



# Political Parties, Elections and Referendums Act 2000

## 2000 CHAPTER 41

### PART IV

CONTROL OF DONATIONS TO REGISTERED PARTIES AND THEIR MEMBERS ETC.

### CHAPTER I

#### DONATIONS TO REGISTERED PARTIES

#### **50 Donations for purposes of Part IV**

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

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- (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) for the purposes of subsection (2)(e), whether any money lent to a registered party is so lent otherwise than on commercial terms, or
  - (b) for the purposes of subsection (2)(f), whether any property, services or facilities provided for the use or benefit of a registered party is or are so provided otherwise than on such terms,

regard shall be had to the total value in monetary terms of the consideration provided by or on behalf of the party in respect of the loan or the provision of the property, services or facilities.
- (5) Where (apart from this subsection) anything would be a donation both by virtue of subsection (2)(b) and by virtue of any other provision of this section, subsection (2)(b) (together with section 51) shall apply in relation to it to the exclusion of the other provision of this section.
- (6) Anything given or transferred to any officer, member, trustee or agent of a registered party in his capacity as such (and not for his own use or benefit) is to be regarded as given or transferred to the party (and references to donations received by a party accordingly include donations so given or transferred).
- (7) Except so far as a contrary intention appears, references to a registered party in the context of—
  - (a) the making of donations to, or the receipt or acceptance of donations by, a registered party, or
  - (b) any provision having effect for or in connection with determining what constitutes a donation to such a party,

shall, in the case of a party with accounting units, be construed as references to the central organisation of the party or any of its accounting units.
- (8) In this section—
  - (a) any reference to anything being given or transferred to a party or any person is a reference to its being so given or transferred either directly or indirectly through any third person;
  - (b) “gift” includes bequest.
- (9) Nothing in this Part applies in relation to donations received by a minor party.

## **51 Sponsorship**

- (1) For the purposes of this Part sponsorship is provided in relation to a registered party if—
  - (a) any money or other property is transferred to the party or to any person for the benefit of the party, and
  - (b) the purpose (or one of the purposes) of the transfer is (or must, having regard to all the circumstances, reasonably be assumed to be)—

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

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

- (1) For the purposes of this Part none of the following shall be regarded as a donation—
  - (a) any policy development grant (within the meaning of section 12);
  - (b) any grant under section 170 of the Criminal Justice and Public Order Act 1994 (security costs at party conferences);
  - (c) any payment made by or on behalf of the European Parliament for the purpose of assisting members of the Parliament to perform their functions as such members;
  - (d) the transmission by a broadcaster, free of charge, of a party political broadcast or a referendum campaign broadcast (within the meaning of section 127);
  - (e) any other facilities provided in pursuance of any right conferred on candidates or a party at an election or a referendum by any enactment;
  - (f) the provision of assistance by a person appointed under section 9 of the Local Government and Housing Act 1989;
  - (g) the provision by any individual of his own services which he provides voluntarily in his own time and free of charge;
  - (h) any interest accruing to a registered party in respect of any donation which is dealt with by the party in accordance with section 56(2)(a) or (b).
- (2) For the purposes of this Part there shall be disregarded—
  - (a) any donation which (in accordance with any enactment) falls to be included in a return as to election expenses in respect of a candidate or candidates at a particular election; and

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- (b) except for the purposes of section 68, any donation whose value (as determined in accordance with section 53) is not more than £200.
- (3) Nothing in section 50 or 51 shall have the result that a payment made in respect of the hire of a stand at a party conference organised by or on behalf of a registered party is to constitute a donation to the party for the purposes of this Part if or to the extent that the payment does not exceed such of the maximum rates which the Commission determine to be reasonable for the hire of stands at party conferences as is applicable to the hire of the stand in question.

### **53 Value of donations**

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