



# Political Parties, