted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 91(a)**, the amending provision coming into force immediately after the ordinary election under s. 3 of the [Government of Wales Act 1998 \(c. 38\)](#) held on 3.5.2007, see art. 1(2) of the amending S.I.
- F9** Words in s. 6(3)(b) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 91(b)**, the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) -- see [ss. 46, 161\(5\) of the Government of Wales Act 2006 \(c. 32\)](#) and art. 1(2) of the amending S.I.

#### Commencement Information

- I3** S. 6 partly in force; s. 6 not in force at Royal Assent, see s. 163(2); s. 6(1)(a)(b)(e)-(g)(2)-(6) in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in [Sch. 1 Pt. II](#)); s. 6(1)(d) in force at 30.10.2001 by [S.I. 2001/3526](#), art. 2(a)

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### Marginal Citations

- M4** 1998 c. 46.  
**M5** 2000 c. 22.

## [<sup>F10</sup>6A Attendance of representatives of Commission at elections etc.

- (1) A representative of the Commission may attend—
  - (a) proceedings relating to an election specified in subsection (5) which are the responsibility of the returning officer for the election;
  - (b) proceedings relating to a referendum to which Part 7 applies which are the responsibility of the relevant counting officer.
- (2) The right conferred on a representative of the Commission by this section is subject to any enactment which regulates attendance at the proceedings in question.
- (3) In this section, “representative of the Commission” means any of the following—
  - (a) a member of the Commission;
  - (b) a member of staff of the Commission;
  - (c) a person appointed by the Commission for the purposes of this section.
- (4) A reference to the relevant counting officer must be construed—
  - (a) if the area to which the proceedings relates is in Great Britain, in accordance with section 128(3);
  - (b) if the area to which the proceedings relates is Northern Ireland, as a reference to the Chief Electoral Officer for Northern Ireland.
- (5) The elections specified in this subsection are—
  - (a) an election mentioned in section 5(2);
  - (b) a parliamentary by-election;
  - (c) an election under section 9 of the Scotland Act 1998 (constituency vacancies);
  - (d) an election under [<sup>F11</sup>section 10 of the Government of Wales Act 2006 (constituency vacancies)];
  - (e) a local government election in England or Wales;
  - (f) a local election in Northern Ireland.

### Textual Amendments

**F10** Ss. 6A-6F inserted (31.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006](#) (c. 22), **ss. 29, 77(2)**; S.I. 2006/3412, **art. 5** (with **art. 6, Sch. 2**); S.I. 2008/1316, **arts. 2(2), 4(k)**

**F11** Words in s. 6A(5)(d) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007](#) (S.I. 2007/1388), **art. 3, Sch. 1 para. 92**, the amending provision coming into force immediately after the ordinary election under s. 3 of the [Government of Wales Act 1998](#) (c. 38) held on 3.5.2007, see **art. 1(2)** of the amending S.I.

### Modifications etc. (not altering text)

- C3** S. 6A applied (with modifications) (E.) (27.7.2007) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2007](#) (S.I. 2007/2089), **regs. 1(2)(3), 8, 11, 13**, {Sch. 4 Table 4}
- C4** S. 6A applied (with modifications) (W.) (23.7.2008) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2008](#) (S.I. 2008/1848), **regs. 1(2), 8**, {Sch. 4 Table 3}



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## 6B Observation of working practices by representatives of Commission

- (1) A representative of the Commission may observe the working practices of any of the following—
  - (a) an electoral registration officer;
  - (b) a returning officer;
  - (c) a relevant counting officer;
  - (d) any person acting under the direction of a person mentioned in paragraphs (a) to (c).
- (2) In this section—
  - (a) “relevant counting officer”, and
  - (b) “representative of the Commission”,must be construed in accordance with section 6A.
- (3) This section does not permit the observation of working practices which relate only to a local government election in Scotland.

### Textual Amendments

**F10** Ss. 6A-6F inserted (31.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006](#) (c. 22), **ss. 29, 77(2)**; [S.I. 2006/3412](#), **art. 5** (with art. 6, Sch. 2); [S.I. 2008/1316](#), **arts. 2(2), 4(k)**

### Modifications etc. (not altering text)

**C5** S. 6B applied (with modifications) (E.) (27.7.2007) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2007](#) (S.I. 2007/2089), **regs. 1(2)(3), 8, 11, 13**, {Sch. 4 Table 4}

**C6** S. 6B applied (with modifications) (W.) (23.7.2008) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2008](#) (S.I. 2008/1848), **regs. 1(2), 8**, {Sch. 4 Table 3}

## 6C Accredited observers: individuals

- (1) A person who is aged 16 or over may apply to the Commission to be an accredited observer at any of the following proceedings relating to an election specified in subsection (5) of section 6A or a referendum to which Part 7 applies—
  - (a) proceedings at the issue or receipt of postal ballot papers;
  - (b) proceedings at the poll;
  - (c) proceedings at the counting of votes.
- (2) If the Commission grant the application, the accredited observer may attend the proceedings in question.
- (3) An application under subsection (1) must be made in the manner specified in the code of practice issued under section 6F.
- (4) The Commission may at any time revoke the grant of an application under subsection (1).
- (5) If the Commission—
  - (a) refuse an application under subsection (1), or
  - (b) revoke the grant of any such application,they must give their decision in writing and must at the same time give reasons in writing for the refusal or revocation.

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- (6) The right conferred on an accredited observer by this section is subject to any enactment which regulates attendance at the proceedings in question.

#### Textual Amendments

**F10** Ss. 6A-6F inserted (31.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006](#) (c. 22), [ss. 29, 77\(2\)](#); [S.I. 2006/3412](#), [art. 5](#) (with [art. 6, Sch. 2](#)); [S.I. 2008/1316](#), [arts. 2\(2\), 4\(k\)](#)

#### Modifications etc. (not altering text)

- C7** S. 6C applied (with modifications) (E.) (27.7.2007) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2007](#) (S.I. 2007/2089), [regs. 1\(2\)\(3\), 8, 11, 13](#), {Sch. 4 Table 4}
- C8** S. 6C applied (with modifications) (W.) (23.7.2008) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2008](#) (S.I. 2008/1848), [regs. 1\(2\), 8](#), {Sch. 4 Table 3}

### 6D Accredited observers: organisations

- (1) An organisation may apply to the Commission to be accredited for the purpose of nominating observers at any of the following proceedings relating to an election specified in subsection (5) of section 6A or a referendum to which Part 7 applies—
- proceedings at the issue or receipt of postal ballot papers;
  - proceedings at the poll;
  - proceedings at the counting of votes.
- (2) If the Commission grant the application the organisation may nominate members who may attend the proceedings in question.
- (3) The Commission, in granting an application under this section, may specify a limit on the number of observers nominated by the organisation who may attend, at the same time, specified proceedings by virtue of this section.
- (4) An application under subsection (1) must be made in the manner specified in the code of practice issued under section 6F.
- (5) The Commission may at any time revoke the grant of an application under subsection (1).
- (6) If the Commission—
- refuse an application under subsection (1), or
  - revoke the grant of any such application,
- they must give their decision in writing and must at the same time give reasons in writing for the refusal or revocation.
- (7) The right conferred by this section is subject to any enactment which regulates attendance at the proceedings in question.

#### Textual Amendments

**F10** Ss. 6A-6F inserted (31.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006](#) (c. 22), [ss. 29, 77\(2\)](#); [S.I. 2006/3412](#), [art. 5](#) (with [art. 6, Sch. 2](#)); [S.I. 2008/1316](#), [arts. 2\(2\), 4\(k\)](#)

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#### Modifications etc. (not altering text)

- C9** S. 6D applied (with modifications) (E.) (27.7.2007) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2007 \(S.I. 2007/2089\)](#), **regs. 1(2)(3)**, 8, 11, 13, {Sch. 4 Table 4}
- C10** S. 6D applied (with modifications) (W.) (23.7.2008) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2008 \(S.I. 2008/1848\)](#), **regs. 1(2)**, 8, {Sch. 4 Table 3}

### 6E Attendance and conduct of observers

- (1) A relevant officer may limit the number of persons who may be present at any proceedings at the same time in pursuance of section 6C or 6D.
- (2) If a person who is entitled to attend any proceedings by virtue of section 6C or 6D misconducts himself while attending the proceedings, the relevant officer may cancel the person's entitlement.
- (3) Subsection (2) does not affect any power a relevant officer has by virtue of any enactment or rule of law to remove a person from any place.
- (4) A relevant officer is—
  - (a) in the case of proceedings at a polling station, the presiding officer;
  - (b) in the case of any other proceedings at an election, the returning officer;
  - (c) in the case of any other proceedings at a referendum, the relevant counting officer (within the meaning of section 6A);
  - (d) such other person as a person mentioned in paragraph (a), (b) or (c) authorises for the purposes of the proceedings mentioned in that paragraph.

#### Textual Amendments

- F10** Ss. 6A-6F inserted (31.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 29**, 77(2); [S.I. 2006/3412](#), **art. 5** (with **art. 6**, **Sch. 2**); [S.I. 2008/1316](#), **arts. 2(2)**, 4(k)

#### Modifications etc. (not altering text)

- C11** S. 6E applied (with modifications) (E.) (27.7.2007) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2007 \(S.I. 2007/2089\)](#), **regs. 1(2)(3)**, 8, 11, 13, {Sch. 4 Table 4}
- C12** S. 6E applied (with modifications) (W.) (23.7.2008) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2008 \(S.I. 2008/1848\)](#), **regs. 1(2)**, 8, {Sch. 4 Table 3}

### 6F Code of practice on attendance of observers at elections etc.

- (1) The Commission must prepare a code of practice on the attendance of—
  - (a) representatives of the Commission,
  - (b) accredited observers, and
  - (c) nominated members of accredited organisations,at elections specified in subsection (5) of section 6A and referendums to which Part 7 applies.
- (2) The code must in particular—
  - (a) specify the manner in which applications under sections 6C(1) and 6D(1) are to be made to the Commission;

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- (b) specify the criteria to be taken into account by the Commission in determining such applications;
  - (c) give guidance to relevant officers (within the meaning of section 6E) as to the exercise of the power conferred by subsection (1) of that section;
  - (d) give guidance to such officers as to the exercise of the power mentioned in subsection (2) of that section as it relates to a person having the permission mentioned in subsection (1) of that section;
  - (e) give guidance to such officers as to the exercise of any power under any enactment to control the number of persons present at any proceedings relating to an election or referendum as it relates to a person having such permission;
  - (f) give guidance to representatives of the Commission, accredited observers and nominated members of accredited organisations on the exercise of the rights conferred by sections 6A, 6B, 6C and 6D.
- (3) The code may make different provision for different purposes.
- (4) Before preparing the code, the Commission must consult the Secretary of State.
- (5) The Commission must lay the code before each House of Parliament.
- (6) The Commission must publish the code (in such manner as the Commission may determine).
- (7) The following persons must have regard to the code in exercising any function conferred by section 6A, 6B, 6C, 6D or 6E—
- (a) the Commission;
  - (b) representatives of the Commission;
  - (c) relevant officers (within the meaning of section 6E);
  - (d) relevant counting officers.
- (8) The Commission may at any time revise the code.
- (9) Subsections (4) to (7) apply in relation to a revision of the code as they apply in relation to the code.
- (10) In this section—
- (a) “accredited observer” must be construed in accordance with section 6C;
  - (b) “accredited organisation” must be construed in accordance with section 6D, and “nominated member” must be construed accordingly;
  - (c) “relevant counting officer” must be construed in accordance with section 6A;
  - (d) “representative of the Commission” has the same meaning as in section 6A.]

#### Textual Amendments

**F10** Ss. 6A-6F inserted (31.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006](#) (c. 22), **ss. 29, 77(2)**; [S.I. 2006/3412](#), **art. 5** (with [art. 6](#), [Sch. 2](#)); [S.I. 2008/1316](#), **arts. 2(2), 4(k)**

## 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—

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- (a) regulations under [<sup>F12</sup>the European Parliamentary Elections Act 2002];
  - (b) an order under [<sup>F13</sup>section 6(2)(b) or (3)(b) of that Act] (designations of regional returning officers);
  - (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 <sup>M6</sup>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 <sup>M7</sup>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;
  - [<sup>F14</sup>(f) an order under section 13 or 64(3) of the Government of Wales Act 2006 (conduct of elections to the National Assembly for Wales and of polls held by Welsh Ministers);]
  - (g) an order under section 12(1) or (6) of the <sup>M8</sup>Scotland Act 1998 (conduct of elections to the Scottish Parliament);
  - (h) an order under section 34(4) of the <sup>M9</sup>Northern Ireland Act 1998 (conduct of elections to the Northern Ireland Assembly);
  - (i) an order under section 17A(3) of the <sup>M10</sup>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 <sup>M11</sup>Northern Ireland Act 1998 (power to make provision with respect to elections in Northern Ireland) except after consultation with the Commission.

#### Textual Amendments

- F12** Words in s. 7(2)(a) substituted (24.10.2002) by 2002 c. 24, ss. 15, 18(2), **Sch. 3 para. 8(2)(a)**
- F13** Words in s. 7(2)(b) substituted (24.10.2002) by 2002 c. 24, ss. 15, 18(2), **Sch. 3 para. 8(2)(b)**
- F14** S. 7(2)(f) substituted (3.5.2007) by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 93**, the amending provision coming into force immediately after the ordinary election under s. 3 of the [Government of Wales Act 1998 \(c. 38\)](#) held on 3.5.2007, see art. 1(2) of the amending S.I.

#### Commencement Information

- I4** S. 7 wholly in force at 16.2.2001; s. 7 not in force at Royal Assent, see s. 163(2); s. 7 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in [Sch. 1 Pt. II](#))

#### Marginal Citations

- M6** 1983 c. 2.  
**M7** 1985 c. 50.  
**M8** 1998 c. 46.  
**M9** 1998 c. 47.  
**M10** 1999 c. 29.  
**M11** 1998 c. 47.

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## 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 <sup>M12</sup>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 [<sup>F15</sup>13 of the Government of Wales Act 2006] or section 12 of the <sup>M13</sup>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 [<sup>F16</sup>section 7(2)(a) of the European Parliamentary Elections Act 2002](limitation of expenses in connection with elections to the European Parliament).

### Textual Amendments

**F15** Words in s. 8(3)(b) substituted by [Government of Wales Act 2006 \(c. 32\), s. 160, Sch. 10 para. 59](#) (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) -- see ss. 46, 161(1)(4)(5) of the amending Act.

**F16** Words in s. 8(3)(c) substituted (24.10.2002) by [2002 c. 24, ss. 15, 18\(2\), Sch. 3 para. 8\(3\)](#)

### Commencement Information

**I5** S. 8 wholly in force at 16.2.2001; s. 8 not in force at Royal Assent, see s. 163(2); s. 8 in force at 16.2.2001 by [S.I. 2001/222, art. 2, Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

### Marginal Citations

**M12** [1983 c. 2.](#)

**M13** [1998 c. 46.](#)

## 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),

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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.

#### Commencement Information

**I6** S. 9 wholly in force at 1.7.2001; s. 9 not in force at Royal Assent, s. 163(2); s. 9 in force at 1.7.2001 by S.I. 2001/222, art. 4, **Sch. 2 Pt. I** (with Sch. 2 Pt. II para. 1)

### [<sup>F17</sup>9A Setting of performance standards

- (1) The Commission may from time to time—
  - (a) determine standards of performance for relevant officers, and
  - (b) publish, in such form and in such manner as they consider appropriate, the standards so determined.
- (2) The standards of performance are such standards as the Commission think ought to be achieved by—
  - (a) electoral registration officers in the performance of their functions;
  - (b) returning officers in the administration of the elections specified in subsection (6);
  - (c) counting officers in the administration of the referendums specified in subsection (7).
- (3) Before determining standards under subsection (1), the Commission must consult—
  - (a) the Secretary of State, and
  - (b) any other person they think appropriate.
- (4) The Commission may determine different standards for different descriptions of relevant officers.
- (5) When the Commission publish standards under subsection (1) they must send a copy of the published standards to the Secretary of State who must lay a copy of the published standards before each House of Parliament.
- (6) The elections specified in this subsection are—
  - (a) an election mentioned in section 5(2);
  - (b) a parliamentary by-election;
  - (c) an election under section 9 of the Scotland Act 1998 (constituency vacancies);
  - (d) an election under [<sup>F18</sup>section 10 of the Government of Wales Act 2006(constituency vacancies)] ;
  - (e) a local government election in England or Wales.
- (7) The referendums specified in this subsection are—
  - (a) a referendum to which Part 7 applies;

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- (b) a referendum under Part 2 of the Local Government Act 2000.
- (8) For the purposes of this section and sections 9B and 9C, the relevant officers are—
  - (a) electoral registration officers;
  - (b) in relation to elections within subsection (6), returning officers;
  - (c) in relation to referendums within subsection (7), counting officers.

#### Textual Amendments

- F17** Ss. 9A-9C inserted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 67, 77(2)**; [S.I. 2006/1972](#), **art. 3**, **Sch. 1 para. 23** (subject to [art. 4](#), **Sch. 2**)
- F18** Words in s. 9A(6)(d) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), **art. 3**, **Sch. 1 para. 94**, the amending provision coming into force immediately after the ordinary election under s. 3 of the [Government of Wales Act 1998 \(c. 38\)](#) held on 3.5.2007, see [art. 1\(2\)](#) of the amending S.I.

### 9B Returns and reports on performance standards

- (1) The Commission may from time to time issue directions to relevant officers to provide the Commission with such reports regarding their level of performance against the standards determined under section 9A(1) as may be specified in the direction.
- (2) A direction under subsection (1)—
  - (a) must specify the relevant officer or officers to whom it is issued (and may specify a description or descriptions of relevant officers),
  - (b) may require the report or reports to relate to such elections or referendums (or both) as may be specified in the direction, and
  - (c) may require the report or reports to be provided in a form specified in the direction.
- (3) A report provided to the Commission in pursuance of subsection (1) may be published by the relevant officer to whom it relates.
- (4) The Commission shall from time to time prepare and publish (in such manner as the Commission may determine) assessments of the level of performance by relevant officers against the standards determined under section 9A(1).
- (5) An assessment under subsection (4)—
  - (a) must specify the relevant officer or officers to whom it relates;
  - (b) must specify the period to which it relates;
  - (c) may specify the elections or referendums (or both) to which it relates.
- (6) The Commission must not prepare an assessment under subsection (4) unless they have received reports in pursuance of subsection (1) from the relevant officer or officers for the matters to which the assessment relates.
- (7) Before publishing an assessment under subsection (4), the Commission shall—
  - (a) provide to each relevant officer a copy of those parts of the assessment which relate to him;
  - (b) have regard to any comments made by him regarding the factual accuracy of the assessment.



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### Textual Amendments

**F17** Ss. 9A-9C inserted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 67, 77(2)**; S.I. 2006/1972, **art. 3**, Sch. 1 para. 23 (subject to art. 4, Sch. 2)

## 9C Provision of information about expenditure on elections etc.

- (1) The Commission may by notice in writing direct a relevant officer to provide the Commission with such expenditure information as may be specified in the direction.
- (2) Expenditure information is information relating to—
  - (a) in the case of an electoral registration officer, expenditure in connection with the performance of his functions;
  - (b) in the case of a returning officer, expenditure in connection with the election or elections specified in section 9A(6) for which he is appointed or otherwise holds office;
  - (c) in the case of a counting officer, expenditure in connection with the referendum or referendums specified in section 9A(7) for which he is appointed.
- (3) A direction under subsection (1)—
  - (a) may require the information to relate to such elections or (as the case may be) referendums as may be specified in the direction;
  - (b) may require the information to be provided in a form specified in the direction;
  - (c) may specify the time within which the information must be provided.
- (4) This section does not affect any other power of the Commission to request information.]

### Textual Amendments

**F17** Ss. 9A-9C inserted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 67, 77(2)**; S.I. 2006/1972, **art. 3**, Sch. 1 para. 23 (subject to art. 4, Sch. 2)

## 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;

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- (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;
- [<sup>F19</sup>(caa) the Welsh Ministers;]
- [<sup>F20</sup>(ca) the National Assembly for Wales Commission;]
- (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,
- (ii) in Wales, the council of a county or county borough, and
- (iii) in Scotland, a council constituted under section 2 of the <sup>M14</sup>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.

#### Textual Amendments

- F19** S. 10(6)(caa) inserted after paragraph (c) by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 95**, the amending provision coming into force immediately after the end of “the initial period” (which ended

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with the day of the first appointment of a First Minister on 25.5.2007) -- see ss. 46, 161(5) of the Government of Wales Act 2006 (c. 32) and art. 1(2) of the amending S.I.

**F20** S. 10(6)(ca) inserted by Government of Wales Act 2006 (c. 32), s. 160, Sch. 10 para. 60 (with Sch. 11 para. 22), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) -- see ss. 46, 161(1)(4)(5) of the amending Act.

#### Commencement Information

**I7** S. 10 wholly in force at 16.2.2001; s. 10 not in force at Royal Assent, see s. 163(2); s. 10 in force at 16.2.2001 by S.I. 2001/222, art. 2, Sch. 1 Pt. I (subject to transitional provisions in Sch. 1 Pt. II)

#### Marginal Citations

**M14** 1994 c. 39.

## 11 Broadcasters to have regard to Commission's views on party political broadcasts.

- (1) <sup>F21</sup> . . . . .
- (2) <sup>F21</sup> . . . . .
- (3) The British Broadcasting Corporation [<sup>F22</sup>shall have regard, in determining its policy with respect to party political broadcasts,] to any views expressed by the Electoral Commission for the purposes of this subsection.

#### Textual Amendments

**F21** S. 11(1)(2) repealed (29.12.2003) by Communications Act 2003 (c.21), ss. 406, 408, 411(2), Sch. 19(1) (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/3142, art. 3(1), Sch. 1 (subject to art. 3(3) and with art. 11)

**F22** Words in s. 11(3) substituted (29.12.2003) by Communications Act 2003 (c. 21), ss. 406, 408, 411(2), Sch. 17 para. 167(3) (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (subject to art. 3(3) and with art. 11)

#### Commencement Information

**I8** S. 11 wholly in force at 16.2.2001; s. 11 not in force at Royal Assent, see s. 163(2); s. 11 in force at 16.2.2001 by S.I. 2001/222, art. 2, Sch. 1 Pt. I (with Sch. 1 Pt. II para. 1)

## 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

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- (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 <sup>M15</sup>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).

#### Commencement Information

**I9** S. 12 wholly in force at 16.2.2001; s. 12 partly in force at Royal Assent, see s. 163(3); s. 12 in force at 16.2.2001 by [S.I. 2001/222](#), [art. 2](#), [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

#### Marginal Citations

**M15** 1866 c. 19.

### 13 Education about electoral and democratic systems.

- (1) The Commission shall promote public awareness of—

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**Status:** Point in time view as at 06/04/2008. This version of this Act contains provisions that are not valid for this point in time.

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- (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.

[<sup>F23</sup>(1A) Subsection (1) applies to the promotion of public awareness in Gibraltar with the following modifications—

- (a) in paragraph (a), for “in the United Kingdom” there is substituted for elections to the European Parliament in the United Kingdom and Gibraltar; and
  - (b) paragraph (b) is omitted.]
- (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

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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.

[<sup>F24</sup>(12) Subsection (6) shall not apply to the expenditure incurred by the Commission to the extent that it is, or is to be, met under paragraph 6 of Schedule 2 to the Government of Wales Act 2006.]

#### Textual Amendments

**F23** S. 13(1A) inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), [Sch. para. 2](#)

**F24** S. 13(12) inserted by [Government of Wales Act 2006 \(c. 32\)](#), s. 160, [Sch. 10 para. 61](#) (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) -- see ss. 46, 161(1)(4)(5) of the amending Act.

#### Commencement Information

**I10** S. 13 wholly in force at 1.7.2001; s. 13 partly in force at Royal Assent, see s. 163(3); s. 13 in force at 1.7.2001 by [S.I. 2001/222](#), art. 4, [Sch. 2 Pt. I](#) (with [Sch. 2 Pt. II para. 1](#))

### *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—

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- (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, [<sup>F25</sup>the Statistics Board] 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.

#### Textual Amendments

**F25** Words in s. 14(6)(a) substituted (1.4.2008) by [Statistics and Registration Service Act 2007 \(c. 18\)](#), ss. 25(3), 74, [Sch. 1 para. 11](#); [S.I. 2008/839](#), [art. 2](#)

#### Commencement Information

**I11** [S. 14](#) partly in force; [s. 14](#) not in force at Royal Assent, see [s. 163\(2\)](#); [s. 14](#) in force for specified purposes at 30.10.2001 by [S.I. 2001/3526](#), [art. 2\(b\)](#)

## 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 <sup>M16</sup>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—

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- (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.

#### Commencement Information

**I12** S. 16 partly in force Royal Assent see s. 163(3); s. 16 in force for specified purposes only at Royal Assent

#### Marginal Citations

**M16** 1986 c. 56.

PROSPECTIVE

### <sup>F26</sup>17 **Transfer of property etc. of the Boundary Commissions.**

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#### Textual Amendments

**F26** S. 17 repealed (1.4.2010) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 61(3)(b), 148(3)(b), Sch. 7 Pt. 3; S.I. 2009/3318, art. 4(j)(hh)

### **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 <sup>M17</sup>Local Government Act 1992 (local government changes in England),
  - (b) any of sections 13, 14 and 17(4) of the <sup>M18</sup>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 <sup>M19</sup>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 <sup>M20</sup>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.

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- (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).

#### Commencement Information

**I13** S. 18 wholly in force; S. 18 partly in force Royal Assent see s. 163(3); S. 18 in force insofar as not already in force at 30.10.2001 by S.I. 2001/3526, art. 2(c)

#### Marginal Citations

**M17** 1992 c. 19.

**M18** 1997 c. 29.

**M19** 1999 c. 29.

**M20** 1992 c. 19.

## 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 <sup>M21</sup>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.

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- (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).

