



# Political Parties, Elections and Referendums Act 2000

## 2000 CHAPTER 41

### PART IV

CONTROL OF DONATIONS TO REGISTERED PARTIES AND THEIR MEMBERS ETC.

### CHAPTER III

REPORTING OF DONATIONS TO REGISTERED PARTIES

*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”.

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- (4) Where no previous relevant donation or donations has or have been required to be recorded under this subsection, a relevant donation must be recorded—
- (a) if it is a donation of more than £5,000, or
  - (b) if, when it is added to any other relevant donation or donations, the aggregate amount of the donations 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 (as part of the aggregate amount mentioned in that paragraph) in the donation report for the reporting period in which the donation which causes that aggregate amount to be more than £5,000 is accepted.
- (6) Where any previous relevant donation or donations has or have been required to be recorded under subsection (4), a relevant donation must be recorded at the point when there has or have been accepted—
- (a) since the donation or donations required to be recorded under subsection (4), or
  - (b) if any relevant donation or donations has or have previously been required to be recorded under this subsection, since the donation or donations last required to be so recorded,
- any relevant donation or donations of an amount or aggregate amount which is more than £1,000.
- (7) A donation to which subsection (6) applies on any occasion must—
- (a) if it is the only donation 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 (as part of the aggregate amount mentioned in that subsection) in the donation report for the reporting period in which the donation which causes that aggregate amount to be more than £1,000 is accepted.
- (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—
- (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),

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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.

### **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.
- (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.

## **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
  - (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—

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- (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 People Act 1983 (parliamentary election rules) contains the name of a candidate standing in the name of the party.

## **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.
- (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.

## **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.

### *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—

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- (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.

*Reports to be made by donors*

**68 Reporting of multiple small donations**

- (1) This section applies where a person (“the donor”) has during the course of a calendar year made small donations to a registered party whose aggregate value is more than £5,000.
- (2) The donor must make a report to the Commission in respect of the donations which gives the following details—
  - (a) the aggregate value of the donations and the year in which they were made;
  - (b) the name of the registered party to whom they were made; and
  - (c) the full name and address of the donor (if an individual) and (in any other case) such details in respect of the donor as are required by virtue of paragraph 2 of Schedule 6 to be given in respect of the donor of a recordable donation.
- (3) The report must be delivered to the Commission by 31st January in the year following that in which the donations were made.
- (4) The report must, when delivered to the Commission, be accompanied by a declaration by the donor stating—
  - (a) that small donations whose aggregate value was that specified in the report were made by him to the specified registered party during the specified year, and
  - (b) that no other small donations were made by him to that party during that year.
- (5) A person commits an offence if—
  - (a) he delivers a report under this section which does not comply with subsection (2); or
  - (b) he fails to deliver such a report in accordance with subsection (3) or such a report, when delivered by him, is not accompanied by a declaration under subsection (4); or
  - (c) he knowingly or recklessly makes a false declaration under that subsection.
- (6) In this section—
  - (a) “small donation” means a donation whose value is not more than £200; and
  - (b) “specified” means specified in the report in question.

*Register of donations*

**69 Register of recordable donations**

- (1) The Commission shall maintain a register of all donations reported to them under this Chapter.

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- (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;
  - (b) (subject to subsection (4)) such other details as have been given in relation to the donation in pursuance of paragraph 2, 3, 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) In the case of any donations reported to them under section 68, the register shall (subject to subsection (4)) contain the details given in pursuance of subsection (2) of that section.
- (4) The details required by virtue of subsection (2) or (3) 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) or (3) to be entered in the register in respect of the donation or donations as soon as is reasonably practicable.