



# 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.

## CHAPTER II

### RESTRICTIONS ON DONATIONS TO REGISTERED PARTIES

#### *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 Companies Act 1985 or the 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;
  - (d) a trade union entered in the list kept under the Trade Union and Labour Relations (Consolidation) Act 1992 or the Industrial Relations (Northern Ireland) Order 1992;
  - (e) a building society (within the meaning of the Building Societies Act 1986);
  - (f) a limited liability partnership registered under the 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 Friendly Societies Act 1974 or a society registered (or deemed to be registered) under the Industrial and Provident Societies Act 1965 or the 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.
- (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.
- (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.

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- (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 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—
  - (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 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 People Act 1983;
  - (b) a register of relevant citizens of the European Union prepared under Part III of the European Parliamentary Elections (Changes to the Franchise and Qualifications of Representatives) Regulations 1994; or
  - (c) a register of peers prepared under regulations under section 3 of the Representation of the People Act 1985.

## **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 section 52(1)(a) and (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.
- (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
  - (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.

## **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,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 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.

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- (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.

## **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.

### *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;
- and proceedings on an application under this section to the sheriff shall be civil proceedings.

## **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.
- (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.

## **60 Supplementary provisions about orders under section 58**

- (1) 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, 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—

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- (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.

### *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).

## **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”.
- (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).

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- (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),
- 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.

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- (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 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

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(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),

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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.

#### *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.
- (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.

## **CHAPTER IV**

### **POWER TO MAKE SPECIAL PROVISION**

### **70 Special provision for Northern Ireland parties**

- (1) The Secretary of State may by order make provision—
  - (a) for extending—
    - (i) in relation to a Northern Ireland party, and
    - (ii) for such period as is specified,the categories of permissible donors specified in section 54(2);
  - (b) for disapplying any specified provisions of this Part, for such period as is specified, in relation to a Northern Ireland party.
- (2) An order under subsection (1) may provide for any specified provisions of this Part to apply, in connection with any provision made by the order in pursuance of paragraph (a) or (b) of that subsection, with such modifications as may be specified.
- (3) Each order under subsection (1) shall be so made as to—
  - (a) apply to every Northern Ireland party, and
  - (b) make the same provision with respect to every such party.
- (4) Any period specified in an order under subsection (1)(a) or (b) must end not later than four years after the date on which the order comes into force, but this is without prejudice to the making (on one or more occasions) of a further such order which—

- (a) extends that period for a period ending not later than four years after the date on which the further order comes into force, or
  - (b) specifies a fresh such period.
- (5) Where—
- (a) at a time when any order is in force under subsection (1) a donation is received by a registered party which is registered in the Great Britain register, and
  - (b) the order provides for this subsection to apply to any such donation,
- section 54(2)(c) shall have effect in relation to the donation as if it referred only to a registered party which is registered in that register.
- (6) In this section—
- “Northern Ireland party” means a party registered in the Northern Ireland register;
  - “specified” means specified in an order under subsection (1).

## 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.