#### Commencement Information

**I14** [S. 19](#) partly in force Royal Assent see [s. 163\(3\)](#); [s. 19](#) in force for specified purposes only at Royal Assent

#### Marginal Citations

**M21** [1973 c. 65](#).

## 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;

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- (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 <sup>M22</sup>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 <sup>M23</sup>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.

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- (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.

#### Commencement Information

**I15** S. 20 partly in force Royal Assent see s. 163(3); S. 20 in force for specified purposes only at Royal Assent

#### Marginal Citations

**M22** 1972 c. 70.

**M23** 1972 c. 70.

### *[<sup>F27</sup>Commission's functions relating to CORE*

#### Textual Amendments

**F27** S. 20A and preceding cross-heading inserted (11.7.2006) by [Electoral Administration Act 2006 \(c. 22\)](#), s. 4(1), 77(1)(d)

## **20A Commission as CORE keeper**

The Commission may be designated as a CORE keeper for the purposes of section 1 of the Electoral Administration Act 2006.]

### *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.

#### Commencement Information

**I16** S. 21 wholly in force at 16.2.2001; s. 21 not in force at Royal Assent, see s. 163(2); s. 21 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

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## 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, [<sup>F28</sup> on the day (“the relevant day”) which is two days before the last day for the delivery of nomination papers at that 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, [<sup>F29</sup> on the relevant day], registered in the Northern Ireland register maintained by the Commission under that section.

[<sup>F30</sup>(2A) For the purposes of subsection (2) any day falling within rule 2(1) of the parliamentary elections rules in Schedule 1 to the Representation of the People Act 1983 shall be disregarded.]

(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,

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- (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.

#### Textual Amendments

- F28** Words in s. 22(2)(a) substituted (11.9.2006, 1.1.2007 and 7.2.2007 for certain purposes and 1.7.2008 for N.I. for certain purposes and otherwise prosp.) by [Electoral Administration Act 2006 \(c. 22\), s. 52\(5\)\(a\), 77\(2\); S.I. 2006/1972, art. 3, Sch. 1 para. 13](#) (subject to [art. 4, Sch. 2](#)); [S.I. 2006/3412, art. 3, Sch. 1 para. 7](#) (subject to [art. 6, Sch. 1](#)); [S.I. 2007/230, art. 3](#); [S.I. 2008/1316, art. 2\(2\), 4\(u\)](#)
- F29** Words in s. 22(2)(b) substituted (11.9.2006, 1.1.2007 and 7.2.2007 for certain purposes and 1.7.2008 for N.I. for certain purposes and otherwise prosp.) by [Electoral Administration Act 2006 \(c. 22\), s. 52\(5\)\(a\), 77\(2\); S.I. 2006/1972, art. 3, Sch. 1 para. 13](#) (subject to [art. 4, Sch. 2](#)); [S.I. 2006/3412, art. 3, Sch. 1 para. 7](#) (subject to [art. 6, Sch. 1](#)); [S.I. 2007/230, art. 3](#); [S.I. 2008/1316, art. 2\(2\), 4\(u\)](#)
- F30** S. 22(2A) inserted (11.9.2006, 1.1.2007 and 7.2.2007 for certain purposes and 1.7.2008 for N.I. for certain purposes and otherwise prosp.) by [Electoral Administration Act 2006 \(c. 22\), s. 52\(5\)\(a\), 77\(2\); S.I. 2006/1972, art. 3, Sch. 1 para. 13](#) (subject to [art. 4, Sch. 2](#)); [S.I. 2006/3412, art. 3, Sch. 1 para. 7](#) (subject to [art. 6, Sch. 1](#)); [S.I. 2007/230, art. 3](#); [S.I. 2008/1316, art. 2\(2\), 4\(u\)](#)

#### Commencement Information

- I17** S. 22 wholly in force at 16.2.2001; s. 22 not in force at Royal assent and in force at 14.12.2000 for specified purposes, see s. 163(2)(4); s. 22 in force at 16.2.2001 by [S.I. 2001/222, art. 2, Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

### *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 <sup>M24</sup>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

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- (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 <sup>M25</sup>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.

#### Commencement Information

**I18** S. 23 wholly in force at 16.2.2001; s. 23 partly in force at Royal Assent and in force for specified purposes at 14.12.2000, see s. 163(3)(4); s. 23 in force at 16.2.2001 by [S.I. 2001/222](#), [art. 2](#), [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

#### Marginal Citations

**M24** 1998 c. 48.

**M25** 1998 c. 48.

### *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



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- (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—
- <sup>F31</sup>(a) with the provisions of Parts 3, 4 and 4A (accounting requirements and control of donations, loans and certain other transactions)]
  - (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 <sup>F32</sup>, an election to the House of Assembly of Gibraltar] 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

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- 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.

#### Textual Amendments

- F31** S. 24(4)(a) substituted (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 74(1), 77(2), [Sch. 1 para. 140](#); [S.I. 2006/1972](#), [art. 3](#), [Sch. 1 paras. 24, 25\(m\)\(ii\)](#) (subject to [art. 4](#), [Sch. 2](#)) (as amended by [S.I. 2006/2268](#), [art. 4](#)); [S.I. 2008/1656](#), [art. 2](#) (subject to [art. 3](#), [Sch. 1](#))
- F32** Words in s. 24(8)(b) inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), [Sch. para. 3](#)

#### Commencement Information

- I19** S. 24 wholly in force at 16.2.2001; s. 24 not in force at Royal Assent and in force for specified purposes at 14.12.2000, see s. 163(2)(4); s. 24 in force at 16.2.2001 by [S.I. 2001/222](#), [art. 2](#), [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

## 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—

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- (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.

#### Commencement Information

**I20** S. 25 wholly in force at 16.2.2001; s. 25 not in force at Royal Assent and in force for specified purposes at 14.12.2000, see s. 163(2)(4); s. 25 in force at 16.2.2001 by [S.I. 2001/222](#), [art. 2](#), [Sch. 1](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

## 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.

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- (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—
- (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 <sup>M26</sup>Trade Union and Labour Relations (Consolidation) Act 1992 or the <sup>M27</sup>Industrial Relations (Northern Ireland) Order 1992;
  - (b) a friendly society registered under the <sup>M28</sup>Friendly Societies Act 1974 or a society registered (or deemed to be registered) under the <sup>M29</sup>Industrial and Provident Societies Act 1965 or the <sup>M30</sup>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.

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### Commencement Information

**I21** S. 26 wholly in force; s. 26 in force at Royal Assent for specified purposes, see s. 163(3); s. 26 partly in force at 14.12.2000 for specified purposes by s. 163(4) and fully in force at 16.2.2001 by S.I. 2001/222, art. 2, Sch. 1 Pt. I (subject to the transitional provisions in Pt. II of Sch. 1)

### Marginal Citations

**M26** 1992 c. 52.

**M27** S.I. 1992/807 (N.I.5).

**M28** 1974 c. 46.

**M29** 1965 c. 12.

**M30** 1969 c. 24 (N.I.).

## 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 [<sup>F33</sup>Parts 3, 4 and 4A] 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.

### Textual Amendments

**F33** Words in s. 27(2)(a) substituted (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by Electoral Administration Act 2006 (c. 22), ss. 74(1), 77(2), Sch. 1 para. 141; S.I. 2006/1972, art. 3, Sch. 1 paras. 24, 25(m)(ii) (subject to art. 4, Sch. 2) (as amended by S.I. 2006/2268, art. 4); S.I. 2008/1656, art. 2 (subject to art. 3, Sch. 1)

### Commencement Information

**I22** S. 27 wholly in force at 16.2.2001; s. 27 not in force at Royal Assent and in force at 14.12.2000 for specified purposes, see s. 163(2)(4); s. 27 in force at 16.2.2001 by S.I. 2001/222, art. 2, Sch. 1 Pt. I (subject to transitional provisions in Sch. 1 Pt. II)

## 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).

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- (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.
- [<sup>F34</sup>(3A) A declaration under subsection (2)(a) or (b) which specifies that the party is applying to be registered in respect of England may include a statement that the party intends to contest one or more elections to the European Parliament in the combined region.]
- (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
    - (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,
- [<sup>F35</sup>(da) would be likely, were it to appear on a ballot paper issued at an election—
- (i) to result in an elector being misled as to the effect of his vote, or
  - (ii) to contradict, or hinder an elector's understanding of, any directions for his guidance in voting given on the ballot paper or elsewhere,]

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- (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; <sup>F36</sup> . . .
  - (b) the date of registration.
  - [<sup>F37</sup>(c) any statement made under subsection (3A); and
  - (d) if the party—
    - (i) is established in Gibraltar (in this Act referred to as a “Gibraltar party”); and
    - (ii) has made a statement under subsection (3A), a notice that it is a Gibraltar party.]
- (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.

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### Textual Amendments

- F34** S. 28(3A) inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), [Sch. para. 4\(a\)](#)
- F35** S. 28(4)(da) inserted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\)](#), [ss. 48](#), 77(2); [S.I. 2006/1972](#), [art. 3](#), [Sch. 1 para. 9](#) (subject to [art. 4](#), [Sch. 2](#))
- F36** Word in s. 28(8) omitted (5.2.2004) by virtue of [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), [Sch. para. 4\(b\)](#)
- F37** S. 28(8)(c)(d) inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), [Sch. para. 4\(b\)](#)

### Commencement Information

- I23** S. 28 wholly in force at 16.2.2001; s. 28 in force at Royal Assent for specified purposes and at 14.12.2000 for further specified purposes, see s. 163(2)(4); s. 28 in force at 16.2.2001 by [S.I. 2001/222](#), [art. 2](#), [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

## [<sup>F38</sup> 28A Descriptions

- (1) A party's application under section 28 may include a request for the registration of up to 12 descriptions to be used on nomination papers or ballot papers.
- (2) Where a request is made by a party under this section in relation to a description, the Commission shall register the description as a description of the party unless it is of more than six words in length or in their opinion it—
  - (a) would be the same as the name of a party or the registered description of a party which (in either case) is already registered in the register in which that party is applying to be registered,
  - (b) would be likely to result in electors confusing that party with another party which is already registered in respect of the relevant part of the United Kingdom,
  - (c) is obscene or offensive,
  - (d) is of such a character that its publication would be likely to amount to the commission of an offence,
  - (e) would be likely, were it to appear on a ballot paper issued at an election—
    - (i) to result in an elector being misled as to the effect of his vote, or
    - (ii) to contradict, or hinder an elector's understanding of, any directions for his guidance in voting given on the ballot paper or elsewhere,
  - (f) includes any script other than Roman script, or
  - (g) includes a word or expression prohibited by order made by the Secretary of State.
- (3) In subsection (2)(b) “already registered in respect of the relevant part of the United Kingdom” has the meaning given by section 28(5).
- (4) An order under subsection (2)(g) may except the use of a word or expression from the prohibition in specified circumstances.



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- (5) In the application of subsection (2) above to a party which has made a declaration falling within section 28(2) which specifies Wales as a part of Great Britain in respect of which it is applying to be registered, for “it is of more than six words in length” substitute its length exceeds six words in either English or Welsh or, if the description is also expressed in the other of those languages, six words in that other language.
- (6) The Secretary of State may, by order, substitute for the number “12” in subsection (1) such other number as he thinks appropriate.
- (7) An order under subsection (2)(g) or (6) must not be made unless the Secretary of State first consults the Commission.

#### Textual Amendments

**F38** Ss. 28A, 28B inserted (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 49(1)**, 77(2); [S.I. 2006/3412](#), **art. 3**, Sch. 1 para. 6 (subject to [art. 6](#), Sch. 2)

## 28B Joint descriptions

- (1) Two or more parties which are registered under section 28 above in the same register may apply to the Commission to register a description for use by a candidate standing in the name of both or all of the parties jointly.
- (2) The following provisions of section 28A apply to an application under this section as they apply to an application under that section—
  - (a) subsections (2) to (5);
  - (b) subsection (7), so far as it relates to subsection (2)(g).
- (3) Subsections (1)(bb), (4A) to (4D) and (6A) of section 30 apply to a description mentioned in subsection (1) above as they apply to a description to which section 28A applies; and for the purposes of such application—
  - (a) any reference to a party in section 30 (except in relation to an application to remove a description under subsection (1)(bb) of that section) must be construed as a reference to the parties mentioned in subsection (1) above acting jointly,
  - (b) section 30(4A)(a) must be taken to read “the parties already have a description registered in pursuance of section 28B above”, and
  - (c) the requirement in paragraph 9 of Schedule 4 for an application under section 30 to be signed by the responsible officer of a party must be taken to be a requirement for the application to be signed by a responsible officer of each party which joins in the application.]

#### Textual Amendments

**F38** Ss. 28A, 28B inserted (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 49(1)**, 77(2); [S.I. 2006/3412](#), **art. 3**, Sch. 1 para. 6 (subject to [art. 6](#), Sch. 2)

## 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.

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- (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
  - <sup>F39</sup>(ca) would be likely, were it to appear on a ballot paper issued at an election—
    - (i) to result in an elector being misled as to the effect of his vote, or
    - (ii) to contradict, or hinder an elector's understanding of, any directions for his guidance in voting given on the ballot paper or elsewhere.]
  - (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.

#### Textual Amendments

**F39** S. 29(2)(ca) inserted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 74(1), 77(2), [Sch. 1 para. 142](#); [S.I. 2006/1972](#), [art. 3](#), [Sch. 1 paras. 24, 25\(h\)](#) (subject to [art. 4](#), [Sch. 2](#))

#### Commencement Information

**I24** S. 29 wholly in force at 16.2.2001; s. 29 not in force at Royal Assent and in force at 14.12.2000 for specified purposes, see s. 163(2)(4); s. 29 in force at 16.2.2001 by [S.I. 2001/222](#), [art. 2](#), [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

### 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,
  - <sup>F40</sup>(ba) (if registered in the Great Britain register in respect of England) the addition or removal of a statement that the party intends to contest one or more elections to the European Parliament in the combined region;]
  - <sup>F41</sup>(bb) the addition, alteration, substitution or removal of a description,]
  - (c) the addition, substitution or removal of an emblem,

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- (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 [F42(6A)], the Commission shall grant an application under this section.
- [F43(2A) If the party—
- (a) is a Gibraltar party; and
  - (b) the Commission grants an application to have its entry in the register altered by the addition of a statement that it intends to contest one or more elections to the European Parliament in the combined region,
- the Commission shall include in the party’s entry in the register a notice that it is a Gibraltar party.]
- (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), [F44 or
  - (aa) such confusion in relation to a registered description of the party as is mentioned in paragraph (b) of section 28A(2),] or
  - (b) such confusion in relation to a registered emblem of the party as is mentioned in paragraph (a) of section 29(2).
- [F45(4A) The Commission shall refuse an application to add a description if—
- (a) the party already has 12 descriptions (or such other maximum number of descriptions as is substituted by order under section 28A(6)),
  - (b) the length of the description exceeds six words, or
  - (c) in the Commission's opinion, any of paragraphs (a) to (g) of section 28A(2) apply to the description.
- (4B) The Commission shall refuse an application to alter a description if the effect of the alteration—
- (a) is that the length of the description as altered will exceed six words, or
  - (b) in their opinion, is that any of paragraphs (a) to (g) of section 28A(2) will apply to the description as altered.
- (4C) The Commission shall refuse to substitute a description if—
- (a) the length of the new description will exceed six words, or
  - (b) in their opinion any of paragraphs (a) to (g) of section 28A(2) apply to the new description.
- (4D) In the application of subsection (4A)(b), (4B)(a) or (4C)(a) above to a party which has made a declaration falling within section 28(2) which specifies Wales as a part of Great Britain in respect of which it is registered, for “six words” substitute six words

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in either English or Welsh or, if the description is also expressed in the other of those languages, six words in that other language.]

- (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.
- [<sup>F46</sup>(6A) If an application under this section for the substitution or removal of a description is granted at any time between—
- (a) the date of publication of the notice of election at an election in which there are one or more candidates standing in the name of the party, and
  - (b) the poll at the election,
- the change does not take effect until the day following the poll.]
- (7) For the purposes of subsection (3), [<sup>F47</sup>(4A), (4B), (4C),] (5) or (6)—
- (a) section 28(4)(a) and section 28(5), [<sup>F48</sup> or
  - (aa) section 28A(2)(a) and section 28(5) as it applies by virtue of section 28A(3), or
  - (ab) section 28A(2)(a) as it applies by virtue of section 28B(2),] 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.

#### Textual Amendments

- F40** S. 30(1)(ba) inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), [Sch. para. 5\(a\)](#)
- F41** S. 30(1)(bb) inserted (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\)](#), [ss. 49\(2\)\(a\)](#), 77(2); S.I. 2006/3412, [art. 3](#), Sch. 1 para. 6 (subject to art. 6, Sch. 2)
- F42** Word in s. 30(2) substituted (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\)](#), [ss. 49\(2\)\(b\)](#), 77(2); S.I. 2006/3412, [art. 3](#), Sch. 1 para. 6 (subject to art. 6, Sch. 2)
- F43** S. 30(2A) inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), [Sch. para. 5\(b\)](#)
- F44** S. 30(1)(aa) and preceding word inserted (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\)](#), [ss. 49\(2\)\(c\)](#), 77(2); S.I. 2006/3412, [art. 3](#), Sch. 1 para. 6 (subject to art. 6, Sch. 2)
- F45** S. 30(4A)-(4D) inserted (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\)](#), [ss. 49\(2\)\(d\)](#), 77(2); S.I. 2006/3412, [art. 3](#), Sch. 1 para. 6 (subject to art. 6, Sch. 2)
- F46** S. 30(6A) inserted (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\)](#), [ss. 49\(2\)\(e\)](#), 77(2); S.I. 2006/3412, [art. 3](#), Sch. 1 para. 6 (subject to art. 6, Sch. 2)
- F47** Words in s. 30(7) substituted (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\)](#), [ss. 49\(2\)\(f\)](#), 77(2); S.I. 2006/3412, [art. 3](#), Sch. 1 para. 6 (subject to art. 6, Sch. 2)
- F48** S. 30(7)(aa)(ab) and preceding word inserted (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\)](#), [ss. 49\(2\)\(g\)](#), 77(2); S.I. 2006/3412, [art. 3](#), Sch. 1 para. 6 (subject to art. 6, Sch. 2)

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### Commencement Information

- I25** S. 30 wholly in force at 16.2.2001; s. 30 not in force at Royal Assent and in force for specified purposes at 14.12.2000, see s. 163(2)(4); s. 30 in force at 16.2.2001 by [S.I. 2001/222](#), [art. 2](#), [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

## 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 [<sup>F49</sup>(other than under subsection (3A))] 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.
- [<sup>F50</sup>(3A) If a party's entry in the register includes a statement that it intends to contest one or more elections to the European Parliament in the combined region and the statement ceases to be accurate, the person registered as the treasurer of the party must give the Commission a notification to that effect under this section.]
- (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.
  - [<sup>F51</sup>(c) where subsection (3A) applies, within the period of 14 days beginning with the date when the statement ceases to be accurate.]

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- (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.

#### Textual Amendments

- F49** Words in s. 31(3) inserted (5.2.2004) by The European Parliamentary Elections (Combined Region and Campaign Expenditure) (United Kingdom and Gibraltar) Order 2004 (S.I. 2004/366, arts. 1(2), 4(2), [Sch. para. 6\(a\)](#))
- F50** S. 31(3A) inserted (5.2.2004) by The European Parliamentary Elections (Combined Region and Campaign Expenditure) (United Kingdom and Gibraltar) Order 2004 (S.I. 2004/366), arts. 1(2), 4(2), [Sch. para. 6\(b\)](#))
- F51** S. 31(4)(c) inserted (5.2.2004) by The European Parliamentary Elections (Combined Region and Campaign Expenditure) (United Kingdom and Gibraltar) Order 2004 (S.I. 2004/366), arts. 1(2), 4(2), [Sch. para. 6\(c\)](#))

#### Commencement Information

- I26** S. 31 wholly in force at 16.2.2001; s. 31 not in force at Royal Assent and in force for specified purposes at 14.12.2000, see s. 163(2)(4); s. 31 in force at 16.2.2001 by [S.I. 2001/222](#), [art. 2](#), [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

### 32 Confirmation of registered particulars etc.

- (1) The person registered as treasurer of a party must, [<sup>F52</sup>within the specified period], give a notification under this section to the Commission.

[<sup>F53</sup>(1A) In subsection (1), “the specified period” means the period—

- (a) beginning on the first day of the period within which the statement of accounts for any financial year of the party is required to be delivered to the Commission by virtue of section 45, and
- (b) ending six months after the last day of that period.]

- (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.

**Status:** Point in time view as at 06/04/2008. This version of this Act contains provisions that are not valid for this point in time.

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- (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.

#### Textual Amendments

**F52** Words in s. 32(1) substituted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\), ss. 50\(2\), 77\(2\)](#); [S.I. 2006/1972, art. 3, Sch. 1 para. 10](#) (subject to [art. 4, Sch. 2](#))

**F53** S. 32(1A) inserted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\), ss. 50\(3\), 77\(2\)](#); [S.I. 2006/1972, art. 3, Sch. 1 para. 10](#) (subject to [art. 4, Sch. 2](#))

#### Commencement Information

**I27** S. 32 wholly in force at 16.2.2001; s. 32 in force at Royal Assent for specified purposes and in force at 14.12.2000 for further specified purposes, see s. 163(3)(4); s. 32 in force at 16.2.2001 by [S.I. 2001/222, art. 2, Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

### 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) [<sup>F54</sup>or (2A)].
- (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.

[<sup>F55</sup>(2A) Where the Commission does not receive a notification required by virtue of section 32(1) or 34(3) on or before the specified day, the Commission shall remove the party’s entry from the register.

- (2B) In subsection (2A) “the specified day” means—
- (a) in relation to a notification required by virtue of section 32(1), the last day of the specified period for the purposes of that subsection;
  - (b) in relation to a notification required by virtue of section 34(3), the day which falls six months after the relevant anniversary of the party’s inclusion in the register.

(2C) In subsection (2B)(b), “relevant anniversary” means the anniversary in relation to which the notification is required to be given by virtue of section 34(3).]

- (3) On the removal of [<sup>F56</sup>a party’s entry from the register by virtue of subsection (2) or (2A)] the party shall cease to be a registered party.

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- (4) However, until [<sup>F57</sup>the relevant time]—
- (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.

[<sup>F58</sup>(4A) In subsection (4), “the relevant time” means—

- (a) if—
  - (i) the party's entry is removed by virtue of subsection (2), and
  - (ii) its gross income or total expenditure in its financial year preceding the year in which the entry is removed is £25,000 or more, the end of the financial year of the party which follows that in which the entry is removed;
- (b) otherwise, the end of the financial year of the party in which the entry is removed.]

(5) Part IV of Schedule 4 applies to applications [<sup>F59</sup>under subsection (2)].

#### Textual Amendments

- F54** Words in s. 33(1) substituted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\)](#), [ss. 51\(2\)](#), [77\(2\)](#); [S.I. 2006/1972](#), [art. 3](#), [Sch. 1 para. 11](#) (subject to [art. 4](#), [Sch. 2](#))
- F55** S. 33(2A)-(2C) inserted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\)](#), [ss. 51\(3\)](#), [77\(2\)](#); [S.I. 2006/1972](#), [art. 3](#), [Sch. 1 para. 11](#) (subject to [art. 4](#), [Sch. 2](#))
- F56** Words in s. 33(3) substituted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\)](#), [ss. 51\(4\)](#), [77\(2\)](#); [S.I. 2006/1972](#), [art. 3](#), [Sch. 1 para. 11](#) (subject to [art. 4](#), [Sch. 2](#))
- F57** Words in s. 33(4) substituted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\)](#), [ss. 51\(5\)](#), [77\(2\)](#); [S.I. 2006/1972](#), [art. 3](#), [Sch. 1 para. 11](#) (subject to [art. 4](#), [Sch. 2](#))
- F58** S. 33(4A) inserted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\)](#), [ss. 51\(6\)](#), [77\(2\)](#); [S.I. 2006/1972](#), [art. 3](#), [Sch. 1 para. 11](#) (subject to [art. 4](#), [Sch. 2](#))
- F59** Words in s. 33(5) substituted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\)](#), [ss. 51\(7\)](#), [77\(2\)](#); [S.I. 2006/1972](#), [art. 3](#), [Sch. 1 para. 11](#) (subject to [art. 4](#), [Sch. 2](#))

#### Commencement Information

- I28** S. 33 wholly in force at 16.2.2001; s. 33 not in force at Royal Assent and in force for specified purposes at 14.12.2000, see s. 163(2)(4); s. 33 in force at 16.2.2001 by [S.I. 2001/222](#), [art. 2](#), [Sch. Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

### 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).



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- (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 [<sup>F60</sup>six 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).

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### Textual Amendments

**F60** Words in s. 34(3) substituted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 74(1), 77(2), [Sch. 1 para. 143\(2\)](#); [S.I. 2006/1972](#), [art. 3](#), [Sch. 1 paras. 24, 25\(h\)](#) (subject to [art. 4](#), [Sch. 2](#))

### Commencement Information

**I29** S. 34 wholly in force at 16.2.2001; s. 34 partly in force at Royal Assent and in force at 14.12.2000 for specified purposes, see s. 163(3)(4); s. 34 in force at 16.2.2001 by [S.I. 2001/222](#), [art. 2](#), [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

## 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.

### Commencement Information

**I30** S. 35 wholly in force at 16.2.2001; s. 35 not in force at Royal Assent and in force for specified purposes at 14.12.2000, see s. 163(2)(4); s. 35 in force at 16.2.2001 by [S.I. 2001/222](#), [art. 2](#), [Sch. Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

## 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.

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(7) In this section “existing party” means any party registered under the <sup>M31</sup>Registration of Political Parties Act 1998 at the commencement of this section.

#### Marginal Citations

**M31** 1998 c. 48.

### 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 <sup>M32</sup>Broadcasting Act 1990 or <sup>M33</sup>1996 ,
- (b) the British Broadcasting Corporation, or
- (c) Sianel Pedwar Cymru.

[<sup>F61</sup>(3) The reference in subsection (1) to a broadcaster includes a reference to the Gibraltar Broadcasting Corporation, but only as respects party political broadcasts relating to elections to the European Parliament.]

#### Textual Amendments

**F61** S. 37(3) inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), [Sch. para. 7](#)

#### Commencement Information

**I31** S. 37 wholly in force at 16.2.2001; s. 37 not in force at Royal Assent and in force for specified purposes at 14.12.2000, see s. 163(2)(4); s. 37 in force at 16.2.2001 by [S.I. 2001/222](#), [art. 2](#), [Sch. Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

#### Marginal Citations

**M32** 1990 c. 42.

**M33** 1996 c. 55.

#### 38 Amendment of parliamentary elections rules.

(1) The rules set out in Schedule 1 to the Representation of the <sup>M34</sup>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

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- (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 ”.

#### Commencement Information

**I32** S. 38 wholly in force at 16.2.2001; s. 38 not in force at Royal Assent and in force for specified purposes at 14.12.2000, see s. 163(2)(4); s. 38 in force at 16.2.2001 by [S.I. 2001/222](#), [art. 2](#), [Sch. Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

#### Marginal Citations

**M34** [1983 c. 2](#).

### 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.

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### Commencement Information

- I33** S. 39 wholly in force at 16.2.2001; s. 39 not in force at Royal Assent and in force for specified purposes at 14.12.2000, see s. 163(2)(4); s. 39 in force at 16.2.2001 by [S.I. 2001/222](#), [art. 2](#), [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

## 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 <sup>M35</sup>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.

[<sup>F62</sup>(3) The combined region is to be regarded as part of England for the purposes of—

- (a) the references to England in sections 22(2)(a), 23(2)(a) and (3), 28(3A) and 30(1)(ba);
- (b) the references to Great Britain (other than in the expression “Great Britain register”) in sections 23(5)(c) and 28(2)(a) and (b); and
- (c) any reference in this Part to a part or parts of Great Britain or to a part or parts of the United Kingdom (other than a reference by name to a particular part).]

### Textual Amendments

- F62** S. 40(3) inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), [arts. 1\(2\), 4\(2\)](#), [Sch. para. 8](#)

### Commencement Information

- I34** S. 40 wholly in force at 16.2.2001; s. 40 not in force at Royal Assent and in force for specified purposes at 14.12.2000, see s. 163(2)(4); s. 40 in force at 16.2.2001 by [S.I. 2001/222](#), [art. 2](#), [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

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#### Marginal Citations

M35 1985 c. 6.

## 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;

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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—
  - [<sup>F63</sup>(a) according to which of the following bands the gross income or total expenditure of a party falls within—
    - (i) not exceeding £25,000;
    - (ii) exceeding £25,000 but not £100,000;
    - (iii) exceeding £100,000 but not £250,000;
    - (iv) exceeding £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.
- [<sup>F64</sup>(4A) The Secretary of State may by order amend subsection (4)(a) by varying the number of bands set out in it.
- (4B) The Secretary of State may not make an order under subsection (4A) except to give effect to a recommendation of the Commission.]
- (5) <sup>F65</sup> .....
- (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

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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.

#### Textual Amendments

- F63** S. 42(4)(a) substituted (11.9.2006 with effect as mentioned in s. 53(4) of the amending Act) by Electoral Administration Act 2006 (c. 22), ss. 53(2), 77(2); S.I. 2006/1972, art. 3, Sch. 1 para. 14 (subject to art. 4, Sch. 2)
- F64** S. 42(4A)(4B) inserted (11.9.2006 with effect as mentioned in s. 53(4) of the amending Act) by Electoral Administration Act 2006 (c. 22), ss. 53(3), 77(2); S.I. 2006/1972, art. 3, Sch. 1 para. 14 (subject to art. 4, Sch. 2)
- F65** S. 42(5) repealed (25.9.2006) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 10(2)(a), 11(8)(a)(i), 30(2), 31(2)(4), Sch. 5

#### Commencement Information

- I35** S. 42 wholly in force at 1.1.2002; s. 42 partly in force at Royal Assent, see s. 163(3); s. 42 in force in so far as not already in force at 1.1.2002 by S.I. 2001/3526, art. 3

### 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.
- (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.



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- (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).

#### Commencement Information

**I36** S. 43 wholly in force at 1.1.2002; s. 43 partly in force at Royal Assent, see s. 163(3); s. 43 in force in so far as not already in force at 1.1.2002 by S.I. 2001/3526, art. 3

#### 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.
- [<sup>F66</sup>(5) In the application of this section to Gibraltar, the reference to the High Court shall have effect as if it were a reference to the Gibraltar court.]

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#### Textual Amendments

**F66** S. 44(5) inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), [Sch. para. 9](#)

#### 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 [<sup>F67</sup>4 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.

#### Textual Amendments

**F67** Words in s. 45(1) substituted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\)](#), [ss. 54, 77\(2\)](#); [S.I. 2006/1972](#), [art. 3](#), [Sch. 1 para. 15](#) (subject to [art. 4](#), [Sch. 2](#))

#### 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—

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- (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.
- (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.

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

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[<sup>F68</sup>(c) in relation to Gibraltar, means the Gibraltar court.]

#### Textual Amendments

**F68** S. 48(12)(c) inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), [Sch. para. 10](#)

#### Commencement Information

**I37** S. 48 wholly in force at 1.1.2002; s. 48 partly in force at Royal Assent, see s. 163(3); s. 48 in force in so far as not already in force at 1.1.2002 by [S.I. 2001/3526](#), [art. 3](#)

### *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**

#### **Modifications etc. (not altering text)**

- C13** Pt. IV Chapters I-III excluded (*temp.* from 16.2.2001) by [S.I. 2001/446](#), [art. 2](#)
- C14** Pt. 4 Chs. 1-3 disappplied (*temp.* from 16.2.2005) by [The Political Parties, Elections and Referendums Act 2000 \(Disapplication of Part IV for Northern Ireland Parties, etc\) Order 2005 \(S.I. 2005/299\)](#), arts. 1(2), [2](#)

#### **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;

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- (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) <sup>F69</sup> .....
  - (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,
- 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) <sup>F70</sup> .....
  - (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 <sup>F71</sup> . . . 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.

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### Textual Amendments

- F69** S. 50(2)(e) repealed (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by Electoral Administration Act 2006 (c. 22), ss. 74, 77(2), Sch. 1 para. 144(2), **Sch. 2**; S.I. 2006/1972, **art. 3**, Sch. 1 paras. 24, 25(m)(ii), 26(3)(d) (subject to **art. 4**, Sch. 2) (as amended by S.I. 2006/2268, **art. 4**); S.I. 2008/1656, **art. 2** (subject to **art. 3**, Sch. 1)
- F70** S. 50(4)(a) repealed (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by Electoral Administration Act 2006 (c. 22), ss. 74, 77(2), Sch. 1 para. 144(3)(a), **Sch. 2**; S.I. 2006/1972, **art. 3**, Sch. 1 paras. 24, 25(m)(ii), 26(3)(d) (subject to **art. 4**, Sch. 2) (as amended by S.I. 2006/2268, **art. 4**); S.I. 2008/1656, **art. 2** (subject to **art. 3**, Sch. 1)
- F71** Words in s. 50(4)(b) repealed (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by Electoral Administration Act 2006 (c. 22), ss. 74, 77(2), Sch. 1 para. 144(3)(b), **Sch. 2**; S.I. 2006/1972, **art. 3**, Sch. 1 paras. 24, 25(m)(ii), 26(3)(d) (subject to **art. 4**, Sch. 2) (as amended by S.I. 2006/2268, **art. 4**); S.I. 2008/1656, **art. 2** (subject to **art. 3**, Sch. 1)

### Modifications etc. (not altering text)

- C15** Ss. 50-69 excluded (temp. from 25.9.2006 until 31.10.2007) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 10(2)(a), **11(1)(2)**, 31(2)
- C16** S. 50 modified (1.10.2007 for E.W.S. and 1.11.2007 for N.I.) by Companies Act 2006 (c. 46), **ss. 364(4)**, 1300(2); S.I. 2007/2194, **arts. 2(2)**, 3(1) (subject to **Sch. 1** (as amended by S.I. 2007/3495, **art. 10**, S.I. 2008/674, **Sch. 3** paras. 1, 2 and S.I. 2008/2860, **art. 6**) and with arts. 9, 12, Sch. 3 (as amended by S.I. 2007/2607, **art. 4**, S.I. 2007/3495, Sch. 5 para. 2 and S.I. 2008/674, **Sch. 3** para. 2(3))

### Commencement Information

- I38** S. 50 wholly in force at 16.2.2001; s. 50 not in force at Royal Assent, see s. 163(2); s. 50 in force at 16.2.2001 by S.I. 2001/222, **art. 2**, **Sch. 1 Pt. I** (with **Sch. 1 Pt. II** para. 2)

## 51 Sponsorship.

- (1) For the purposes of this Part sponsorship is provided in relation to a registered party if—
- any money or other property is transferred to the party or to any person for the benefit of the party, and
  - the purpose (or one of the purposes) of the transfer is (or must, having regard to all the circumstances, reasonably be assumed to be)—
    - 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
    - to secure that to any extent any such expenses are not so incurred.
- (2) In subsection (1) “defined expenses” means expenses in connection with—
- any conference, meeting or other event organised by or on behalf of the party;
  - the preparation, production or dissemination of any publication by or on behalf of the party; or
  - 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)—
- the making of any payment in respect of—
    - any charge for admission to any conference, meeting or other event, or
    - the purchase price of, or any other charge for access to, any publication;

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- (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).

**Modifications etc. (not altering text)**

**C17** Ss. 50-69 excluded (temp. from 25.9.2006 until 31.10.2007) by [Northern Ireland \(Miscellaneous Provisions\) Act 2006 \(c. 33\)](#), ss. 10(2)(a), **11(1)(2)**, 31(2)

**Commencement Information**

**I39** S. 51 wholly in force at 16.2.2001; s. 51 in force for specified purposes only at Royal Assent, see s. 163(3); s. 51 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, **Sch. 1 Pt. I** (with [Sch. 1 Pt. II para. 2](#))

**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) <sup>F72</sup> . . . . .
  - (b) any grant under section 170 of the <sup>M36</sup>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 <sup>M37</sup>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) <sup>F73</sup> . . . 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 that the payment does not exceed such of the maximum rates which the Commission



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determine to be reasonable for the hire of stands at party conferences as is applicable to the hire of the stand in question.

[<sup>F74</sup>(4) The reference in subsection (1)(d) to the transmission by a broadcaster of a party political broadcast includes a reference to the transmission by the Gibraltar Broadcasting Corporation of such a broadcast.]

#### Textual Amendments

- F72** S. 52(1)(a) omitted (11.9.2006) and repealed (prosp.) by virtue of Electoral Administration Act 2006 (c. 22), ss. 55(2)(a), 74(2), 77(2), Sch. 2; S.I. 2006/1972, art. 3, Sch. para. 16 (subject to art. 4, Sch. 2)
- F73** Words in s. 52(2)(b) repealed (11.9.2006) by Electoral Administration Act 2006 (c. 22), ss. 74, 77(2), Sch. 1 para. 145, Sch. 2; S.I. 2006/1972, art. 3, Sch. 1 paras. 24, 25(i), 26(3)(a) (subject to art. 4, Sch. 2)
- F74** S. 52(4) inserted (5.2.2004) by The European Parliamentary Elections (Combined Region and Campaign Expenditure) (United Kingdom and Gibraltar) Order 2004 (S.I. 2004/366), arts. 1(2), 4(2), Sch. para. 11

#### Modifications etc. (not altering text)

- C18** Ss. 50-69 excluded (temp. from 25.9.2006 until 31.10.2007) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 10(2)(a), 11(1)(2), 31(2)

#### Commencement Information

- I40** S. 52 wholly in force at 16.2.2001; s. 52 not in force at Royal Assent, see s. 163(2); s. 52 in force at 16.2.2001 by S.I. 2001/222, art. 2, Sch. 1 Pt. I (with Sch. 1 Pt. II para. 2)

#### Marginal Citations

- M36** 1994 c. 33.  
**M37** 1989 c. 42.

## 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 [<sup>F75</sup>section 50(2)(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 <sup>F76</sup>. . . the provision of the property, services or facilities if—

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- (i) <sup>F76</sup> . . . . .
  - (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.

#### Textual Amendments

- F75** Words in s. 53(4) substituted (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 74(1), 77(2), **Sch. 1 para. 146(2)**; [S.I. 2006/1972, art. 3, Sch. 1 para. 24, 25\(m\)\(ii\)](#) (subject to art. 4, Sch. 2) (as amended by [S.I. 2006/2268, art. 4](#)); [S.I. 2008/1656, art. 2](#) (subject to art. 3, Sch. 1)
- F76** Words in s. 53(4)(a) and s. 53(4)(a)(i) and following word repealed (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 74, 77(2), Sch. 1 para. 146(3), **Sch. 2**; [S.I. 2006/1972, art. 3, Sch. 1 paras. 24, 25\(m\)\(ii\), 26\(3\)\(d\)](#) (subject to art. 4, Sch. 2) (as amended by [S.I. 2006/2268, art. 4](#)); [S.I. 2008/1656, arts. 2](#) (subject to art. 3, Sch. 1)

#### Modifications etc. (not altering text)

- C19** Ss. 50-69 excluded (temp. from 25.9.2006 until 31.10.2007) by [Northern Ireland \(Miscellaneous Provisions\) Act 2006 \(c. 33\)](#), ss. 10(2)(a), **11(1)(2)**, 31(2)
- C20** S. 53 applied (1.10.2007 for E.W.S. for certain purposes, 1.11.2007 for N.I. and 1.10.2008 otherwise) by [Companies Act 2006 \(c. 46\)](#), **ss. 364(2)(b)(3)(b)**, 1300(2); [S.I. 2007/2194, arts. 2\(2\), 3\(1\), 5\(e\)](#) (subject to [Sch. 1](#) (as amended by [S.I. 2007/3495, art. 10, S.I. 2008/674, Sch. 3 paras. 1, 2](#) and [S.I. 2008/2860, art. 6](#)) and with arts. 9, 12, Sch. 3 (as amended by [S.I. 2007/2607, art. 4, S.I. 2007/3495, Sch. 5 para. 2](#) and [S.I. 2008/674, Sch. 3 para. 2\(3\)](#)))
- C21** S. 53 modified (1.10.2007 for E.W.S. and 1.11.2007 for N.I.) by [Companies Act 2006 \(c. 46\)](#), **ss. 364(4)**, 1300(2); [S.I. 2007/2194, arts. 2\(2\), 3\(1\)](#) (subject to [Sch. 1](#) (as amended by [S.I. 2007/3495, art. 10, S.I. 2008/674, Sch. 3 paras. 1, 2](#) and [S.I. 2008/2860, art. 6](#)) and with arts. 9, 12, Sch. 3 (as amended by [S.I. 2007/2607, art. 4, S.I. 2007/3495, Sch. 5 para. 2](#) and [S.I. 2008/674, Sch. 3 para. 2\(3\)](#)))

#### Commencement Information

- I41** S. 53 wholly in force at 16.2.2001; s. 53 not in force at Royal Assent, see s. 163(2); s. 53 in force at 16.2.2001 by [S.I. 2001/222, art. 2, Sch. 1 Pt. I](#) (with [Sch. 1 Pt. II para. 2](#))

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## CHAPTER II

### RESTRICTIONS ON DONATIONS TO REGISTERED PARTIES

#### Modifications etc. (not altering text)

- C22** Pt. IV Chapters I-III excluded (*temp.* from 16.2.2001) by [S.I. 2001/446, art. 2](#)
- C23** Pt. 4 Chs. 1-3 disappplied (*temp.* from 16.2.2005) by [The Political Parties, Elections and Referendums Act 2000 \(Disapplication of Part IV for Northern Ireland Parties, etc\) Order 2005 \(S.I. 2005/299\), arts. 1\(2\), 2](#)

#### *Permissible donations*

#### **54 Permissible donors.**

- (1) A donation received by a registered party must not be accepted by the party if—
- (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 <sup>M38</sup>Companies Act 1985 or the <sup>M39</sup>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<sup>F77</sup>, other than a Gibraltar party whose entry in the register includes a statement that it intends to contest one or more elections to the European Parliament in the combined region];
  - (d) a trade union entered in the list kept under the <sup>M40</sup>Trade Union and Labour Relations (Consolidation) Act 1992 or the <sup>M41</sup>Industrial Relations (Northern Ireland) Order 1992;
  - (e) a building society (within the meaning of the <sup>M42</sup>Building Societies Act 1986);
  - (f) a limited liability partnership registered under the <sup>M43</sup>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 <sup>M44</sup>Friendly Societies Act 1974 or a society registered (or deemed to be registered) under the <sup>M45</sup>Industrial and Provident Societies Act 1965 or the <sup>M46</sup>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.

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[<sup>F78</sup>(2A) As respects a registered party whose entry in the register includes a statement that it intends to contest one or more elections to the European Parliament in the combined region, the following are also permissible donors for the purposes of this Part—

- (a) a Gibraltar elector;
- (b) a company—
  - (i) registered under the Companies Ordinance; and
  - (ii) incorporated within Gibraltar, the United Kingdom or another member State, which carries on business in Gibraltar;
- (c) a Gibraltar party whose entry in the register includes a statement that it intends to contest one or more elections to the European Parliament in the combined region;
- (d) a trade union within the meaning of the Trade Union and Trade Disputes Ordinance;
- (e) a building society within the meaning of the Banking (Extension to Building Societies) Ordinance 1997;
- (f) a limited liability partnership registered under the Limited Partnerships Ordinance, which carries on business in Gibraltar; and
- (g) 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 Gibraltar and whose main office is there,

but, in the case of a party other than a Gibraltar party, only where the donation is received by the party within the period of four months ending with the date of the poll for an election to the European Parliament in the combined region.]

- (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.

[<sup>F79</sup>(3A) In relation to a donation in the form of a bequest subsection (2A)(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, a Gibraltar elector.]

- (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 [<sup>F80</sup>or 2A] 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—

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- (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 [<sup>F80</sup>or 2A] 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 <sup>M47</sup>People Act 1983;
  - (b) a register of relevant citizens of the European Union prepared under [<sup>F81</sup>the European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations 2001]; or
  - (c) a register of peers prepared under regulations under section 3 of the Representation of the <sup>M48</sup>People Act 1985.

#### Textual Amendments

- F77** Words in s. 54(2)(c) inserted (5.2.2004) by The European Parliamentary Elections (Combined Region and Campaign Expenditure) (United Kingdom and Gibraltar) Order 2004 (S.I. 2004/366), arts. 1(2), 4(2), **Sch. para. 12(a)**
- F78** S. 54(2A) inserted (5.2.2004) by The European Parliamentary Elections (Combined Region and Campaign Expenditure) (United Kingdom and Gibraltar) Order 2004 (S.I. 2004/366), arts. 1(2), 4(2), **Sch. para. 12(b)**
- F79** Words in s. 54(3A) inserted (5.2.2004) by The European Parliamentary Elections (Combined Region and Campaign Expenditure) (United Kingdom and Gibraltar) Order 2004 (S.I. 2004/366), arts. 1(2), 4(2), **Sch. para. 12(c)**
- F80** Words in s. 54(5)(a)(6) inserted (1.11.2007) by The Political Parties, Elections and Referendums Act 2000 (Northern Ireland Political Parties) Order 2007 (S.I. 2007/2501, art. 6, **Sch. 2 para. 2**)
- F81** Words in s. 54(8)(b) substituted (9.4.2001) by S.I. 2001/1184, **reg. 11(b)**

#### Modifications etc. (not altering text)

- C24** Ss. 50-69 excluded (temp. from 25.9.2006 until 31.10.2007) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 10(2)(a), **11(1)(2)**, 31(2)
- C25** S. 54(2)(c) modified (temp. from 25.9.2006 until 31.10.2007) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 10(2)(a), **11(2)(4)**, 31(2)

#### Commencement Information

- I42** S. 54 wholly in force at 16.2.2001; s. 54 not in force at Royal Assent, see s. 163(2); s. 54 in force at 16.2.2001 by S.I. 2001/222, art. 2, **Sch. 1 Pt. I** (with Sch. 1 Pt. II para. 2)

#### Marginal Citations

- M38** 1985 c. 6.  
**M39** S.I. 1986/1032 (N.I. 6).  
**M40** 1992 c. 52.  
**M41** S.I. 1992/807 (N.I.5).  
**M42** 1986 c. 53.  
**M43** 2000 c. 12.

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- M44** 1974 c. 46.
- M45** 1965 c. 12.
- M46** 1969 c. 24.
- M47** 1983 c. 2.
- M48** 1985 c. 50.

PROSPECTIVE

### [<sup>F82</sup>54A Declaration as to source of donation

- (1) Where a person (P) causes an amount exceeding £7,500 to be received by a registered party by way of a donation, a written declaration must be given to the party—
  - (a) by P, if P is an individual, or
  - (b) if not, by an individual authorised by P to make the declaration,
 stating, to the best of the individual's knowledge and belief, whether or not subsection (2) applies to the donation.
- (2) This subsection applies to the donation if—
  - (a) a person other than P has provided, or is expected to provide, money or any other benefit to P with a view to, or otherwise in connection with, the making of the donation, and
  - (b) the money, or the value of the benefit, is more than £7,500.
- (3) Where a declaration under this section contains a statement to the effect that subsection (2) applies to the donation, it must also—
  - (a) state whether or not, in the opinion of the person making the declaration—
    - (i) subsection (4) of section 54 applies to the donation;
    - (ii) subsection (6) of that section applies to it;
  - (b) if the person's opinion is that neither of those subsections applies to the donation, give the person's reasons for that opinion.
- (4) A declaration under this section must also state the full name and address of the person by whom it is made and, where subsection (1)(b) applies—
  - (a) state that the person is authorised by P to make the declaration;
  - (b) describe the person's role or position in relation to P.
- (5) A person who knowingly or recklessly makes a false declaration under this section commits an offence.
- (6) Regulations made by the Secretary of State may make provision as to how the value of a benefit is to be calculated for the purposes of subsection (2).]

#### Textual Amendments

- F82** S. 54A inserted (prosp.) by [Political Parties and Elections Act 2009 \(c. 12\)](#), [ss. 9\(2\)](#), 43

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PROSPECTIVE

**[<sup>F83</sup>54B Declaration as to whether residence etc condition satisfied**

- (1) An individual making to a registered party a donation in relation to which the condition set out in section 54(2ZA) applies must give to the party a written declaration stating whether or not the individual satisfies that condition.
- (2) A declaration under this section must also state the individual's full name and address.
- (3) A person who knowingly or recklessly makes a false declaration under this section commits an offence.
- (4) The Secretary of State may by regulations make provision requiring a declaration under this section to be retained for a specified period.
- (5) The requirement in subsection (1) does not apply where, by reason of section 71B(1)(a), the individual by whom the donation would be made is a permissible donor in relation to the donation at the time of its receipt by the party.]

**Textual Amendments**

**F83** S. 54B inserted (prosp.) by [Political Parties and Elections Act 2009 \(c. 12\), s. 10\(4\)](#), 43

**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 [<sup>F84</sup>section 52(1)(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.

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- [<sup>F85</sup>(5A) Any exempt Gibraltar trust donation received by a registered party shall be regarded as a donation received by the party from a permissible donor if—
- (a) at the time the donation is received by the party, its entry in the register includes a statement that it intends to contest one or more elections to the European Parliament in the combined region; and
  - (b) in the case of a party other than a Gibraltar party, the donation is received by the party within the period of four months ending with the date of the poll for an election to the European Parliament in the combined region.]
- (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
  - [<sup>F86</sup>(aa) an exempt Gibraltar trust donation regarded by virtue of subsection (5A) as received from a permissible donor, or.]
  - (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.

#### Textual Amendments

- F84** Words in s. 55(2) substituted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 74(1), 77(2), [Sch. 1 para. 147](#); S.I. 2006/1972, [art. 3](#), Sch. 1 paras. 24, 25(i) (subject to art. 4, Sch. 2)
- F85** S. 55(5A) inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), [Sch. para. 13\(a\)](#)
- F86** S. 55(6)(aa) inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), [Sch. para. 13\(b\)](#)

#### Modifications etc. (not altering text)

- C26** Ss. 50-69 excluded (temp. from 25.9.2006 until 31.10.2007) by [Northern Ireland \(Miscellaneous Provisions\) Act 2006 \(c. 33\)](#), ss. 10(2)(a), [11\(1\)\(2\)](#), 31(2)

#### Commencement Information

- I43** S. 55 wholly in force at 16.2.2001; s. 55 not in force at Royal Assent, see s. 163(2); s. 55 in force at 16.2.2001 by [S.I. 2001/222](#), [art. 2](#), [Sch. 1 Pt. I](#) (with [Sch. 1 Pt. II para. 2](#))

## 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,



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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 [<sup>F87</sup> or 2A] 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
    - (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.

#### Textual Amendments

**F87** Words in s. 56(1) inserted (1.11.2007) by [The Political Parties, Elections and Referendums Act 2000 \(Northern Ireland Political Parties\) Order 2007 \(S.I. 2007/2501\)](#), art. 6, [Sch. 2 para. 2](#)

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#### **Modifications etc. (not altering text)**

- C27** Ss. 56-60 applied (with modifications) by 1983 c. 2, **Sch. 2A para. 7** (as inserted (1.7.2001) by 2000 c. 41, ss. 130(3)(4), 163(2)-(4), **Sch. 16** (with s. 156(6)); S.I. 2001/222, art. 4, Sch. 2 (with **Sch. 2 Pt. II para. 1**))
- C28** Ss. 56-60 applied (with modifications) (E.W.S. and Gibraltar) (23.3.2004) by [The European Parliamentary Elections Regulations 2004 \(S.I. 2004/293\)](#), reg. 42(4), **Sch. 6 para. 7(1)** (with regs. 3-5)
- C29** Ss. 56-60 applied (with modifications) (N.I.) (30.4.2004) by [The European Parliamentary Elections \(Northern Ireland\) Regulations 2004 \(S.I. 2004/1267\)](#), reg. 38(4), **Sch. 4 para. 7**
- C30** Ss. 50-69 excluded (temp. from 25.9.2006 until 31.10.2007) by [Northern Ireland \(Miscellaneous Provisions\) Act 2006 \(c. 33\)](#), ss. 10(2)(a), **11(1)(2)**, 31(2)
- C31** Ss. 56-60 applied (with modifications) (1.2.2007) by [The National Assembly for Wales \(Representation of the People\) Order 2007 \(S.I. 2007/236\)](#), arts. 1(1), 41(4), **Sch. 6 para. 7**

#### **Commencement Information**

- I44** S. 56 wholly in force at 16.2.2001; s. 56 not in force at Royal Assent, see s. 163(2); s. 56 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, **Sch. 1 Pt. I** (with [Sch. 1 Pt. II para. 2](#))

### **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.

#### **Modifications etc. (not altering text)**

- C32** Ss. 56-60 applied (with modifications) by 1983 c. 2, **Sch. 2A para. 7** (as inserted (1.7.2001) by 2000 c. 41, ss. 130(3)(4), 163(2)-(4), **Sch. 16** (with s. 156(6)); S.I. 2001/222, art. 4, Sch. 2 (with **Sch. 2 Pt. II para. 1**))
- C33** Ss. 56-60 applied (with modifications) (E.W.S. and Gibraltar) (23.3.2004) by [The European Parliamentary Elections Regulations 2004 \(S.I. 2004/293\)](#), reg. 42(4), **Sch. 6 para. 7(1)** (with regs. 3-5)
- C34** Ss. 56-60 applied (with modifications) (N.I.) (30.4.2004) by [The European Parliamentary Elections \(Northern Ireland\) Regulations 2004 \(S.I. 2004/1267\)](#), reg. 38(4), **Sch. 4 para. 7**
- C35** Ss. 50-69 excluded (temp. from 25.9.2006 until 31.10.2007) by [Northern Ireland \(Miscellaneous Provisions\) Act 2006 \(c. 33\)](#), ss. 10(2)(a), **11(1)(2)**, 31(2)
- C36** Ss. 56-60 applied (with modifications) (1.2.2007) by [The National Assembly for Wales \(Representation of the People\) Order 2007 \(S.I. 2007/236\)](#), arts. 1(1), 41(4), **Sch. 6 para. 7**

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#### Commencement Information

**I45** S. 57 wholly in force at 16.2.2001; s. 57 not in force at Royal Assent, see s. 163(2); s. 57 in force at 16.2.2001 by [S.I. 2001/222, art. 2](#), [Sch. 1 Pt. I](#) (with [Sch. 1 Pt. II para. 2](#))

#### [<sup>F88</sup> 57A Additional limit on Gibraltar donations to UK parties

- (1) This section applies where the aggregate value of Gibraltar donations which are—
  - (a) received by a registered party which is not a Gibraltar party within the period of four months ending with the date of the poll for an election to the European Parliament in the combined region, and
  - (b) accepted by that registered party,exceeds the permitted maximum.
- (2) Such of the Gibraltar donations as are donations falling within subsection (3) are to be treated for the purposes of this Part (other than this section) as if they were received—
  - (a) at the end of the period of three months after that date, and
  - (b) from a person who was not a permissible donor at that time.
- (3) A Gibraltar donation falls within this subsection if—
  - (a) in a case where it is the first of the Gibraltar donations received or is the only one, the value of that donation exceeds the permitted maximum, and
  - (b) otherwise, the aggregate of the value of that donation and such of the Gibraltar donations as were previously received exceeds the permitted maximum.
- (4) But—
  - (a) in a case within subsection (3)(a), only so much of the donation as exceeds the permitted maximum is a donation falling within subsection (3), and
  - (b) in a case within subsection (3)(b) in which the aggregate value of the Gibraltar donations previously received does not exceed the permitted maximum, only so much of the donation as exceeds the difference between that aggregate value and the permitted maximum is a donation falling within subsection (3).
- (5) “Gibraltar donation” means a donation—
  - (a) which is received from a permissible donor falling within subsection (2A) (but not subsection (2)) of section 54, or
  - (b) which is an exempt Gibraltar trust donation regarded by virtue of section 55(5A) as received from a permissible donor.
- (6) “Permitted maximum” means an amount equal to the limit imposed by paragraph 4(2) of Schedule 9 on campaign expenditure incurred by or on behalf of a registered party which stands for election at a general election to the European Parliament in the combined region only.]

#### Textual Amendments

**F88** S. 57A inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), [Sch. para. 14](#)

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#### **Modifications etc. (not altering text)**

- C37** Ss. 56-60 applied (with modifications) (E.W.S.) (23.3.2004) by [The European Parliamentary Elections Regulations 2004 \(S.I. 2004/293\)](#), regs. 3-5, 42(4), **Sch. 6 para. 7(1)**
- C38** Ss. 56-60 applied (with modifications) (N.I.) (30.4.2004) by [The European Parliamentary Elections \(Northern Ireland\) Regulations 2004 \(S.I. 2004/1267\)](#), reg. 38(4), **Sch. 4 para. 7**
- C39** Ss. 50-69 excluded (temp. from 25.9.2006 until 31.10.2007) by [Northern Ireland \(Miscellaneous Provisions\) Act 2006 \(c. 33\)](#), ss. 10(2)(a), **11(1)(2)**, 31(2)
- C40** Ss. 56-60 applied (with modifications) (1.2.2007) by [The National Assembly for Wales \(Representation of the People\) Order 2007 \(S.I. 2007/236\)](#), arts. 1(1), 41(4), **Sch. 6 para. 7**

### *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;
  - [<sup>F89</sup>(d) in relation to Gibraltar, the Gibraltar court;]
 and proceedings on an application under this section to the sheriff shall be civil proceedings.

#### **Textual Amendments**

- F89** S. 58(5)(d) inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), **Sch. para. 15**

#### **Modifications etc. (not altering text)**

- C41** Ss. 56-60 applied (with modifications) by 1983 c. 2, **Sch. 2A para. 7** (as inserted (1.7.2001) by 2000 c. 41, ss. 130(3)(4), 163(2)-(4), **Sch. 16** (with s. 156(6)); S.I. 2001/222, art. 4, Sch. 2 (with **Sch. 2 Pt. II para. 1**))
- C42** Ss. 56-60 applied (with modifications) (E.W.S. and Gibraltar) (23.3.2004) by [The European Parliamentary Elections Regulations 2004 \(S.I. 2004/293\)](#), reg. 42(4), **Sch. 6 para. 7(1)** (with regs. 3-5)
- C43** Ss. 56-60 applied (with modifications) (N.I.) (30.4.2004) by [The European Parliamentary Elections \(Northern Ireland\) Regulations 2004 \(S.I. 2004/1267\)](#), reg. 38(4), **Sch. 4 para. 7**

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**C44** Ss. 50-69 excluded (temp. from 25.9.2006 until 31.10.2007) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 10(2)(a), **11(1)(2)**, 31(2)

**C45** Ss. 56-60 applied (with modifications) (1.2.2007) by The National Assembly for Wales (Representation of the People) Order 2007 (S.I. 2007/236), arts. 1(1), 41(4), **Sch. 6 para. 7**

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#### Commencement Information

**I46** S. 58 wholly in force at 16.2.2001; s. 58 not in force at Royal Assent, see s. 163(2); s. 58 in force at 16.2.2001 by S.I. 2001/222, art. 2, **Sch. 1 Pt. I** (with **Sch. 1 Pt. II para. 2**)

## 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.

[<sup>F90</sup>(2A) In the application of subsections (1) and (2) to Gibraltar, the references to a magistrates’ court and the Crown court shall have effect as if they were references to the Gibraltar 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.

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#### Textual Amendments

**F90** S. 59(2A) inserted (5.2.2004) by The European Parliamentary Elections (Combined Region and Campaign Expenditure) (United Kingdom and Gibraltar) Order 2004 (S.I. 2004/366), arts. 1(2), 4(2), **Sch. para. 16**

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#### Modifications etc. (not altering text)

**C46** Ss. 56-60 applied (with modifications) by 1983 c. 2, **Sch. 2A para. 7** (as inserted (1.7.2001) by 2000 c. 41, ss. 130(3)(4), 163(2)-(4), **Sch. 16** (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2** (with **Sch. 2 Pt. II para. 1**))

**C47** Ss. 56-60 applied (with modifications) (E.W.S. and Gibraltar) (23.3.2004) by The European Parliamentary Elections Regulations 2004 (S.I. 2004/293), reg. 42(4), **Sch. 6 para. 7(1)** (with regs. 3-5)

**C48** Ss. 56-60 applied (with modifications) (N.I.) (30.4.2004) by The European Parliamentary Elections (Northern Ireland) Regulations 2004 (S.I. 2004/1267), reg. 38(4), **Sch. 4 para. 7**

**C49** Ss. 50-69 excluded (temp. from 25.9.2006 until 31.10.2007) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 10(2)(a), **11(1)(2)**, 31(2)

**C50** Ss. 56-60 applied (with modifications) (1.2.2007) by The National Assembly for Wales (Representation of the People) Order 2007 (S.I. 2007/236), arts. 1(1), 41(4), **Sch. 6 para. 7**

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### Commencement Information

**I47** S. 59 wholly in force at 16.2.2001; s. 59 not in force at Royal Assent, see s. 163(2); s. 59 in force at 16.2.2001 by [S.I. 2001/222, art. 2](#), [Sch. 1 Pt. I](#) (with [Sch. 1 Pt. II para. 2](#))

## 60 Supplementary provisions about orders under section 58.

- (1) [<sup>F91</sup>In relation to courts in any part of the United Kingdom, 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 [<sup>F92</sup>or the Gibraltar court], 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.

### Textual Amendments

**F91** Words in s. 60(1) substituted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), [Sch. para. 17\(a\)](#)

**F92** Words in s. 60(4)(b)(i) inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), [Sch. para. 17\(b\)](#)

### Modifications etc. (not altering text)

**C51** Ss. 56-60 applied (with modifications) by 1983 c. 2, [Sch. 2A para. 7](#) (as inserted (1.7.2001) by 2000 c. 41, ss. 130(3)(4), 163(2)-(4), [Sch. 16](#) (with s. 156(6)); [S.I. 2001/222, art. 4, Sch. 2](#) (with [Sch. 2 Pt. II para. 1](#))

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- C52** Ss. 56-60 applied (with modifications) (E.W.S. and Gibraltar) (23.3.2004) by [The European Parliamentary Elections Regulations 2004 \(S.I. 2004/293\)](#), reg. 42(4), **Sch. 6 para. 7(1)** (with regs. 3-5)
- C53** Ss. 56-60 applied (with modifications) (N.I.) (30.4.2004) by [The European Parliamentary Elections \(Northern Ireland\) Regulations 2004 \(S.I. 2004/1267\)](#), reg. 38(4), **Sch. 4 para. 7**
- C54** Ss. 50-69 excluded (temp. from 25.9.2006 until 31.10.2007) by [Northern Ireland \(Miscellaneous Provisions\) Act 2006 \(c. 33\)](#), ss. 10(2)(a), **11(1)(2)**, 31(2)
- C55** Ss. 56-60 applied (with modifications) (1.2.2007) by [The National Assembly for Wales \(Representation of the People\) Order 2007 \(S.I. 2007/236\)](#), arts. 1(1), 41(4), **Sch. 6 para. 7**

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#### Commencement Information

- I48** S. 60 wholly in force at 16.2.2001; s. 60 not in force at Royal Assent, see s. 163(2); s. 60 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, **Sch. 1 Pt. I** (with [Sch. 1 Pt. II para. 2](#))

### *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).

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#### Modifications etc. (not altering text)

- C56** S. 61 applied (with modifications) by [1983 c. 2, Sch. 2A para. 9](#) (as inserted (1.7.2001) by [2000 c. 41, ss. 130\(3\)\(4\), Sch. 16](#) (with s. 156(6))); [S.I. 2001/222](#), art. 4, [Sch. 2](#) (with [Sch. 2 Pt. II para. 1](#))
- C57** S. 61 applied (E.W.S. and Gibraltar) (23.3.2004) by [The European Parliamentary Elections Regulations 2004 \(S.I. 2004/293\)](#), reg. 42(4), **Sch. 6 para. 9** (with regs. 3-5)
- C58** S. 61 applied (N.I.) (30.4.2004) by [The European Parliamentary Elections \(Northern Ireland\) Regulations 2004 \(S.I. 2004/1267\)](#), reg. 38(4), **Sch. 4 para. 9**
- C59** Ss. 50-69 excluded (temp. from 25.9.2006 until 31.10.2007) by [Northern Ireland \(Miscellaneous Provisions\) Act 2006 \(c. 33\)](#), ss. 10(2)(a), **11(1)(2)**, 31(2)
- C60** S. 61 applied (with modifications) (1.2.2007) by [The National Assembly for Wales \(Representation of the People\) Order 2007 \(S.I. 2007/236\)](#), arts. 1(1), 41(4), **Sch. 6 para. 9**

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### Commencement Information

**I49** S. 61 wholly in force at 16.2.2001; s. 61 not in force at Royal Assent, see s. 163(2); s. 61 in force at 16.2.2001 by [S.I. 2001/222, art. 2](#), [Sch. 1 Pt. I](#) (with [Sch. 1 Pt. II para. 2](#))

## CHAPTER III

### REPORTING OF DONATIONS TO REGISTERED PARTIES

#### Modifications etc. (not altering text)

**C61** Pt. IV Chapters I-III excluded (*temp.* from 16.2.2001) by [S.I. 2001/446, art. 2](#)  
**C62** Pt. 4 Chs. 1-3 disappplied (*temp.* from 16.2.2005) by [The Political Parties, Elections and Referendums Act 2000 \(Disapplication of Part IV for Northern Ireland Parties, etc\) Order 2005 \(S.I. 2005/299\), arts. 1\(2\), 2](#)

#### *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”.

[<sup>F93</sup>(3A) “Relevant benefit”, in relation to any person and any year, means—

- (a) a relevant donation accepted by the party from that person as a donor, or
- (b) a relevant transaction within the meaning of section 71M(3) entered into by the party and that person as a participant,

and a relevant benefit accrues when it is accepted (if it is a donation) or entered into (if it is a transaction).]

- (4) Where no previous relevant [<sup>F94</sup>benefit or benefits] has or have been required to be recorded under this subsection [<sup>F95</sup>or section 71M(4)], 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 [<sup>F94</sup>benefit or benefits], the aggregate amount of the [<sup>F96</sup>benefits] 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 ([<sup>F97</sup>together with any other relevant donation or donations included in] the aggregate amount mentioned in that paragraph) in the donation report for the reporting period in which the [<sup>F98</sup>benefit] which causes that aggregate amount to be more than £5,000 [<sup>F99</sup>accrues].
- (6) Where any previous relevant [<sup>F100</sup>benefit or benefits] has or have been required to be recorded under subsection (4) [<sup>F101</sup>or section 71M(4)], a relevant donation must be recorded at the point when there has or have been accepted—
- (a) since the [<sup>F100</sup>benefit or benefits] required to be recorded under [<sup>F102</sup>that provision], or
- (b) if any relevant [<sup>F100</sup>benefit or benefits] has or have previously been required to be recorded under this subsection [<sup>F103</sup>or section 71M(6)], since the [<sup>F100</sup>benefit or benefits] last required to be so recorded,
- [<sup>F104</sup>any relevant donation falling within subsection (6A)].
- [<sup>F105</sup>(6A) A relevant donation falls within this subsection—
- (a) if it is a donation of more than £1,000, or
- (b) if, when it is added to any other relevant benefit or benefits accruing since the time mentioned in subsection (6)(a) or (b), the aggregate amount of the benefits is more than £1,000.]
- (7) A donation to which subsection (6) applies on any occasion must—
- (a) if it is the only [<sup>F106</sup>benefit] 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 ([<sup>F107</sup>together with any other relevant donation or donations included in] the aggregate amount mentioned in [<sup>F108</sup>subsection (6A)]) in the donation report for the reporting period in which the [<sup>F109</sup>benefit] which causes that aggregate amount to be more than £1,000 [<sup>F110</sup>accrues].
- (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—

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- (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.

#### Textual Amendments

- F93** S. 62(3A) inserted (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by Electoral Administration Act 2006 (c. 22), ss. 74(1), 77(2), **Sch. 1 para. 148(2)**; S.I. 2006/1972, **art. 3**, Sch. 1 paras. 24, 25(m)(ii) (subject to art. 4, Sch. 2) (as amended by S.I. 2006/2268, art. 4); S.I. 2008/1656, **art. 2** (subject to art. 3, Sch. 1)
- F94** Words in s. 62(4) substituted (11.9.2006 for E.W.S for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by Electoral Administration Act 2006 (c. 22), ss. 74(1), 77(2), **Sch. 1 para. 148(3)(a)**; S.I. 2006/1972, **art. 3**, Sch. 1 paras. 24, 25(m)(ii) (subject to art. 4, Sch. 2) (as amended by S.I. 2006/2268, art. 4); S.I. 2008/1656, **art. 2** (subject to art. 3, Sch. 1)
- F95** Words in s. 62(4) inserted (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by Electoral Administration Act 2006 (c. 22), ss. 74(1), 77(2), **Sch. 1 para. 148(3)(b)**; S.I. 2006/1972, **art. 3**, Sch. 1 paras. 24, 25(m)(ii) (subject to art. 4, Sch. 2) (as amended by S.I. 2006/2268, art. 4); S.I. 2008/1656, **art. 2** (subject to art. 3, Sch. 1)
- F96** Words in s. 62(4)(b) substituted (11.9.2006 for E.W.S for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by Electoral Administration Act 2006 (c. 22), ss. 74(1), 77(2), **Sch. 1 para. 148(3)(c)**; S.I. 2006/1972, **art. 3**, Sch. 1 paras. 24, 25(m)(ii) (subject to art. 4, Sch. 2) (as amended by S.I. 2006/2268, art. 4); S.I. 2008/1656, **art. 2** (subject to art. 3, Sch. 1)
- F97** Words in s. 62(5)(b) substituted (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by Electoral Administration Act 2006 (c. 22), ss. 74(1), 77(2), **Sch. 1 para. 148(4)(a)**; S.I. 2006/1972, **art. 3**, Sch. 1 paras. 24, 25(m)(ii) (subject to art. 4, Sch. 2) (as amended by S.I. 2006/2268, art. 4); S.I. 2008/1656, **art. 2** (subject to art. 3, Sch. 1)
- F98** Word in s. 62(5)(b) substituted (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by Electoral Administration Act 2006 (c. 22), ss. 74(1), 77(2), **Sch. 1 para. 148(4)(b)**; S.I. 2006/1972, **art. 3**, Sch. 1 paras. 24, 25(m)(ii) (subject to art. 4, Sch. 2) (as amended by S.I. 2006/2268, art. 4); S.I. 2008/1656, **art. 2** (subject to art. 3, Sch. 1)

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- F99** Words in s. 62(5)(b) substituted (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by Electoral Administration Act 2006 (c. 22), ss. 74(1), 77(2), **Sch. 1 para. 148(4)(c)**; S.I. 2006/1972, **art. 3**, Sch. 1 paras. 24, 25(m)(ii) (subject to art. 4, Sch. 2) (as amended by S.I. 2006/2268, art. 4); S.I. 2008/1656, **art. 2** (subject to art. 3, Sch. 1)
- F100** Words in s. 62(6) substituted (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by Electoral Administration Act 2006 (c. 22), ss. 74(1), 77(2), **Sch. 1 para 148(5)(a)**; S.I. 2006/1972, **art. 3**, Sch. 1 paras. 24, 25(m)(ii) (subject to art. 4, Sch. 2) (as amended by S.I. 2006/2268, art. 4); S.I. 2008/1656, **art. 2** (subject to art. 3, Sch. 1)
- F101** Words in s. 62(6) inserted (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by Electoral Administration Act 2006 (c. 22), ss. 74(1), 77(2), **Sch. 1 para. 148(5)(b)**; S.I. 2006/1972, **art. 3**, Sch. 1 paras. 24, 25(m)(ii) (subject to art. 4, Sch. 2) (as amended by S.I. 2006/2268, art. 4); S.I. 2008/1656, **art. 2** (subject to art. 3, Sch. 1)
- F102** Words in s. 62(6)(a) substituted (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by Electoral Administration Act 2006 (c. 22), ss. 74(1), 77(2), **Sch. 1 para. 148(5)(c)**; S.I. 2006/1972, **art. 3**, Sch. 1 para. 25(m)(ii) (subject to art. 4, Sch. 2) (as amended by S.I. 2006/2268, art. 4); S.I. 2008/1656, **art. 2** (subject to art. 3, Sch. 1)
- F103** Words in s. 62(6)(b) inserted (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by Electoral Administration Act 2006 (c. 22), ss. 74(1), 77(2), **Sch. 1 para. 148(5)(d)**; S.I. 2006/1972, **art. 3**, Sch. 1 paras. 24, 25(m)(ii) (subject to art. 4, Sch. 2) (as amended by S.I. 2006/2268, art. 4); S.I. 2008/1656, **art. 2** (subject to art. 3, Sch. 1)
- F104** Words in s. 62(6) substituted (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by Electoral Administration Act 2006 (c. 22), ss. 74(1), 77(2), **Sch. 1 para. 148(5)(e)**; S.I. 2006/1972, **art. 3**, Sch. 1 paras. 24, 25(m)(ii) (subject to art. 4, Sch. 2) (as amended by S.I. 2006/2268, art. 4); S.I. 2008/1656, **art. 2** (subject to art. 3, Sch. 1)
- F105** S. 62(6A) inserted (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by Electoral Administration Act 2006 (c. 22), ss. 74(1), 77(2), **Sch. 1 para. 148(6)**; S.I. 2006/1972, **art. 3**, Sch. 1 paras. 24, 25(m)(ii) (subject to art. 4, Sch. 2) (as amended by S.I. 2006/2268, art. 4); S.I. 2008/1656, **art. 2** (subject to art. 3, Sch. 1)
- F106** Word in s. 62(7)(a) substituted (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by Electoral Administration Act 2006 (c. 22), ss. 74(1), 77(2), **Sch. 1 para. 148(7)**; S.I. 2006/1972, **art. 3**, Sch. 1 para. 25(m)(ii) (subject to art. 4, Sch. 2) (as amended by S.I. 2006/2268, art. 4); S.I. 2008/1656, **art. 2** (subject to art. 3, Sch. 1)
- F107** Words in s. 62(7)(b) substituted (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by Electoral Administration Act 2006 (c. 22), ss. 74(1), 77(2), **Sch. 1 para. 148(8)(a)**; S.I. 2006/1972, **art. 3**, Sch. 1 paras. 24, 25(m)(ii) (subject to art. 4, Sch. 2) (as amended by S.I. 2006/2268, art. 4); S.I. 2008/1656, **art. 2** (subject to art. 3, Sch. 1)
- F108** Words in s. 62(7)(b) substituted (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by Electoral Administration Act 2006 (c. 22), ss. 74(1), 77(2), **Sch. 1 para. 148(8)(b)**; S.I. 2006/1972, **art. 3**, Sch. 1 paras. 24, 25(m)(ii) (subject to art. 4, Sch. 2) (as amended by S.I. 2006/2268, art. 4); S.I. 2008/1656, **art. 2** (subject to art. 3, Sch. 1)
- F109** Word in s. 62(7)(b) substituted (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by Electoral Administration Act 2006 (c. 22), ss. 74(1), 77(2), **Sch. 1 para. 148(8)(c)**; S.I. 2006/1972, **art. 3**, Sch. 1 paras. 24, 25(m)(ii) (subject to art. 4, Sch. 2) (as amended by S.I. 2006/2268, art. 4); S.I. 2008/1656, **art. 2** (subject to art. 3, Sch. 1)
- F110** Words in s. 62(7)(b) substituted (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by Electoral Administration Act 2006 (c. 22), ss. 74(1), 77(2), **Sch. 1 para. 148(8)(d)**; S.I. 2006/1972, **art. 3**, Sch. 1 paras. 24, 25(m)(ii) (subject to art. 4, Sch. 2) (as amended by S.I. 2006/2268, art. 4); S.I. 2008/1656, **art. 2** (subject to art. 3, Sch. 1)

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**Modifications etc. (not altering text)**

- C63** Ss. 50-69 excluded (temp. from 25.9.2006 until 31.10.2007) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 10(2)(a), **11(1)(2)**, 31(2)
- C64** S. 62(1)(a) modified (16.2.2001) by S.I. 2001/222, art. 2, **Sch. 1 Pt. II para. 3**

**Status:** Point in time view as at 06/04/2008. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** Political Parties, Elections and Referendums Act 2000 is up to date with all changes known to be in force on or before 14 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

#### Commencement Information

**I50** S. 62 wholly in force at 16.2.2001; s. 62 not in force at Royal Assent, see s. 163(2); s. 62 in force at 16.2.2001 by [S.I. 2001/222](#), [art. 2](#), [Sch. 1 Pt. I](#) (with [Sch. 1 Pt. II para. 2](#))

### [<sup>F111</sup> 62A Exemption from requirement to prepare quarterly reports

- (1) This section applies if each of four consecutive donation reports prepared by the treasurer of a registered party in pursuance of subsection (1) of section 62 contains—
  - (a) in the case of a party without accounting units, a statement under subsection (10) of that section, or
  - (b) in the case of a party with accounting units, statements under subsection (10) of that section in relation to the central organisation of the party and each of its accounting units.
- (2) The treasurer is not required to prepare any further donation reports in pursuance of subsection (1) of that section until a recordable donation—
  - (a) is accepted by the registered party, or
  - (b) is dealt with by the registered party in accordance with section 56(2).
- (3) A recordable donation is a donation which is required to be recorded by virtue of any of subsections (4) to (9) of section 62 (including those subsections as applied by subsection (11) of that section).
- (4) If a recordable donation is accepted or (as the case may be) dealt with in accordance with section 56(2), nothing in this section affects the operation of section 62 in relation to—
  - (a) the reporting period in which the recordable donation is so accepted or dealt with, or
  - (b) any subsequent reporting period which falls before the time (if any) when this section again applies in relation to the party.
- (5) In this section, “donation report” and “reporting period” have the same meaning as in section 62.]

#### Textual Amendments

**F111** S. 62A inserted (11.9.2006 with application as mentioned in [s. 56\(2\)](#) of the amending Act) by [Electoral Administration Act 2006 \(c. 22\)](#), [ss. 56\(1\)](#), [77\(2\)](#); [S.I. 2006/1972](#), [art. 3](#), [Sch. 1 para. 17](#) (subject to [art. 4](#), [Sch. 2](#))

### 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.

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- (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.

**Modifications etc. (not altering text)**

**C65** Ss. 50-69 excluded (temp. from 25.9.2006 until 31.10.2007) by [Northern Ireland \(Miscellaneous Provisions\) Act 2006 \(c. 33\)](#), ss. 10(2)(a), **11(1)(2)**, 31(2)

**Commencement Information**

**I51** S. 63 wholly in force at 16.2.2001; s. 63 not in force at Royal Assent, see s. 163(2); s. 63 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, **Sch. 1 Pt. I** (with [Sch. 1 Pt. II para. 2](#))

**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

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- (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—
- (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 <sup>M49</sup>People Act 1983 (parliamentary election rules) contains the name of a candidate standing in the name of the party.

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**Modifications etc. (not altering text)**

**C66** Ss. 50-69 excluded (temp. from 25.9.2006 until 31.10.2007) by [Northern Ireland \(Miscellaneous Provisions\) Act 2006 \(c. 33\)](#), ss. 10(2)(a), **11(1)(2)**, 31(2)

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#### Commencement Information

**I52** S. 64 wholly in force at 16.2.2001; s. 64 not in force at Royal Assent, see s. 163(2); s. 64 in force at 16.2.2001 by [S.I. 2001/222, art. 2](#), [Sch. 1 Pt. I](#) (with [Sch. 1 Pt. II para. 2](#))

#### Marginal Citations

**M49** [1983 c. 2](#).

### 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.
- [<sup>F112</sup>(2A) If a donation report under section 62 or 63 states that the registered party has seen evidence of such description as is prescribed by the Secretary of State in regulations that an individual donor has an anonymous entry in an electoral register (within the meaning of the Representation of the People Act 1983), the report must be accompanied by a copy of the evidence.]
- (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.

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### Textual Amendments

**F112** S. 65(2A) inserted (E.W.S.) (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 10(2), 77(2), [Sch. 1 para. 25](#); [S.I. 2006/3412](#), [art 3](#), [Sch. 1 para. 12\(a\)](#) (subject to [art. 6](#), [Sch. 2](#))

### Modifications etc. (not altering text)

**C67** Ss. 50-69 excluded (temp. from 25.9.2006 until 31.10.2007) by [Northern Ireland \(Miscellaneous Provisions\) Act 2006 \(c. 33\)](#), ss. 10(2)(a), [11\(1\)\(2\)](#), 31(2)

### Commencement Information

**I53** S. 65 wholly in force at 16.2.2001; s. 65 not in force at Royal Assent, see s. 163(2); s. 65 in force at 16.2.2001 by [S.I. 2001/222](#), [art. 2](#), [Sch. 1 Pt. I](#) (with [Sch. 1 Pt. II para. 2](#))

## 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.

### Modifications etc. (not altering text)

**C68** Ss. 50-69 excluded (temp. from 25.9.2006 until 31.10.2007) by [Northern Ireland \(Miscellaneous Provisions\) Act 2006 \(c. 33\)](#), ss. 10(2)(a), [11\(1\)\(2\)](#), 31(2)



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#### Commencement Information

**I54** S. 66 wholly in force at 16.2.2001; s. 66 not in force at Royal Assent, see s. 163(2); s. 66 in force at 16.2.2001 by [S.I. 2001/222, art. 2](#), **Sch. 1 Pt. I** (with [Sch. 1 Pt. II para. 2](#))

### *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—
    - (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.

#### Modifications etc. (not altering text)

**C69** Ss. 50-69 excluded (temp. from 25.9.2006 until 31.10.2007) by [Northern Ireland \(Miscellaneous Provisions\) Act 2006 \(c. 33\)](#), ss. 10(2)(a), **11(1)(2)**, 31(2)

#### Commencement Information

**I55** S. 67 wholly in force at 16.2.2001; s. 67 in force for specified purposes at Royal Assent, see s. 163(3); s. 67 in force in so far as not already in force at 16.2.2001 by [S.I. 2001/222, art. 2](#), **Sch. 1 Pt. I** (with [Sch. 1 Pt. II para. 2](#))

### *Reports to be made by donors*

#### **68 Reporting of multiple small donations.**

**F113** .....

#### Textual Amendments

**F113** S. 68 repealed (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 57, 74(2), 77(2), **Sch. 2**; [S.I. 2006/1972, art 3](#), [Sch. 1 paras. 17, 24, 26\(3\)\(a\)](#) (subject to [art. 4](#), [Sch. 2](#))

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### *Register of donations*

#### **69 Register of recordable donations.**

- (1) The Commission shall maintain a register of all donations reported to them under this Chapter.
- (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;
  - [<sup>F114</sup>(aa) whether the donation is in the form of sponsorship (within the meaning of section 51);]
  - (b) (subject to subsection (4)) such other details as have been given in relation to the donation in pursuance of [<sup>F115</sup>paragraph 2, 2A, 3, 3A, 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) <sup>F116</sup> .....
- (4) The details required by virtue of subsection (2) <sup>F117</sup> . . . 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) <sup>F117</sup> . . . to be entered in the register in respect of the donation or donations as soon as is reasonably practicable.

#### **Textual Amendments**

- F114** S. 69(2)(aa) inserted (30.6.2007) by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 58**, 77(2); S.I. 2007/1847, **art. 2** (with **art. 3**)
- F115** Words in s. 69(2)(b) substituted (1.11.2007) by [The Political Parties, Elections and Referendums Act 2000 \(Northern Ireland Political Parties\) Order 2007 \(S.I. 2007/2501\)](#), **art. 3** {Sch. 2 para. 3}
- F116** S. 69(3) repealed (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 74**, 77(2), **Sch. 1 para. 149(a)**, **Sch. 2**; S.I. 2007/1972, **art. 3**, **Sch. 1 paras. 24, 25(i), 26(3)(a)** (subject to **art. 4**, **Sch. 2**)
- F117** Words in S. 69(4)(5) repealed (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 74**, 77(2), **Sch. 1 para. 149(b)**, **Sch. 2**; S.I. 2007/1972, **art. 3**, **Sch. 1 paras. 24, 25(i), 26(3)(a)** (subject to **art. 4**, **Sch. 2**)

#### **Modifications etc. (not altering text)**

- C70** Ss. 50-69 excluded (temp. from 25.9.2006 until 31.10.2007) by [Northern Ireland \(Miscellaneous Provisions\) Act 2006 \(c. 33\)](#), **ss. 10(2)(a)**, **11(1)(2)**, 31(2)

#### **Commencement Information**

- I56** S. 69 wholly in force at 16.2.2001; s. 69 not in force at Royal Assent, see s. 163(2); s. 69 in force at 16.2.2001 by S.I. 2001/222, **art. 2**, **Sch. 1 Pt. I** (with **Sch. 1 Pt. II para. 2**)

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## F118F118 CHAPTER IV

### POWER TO MAKE SPECIAL PROVISION

#### Textual Amendments

**F118** Pt. 4 Ch. 4 repealed (25.9.2006) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 10(2)(a), 11(8)(a)(ii), 30(2), 31(2)(4), Sch. 5

## 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.

#### Commencement Information

**I58** S. 71 wholly in force at 16.2.2001; s. 71 not in force at Royal Assent, see s. 163(2); s. 71 in force at 16.2.2001 by S.I. 2001/222, art. 2, Sch. 1 Pt. I (subject to the transitional provisions in Sch. 1 Pt. II)

## [F119] CHAPTER 6

### SPECIAL PROVISION IN CONNECTION WITH NORTHERN IRELAND

#### Textual Amendments

**F119** Pt. 4 Ch. 6 inserted (1.11.2007) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 10(2)(b), 12, 31(2)

#### 71A Introduction

- (1) The following provisions have effect for the interpretation of this Chapter.
- (2) “Northern Ireland recipient” means—
  - (a) a party registered in the Northern Ireland register, or
  - (b) a regulated donee who is—
    - (i) an individual ordinarily resident in Northern Ireland, or
    - (ii) a members association wholly or mainly consisting of members of a Northern Ireland party.
- (3) “Regulated donee” and “members association” have the same meaning as in Schedule 7.

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- (4) “Prescribed” means prescribed by an order made by the Secretary of State after consulting the Commission.

### **71B Extension of categories of permissible donors in relation to Northern Ireland recipients**

- (1) In relation to a donation to a Northern Ireland recipient, section 54(2) has effect as if the following were also permissible donors—
- (a) an Irish citizen in relation to whom any prescribed conditions are met;
  - (b) a body which is of a prescribed description or category and in relation to which any prescribed conditions are met.
- (2) A description or category of body must not be prescribed for the purposes of subsection (1)(b) unless the Secretary of State is satisfied that a body of that description or category would be entitled under Irish law to donate to an Irish political party.
- (3) In relation to a donation in the form of a bequest subsection (1)(a) is to be read as referring to an individual—
- (a) who at any time within the period of five years ending with the date of his death was an Irish citizen, and
  - (b) in relation to whom, at the time of his death, any prescribed conditions were met.

### **71C Northern Ireland recipients not permissible donors in relation to Great Britain**

- (1) In relation to a donation received by—
- (a) a registered party which is registered in the Great Britain register, or
  - (b) a regulated donee resident or carrying on activities in Great Britain,
- section 54(2) has effect as if it did not include a party registered in the Northern Ireland register.
- (2) The reference in subsection (1)(b) to Great Britain includes the combined region.

### **<sup>F120</sup>71D Duty to verify donation reports**

- (1) The Commission must take such steps as are prescribed for the purpose of verifying the information given in Northern Ireland reports.
- (2) “Northern Ireland report” means a report to the Commission which—
- (a) is prepared by a Northern Ireland recipient, and
  - (b) contains, or purports to contain, information required to be given by Schedule 6 or 7.

#### **Textual Amendments**

**F120** Ss. 71D, 71E inserted (1.11.2007) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 10(2)(b), 14(1)(2), 31(2), **Sch. 1 para. 1** (as amended: (2.8.2010) by S.I. 2010/2061, **arts. 1, 2**; (1.3.2011) by S.I. 2011/431, **arts. 1(2), 2**; (28.2.2013) by S.I. 2013/320, **arts. 1(2), 2**; and (13.3.2014) by 2014 c. 13, **ss. 1(1), 28(1)(a)(i)**)

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## 71E Duty not to disclose contents of donation reports

- (1) A person who is or has been a member or employee of the Commission must not disclose any information which—
  - (a) relates to a donation received by a Northern Ireland recipient, and
  - (b) has been obtained by the Commission in the exercise of their functions under this Part,except in the following cases.
- (2) Such information may be disclosed, for the purpose of verifying information given in a Northern Ireland report,—
  - (a) to a member or employee of the Commission, or
  - (b) to such bodies as may be prescribed.
- (3) Such information may be disclosed for the purposes of any criminal or civil proceedings.
- (4) Such information may be disclosed in accordance with any prescribed requirements if it relates to a donation which the Commission believe, on reasonable grounds, was a donation required to be dealt with in accordance with section 56(2) (donations from impermissible and unidentifiable donors).
- (5) A person who contravenes subsection (1) is guilty of an offence.]]

### Textual Amendments

**F120** Ss. 71D, 71E inserted (1.11.2007) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 10(2)(b), 14(1)(2), 31(2), **Sch. 1 para. 1** (as amended: (2.8.2010) by S.I. 2010/2061, **arts. 1, 2**; (1.3.2011) by S.I. 2011/431, **arts. 1(2), 2**; (28.2.2013) by S.I. 2013/320, **arts. 1(2), 2**; and (13.3.2014) by 2014 c. 13, **ss. 1(1), 28(1)(a)(i)**)

## PART 4A

### REGULATION OF LOANS AND RELATED TRANSACTIONS

## 71F <sup>x1</sup>Regulated transactions

- (1) In this Part, a reference to a regulated transaction must be construed in accordance with this section.
- (2) An agreement between a registered party and another person by which the other person makes a loan of money to the party is a regulated transaction.
- (3) An agreement between a registered party and another person by which the other person provides a credit facility to the party is a regulated transaction.
- (4) Where—
  - (a) a registered party and another person (A) enter into a regulated transaction of a description mentioned in subsection (2) or (3) or a transaction under which any property, services or facilities are provided for the use or benefit of the party (including the services of any person), and

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- (b) A also enters into an arrangement whereby another person (B) gives any form of security (whether real or personal) for a sum owed to A by the party under the transaction mentioned in paragraph (a),  
the arrangement is a regulated transaction.
- (5) An agreement or arrangement is also a regulated transaction if—
- (a) the terms of the agreement or arrangement as first entered into do not constitute a regulated transaction by virtue of subsection (2), (3) or (4), but
  - (b) the terms are subsequently varied in such a way that the agreement or arrangement becomes a regulated transaction.
- (6) References in subsections (2) and (3) to a registered party include references to an officer, member, trustee or agent of the party if he makes the agreement as such.
- (7) References in subsection (4) to a registered party include references to an officer, member, trustee or agent of the party if the property, services or facilities are provided to him, or the sum is owed by him, as such.
- (8) Except so far as the contrary intention appears, references to a registered party in the context of—
- (a) the making of a loan to a registered party,
  - (b) the provision of a credit facility to a registered party, or
  - (c) a sum being owed by a registered party,
- must, 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.
- (9) A reference to a connected transaction is a reference to the transaction mentioned in subsection (4)(b).
- (10) In this section a reference to anything being done by or in relation to a party or a person includes a reference to its being done directly or indirectly through a third person.
- (11) A credit facility is an agreement whereby a registered party is enabled to receive from time to time from another party to the agreement a loan of money not exceeding such amount (taking account of any repayments made by the registered party) as is specified in or determined in accordance with the agreement.
- (12) An agreement or arrangement is not a regulated transaction—
- (a) to the extent that, in accordance with any enactment, a payment made in pursuance of the agreement or arrangement falls to be included in a return as to election expenses in respect of a candidate or candidates at a particular election, or
  - (b) if its value is not more than £200.
- (13) The Secretary of State may, by order, specify circumstances or any description of circumstances in which an agreement or arrangement falling within any of subsections (2) to (5) is not a regulated transaction.

#### **Editorial Information**

- X1** The insertion of the new heading "Chapter 1" in Pt. 4A on 1.7.2008 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

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## 71G <sup>X2</sup>Valuation of regulated transaction

- (1) The value of a regulated transaction which is a loan is the value of the total amount to be lent under the loan agreement.
- (2) The value of a regulated transaction which is a credit facility is the maximum amount which may be borrowed under the agreement for the facility.
- (3) The value of a regulated transaction which is an arrangement by which any form of security is given is the contingent liability under the security provided.
- (4) For the purposes of subsections (1) and (2), no account is to be taken of the effect of any provision contained in a loan agreement or an agreement for a credit facility at the time it is entered into which enables outstanding interest to be added to any sum for the time being owed in respect of the loan or credit facility, whether or not any such interest has been so added.

### Editorial Information

- X2** The insertion of the new heading "Chapter 1" in Pt. 4A on 1.7.2008 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

## 71H <sup>X3</sup>Authorised participants

- (1) A registered party must not—
  - (a) be a party to a regulated transaction to which any of the other parties is not an authorised participant;
  - (b) derive a benefit in consequence of a connected transaction if any of the parties to that transaction is not an authorised participant.
- (2) This section does not apply to a regulated transaction if it was entered into before the commencement of section 61 of the Electoral Administration Act 2006.
- (3) In this Part, an authorised participant is a person who is a permissible donor within the meaning of section 54(2).
- (4) The Secretary of State may, by order, specify circumstances or any description of circumstances in which a person who is not a permissible donor is to be treated as an authorised participant.

### Editorial Information

- X3** The insertion of the new heading "Chapter 1" in Pt. 4A on 1.7.2008 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

## 71I <sup>X4</sup>Regulated transaction involving unauthorised participant

- (1) This section applies if a registered party is a party to a regulated transaction in which another participant is not an authorised participant.
- (2) The transaction is void.

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- (3) Despite subsection (2)—
- (a) any money received by the registered party by virtue of the transaction must be repaid by the treasurer of the party to the person from whom it was received, along with interest at such rate as is determined in accordance with an order made by the Secretary of State;
  - (b) that person is entitled to recover the money, along with such interest.
- (4) If—
- (a) the money is not (for whatever reason) repaid as mentioned in subsection (3) (a), or
  - (b) the person entitled to recover the money refuses or fails to do so,
- the Commission may apply to the court to make such order as it thinks fit to restore (so far as is possible) the parties to the transaction to the position they would have been in if the transaction had not been entered into.
- (5) An order under subsection (4) may in particular—
- (a) where the transaction is a loan or credit facility, require that any amount owed by the registered party be repaid (and that no further sums be advanced under it);
  - (b) where any form of security is given for a sum owed under the transaction, require that security to be discharged.
- (6) In the case of a regulated transaction where a party other than a registered party—
- (a) at the time the registered party enters into the transaction, is an authorised participant, but
  - (b) subsequently, for whatever reason, ceases to be an authorised participant,
- the transaction is void and subsections (3) to (5) apply with effect from the time when the other party ceased to be an authorised participant.
- (7) This section does not apply to a regulated transaction if it was entered into before the commencement of section 61 of the Electoral Administration Act 2006.

#### **Editorial Information**

- X4** The insertion of the new heading "Chapter 1" in Pt. 4A on 1.7.2008 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

## **71J** <sup>X5</sup>**Guarantees and securities: unauthorised participants**

- (1) This section applies if—
- (a) a registered party and another person (A) enter into a transaction of a description mentioned in section 71F(4)(a),
  - (b) A is party to a regulated transaction of a description mentioned in section 71F(4)(b) (“the connected transaction”) with another person (B), and
  - (c) B is not an authorised participant.
- (2) Section 71I(2) to (5) applies to the transaction mentioned in subsection (1)(a).
- (3) The connected transaction is void.



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- (4) Subsection (5) applies if (but only if) A is unable to recover from the party the whole of the money mentioned in section 71I(3)(a) (as applied by subsection (2) above), along with such interest as is there mentioned.
- (5) Despite subsection (3), A is entitled to recover from B any part of that money (and such interest) that is not recovered from the party.
- (6) Subsection (5) does not entitle A to recover more than the contingent liability under the security provided by virtue of the connected transaction.
- (7) In the case of a connected transaction where B—
  - (a) at the time A enters into the transaction, is an authorised participant, but
  - (b) subsequently, for whatever reason, ceases to be an authorised participant,subsections (2) to (6) apply with effect from the time when B ceased to be an authorised participant.
- (8) This section does not apply to a regulated transaction if it was entered into before the commencement of section 61 of the Electoral Administration Act 2006.
- (9) If the transaction mentioned in section 71F(4)(a) is not a regulated transaction of a description mentioned in section 71F(2) or (3), references in this section and section 71I(2) to (5) (as applied by subsection (2) above) to the repayment or recovery of money must be construed as references to (as the case may be)—
  - (a) the return or recovery of any property provided under the transaction,
  - (b) to the extent that such property is incapable of being returned or recovered or its market value has diminished since the time the transaction was entered into, the repayment or recovery of the market value at that time, or
  - (c) the market value (at that time) of any facilities or services provided under the transaction.

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**Editorial Information**

- X5** The insertion of the new heading "Chapter 1" in Pt. 4A on 1.7.2008 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

**71K** <sup>X6</sup>**Transfer to unauthorised participant invalid**

If an authorised participant purports to transfer his interest in a regulated transaction to a person who is not an authorised participant the purported transfer is of no effect.

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**Editorial Information**

- X6** The insertion of the new heading "Chapter 1" in Pt. 4A on 1.7.2008 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

**71L** <sup>X7</sup>**Offences relating to regulated transactions**

- (1) A registered party commits an offence if—

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- (a) it enters into a regulated transaction of a description mentioned in section 71F(2) or (3) in which another participant is not an authorised participant, and
  - (b) an officer of the party knew or ought reasonably to have known of the matters mentioned in paragraph (a).
- (2) A person commits an offence if—
  - (a) he is the treasurer of a registered party,
  - (b) the party enters into a regulated transaction of a description mentioned in section 71F(2) or (3) in which another participant is not an authorised participant, and
  - (c) he knew or ought reasonably to have known of the matters mentioned in paragraph (b).
- (3) A registered party commits an offence if—
  - (a) it enters into a regulated transaction of a description mentioned in section 71F(2) or (3) in which another participant is not an authorised participant,
  - (b) no officer of the party knew or ought reasonably to have known that the other participant is not an authorised participant, and
  - (c) as soon as practicable after knowledge of the matters mentioned in paragraph (a) comes to the treasurer of the party he fails to take all reasonable steps to repay any money which the party has received by virtue of the transaction.
- (4) A person who is the treasurer of a registered party commits an offence if—
  - (a) the party enters into a regulated transaction of a description mentioned in section 71F(2) or (3) in which another participant is not an authorised participant,
  - (b) subsection (2)(c) does not apply to him, and
  - (c) as soon as practicable after knowledge of the matters mentioned in paragraph (a) comes to him he fails to take all reasonable steps to repay any money which the party has received by virtue of the transaction.
- (5) A registered party commits an offence if—
  - (a) it benefits from or falls to benefit in consequence of a connected transaction to which any of the parties is not an authorised participant, and
  - (b) an officer of the party knew or ought reasonably to have known of the matters mentioned in paragraph (a).
- (6) A person commits an offence if—
  - (a) he is the treasurer of a registered party,
  - (b) the party benefits from or falls to benefit in consequence of a connected transaction to which any of the parties is not an authorised participant, and
  - (c) he knew or ought reasonably to have known of the matters mentioned in paragraph (b).
- (7) A registered party commits an offence if—
  - (a) it is a party to a transaction of a description mentioned in section 71F(4)(a),
  - (b) it benefits from or falls to benefit in consequence of a connected transaction to which any of the parties is not an authorised participant,

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- (c) no officer of the party knew or ought reasonably to have known of the matters mentioned in paragraphs (a) and (b), and
  - (d) as soon as practicable after knowledge of the matters mentioned in paragraphs (a) and (b) comes to the treasurer of the party he fails to take all reasonable steps to pay to any person who has provided the party with any benefit in consequence of the connected transaction the value of the benefit.
- (8) A person who is the treasurer of a registered party commits an offence if—
- (a) the party is a party to a transaction of a description mentioned in section 71F(4)(a),
  - (b) the party benefits from or falls to benefit in consequence of a connected transaction to which any of the parties is not an authorised participant,
  - (c) subsection (6)(c) does not apply to him, and
  - (d) as soon as practicable after knowledge of the matters mentioned in paragraphs (a) and (b) comes to him he fails to take all reasonable steps to pay to any person who has provided the party with any benefit in consequence of the connected transaction the value of the benefit.
- (9) 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 concealment or disguise or otherwise, the participation by a registered party in a regulated transaction with a person other than an authorised participant.
- (10) It is a defence for a person charged with an offence under subsection (2) to prove that he took all reasonable steps to prevent the registered party entering the transaction.
- (11) It is a defence for a person charged with an offence under subsection (6) to prove that he took all reasonable steps to prevent the registered party benefiting in consequence of the connected transaction.
- (12) A reference to a registered party entering into a regulated transaction includes a reference to any circumstances in which the terms of a regulated transaction are varied so as to increase the amount of money to which the party is entitled in consequence of the transaction.
- (13) A reference to a registered party entering into a transaction in which another participant is not an authorised participant includes a reference to any circumstances in which another party to the transaction who is an authorised participant ceases (for whatever reason) to be an authorised participant.
- (14) This section does not apply to a transaction which is entered into before the commencement of section 61 of the Electoral Administration Act 2006.

#### **Editorial Information**

- X7** The insertion of the new heading "Chapter 1" in Pt. 4A on 1.7.2008 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

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#### **Modifications etc. (not altering text)**

**C73** S. 71L(14) modified (30.1.2009) by [The European Parliamentary Elections \(Loans and Related Transactions and Miscellaneous Provisions\) \(United Kingdom and Gibraltar\) Order 2009 \(S.I. 2009/185\)](#), arts. 1(2), 2(2), **Sch. para. 8**

### **71M <sup>x8</sup>Quarterly reports of regulated transactions**

- (1) The treasurer of a registered party must, 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) The reports prepared under subsection (1) for any year must, in the case of each authorised participant who enters into or is party to a regulated transaction with the party in that year, comply with—
  - (a) the following provisions of this section so far as they require any such transaction to be recorded in such a report;
  - (b) section 71N so far as it requires any changes in relation to any such transaction to be so recorded.
- (3) In this section—
 

“transaction 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;

“relevant transaction”, in relation to an authorised participant and a year, means a regulated transaction entered into by the participant and the registered party in that year;

“relevant benefit”, in relation to any person and any year, means—

  - (a) a relevant donation within the meaning of section 62(3) accepted by the party from that person as a donor, or
  - (b) a relevant transaction entered into by the party and that person as a participant,

and a relevant benefit accrues when it is accepted (if it is a donation) or entered into (if it is a transaction).
- (4) Where no previous relevant benefit or benefits has or have been required to be recorded under this subsection or section 62(4), a relevant transaction must be recorded—
  - (a) if the value of the transaction is more than £5,000, or
  - (b) if the aggregate amount of it and any other relevant benefit or benefits is more than £5,000.
- (5) A transaction to which subsection (4) applies must—
  - (a) if it falls within paragraph (a) of that subsection, be recorded in the transaction report for the reporting period in which the transaction is entered into, or
  - (b) if it falls within paragraph (b) of that subsection, be recorded (together with any other relevant transaction or transactions included in the aggregate amount mentioned in that paragraph) in the transaction report for the reporting

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period in which the benefit which causes that aggregate to be more than £5,000 accrues.

- (6) Where any previous relevant benefit or benefits has or have been required to be recorded under subsection (4) or section 62(4), a relevant transaction must be recorded at the point when a relevant transaction falling within subsection (7) has been entered into—
- (a) since the benefit or benefits required to be recorded under that provision, or
  - (b) if any relevant benefit or benefits has or have previously been required to be recorded under this subsection or section 62(6), since the benefit or benefits last required to be so recorded.
- (7) A relevant transaction falls within this subsection—
- (a) if the value of the transaction is more than £1,000, or
  - (b) if, when it is added to any other relevant benefit or benefits accruing since the time mentioned in subsection (6)(a) or (b), the aggregate amount of the benefits is more than £1,000.
- (8) A transaction to which subsection (6) applies on any occasion must—
- (a) if it is the only benefit required to be recorded on that occasion, be recorded in the transaction report for the reporting period in which it is entered into, or
  - (b) in any other case, be recorded (together with any other relevant transaction or transactions included in the aggregate amount mentioned in subsection (7)) in the transaction report for the reporting period in which the benefit which causes that aggregate amount to be more than £1,000 accrues.
- (9) A transaction report must also record any regulated transaction which is entered into by the party and a person who is not an authorised participant and is dealt with during the reporting period in accordance with section 71I or 71J.
- (10) If during any reporting period no transactions have been entered into by the party which, by virtue of the preceding provisions of this section, are required to be recorded in the transaction report for that period, the report must contain a statement to that effect.
- (11) Where a registered party is a party with accounting units, subsections (2) to (10) 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 (2) to (9) in their application to the central organisation and any year by virtue of subsection (11), any transaction—
- (a) which is entered into by an authorised participant and 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 transaction entered into by the accounting unit,
- must be treated as a transaction entered into by the authorised participant and the central organisation.

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- (13) Schedule 6A has effect with respect to the information to be given in transaction reports.

**Editorial Information**

- X8** The insertion of the new heading "Chapter 1" in Pt. 4A on 1.7.2008 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

**71N** <sup>X9</sup>**Changes to be recorded in quarterly reports**

- (1) If during any reporting period, in the case of any recorded transaction—
- (a) another authorised participant becomes party to the transaction (whether in place of or in addition to any existing participant),
  - (b) there is any change in the details given in relation to the transaction in pursuance of paragraph 5, 6 or 7 of Schedule 6A, or
  - (c) the transaction comes to an end,
- the change must be recorded in the transaction report for that period.
- (2) For the purposes of subsection (1)(c), a loan comes to an end if—
- (a) the whole debt (or all the remaining debt) is repaid;
  - (b) the creditor releases the whole debt (or all the remaining debt);
- and in such a case the transaction report must state how the loan has come to an end.
- (3) A transaction report must also record any change by which a person who is not an authorised participant becomes party to the transaction (whether in place of or in addition to any existing participant) and in consequence of which the transaction is dealt with in accordance with section 71I or 71J.
- (4) If during any reporting period there have been no changes (as mentioned in subsection (1) or (3)) to any recorded transaction, the report must contain a statement to that effect.
- (5) A recorded transaction, in relation to a reporting period, is a regulated transaction which is or has been recorded in a transaction report for that or a previous reporting period.
- (6) Where a registered party is a party with accounting units, subsections (1) to (5) apply separately in relation to the central organisation of the party and each of its accounting units; and the reference in subsection (5) to a transaction report for a previous reporting period is a reference to a report prepared in relation the central organisation or accounting unit, as the case may be.
- (7) In this section, “reporting period” and “transaction report” have the meanings given in section 71M.

**Editorial Information**

- X9** The insertion of the new heading "Chapter 1" in Pt. 4A on 1.7.2008 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

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## 71O <sup>X10</sup>Existing transactions

- (1) This section applies in relation to the first report prepared under section 71M(1) by the treasurer of a party which, at the date on which that section comes into force, is a registered party.
- (2) Sections 71M and 71N have effect, in the case of a person (whether or not an authorised participant) who is a party to an existing transaction, as if—
  - (a) that transaction had been entered into in the reporting period to which the report relates;
  - (b) any change (as mentioned in section 71N(1) or (3)) to the transaction had occurred during that period;
  - (c) references in section 71M to a relevant benefit did not include references to a relevant donation.
- (3) An existing transaction is a regulated transaction which, at the date on which section 71M comes into force, has not come to an end for the purposes of section 71N(1)(c).

### Editorial Information

**X10** The insertion of the new heading "Chapter 1" in Pt. 4A on 1.7.2008 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

## 71P <sup>X11</sup>Exemption from requirement to prepare quarterly reports

- (1) This section applies if each of four consecutive transaction reports prepared by the treasurer of a registered party in pursuance of subsection (1) of section 71M contains—
  - (a) in the case of a party without accounting units, a statement under subsection (10) of that section and a statement under subsection (4) of section 71N, or
  - (b) in the case of a party with accounting units, statements under each of those subsections in relation to the central organisation of the party and each of its accounting units.
- (2) The treasurer is not required to prepare any further transaction reports in pursuance of subsection (1) of section 71M until—
  - (a) a recordable transaction is entered into by the registered party, or
  - (b) a recordable change is made to a recorded transaction.
- (3) A recordable transaction is a transaction which is required to be recorded by virtue of any of subsections (4) to (9) of section 71M (including those subsections as applied by subsection (11) of that section).
- (4) A recordable change is a change which is required to be recorded by virtue of subsection (1) of section 71N (including that subsection as applied by subsection (6) of that section).
- (5) If a recordable transaction is entered into or a recordable change is made, nothing in this section affects the operation of section 71M or 71N in relation to—
  - (a) the reporting period in which the recordable transaction is entered into or the recordable change is made, or

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- (b) any subsequent reporting period which falls before the time (if any) when this section again applies in relation to the party.
- (6) In this section—
- “transaction report” and “reporting period” have the same meaning as in section 71M;
- “recorded transaction” has the same meaning as in section 71N.

#### **Editorial Information**

**X11** The insertion of the new heading "Chapter 1" in Pt. 4A on 1.7.2008 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

### **71Q <sup>X12</sup>Weekly transaction reports during general election periods**

- (1) Subject to section 71R, the treasurer of a registered party must, in the case of any general election period, prepare a report under this subsection 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 must record each regulated transaction which has a value of more than £5,000 entered into 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 transactions falling within subsection (3) have been entered into as mentioned in that subsection, the weekly report for that period must contain a statement to that effect.
- (5) Schedule 6A has effect with respect to the information to be given in weekly reports.
- (6) The weekly report for any reporting period must also record any change (as mentioned in section 71N(1) or (3)) during that period to a regulated transaction recorded—
- (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).
- (7) For the purposes of subsection (6), a transaction is recorded by a party or the central organisation of a party if it is or has been recorded in—
- (a) a transaction report prepared under section 71M(1), or
  - (b) a weekly report prepared for that or a previous reporting period falling within the general election period.



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- (8) If during any reporting period there have been no changes falling within subsection (6), the weekly report for that period must contain a statement to that effect.
- (9) In this section and section 71R “general election period” has the meaning given in section 63.

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**Editorial Information**

**X12** The insertion of the new heading "Chapter 1" in Pt. 4A on 1.7.2008 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

**71R** <sup>X13</sup>**Exemptions from section 71Q**

- (1) Section 71Q(1) does not apply in relation to a registered party in respect of a general election period if the party has made an exemption declaration under section 64 which covers the general election in question.
- (2) In its application (in accordance with subsection (1)) in relation to section 71Q, section 64 is to be read subject to the following modifications—
  - (a) the reference in subsection (5) to section 63 is to be read as a reference to section 71Q;
  - (b) subsection (6) is omitted.

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**Editorial Information**

**X13** The insertion of the new heading "Chapter 1" in Pt. 4A on 1.7.2008 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

**71S** <sup>X14</sup>**Submission of transaction reports to Commission**

- (1) A transaction report under section 71M must 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 transaction report under section 71Q must 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 71Q applies by virtue of section 64(5) (as applied by section 71R), within the period of 7 days beginning with the first day on which the party has a candidate at the election in question.
- (3) If a transaction report under section 71M or 71Q states that the registered party has seen evidence of such description as is prescribed by the Secretary of State in regulations that an individual participant has an anonymous entry in the electoral register (within the meaning of the Representation of the People Act 1983), the report must be accompanied by a copy of the evidence.

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- (4) 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 transaction report.
- (5) The treasurer of a registered party also commits an offence if he delivers a transaction report to the Commission which does not comply with any requirements of this Part as regards the recording of transactions, or changes to transactions, in such a report.
- (6) 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 transactions entered into by the party, or changes to transactions made, during the relevant reporting period.
- (7) Where the court is satisfied, on an application made by the Commission, that any failure to comply with any such requirements in relation to—
  - (a) any transaction entered into by a registered party, or
  - (b) any change made to a transaction to which the registered party is a party,
 was attributable to an intention on the part of any person to conceal the existence or true value of the transaction, the court may make such order as it thinks fit to restore (so far as is possible) the parties to the transaction to the position they would have been in if the transaction had not been entered into.
- (8) An order under subsection (7) may in particular—
  - (a) where the transaction is a loan or credit facility, require that any amount owed by the registered party be repaid (and that no further sums be advanced under it);
  - (b) where any form of security is given for a sum owed under the transaction, or the transaction is an arrangement by which any form of security is given, require that the security be discharged.
- (9) The reference in subsection (2) to a party having a candidate at an election must be construed in accordance with section 64(9).

#### **Editorial Information**

**X14** The insertion of the new heading "Chapter 1" in Pt. 4A on 1.7.2008 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

#### **71T** <sup>X15</sup>**Declaration by treasurer in transaction report**

- (1) Each transaction report under section 71M or 71Q 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 71M (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 transactions recorded in the report were entered into by the party with authorised participants,
  - (b) during the reporting period no transaction has been entered into by the party which is required to be recorded in the report but is not so recorded,
  - (c) during the reporting period no change has been made to a regulated transaction which is required to be recorded in the report but is not so recorded, and

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- (d) during the reporting period the party has not entered into any regulated transaction with a person or body other than an authorised participant.
- (3) For the purposes of subsection (2) a return under section 71M makes a nil return if it contains such a statement as is mentioned in subsection (10) of that section and a statement as is mentioned in subsection (4) of section 71N; and in the case of such a report the declaration must state that, to the best of the treasurer's knowledge and belief—
- (a) those statements are accurate, and
  - (b) during the reporting period the party has not entered into any regulated transaction with a person or body other than an authorised participant.
- (4) In the case of a report under section 71Q, the declaration must state that, to the best of the treasurer's knowledge and belief—
- (a) no transaction has been entered into by the party, or (if section 71Q(3)(b) applies) by its central organisation, during the reporting period which is required to be recorded in the report but is not so recorded, and
  - (b) no change has been made to a regulated transaction during the reporting period which is required to be recorded in the report but is not so recorded.
- (5) A person commits an offence if he knowingly or recklessly makes a false declaration under this section.

#### Editorial Information

**X15** The insertion of the new heading "Chapter 1" in Pt. 4A on 1.7.2008 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

#### 71U <sup>X16</sup>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 71Q and 71R, together with Schedule 6A,
  - (b) sections 71S and 71T, and
  - (c) section 147 so far as applying in relation to section 71S(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 “specified election period” and “relevant election” have the meanings given in section 67.

#### Editorial Information

**X16** The insertion of the new heading "Chapter 1" in Pt. 4A on 1.7.2008 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

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## **71V** <sup>X17</sup>**Register of recordable transactions**

- (1) The Commission must maintain a register of all transactions (and all changes) reported to them under this Part.
- (2) The register must be maintained by the Commission in such form as they may determine and must contain the following details in the case of each such transaction—
  - (a) the value of the transaction;
  - (b) (subject to subsection (3)) such other details as have been given in relation to the transaction in pursuance of any of paragraphs 2 to 7 of Schedule 6A;
  - (c) the relevant date for the transaction within the meaning of paragraph 8 of that Schedule.
- (3) The details required by virtue of subsection (2) do not include, in the case of any transaction entered into by an authorised participant who is an individual, the individual's address.
- (4) Where—
  - (a) any transaction or transactions is or are reported to the Commission under this Part, or
  - (b) any change or changes is or are so reported to them,
 they must cause the details mentioned in subsection (2) to be entered or, as the case may be, changed in the register in respect of the transaction or transactions as soon as is reasonably practicable.

### **Editorial Information**

**X17** The insertion of the new heading "Chapter 1" in Pt. 4A on 1.7.2008 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

## **71W** <sup>X18</sup>**Proceedings under sections 71I and 71S**

- (1) This section has effect in relation to proceedings on applications under sections 71I(4) and 71S(7).
- (2) The court is—
  - (a) in England and Wales, the county court;
  - (b) in Scotland, the sheriff, and the proceedings are civil proceedings;
  - (c) in Northern Ireland, the county court.
- (3) The standard of proof is that applicable to civil proceedings.
- (4) An order may be made whether or not proceedings are brought against any person for an offence under section 71L, 71S or 71T.
- (5) An appeal against an order made by the sheriff may be made to the Court of Session.
- (6) Rules of court may make provision—
  - (a) with respect to applications or appeals from proceedings on such applications;
  - (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;
  - (d) generally with respect to procedure in such applications or appeals.

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(7) Subsection (6) does not affect any existing power to make rules.

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**Editorial Information**

**X18** The insertion of the new heading "Chapter 1" in Pt. 4A on 1.7.2008 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

**71X** <sup>X19</sup>**Construction of Part 4A**

(1) In this Part—

“authorised participant” must be construed in accordance with section 71H;

“connected transaction” has the meaning given by section 71F(9);

“credit facility” has the meaning given by section 71F(11);

“regulated transaction” must be construed in accordance with section 71F.

(2) For the purposes of any provision relating to the reporting of transactions, anything required to be done by a registered party in consequence of its being a party to a regulated transaction must also be done by it, if it is a party to a transaction of a description mentioned in section 71F(4)(a), as if it were a party to the connected transaction.

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**Editorial Information**

**X19** The insertion of the new heading "Chapter 1" in Pt. 4A on 1.7.2008 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

**71Y** <sup>X20</sup>**Control of loans etc: individuals and members associations**

Schedule 7A, which makes provisions for controlling loans and certain other transactions to individual members of registered parties, associations of such members, and certain elected office holders, shall have effect.

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**Editorial Information**

**X20** The insertion of the new heading "Chapter 1" in Pt. 4A on 1.7.2008 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

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## 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,
 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

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- (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.

#### Commencement Information

**I59** S. 72 wholly in force at 16.2.2001; s. 72 not in force at Royal Assent, see s. 163(2); s. 72 in force at 16.2.2001 by [S.I. 2001/222, art. 2](#), [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

### 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).

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

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- (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.
- [<sup>F121</sup>(11) The reference in subsection (9)(a) to a broadcaster includes a reference to the Gibraltar Broadcasting Corporation.]



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#### Textual Amendments

**F121** S. 73(11) inserted (5.2.2004) by The European Parliamentary Elections (Combined Region and Campaign Expenditure) (United Kingdom and Gibraltar) Order 2004 (S.I. 2004/366), arts. 1(2), 4(2), Sch. para. 18

#### Commencement Information

**I60** S. 73 wholly in force at 16.2.2001; s. 73 not in force at Royal Assent, see s. 163(2); s. 73 in force at 16.2.2001 by S.I. 2001/222, art. 2, Sch. 1 Pt. I (subject to transitional provisions in Sch. 1 Pt. II)

### 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 [F122, an election to the House of Assembly of Gibraltar] 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).

#### Textual Amendments

**F122** Words in s. 74(3) inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), [Sch. para. 19](#)

#### Commencement Information

**I61** S. 74 wholly in force at 16.2.2001; s. 74 not in force at Royal Assent, see s. 163(2); s. 74 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

### *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.

#### Commencement Information

**I62** S. 75 wholly in force at 16.2.2001; s. 75 not in force at Royal Assent, see s. 163(2); s. 75 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

#### **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

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- (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).

#### Commencement Information

**I63** S. 76 wholly in force at 16.2.2001; s. 76 not in force at Royal Assent, see s. 163(2); s. 76 in force at 16.2.2001 by S.I. 2001/222, art. 2, Sch. 1 Pt. I (subject to transitional provisions in Sch. 1 Pt. II)

## 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 <sup>F123</sup>30 days] after the end of the relevant campaign period.
- (2) Any claim sent in accordance with subsection (1) shall be paid not later than <sup>F124</sup>60 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.

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- (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 <sup>M50</sup>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, <sup>F125</sup> . . . 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 [<sup>F126</sup>a day within subsection (11) or] a day which under the <sup>M51</sup>Banking and Financial Dealings Act 1971 is a bank holiday in any part of the United Kingdom—
- (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.
- [<sup>F127</sup>(11) A day is within this subsection if under the law of Gibraltar it is a bank holiday or a public holiday and—
- (a) 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) is situated in Gibraltar; or
  - (b) the person providing the property, services or facilities to which the expenditure relates conducts his business in Gibraltar; or
  - (c) (if he conducts his business in one or more parts of the United Kingdom and Gibraltar) the office from which dealings relating to the expenditure were conducted is situated in Gibraltar.
- (12) In the application of subsection (4) to Gibraltar, the references to the High Court or a county court shall have effect as if they were references to the Gibraltar court.]

#### Textual Amendments

- F123** Words in s. 77(1) substituted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 65(1)(a)**, 77(2); S.I. 2006/1972, **art. 3**, Sch. 1 para. 22 (subject to art. 4, Sch. 2)
- F124** Words in s. 77(2) substituted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 65(1)(b)**, 77(2); S.I. 2006/1972, **art. 3**, Sch. 1 para. 22 (subject to art. 4, Sch. 2)
- F125** Words in s. 77(9)(a) repealed (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 20**, 74(2), 77(2), Sch. 1 para. 54, **Sch. 2**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(g) (aa)(bb)(cc) (subject to art. 6, Sch. 2); S.I. 2008/1316, **arts. 2(2)**, 4(d)(y)(z)(aa)

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- F126** Words in s. 77(10) inserted (5.2.2004) by The European Parliamentary Elections (Combined Region and Campaign Expenditure) (United Kingdom and Gibraltar) Order 2004 (S.I. 2004/366), arts. 1(2), 4(2), **Sch. para. 20(a)**
- F127** S. 77(11)(12) inserted (5.2.2004) by The European Parliamentary Elections (Combined Region and Campaign Expenditure) (United Kingdom and Gibraltar) Order 2004 (S.I. 2004/366), arts. 1(2), 4(2), **Sch. para. 20(b)**

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**Commencement Information**

- I64** S. 77 wholly in force at 16.2.2001; s. 77 not in force at Royal Assent, see s. 163(2); s. 77 in force at 16.2.2001 by S.I. 2001/222, art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in Sch. 1 Pt. II)

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**Marginal Citations**

- M50** S.I. 1980/397 (N.I. 3).  
**M51** 1971 c. 80.

**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).

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**Commencement Information**

- I65** S. 78 wholly in force at 16.2.2001; S. 78 not in force at Royal Assent, see s. 163(2); s. 78 in force at 16.2.2001 by S.I. 2001/222, art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in Sch. 1 Pt. II)

*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.

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- (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—
- (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).

#### Commencement Information

**I66** S. 79 wholly in force at 16.2.2001; s. 79 not in force at Royal Assent, see s. 163(2); s. 79 in force at 16.2.2001 by S.I. 2001/222, art. 2, Sch. 1 Pt. I (subject to transitional provisions in Sch. 1 Pt. II)

### *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

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- (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;
  - (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.

#### Commencement Information

**I67** S. 80 wholly in force at 16.2.2001; s. 80 partly in force at Royal Assent, see s. 163(3); s. 80 in force in so far as not already in force at 16.2.2001 by S.I. 2001/222, art. 2, Sch. 1 Pt. I (subject to transitional provisions in Sch. 1 Pt. II)

## 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

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£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.

#### **Commencement Information**

**I68** S. 81 wholly in force at 16.2.2001; s. 81 not in force at Royal Assent, see s. 163(2); s. 81 in force at 16.2.2001 by S.I. 2001/222, art. 2, Sch. 1 Pt. I (subject to transitional provisions in Sch. 1 Pt. II)

## **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.

#### **Commencement Information**

**I69** S. 82 wholly in force at 16.2.2001; s. 82 not in force at Royal Assent, see s. 163(2); s. 82 in force at 16.2.2001 by S.I. 2001/222, art. 2, Sch. 1 Pt. I (subject to transitional provisions in Sch. 1 Pt. II)



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### **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.

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#### **Commencement Information**

**I70** S. 83 wholly in force at 16.2.2001; s. 83 not in force at Royal Assent, see s. 163(2); s. 83 in force at 16.2.2001 by S.I. 2001/222, art. 2, Sch. 1 Pt. I (subject to transitional provisions in Sch. 1 Pt. II)

### **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.

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#### **Commencement Information**

**I71** S. 84 wholly in force at 16.2.2001; s. 84 not in force at Royal Assent, see s. 163(2); s. 84 in force at 16.2.2001 by S.I. 2001/222, art. 2, Sch. 1 Pt. I (subject to transitional provisions in Sch. 1 Pt. II)

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## 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.
- [<sup>F128</sup>(5A) “Recognised Gibraltar third party” means a recognised third party falling within paragraph (d) or (e) (but not paragraph (a), (b) or (c)) of section 88(2).]
- (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.

#### Textual Amendments

**F128** Words in s. 85(5A) inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), [Sch. para. 21](#)

#### Commencement Information

**I72** S. 85 wholly in force at 16.2.2001; s. 85 not in force at Royal Assent, see s. 163(2); s. 85 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

## 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

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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

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- (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.

#### Commencement Information

**I73** S. 86 wholly in force at 16.2.2001; s. 86 not in force at Royal Assent, see s. 163(2); s. 86 in force at 16.2.2001 by S.I. 2001/222, art. 2, Sch. 1 Pt. I (subject to transitional provisions in Sch. 1 Pt. II)

### 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 [<sup>F129</sup>, by Sianel Pedwar Cymru or by the Gibraltar Broadcasting Corporation], or
    - (iii) a programme included in any service licensed under Part I or III of the <sup>M52</sup>Broadcasting Act 1990 or Part I or II of the <sup>M53</sup>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.

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### Textual Amendments

**F129** Words in s. 87(2)(a) substituted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), [Sch. para. 22](#)

### Commencement Information

**I74** S. 87 wholly in force at 16.2.2001; s. 87 not in force at Royal Assent, see s. 163(2); s. 87 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

### Marginal Citations

**M52** 1990 c. 42.

**M53** 1996 c. 55.

## *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 [<sup>F130</sup>other than a Gibraltar party whose entry in the register includes a statement that it intends to contest one or more elections to the European Parliament in the combined region], or
  - (c) a body falling within any of paragraphs (b) and (d) to (h) of section 54(2).
  - [<sup>F131</sup>(d) an individual who is resident in Gibraltar or is a Gibraltar elector, or
  - (e) a body falling within any of paragraphs (b) to (g) of section 54(2A).]
- (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,
    - [<sup>F132</sup>(iii) (if he is a Gibraltar elector who is not resident in Gibraltar and the first version of the Gibraltar register has not been published) that he is registered in the register of electors used for House of Assembly elections;]
 and be signed by him;
  - (b) if given by a registered party, state—
    - (i) the party's registered name,
    - (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,

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- 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) [<sup>F133</sup>or any of paragraphs (b) and (d) to (g) of section 54(2A)], 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—
- (a) contained in the notification of alteration, and
- (b) conforming with subsection (3).

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### Textual Amendments

- F130** Words in s. 88(2)(b) inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), [Sch. para. 23\(a\)\(i\)](#)
- F131** S. 88(2)(d)(e) inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), [Sch. para. 23\(a\)\(ii\)](#)
- F132** S. 88(3)(a)(iii) inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), [Sch. para. 23\(b\)\(i\)](#)
- F133** Words in s. 88(3)(c) inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), [Sch. para. 23\(b\)\(ii\)](#)

### Commencement Information

- I75** S. 88 wholly in force at 16.2.2001; s. 88 not in force at Royal Assent, see s. 163(2); s. 88 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

## 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.

### Commencement Information

- I76** S. 89 wholly in force at 16.2.2001; s. 89 not in force at Royal Assent, see s. 163(2); s. 89 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))



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## 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.
- [<sup>F134</sup>(4) This section does not apply in relation to a recognised Gibraltar third party except in relation to controlled expenditure incurred by or on behalf of that party during the period of four months ending with the date of the poll for a general election to the European Parliament.]

#### **Textual Amendments**

**F134** S. 90(4) inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), [Sch. para. 24](#)

#### **Commencement Information**

**I77** S. 90 wholly in force at 16.2.2001; s. 90 not in force at Royal Assent, see s. 163(2); s. 90 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

#### **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,

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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).

[<sup>F135</sup>(5) This section does not apply in relation to a recognised Gibraltar third party except in relation to controlled expenditure incurred or to be incurred by or on behalf of that party during the period of four months ending with the date of the poll for a general election to the European Parliament.]

#### Textual Amendments

**F135** S. 91(5) inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), [Sch. para. 25](#)

#### Commencement Information

**I78** S. 91 wholly in force at 16.2.2001; s. 91 not in force at Royal Assent, see s. 163(2); s. 91 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

## 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 [<sup>F136</sup>30 days] after the end of the regulated period.
- (2) Any claim sent in accordance with subsection (1) shall be paid not later than [<sup>F137</sup>60 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.

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(7) Subsections (7) to <sup>F138</sup>(11)] 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.

<sup>F139</sup>(8) In the application of this section to Gibraltar, references to the High Court or a county court shall have effect as if they were references to the Gibraltar court.]

#### Textual Amendments

- F136** Words in s. 92(1) substituted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 65(2)(a)**, 77(2); S.I. 2006/1972, **art. 3**, Sch. 1 para. 22 (subject to art. 4, Sch. 2)
- F137** Words in s. 92(2) substituted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 65(2)(b)**, 77(2); S.I. 2006/1972, **art. 3**, Sch. 1 para. 22 (subject to art. 4, Sch. 2)
- F138** S. 92(7): "(11)" substituted (5.2.2004) for "(10)" by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), **Sch. para. 26(a)**
- F139** S. 92(7) inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), **Sch. para. 26(b)**

#### Commencement Information

- I79** S. 92 wholly in force at 16.2.2001; s. 92 not in force at Royal Assent, see s. 163(2); s. 92 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in Sch. 1 Pt. II)

## 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

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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.

#### Commencement Information

**I80** S. 93 wholly in force at 16.2.2001; s. 93 not in force at Royal Assent, see s. 163(2); s. 93 in force at 16.2.2001 by S.I. 2001/222, art. 2, Sch. 1 Pt. I (subject to transitional provisions in Sch. 1 Pt. II)

### *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—
  - (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—

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- (a) £10,000 for England; and
- (b) £5,000 for each of Scotland, Wales and Northern Ireland.

[<sup>F140</sup>(5A) Subsections (3) to (5) apply to a recognised Gibraltar third party as they apply to a third party that is not a recognised third party, subject to the following modification namely that for the purposes of those subsections any expenditure incurred by or on behalf of the recognised Gibraltar third party during the period of four months ending with the date of the poll for a general election to the European Parliament is to be disregarded.]

- (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.

- (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 [<sup>F141</sup>(subject to subsection (11))] 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;

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- (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.

[<sup>F142</sup>(11) As respects a recognised Gibraltar third party, the periods in relation to which paragraphs 3 and 5 to 11 of Schedule 10 impose limits—

- (a) are regulated periods for the purposes of this section, but
- (b) are not regulated periods for the purposes of sections 92, 93 and 96 to 99.]

#### Textual Amendments

- F140** S. 94(5A) inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), [Sch. para. 27\(a\)](#)
- F141** Words in s. 94(10)(a) inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), [Sch. para. 27\(b\)](#)
- F142** S. 94(11) inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), [Sch. para. 27\(c\)](#)

#### Commencement Information

- I81** S. 94 wholly in force at 16.2.2001; s. 94 not in force at Royal Assent, see s. 163(2); s. 94 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

### *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.

#### Commencement Information

- I82** S. 95 wholly in force at 16.2.2001; s. 95 not in force at Royal Assent, see s. 163(2); s. 95 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

### *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,

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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
  - (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

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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.

**Commencement Information**

**I83** S. 96 wholly in force at 16.2.2001; s. 96 partly in force at Royal Assent, see s. 163(3); s. 96 in force at 16.2.2001 by S.I. 2001/222, art. 2, Sch. 1 Pt. I (subject to transitional provisions in Sch. 1 Pt. II)

**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,

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.

**Commencement Information**

**I84** S. 97 wholly in force at 16.2.2001; s. 97 not in force at Royal Assent, see s. 163(2); s. 97 in force at 16.2.2001 by S.I. 2001/222, art. 2, Sch. 1 Pt. I (subject to transitional provisions in Sch. 1 Pt. II)

**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.



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- (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.

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**Commencement Information**

**185** S. 98 wholly in force at 16.2.2001; s. 98 not in force at Royal Assent, see s. 163(2); s. 98 in force at 16.2.2001 by S.I. 2001/222, art. 2, Sch. 1 Pt. I (subject to transitional provisions in Sch. 1 Pt. II)

**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.

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**Commencement Information**

**186** S. 99 wholly in force at 16.2.2001; s. 99 not in force at Royal Assent, see s. 163(2); s. 99 in force at 16.2.2001 by S.I. 2001/222, art. 2, Sch. 1 Pt. I (subject to transitional provisions in Sch. 1 Pt. II)

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

- (1) Where the Commission receive any return under section 96, they shall—

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- (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.

#### Commencement Information

**187** S. 100 wholly in force at 16.2.2001; s. 100 not in force at Royal Assent, see s. 163(2); s. 100 in force at 16.2.2001 by S.I. 2001/222, art. 2, Sch. 1 Pt. I (subject to transitional provisions in Sch. 1 Pt. II)

## 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
  - (c) any region in England specified in Schedule 1 to the<sup>M54</sup>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).

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- (3) A poll held under <sup>F143</sup>section 64 of the Government of Wales Act 2006] 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.

#### Textual Amendments

**F143** Words in s. 101(3) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 96**, the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) -- see [ss. 46, 161\(5\) of the Government of Wales Act 2006 \(c. 32\)](#) and art. 1(2) of the amending S.I.

#### Modifications etc. (not altering text)

**C74** S. 101(1)(2) applied (with modifications) (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 7(1), **Sch. 3 Pt. 1**

#### Commencement Information

**I88** S. 101 wholly in force at 16.2.2001; s. 101 partly in force at Royal Assent, see s. 163(3); s. 101 in force in so far as not already in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, **Sch. Pt. I** (subject to transitional provisions in [Sch. 1 Pt. II](#))

#### Marginal Citations

**M54** [1998 c. 45.](#)

## 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 <sup>M55</sup>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.

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- (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.

**Modifications etc. (not altering text)**

**C75** S. 102 applied (with modifications) (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 7(1), **Sch. 3 Pt. 1**

**Commencement Information**

**I89** S. 102 wholly in force at 16.2.2001; s. 102 not in force at Royal Assent, see s. 163(2); s. 102 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in [Sch. 1 Pt. II](#))

**Marginal Citations**

**M55** 1998 c. 47.

**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.

**Commencement Information**

**I90** S. 103 wholly in force at 16.2.2001; s. 103 not in force at Royal Assent, see s. 163(2); s. 103 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in [Sch. 1 Pt. II](#))

**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 <sup>M56</sup>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—

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- (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.

#### Commencement Information

**I91** S. 104 wholly in force at 16.2.2001; s. 104 not in force at Royal Assent, see s. 163(2); S. 104 in force at 16.2.2001 by [S.I. 2001/222](#), [art. 2](#), [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

#### Marginal Citations

**M56** 1978 c. 30.

### *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—
    - (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);

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- (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).

**Modifications etc. (not altering text)**

**C76** S. 105 applied (with modifications) (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 7(1), **Sch. 3 Pt. 1**

**Commencement Information**

**I92** S. 105 wholly in force at 16.2.2001; s. 105 not in force at Royal Assent, see s. 163(2); s. 105 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in [Sch. 1 Pt. 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,

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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.

#### **Modifications etc. (not altering text)**

**C77** S. 106 applied (with modifications) (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 7(1), **Sch. 3 Pt. 1**

#### **Commencement Information**

**I93** S. 106 wholly in force at 16.2.2001; s. 106 not in force at Royal Assent, see s. 163(2); s. 106 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in [Sch. 1 Pt. II](#))

### **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.

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#### Modifications etc. (not altering text)

**C78** S. 107 applied (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 7(1), **Sch. 3 Pt. 1**

#### Commencement Information

**I94** S. 107 wholly in force at 16.2.2001; s. 107 not in force at Royal Assent, see s. 163(2); s. 107 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in [Sch. 1 Pt. II](#))

### *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—
  - (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.

#### Commencement Information

**I95** S. 108 wholly in force at 16.2.2001; s. 108 partly in force at Royal Assent, see s. 163(3); s. 108 in force in so far as not already in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in [Sch. 1 Pt. II](#))

#### **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



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- (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.

#### Modifications etc. (not altering text)

**C79** S. 109(2)(3) modified (24.7.2004) by [The Regional Assembly and Local Government Referendums \(Date of Referendums, Referendum Question and Explanatory Material\) \(North East Region\) Order 2004 \(S.I. 2004/1963\)](#), [art. 6\(1\)](#)

#### Commencement Information

**I96** S. 109 wholly in force at 16.2.2001; s. 109 partly in force at Royal Assent, see s. 163(3); s. 109 in force in so far as not already in force at 16.2.2001 by [S.I. 2001/222](#), [art. 2](#), [Sch. Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

## 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.

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- (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.

#### Commencement Information

**I97** S. 110 wholly in force at 16.2.2001; s. 110 not in force at Royal Assent, see s. 163(2); s. 110 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

## 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.

#### Modifications etc. (not altering text)

**C80** S. 111 applied (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 7(2), [Sch. 3 Pt. 2](#)

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### Commencement Information

**I98** S. 111 wholly in force at 16.2.2001; s. 111 not in force at Royal Assent, see s. 163(2); s. 111 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

## 112 Notional referendum expenses.

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

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- (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.

#### Modifications etc. (not altering text)

**C81** S. 112 applied (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 7(2), [Sch. 3 Pt. 2](#)

#### Commencement Information

**I99** S. 112 wholly in force at 16.2.2001; s. 112 not in force at Royal Assent, see s. 163(2); s. 112 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

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### *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.

#### **Modifications etc. (not altering text)**

**C82** S. 113 applied (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 7(2), [Sch. 3 Pt. 2](#)

#### **Commencement Information**

**I100** S. 113 wholly in force at 16.2.2001; s. 113 not in force at Royal Assent, see s. 163(2); s. 113 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

#### **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
  - (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).

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#### Modifications etc. (not altering text)

**C83** S. 114 applied (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 7(2), **Sch. 3 Pt. 2**

#### Commencement Information

**I101** S. 114 wholly in force at 16.2.2001; s. 114 not in force at Royal Assent, see s. 163(2); s. 114 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in [Sch. 1 Pt. II](#))

### 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 [<sup>F144</sup>30 days] after the end of the referendum period.
- (2) Any claim sent in accordance with subsection (1) shall be paid not later than [<sup>F145</sup>60 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.

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### Textual Amendments

**F144** Words in s. 115(1) substituted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 65(3)(a)**, 77(2); [S.I. 2006/1972](#), **art. 3**, [Sch. 1 para. 22](#) (subject to [art. 4](#), [Sch. 2](#))

**F145** Words in s. 115(2) substituted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 65(3)(b)**, 77(2); [S.I. 2006/1972](#), **art. 3**, [Sch. 1 para. 22](#) (subject to [art. 4](#), [Sch. 2](#))

### Modifications etc. (not altering text)

**C84** S. 115 applied (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), [art. 7\(2\)](#), **Sch. 3 Pt. 2**

### Commencement Information

**I102** S. 115 wholly in force at 16.2.2001; s. 115 not in force at Royal Assent, see s. 163(2); s. 115 in force at 16.2.2001 by [S.I. 2001/222](#), [art. 2](#), **Sch. 1 Pt. I** (subject to transitional provisions in [Sch. 1 Pt. II](#))

## 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.

### Modifications etc. (not altering text)

**C85** S. 116 applied (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), [art. 7\(2\)](#), **Sch. 3 Pt. 2**

### Commencement Information

**I103** S. 116 wholly in force at 16.2.2001; s. 116 not in force at Royal Assent, see s. 163(2); s. 116 in force at 16.2.2001 by [S.I. 2001/222](#), [art. 2](#), **Sch. 1 Pt. I** (subject to transitional provisions in [Sch. 1 Pt. II](#))

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### 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,
 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).

#### Modifications etc. (not altering text)

**C86** S. 117 applied (with modifications) (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 7(2), **Sch. 3 Pt. 2**

#### Commencement Information

**I104** S. 117 wholly in force at 16.2.2001; s. 117 not in force at Royal Assent, see s. 163(2); s. 117 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in [Sch. 1 Pt. II](#))



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## 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.

### Modifications etc. (not altering text)

**C87** S. 118 applied (with modifications) (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 7(2), **Sch. 3 Pt. 2**

### Commencement Information

**I105** S. 118 wholly in force at 16.2.2001; s. 118 not in force at Royal Assent, see s. 163(2); s. 118 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in [Sch. 1 Pt. II](#))

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### *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.

##### **Modifications etc. (not altering text)**

**C88** S. 119 applied (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 7(2), **Sch. 3 Pt. 2**

##### **Commencement Information**

**I106** S. 119 wholly in force at 16.2.2001; s. 119 not in force at Royal Assent, see s. 163(2); s. 119 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in [Sch. 1 Pt. II](#))

### *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.

(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).

**Status:** Point in time view as at 06/04/2008. This version of this Act contains provisions that are not valid for this point in time.

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- (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.

#### Modifications etc. (not altering text)

**C89** S. 120 applied (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 7(2), **Sch. 3 Pt. 2**

#### Commencement Information

**I107** S. 120 wholly in force at 16.2.2001; s. 120 partly in force at Royal Assent, see s. 163(3); s. 120 in force in so far as not already in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in [Sch. 1 Pt. II](#))

### 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.

#### Modifications etc. (not altering text)

**C90** S. 121 applied (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 7(2), **Sch. 3 Pt. 2**

#### Commencement Information

**I108** S. 121 wholly in force at 16.2.2001; s. 121 not in force at Royal Assent, see s. 163(2); s. 121 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in [Sch. 1 Pt. II](#))

### 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),

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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.

#### Modifications etc. (not altering text)

**C91** S. 122 applied (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 7(2), [Sch. 3 Pt. 2](#)

#### Commencement Information

**I109** S. 122 wholly in force at 16.2.2001; s. 122 not in force at Royal Assent, see s. 163(2); s. 122 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

### 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

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(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.

**Modifications etc. (not altering text)**

**C92** S. 123 applied (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 7(2), **Sch. 3 Pt. 2**

**Commencement Information**

**I110** S. 123 wholly in force at 16.2.2001; s. 123 not in force at Royal Assent, see s. 163(2); s. 123 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in [Sch. 1 Pt. II](#))

**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.

**Modifications etc. (not altering text)**

**C93** S. 124 applied (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 7(2), **Sch. 3 Pt. 2**

**Commencement Information**

**I111** S. 124 wholly in force at 16.2.2001; s. 124 not in force at Royal Assent, see s. 163(2); s. 124 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in [Sch. 1 Pt. II](#))

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## 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.

#### Modifications etc. (not altering text)

**C94** S. 125 applied (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 7(1), **Sch. 3 Pt. 1**

#### Commencement Information

**I112** S. 125 wholly in force at 16.2.2001; s. 125 not in force at Royal Assent, see s. 163(2); s. 125 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in [Sch. 1 Pt. II](#))

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## 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))—

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- (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 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.

[<sup>F146</sup>(10A) Subsection (1) does not apply to any material published for the purposes of a referendum if the publication is required under or by virtue of any enactment.]

(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.

#### Textual Amendments

**F146** S. 126(10A) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 66(1), 77(2); S.I. 2006/3412, [art. 3](#), [Sch. 1 para. 14\(x\)](#) (subject to [art. 6](#), [Sch. 2](#)); S.I. 2008/1316, [arts. 2\(2\)](#), 4(v)

#### Modifications etc. (not altering text)

**C95** S. 126 excluded (8.7.2003) by [Regional Assemblies \(Preparations\) Act 2003 \(c. 10\)](#), ss. 12(3), 27(1)

**C96** S. 126 applied (with modifications) (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), [art. 7\(1\)](#), [Sch. 3 Pt. 1](#)

#### Commencement Information

**I113** S. 126 wholly in force at 16.2.2001; s. 126 partly in force at Royal Assent, see s. 163(3); s. 126 in force in so far as not already in force at 16.2.2001 by [S.I. 2001/222](#), [art. 2](#), [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

## 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.



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- (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.

#### Modifications etc. (not altering text)

**C97** S. 127 applied (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 7(1), [Sch. 3 Pt. 1](#)

#### Commencement Information

**I114** S. 127 wholly in force at 16.2.2001; s. 127 not in force at Royal Assent, see s. 163(2); s. 127 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

## 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.

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- (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).

#### Modifications etc. (not altering text)

**C98** S. 128(5) restricted (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), [art. 9\(2\)](#)

#### Commencement Information

**I115** S. 128 wholly in force at 16.2.2001; s. 128 not in force at Royal Assent, see s. 163(2); s. 128 in force at 16.2.2001 by [S.I. 2001/222](#), [art. 2](#), [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

## 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.
- (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.

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- (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.

#### Commencement Information

**I116** S. 129 wholly in force at 16.2.2001; s. 129 partly in force at Royal Assent, see s. 163(3); s. 129 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, [Sch. Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

## PART VIII

### ELECTION CAMPAIGNS AND PROCEEDINGS

#### *Control of donations to candidates*

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

- (1) The Representation of the <sup>M57</sup>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.”

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- (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.

#### Commencement Information

**I117** S. 130 wholly in force at 1.7.2001; s. 130 not in force at Royal Assent, see s. 163(2); s. 130 in force at 1.7.2001 by S.I. 2001/222, art. 4, Sch. 2 (with Sch. 2 Pt. II para. 1)

#### Marginal Citations

**M57** 1983 c. 2.

### *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.

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### Commencement Information

**II18** S. 131 wholly in force at 16.2.2001; s. 131 not in force at Royal Assent, see s. 163(2); s. 131 in force at 16.2.2001 by S.I. 2001/222, art. 2, Sch. 1 Pt. I (subject to transitional provisions in Sch. 1 Pt. II)

## 132 Financial limits applying to candidates' election expenses.

- (1) Section 76 of the Representation of the <sup>M58</sup>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 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) <sup>F147</sup> .....

### Textual Amendments

**F147** S. 132(6) repealed (S.) (29.1.2007) by Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), ss. 18, 63(2); S.S.I. 2007/26, art. 2(1)(f)

### Commencement Information

**II19** S. 132 wholly in force at 1.7.2001; s. 132 not in force at Royal Assent, see s. 163(2); s. 132(1)(5) in force at 16.2.2001 and s. 132(2)-(4)(6) in force at 1.7.2001 by S.I. 2001/222, arts. 2, 4, Sch. 1 Pt. I, Sch. 2 Pt. I (subject to transitional provisions in Sch. 1 Pt. II and with Sch. 2 Pt. II para. 1)

### Marginal Citations

**M58** 1983 c. 2.

*Status: Point in time view as at 06/04/2008. This version of this Act contains provisions that are not valid for this point in time.*

*Changes to legislation: Political Parties, Elections and Referendums Act 2000 is up to date with all changes known to be in force on or before 14 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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

- (1) For section 76A of the Representation of the <sup>M59</sup>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 <sup>M60</sup>Scotland Act 1998.

#### Commencement Information

**I120** S. 133 wholly in force at 16.2.2001; s. 133 partly in force at Royal Assent, see s. 163(3); s. 133 in force in so far as not already in force at 16.2.2001 by S.I. 2001/222, art. 2, Sch. 1 Pt. I (subject to transitional provisions in Sch. 1 Pt. II)

#### Marginal Citations

**M59** 1983 c. 2.

**M60** 1998 c. 46.

### 134 Meaning of “election expenses”.

- (1) After section 90 of the Representation of the <sup>M61</sup>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.

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**Changes to legislation:** Political Parties, Elections and Referendums Act 2000 is up to date with all changes known to be in force on or before 14 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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- (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.
- (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

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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



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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.
- (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) <sup>F148</sup> .....

#### **Textual Amendments**

**F148** S. 134(2) repealed (S.) (20.1.2005) by [Local Governance \(Scotland\) Act 2004 \(asp 9\)](#), ss. 14(2), 17(2); S.S.I. 2004/558, art. 2

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#### Commencement Information

**I121** S. 134 wholly in force at 1.7.2001; s. 134 not in force at Royal Assent, see s. 163(2); s. 134 in force at 1.7.2001 by S.I. 2001/222, art. 4, Sch. 2 (with Sch. 2 Pt. II para. 1)

#### Marginal Citations

**M61** 1983 c. 2.

### 135 Meaning of “candidate”.

(1) In section 118 of the Representation of the <sup>M62</sup>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) <sup>F149</sup> .....

#### Textual Amendments

**F149** S. 135(3) repealed (S.) (20.1.2005) by Local Governance (Scotland) Act 2004 (asp 9), ss. 14(2), 17(2); S.S.I. 2004/558, art. 2

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### Commencement Information

**I122** S. 135 wholly in force at 1.7.2001; s. 135 not in force at Royal Assent, see s. 163(2); s. 135 in force at 1.7.2001 by S.I. 2001/222, art. 4, Sch. 2 (with Sch. 2 Pt. II para. 1)

### Marginal Citations

**M62** 1983 c. 2.

## *Corrupt and illegal practices*

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

For section 173 of the Representation of the <sup>M63</sup>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

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- (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 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—

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- (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.”

#### Commencement Information

**I123** S. 136 wholly in force at 16.2.2001; s. 136 not in force at Royal Assent, see s. 163(2); s. 136 in force at 16.2.2001 by S.I. 2001/222, art. 2, Sch. 1 Pt. I (subject to transitional provisions in Sch. 1 Pt. II)

#### Marginal Citations

**M63** 1983 c. 2.

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

The Representation of the <sup>M64</sup>People Act 1983 shall have effect subject to the amendments specified in Schedule 17, which in particular modifies the provisions relating to—

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

#### Commencement Information

**I124** S. 137 wholly in force at 16.2.2001; s. 137 not in force at Royal Assent, see s. 163(2); s. 137 in force at 16.2.2001 by S.I. 2001/222, art. 2, Sch. 1 Pt. I (subject to transitional provisions in Sch. 1 Pt. II)

#### Marginal Citations

**M64** 1983 c. 2.

#### Miscellaneous amendments

### 138 Election campaigns and proceedings: miscellaneous amendments.

- (1) The Representation of the <sup>M65</sup>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 [<sup>F150</sup>paragraphs 7(4), 9, 14, 17, 18 (other than subparagraph (1)(b)) and 19(7) of Schedule 18] do not have effect in relation to local government elections in Scotland.

#### Textual Amendments

**F150** Words in s. 138(2) substituted (S.) (29.1.2007) by Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), ss. 28(2), 63(2); S.S.I. 2007/26, art. 2(1)(i)

#### Commencement Information

**I125** S. 138 wholly in force at 16.2.2001; s. 138 not in force at Royal Assent, see s. 163(2); s. 138 in force at 16.2.2001 by S.I. 2001/222, art. 2, Sch. 1 Pt. I (subject to the transitional provisions in Sch. 1 Pt. II)

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### Marginal Citations

**M65** 1983 c. 2.

## PART IX

### POLITICAL DONATIONS AND EXPENDITURE BY COMPANIES

#### *Control of political donations*

#### **139 Control of political donations by companies.**

**F151** .....

#### Textual Amendments

**F151** S. 139 repealed (1.10.2007 for certain purposes and otherwise prosp.) by The Companies Act 2006, ss. 1295, 1300(2), {Sch. 16}; S.I. 2007/2194, **art. 8, Sch. 2 Pt. 1** (subject to **Sch. 1** (as amended by S.I. 2007/3495, **art. 10**, S.I. 2008/674, **Sch. 3 paras. 1, 2** and S.I. 2008/2860, **art. 6**) and with arts. 9, 12, **Sch. 3** (as amended by S.I. 2007/2607, **art. 4**, S.I. 2007/3495, **Sch. 5 para. 2** and S.I. 2008/674, **Sch. 3 para. 2(3)**)

#### *Disclosure of political donations and expenditure*

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

**F152** .....

#### Textual Amendments

**F152** S. 140 repealed (6.4.2008) by The Companies Act 2006 (c. 46), ss. 1295, 1300(2), **Sch. 16**; S.I. 2007/3495, **art. 8(a)**, **Sch. 2 Pt. 1** (with arts. 7, 9, 12, **Sch. 4** (as amended by S.I. 2008/674, **Sch. 3 paras. 3-6**))

VALID FROM 21/07/2009

#### *<sup>F153</sup> Reports to Commission by unincorporated associations making political contributions*

#### Textual Amendments

**F153** S. 140A and preceding cross-heading inserted (21.7.2009) by Political Parties and Elections Act 2009 (c. 12), **ss. 19(1), 43(1)(5)(c)**

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**140A Reports of gifts received by unincorporated associations**

Schedule 19A, which requires unincorporated associations making political contributions to report gifts received by them to the Commission, has effect.]

**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 ”.

**Marginal Citations**

M66 1985 c. 50.

*Pre-consolidation amendments*

<sup>F154</sup>142 .....

**Textual Amendments**

F154 S. 142 repealed (24.10.2002) by 2002 c. 24, ss. 16, 18(2), Sch. 4

*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.

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- (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).
- [<sup>F155</sup>(2A) For the purposes of subsection (2)(c), election material to which subsection (2B) applies—
- (a) is not to be regarded as being published on behalf of a candidate merely because it can be regarded as promoting, procuring or enhancing his electoral success or standing, but
  - (b) may be regarded as being published on behalf of the party mentioned in subsection (2B).
- (2B) This subsection applies to election material which can be reasonably regarded as promoting, procuring or enhancing the electoral success or standing of two or more candidates standing in the name of a party or included in a list of candidates submitted by the party in connection with the election.]
- (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.



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**Changes to legislation:** Political Parties, Elections and Referendums Act 2000 is up to date with all changes known to be in force on or before 14 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (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—
- “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.

#### Textual Amendments

**F155** S. 143(2A)(2B) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 66(1), 77(2); S.I. 2006/3412, [art. 3](#), Sch. 1 para. 14(x) (subject to [art. 6](#), Sch. 2); S.I. 2008/1316, [arts. 2\(2\)](#), 4(v)

#### Commencement Information

**I126** S. 143 partly in force; s. 143 in force for specified purposes at Royal Assent, see s. 163(3); s. 143 in force for E.W.S. at 1.1.2007 by S.I. 2006/3416, [art. 3](#) (subject to [art. 5](#))

**I127** S. 143 (which was commenced on 16.2.2001 by S.I. 2001/222, [art. 2](#), Sch. 1 Pt. I (subject to [Sch. 1 Pt. II](#))) was deemed not to have come into force (10.4.2001) by 2001 c. 5, [s. 1\(1\)\(a\)](#) (with s. 3(3)(4)(6))

### Broadcasting during election period

#### 144 Broadcasting of local items during election period.

For section 93 of the Representation of the <sup>M67</sup>People Act 1983 there shall be substituted—

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### **“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 <sup>M68</sup>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;

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- (b) in relation to the Independent Television Commission, means services licensed under Part I of the <sup>M69</sup>Broadcasting Act 1990 or Part I of the Broadcasting <sup>M70</sup>Act 1996; and
- (c) in relation to the Radio Authority, means services licensed under Part III of the <sup>M71</sup>Broadcasting Act 1990 or Part II of the <sup>M72</sup>Broadcasting Act 1996.”

#### Commencement Information

**I128** S. 144 wholly in force at 16.3.2001; s. 144 not in force at Royal Assent, see s. 163(2); s. 144 in force for specified purposes at 16.2.2001 and wholly in force at 16.3.2001 by S.I. 2001/222, art. 3

#### Marginal Citations

**M67** 1983 c. 2.

**M68** 1975 c. 66.

**M69** 1990 c. 42.

**M70** 1996 c. 55.

**M71** 1990 c. 42.

**M72** 1996 c. 55.

### *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.

#### Commencement Information

**I129** S. 145 wholly in force at 16.2.2001; s. 145 partly in force at Royal Assent, see s. 163(3); s. 145 in force in so far as not already in force at 16.2.2001 by [S.I. 2001/222](#), [art. 2](#), [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

### 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

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- (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),
  - [<sup>F156</sup>(aa) a regulated participant (or former regulated participant),] 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,
  - [<sup>F157</sup>(aa) such information or explanations relating to the income and expenditure of regulated participants in connection with the political activities as the Commission reasonably require for the purpose of monitoring compliance on the part of regulated participants with the requirements imposed on them by or by virtue of Schedule 7A,] 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;
- [<sup>F158</sup>“regulated participant” and “political activities” in relation to a regulated participant must be construed in accordance with Schedule 7A,]
- “relevant person”, in relation to a supervised organisation or individual, means—

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- (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).

### Textual Amendments

- F156** S. 146(7)(aa) inserted (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by Electoral Administration Act 2006 (c. 22), ss. 74(1), 77(2), **Sch. 1 para 150(2)**; S.I. 2006/1972, **art. 3**, Sch. 1 paras. 24, 25(m)(ii) (subject to art. 4, Sch. 2) (as amended by S.I. 2006/2268, art. 4); S.I. 2008/1656, **art. 2** (subject to art. 3, Sch. 1)
- F157** S. 146(8)(aa) inserted (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by Electoral Administration Act 2006 (c. 22), ss. 74(1), 77(2), **Sch. 1 para 150(3)**; S.I. 2006/1972, **art. 3**, Sch. 1 paras. 24, 25(m)(ii) (subject to art. 4, Sch. 2) (as amended by S.I. 2006/2268, art. 4); S.I. 2008/1656, **art. 2** (subject to art. 3, Sch. 1)
- F158** S. 146(9): definitions of "regulated participant" and "political activities" inserted (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by Electoral Administration Act 2006 (c. 22), ss. 74(1), 77(2), **Sch. 1 para 150(4)**; S.I. 2006/1972, **art. 3**, Sch. 1 paras. 24, 25(m)(ii) (subject to art. 4, Sch. 2) (as amended by S.I. 2006/2268, art. 4); S.I. 2008/1656, **art. 2** (subject to art. 3, Sch. 1)

### Commencement Information

- I130** S. 146 wholly in force at 16.2.2001; s. 146 not in force at Royal Assent, see s. 163(2); s. 146 in force at 16.2.2001 by S.I. 2001/222, art. 2, **Sch. 1** (subject to transitional provisions in Sch. 1 Pt. II)

## 147 Civil penalty for failure to deliver documents etc.

- (1) This section applies where—
- (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;
  - [<sup>F159</sup>(ca) the requirements of section 71S(1) or (2) are not complied with in relation to any transaction 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

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- (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—
- (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

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(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.

#### Textual Amendments

**F159** S. 147(1)(ca) inserted (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by Electoral Administration Act 2006 (c. 22), ss. 61(2), 77(2); S.I. 2006/1972, art. 3, Sch. 1 para. 20(a) (subject to art. 4, Sch. 2) (as substituted by S.I. 2006/2268, art. 3); S.I. 2008/1656, art. 2 (subject to art. 3, Sch. 1)

#### Commencement Information

**I131** S. 147 wholly in force at 16.2.2001; s. 147 not in force at Royal Assent, see s. 163(2); s. 147 in force at 16.2.2001 by S.I. 2001/222, art. 2, Sch. 1 Pt. I (subject to transitional provisions in Sch. 1 Pt. II)

### 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.
- (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)—



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- (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 [<sup>F160</sup>regulated participant], 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,
    - [<sup>F161</sup>(iia) a regulated participant 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,
    - [<sup>F162</sup>(iiia) in relation to a regulated participant which is a members association, the person responsible for the purposes of Schedule 7A,]
    - (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;
  - [<sup>F163</sup>(da) “regulated participant” has the same meaning as in Schedule 7A;]
  - (e) “recognised third party” and “permitted participant” have the same meaning as in Parts VI and VII respectively.

### Textual Amendments

**F160** Words in s. 148(6)(a) inserted (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by Electoral Administration Act 2006 (c. 22), ss. 74(1), 77(2), **Sch. 1 para 151(2)**; S.I. 2006/1972, **art. 3**, Sch. 1 paras. 24, 25(m)(ii) (subject to art. 4, Sch. 2) (as amended by S.I. 2006/2268, art. 4); S.I. 2008/1656, **art. 2** (subject to art. 3, Sch. 1)

**F161** S. 148(6)(b)(iia) inserted (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by Electoral Administration Act 2006 (c. 22), ss. 74(1), 77(2), **Sch. 1 para 151(3)**; S.I. 2006/1972, **art. 3**, Sch. 1 paras. 24, 25(m)(ii) (subject to art. 4, Sch. 2) (as amended by S.I. 2006/2268, art. 4); S.I. 2008/1656, **art. 2** (subject to art. 3, Sch. 1)

**F162** S. 148(6)(c)(iiia) inserted (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by Electoral Administration Act 2006 (c. 22), ss. 74(1), 77(2), **Sch. 1 para 151(4)**; S.I.

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2006/1972, **art. 3**, Sch. 1 paras. 24, 25(m)(ii) (subject to art. 4, Sch. 2) (as amended by S.I. 2006/2268, art. 4); S.I. 2008/1656, **art. 2** (subject to art. 3, Sch. 1)

**F163** S. 148(6)(da) inserted (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by Electoral Administration Act 2006 (c. 22), ss. 74(1), 77(2), **Sch. 1 para 151(5)**; S.I. 2006/1972, **art. 3**, Sch. 1 paras. 24, 25(m)(ii) (subject to art. 4, Sch. 2) (as amended by S.I. 2006/2268, art. 4); S.I. 2008/1656, **art. 2** (subject to art. 3, Sch. 1)

#### Commencement Information

**I132** S. 148 wholly in force at 16.2.2001; s. 148 not in force at Royal Assent, see s. 163(2); s. 148 in force at 16.2.2001 by S.I. 2001/222, art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in Sch. 1 Pt. II)

### *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;
  - <sup>[F164]</sup>(ba) section 71V;]
  - (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.

**Status:** Point in time view as at 06/04/2008. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** Political Parties, Elections and Referendums Act 2000 is up to date with all changes known to be in force on or before 14 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

[<sup>F165</sup>(8) Subsections (2) to (4) do not apply to so much of the register maintained under section 69 as concerns donations to a Northern Ireland recipient.

(9) “Northern Ireland recipient” has the same meaning as in Chapter 6 of Part 4.]

#### Textual Amendments

**F164** S. 149(1)(ba) inserted (11.9.2006 for E.W.S. for certain purposes and otherwise prosp.) by Electoral Administration Act 2006 (c. 46), ss. 61(3), 77(2); S.I. 2006/1972, art. 3, Sch. 1 para. 20(a) (subject to art. 4, Sch. 2) (as substituted by S.I. 2006/2268, art. 3)

**F165** S. 149(8)(9) inserted (1.11.2007) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 10(2)(b), 14(1)(2), 31(2), Sch. 1 para. 3 (as amended: (2.8.2010) by S.I. 2010/2061, arts. 1, 2; (1.3.2011) by S.I. 2011/431, arts. 1(2), 2; (28.2.2013) by S.I. 2013/320, arts. 1(2), 2; and (13.3.2014) by 2014 c. 13, ss. 1(1), 28(1)(a)(i))

#### Commencement Information

**I133** S. 149 wholly in force at 16.2.2001; s. 149 not in force at Royal Assent, see s. 163(2); s. 149 in force at 16.2.2001 by S.I. 2001/222, art. 2, Sch. 1 Pt. I (subject to transitional provisions in Sch. 1 Pt. II)

### *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
  - (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).

[<sup>F166</sup>(4) In the application of this section to Gibraltar—

- (a) the reference to the standard scale shall have effect as if it were a reference to the standard scale pursuant to section 189 of, and Schedule 6 to, the Criminal Procedure Ordinance; and
- (b) the reference to the statutory maximum shall have effect as if it were a reference to level 5 on that scale.]

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### Textual Amendments

**F166** S. 150(4) inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), [Sch. para. 28](#)

### Commencement Information

**I134** S. 150 wholly in force at 16.2.2001; s. 150 not in force at Royal Assent, see s. 163(2); s. 150 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

## 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 <sup>M73</sup>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 <sup>M74</sup>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 <sup>M75</sup>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.
- [<sup>F167</sup>(4A) Despite anything in section 117 of the Criminal Procedure Ordinance, any information or complaint relating to such an offence which is triable by a magistrates' court in Gibraltar may be so tried if it is laid or 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.

### Textual Amendments

**F167** S. 151(4A) inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), [Sch. para. 29](#)

**Status:** Point in time view as at 06/04/2008. This version of this Act contains provisions that are not valid for this point in time.

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#### Commencement Information

**I135** S. 151 wholly in force at 16.2.2001; s. 151 not in force at Royal Assent, see s. 163(2); s. 151 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

#### Marginal Citations

**M73** 1980 c. 43.

**M74** 1995 c. 46.

**M75** [S.I. 1981/1675 \(N.I. 26\)](#).

### 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.

#### Commencement Information

**I136** [S. 152](#) wholly in force at 16.2.2001; [s. 152](#) not in force at Royal Assent, see [s. 163\(2\)](#); [s. 152](#) in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

### 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 <sup>M76</sup>Criminal Justice Act 1925 and Schedule 3 to the <sup>M77</sup>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 <sup>M78</sup>Criminal Procedure (Scotland) Act 1995 (proceedings on indictment against bodies corporate) shall have effect as if the association were a body corporate.

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- (5) Section 18 of the <sup>M79</sup>Criminal Justice Act (Northern Ireland) 1945 and Schedule 4 to the <sup>M80</sup>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.
- [<sup>F168</sup>(5A) Sections 124 and 144 of, and Schedule 4 to, the Criminal Procedure Ordinance shall have effect in a case in which an unincorporated association is charged in Gibraltar 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.

#### Textual Amendments

**F168** S. 153(5A) inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), [Sch. para. 30](#)

#### Commencement Information

**I137** S. 153 wholly in force at 16.2.2001; s. 153 not in force at Royal Assent, see s. 163(2); s. 153 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

#### Marginal Citations

**M76** 1925 c. 86.  
**M77** 1980 c. 43.  
**M78** 1995 c. 46.  
**M79** 1945 c. 15 (N.I.).  
**M80** S.I. 1981/1675 (N.I. 26).

## 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.

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### Commencement Information

**I138** S. 154 wholly in force at 16.2.2001; s. 154 not in force at Royal Assent, see s. 163(2); s. 154 in force at 16.2.2001 by S.I. 2001/222, art. 2, Sch. 1 Pt. I (subject to transitional provisions in Sch. 1 Pt. II)

### 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—
  - (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.

### Commencement Information

**I139** S. 155 wholly in force at 16.2.2001; s. 155 partly in force at Royal Assent, see s. 163(3); s. 155 in force at 16.2.2001 by S.I. 2001/222, art. 2, Sch. 1 Pt. I (subject to transitional provisions in Sch. 1 Pt. II)

### 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),
  - [<sup>F169</sup>(ca) any provision of Chapter 6 of Part 4;]
  - (d) <sup>F170</sup> .....
  - [<sup>F171</sup>(da) section 71F(13),
  - (db) section 71H(4),
  - (dc) section 71U(1),]
  - (e) section 101(4),

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- (f) section 108(3),
- (g) section 109(6),
- (h) section 129,
- [<sup>F172</sup>(ha) paragraph 9 of Schedule 6A,]
- (i) paragraph 3(4) of Schedule 7,
- [<sup>F173</sup>(ia) paragraph 2(9) or 4(4) of Schedule 7A,]
- (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.

#### Textual Amendments

- F169** S. 156(4)(ca) inserted (1.11.2007) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 10(2)(b), **13(1)**, 31(2)
- F170** S. 156(4)(d) repealed (25.9.2006) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 10(2)(a), 11(8)(a)(iii), 30(2), 31(2)(4), **Sch. 5**
- F171** S. 156(4)(da)-(dc) inserted (11.9.2006 for E.W.S. for certain purposes and otherwise prosp.) by Electoral Administration Act 2006 (c. 22), ss. **61(4)(a)**, 77(2); S.I. 2006/1972, **art. 3**, Sch. 1 para. 20(a) (subject to art. 4, Sch. 2) (as substituted by S.I. 2006/2268, art. 3)
- F172** S. 156(4)(ha) inserted (11.9.2006 for E.W.S. for certain purposes and otherwise prosp.) by Electoral Administration Act 2006, (c. 22), {ss. 61(4)(b)}, 77(2); S.I. 2006/1972, **art. 3**, Sch. 1 para. 20(a) (subject to art. 4, Sch. 2) (as substituted by S.I. 2006/2268, art. 3)
- F173** S. 156(4)(ia) inserted (11.9.2006 for E.W.S. for certain purposes and otherwise prosp.) by Electoral Administration Act 2006, (c. 22), ss. 61(7), 77(2), {Sch. 1 para. 100}; S.I. 2006/1972, **art. 3**, Sch. 1 paras. 20(a), 25(m)(i) (subject to art. 4, Sch. 2) (as amended by 2006/2268, art. 4)

#### 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.



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### Commencement Information

**I140** S. 157 wholly in force at 16.2.2001; s. 157 not in force at Royal Assent, see s. 163(2); s. 157 in force at 16.2.2001 by S.I. 2001/222, art. 2, Sch. 1 Pt. I (subject to transitional provisions in Sch. 1 Pt. II)

## 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 [<sup>F174</sup>(other than [<sup>F175</sup>those relating to sections 72, 73, 79, 81, 82, 101 to 105, and 108 and Schedule 3])] or III of the Representation of the <sup>M81</sup>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.

### Textual Amendments

**F174** Words in s. 158(3) inserted (S.) (20.1.2005) by Local Governance (Scotland) Act 2004 (asp 9), ss. 14(4), 17(2); S.S.I. 2005/588, art. 2

**F175** Words in s. 158(3)(a) substituted (S.) (29.1.2007) by Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), ss. 28(3), 63(2); S.S.I. 2007/26, art. 2(1)(i)

### Commencement Information

**I141** S. 158 wholly in force at 16.2.2001; s. 158 not in force at Royal Assent, see s. 163(2); s. 158 in force at 16.2.2001 by S.I. 2001/222, art. 2, Sch. 1 Pt. I (subject to transitional provisions in Sch. 1 Pt. II)

### Marginal Citations

**M81** 1983 c. 2.

## 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.

## <sup>F176</sup>159A Functions of the Lord Chancellor

In this Act, except—

- (a) sections 9 [<sup>F177</sup>, 18(2) and (4) and Chapter 6 of Part 4], and
- (b) paragraph 7 of Schedule 9,

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“the Secretary of State” means the Secretary of State or the Lord Chancellor.]

#### Textual Amendments

**F176** S. 159A inserted (25.11.2002) by S.I. 2002/2626, art. 20, Sch. 2 para. 25(3)

**F177** Words in s. 159A(a) substituted (1.11.2007) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 10(2)(b), 13(2), 31(2)

## 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);

[<sup>F178</sup>“combined region” means the electoral region which includes Gibraltar, namely the South West electoral region;]

“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

(c) any provision of subordinate legislation (within the meaning of the <sup>M82</sup> Interpretation Act 1978);

[<sup>F179</sup>“exempt Gibraltar trust donation” has the meaning given by section 162;]

“exempt trust donation” has the meaning given by section 162;

“functions” includes powers and duties;

[<sup>F180</sup>“Gibraltar court” as respects any purpose, means the court determined by or under the law of Gibraltar to be the court for that purpose;]

[<sup>F181</sup>“Gibraltar elector” means an individual—

(a) who is registered in the Gibraltar register, or

(b) if the first version of that register has not been published—

(i) who is registered in the register of electors used for House of Assembly elections, or

(ii) who is resident in Gibraltar, aged 16 or over and is a Commonwealth citizen or a citizen of the European Union (other than a Commonwealth citizen);]

[<sup>F182</sup>“Gibraltar party” has the meaning given by section 28(8)(d); and;]

[<sup>F183</sup>“Gibraltar register” has the meaning given by section 14 of the European Parliament (Representation) Act 2003]

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“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 <sup>M83</sup>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) [<sup>F184</sup>a person who is eligible for appointment as a statutory auditor under Part 42 of the Companies Act 2006;]<sup>F185</sup> or

(b) in the case of a Gibraltar party, a person who is, in accordance with section 6 of the Auditors Approval and Registration Ordinance 1998, 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 [<sup>F186</sup>the Welsh 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 [<sup>F187</sup>the Welsh Ministers] or any Minister within the meaning of the <sup>M84</sup>Northern Ireland Act 1998,

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- (ii) any government department (including a Northern Ireland department) [<sup>F188</sup>, the Welsh Assembly Government] or any part of the Scottish Administration <sup>F189</sup> . . .
- (iii) <sup>F190</sup> . . . . .
- (c) payments by the Scottish Parliamentary Corporate Body [<sup>F191</sup>, the National Assembly for Wales Commission] 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.
- [<sup>F192</sup>(6) References in this Act to a named Ordinance are to the Gibraltar Ordinance of that name.]

#### Textual Amendments

- F178** S. 160(1): definition of "combined region" inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), **Sch. para. 31(a)(ii)**
- F179** S. 160(1): definition of "exempt Gibraltar trust donation" inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), **Sch. para. 31(a)(ii)**
- F180** S. 160(1): definition of "Gibraltar court" inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), **Sch. para. 31(a)(ii)**
- F181** S. 160(1): definition of "Gibraltar elector" inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), **Sch. {para. 31(a)(ii)}**
- F182** S. 160(1): definition of "Gibraltar party" inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), **Sch. para. 31(a)(ii)**
- F183** S. 160(1): definition of "Gibraltar register" inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), **Sch. para. 31(a)(ii)**
- F184** S. 160(1): in definition of "qualified auditor" para. (a) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\)](#), arts. 2(2), 3(1), **Sch. 1 para. 26** (with arts. 6, 11, 12)
- F185** S. 160(1): para. (b) and preceding word inserted (5.2.2004) in definition of "qualified auditor" by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), **Sch. para. 31(a)(i)(bb)**
- F186** Words in s. 160(4)(a)(i) inserted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 97(a)**, the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) -- see ss. 46, 161(5) of the [Government of Wales Act 2006 \(c. 32\)](#) and art. 1(2) of the amending S.I.
- F187** Words in s. 160(4)(b)(i) inserted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 97(b)(i)**, the amending

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provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) -- see ss. 46, 161(5) of the [Government of Wales Act 2006 \(c. 32\)](#) and art. 1(2) of the amending S.I.

**F188** Words in s. 160(4)(b)(ii) inserted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 97(b)(ii)**, the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) -- see ss. 46, 161(5) of the [Government of Wales Act 2006 \(c. 32\)](#) and art. 1(2) of the amending S.I.

**F189** Word in s. 160(4)(b)(ii) omitted by virtue of [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 97(b)(ii)**, the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) -- see ss. 46, 161(5) of the [Government of Wales Act 2006 \(c. 32\)](#) and art. 1(2) of the amending S.I.

**F190** S. 160(4)(b)(iii) omitted by virtue of [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 97(b)(iii)**, the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) -- see ss. 46, 161(5) of the [Government of Wales Act 2006 \(c. 32\)](#) and art. 1(2) of the amending S.I.

**F191** Words in s. 160(4)(c) inserted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 97(c)**, the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) -- see ss. 46, 161(5) of the [Government of Wales Act 2006 \(c. 32\)](#) and art. 1(2) of the amending S.I.

**F192** S. 160(6) inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), **Sch. para. 31(b)**

#### Marginal Citations

**M82** 1978 c. 30.

**M83** 1983 c. 2.

**M84** 1998 c. 47.

## 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.

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- (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.

#### Commencement Information

**I142** S. 161 wholly in force at 16.2.2001; s. 161 not in force at Royal Assent, see s. 163(2); s. 161 in force at 16.2.2001 by S.I. 2001/222, art. 2, Sch. 1 Pt. I (subject to transitional provisions in Sch. 1 Pt. II)

## 162 Interpretation: exempt trust donations.

- (1) For the purposes of this Act—
  - [<sup>F193</sup>(a)] “exempt trust donation” means a donation to which subsection (2) or (3) applies, other than one falling within subsection (5)
  - [<sup>F194</sup>(b)] “exempt Gibraltar trust donation” means a donation to which subsection (3A) 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—
  - (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.

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[<sup>F195</sup>(3A) 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 falling within section 54(2A)(a) to (g) at the time when the trust was created, or
  - (ii) the will of a person falling within section 54(3A), and
- (b) to which no property has been transferred other than—
  - (i) by a person falling within section 54(2A)(a) to (g) at the time of the transfer, or
  - (ii) under the will of a person falling within section 54(3A),
 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 [<sup>F196</sup>subsections (3) and (3A)]“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 [<sup>F197</sup>or exempt Gibraltar 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.

### Textual Amendments

**F193** Words in s. 162(1) renumbered (5.2.2004) as s. 162(1)(a) by The European Parliamentary Elections (Combined Region and Campaign Expenditure) (United Kingdom and Gibraltar) Order 2004 (S.I. 2004/366), arts. 1(2), 4(2), **Sch. para. 32(a)(i)**

**F194** S. 162(1)(b) inserted (5.2.2004) by The European Parliamentary Elections (Combined Region and Campaign Expenditure) (United Kingdom and Gibraltar) Order 2004 (S.I. 2004/366), arts. 1(2), 4(2), **Sch. para. 32(a)(ii)**

**F195** S. 162(3A) inserted (5.2.2004) by The European Parliamentary Elections (Combined Region and Campaign Expenditure) (United Kingdom and Gibraltar) Order 2004 (S.I. 2004/366), arts. 1(2), 4(2), **Sch. para. 32(b)**

**F196** Words in s. 162(4) substituted (5.2.2004) by The European Parliamentary Elections (Combined Region and Campaign Expenditure) (United Kingdom and Gibraltar) Order 2004 (S.I. 2004/366), arts. 1(2), 4(2), **Sch. para. 32(c)**

**F197** S. 162(6)(a) inserted (5.2.2004) by The European Parliamentary Elections (Combined Region and Campaign Expenditure) (United Kingdom and Gibraltar) Order 2004 (S.I. 2004/366), arts. 1(2), 4(2), **Sch. para. 32(d)**

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#### Modifications etc. (not altering text)

- C99** S. 162 applied (1.7.2001) by 1983 c. 2, **Sch. 2A para. 6(2)** (as inserted (1.7.2001) by 2000 c. 41, ss. 130(3)(4), **Sch. 16** (with s. 156(6))); S.I. 2001/222, art. 4, **Sch. 2 Pt. I** (with Sch. 2 Pt. II para. 1)
- C100** S. 162 applied (E.W.S. and Gibraltar) (23.3.2004) by The European Parliamentary Elections Regulations 2004 (S.I. 2004/293), reg. 42(4), **Sch. 6 para. 6(2)** (with regs. 3-5)
- C101** S. 162 applied (N.I.) (30.4.2004) by The European Parliamentary Elections (Northern Ireland) Regulations 2004 (S.I. 2004/1267), reg. 38(4), **Sch. 4 para. 6(2)**
- C102** S. 162 applied (1.2.2007) by The National Assembly for Wales (Representation of the People) Order 2007 (S.I. 2007/236), arts. 1(1), 41(4), **Sch. 6 para. 6(2)**

#### Commencement Information

- I143** S. 162 wholly in force at 16.2.2001; s. 162 not in force at Royal Assent, see s. 163(2); s. 162 in force at 16.2.2001 by S.I. 2001/222, art. 2, **Sch. 1** (subject to transitional provisions in Sch. 1 Pt. II)

### 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.



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(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.

[<sup>F198</sup>(11) The following provisions of this Act extend to Gibraltar—

- (a) Part 1 (The Electoral Commission), except sections 9, 12 and 14 to 20;
- (b) Part 2 (Registration of Political Parties), except sections 36 and 38;
- (c) Part 3 (Accounting requirements for registered parties);
- (d) Part 4 (Control of donations to registered parties and their members etc.);
- (e) Part 5 (Control of campaign expenditure);
- (f) Part 6 (Controls relating to third party national election campaigns); and
- (g) Part 10 (Miscellaneous and general), except sections 141, 142, 144 and 158.]

#### Subordinate Legislation Made

**P1** S. 163(2) power partly exercised: 16.2.2001 appointed for specified provisions by S.I. 2001/222, art. 2 (with transitional provisions in Sch. 1 Pt. II); 30.10.2001 appointed for specified provisions by S.I. 2001/3526, art. 2; 1.1.2002 appointed for specified provisions by S.I. 2001/3526, art. 3; 1.4.2002 appointed for specified provisions by S.I. 2001/3526, art. 4; 1.1.2007 appointed for specified provisions by S.I. 2006/3416, art. 3 (subject to art. 5)

#### Textual Amendments

**F198** S. 163(11) inserted (5.2.2004) by The European Parliamentary Elections (Combined Region and Campaign Expenditure) (United Kingdom and Gibraltar) Order 2004 (S.I. 2004/366), arts. 1(2), 4(1)

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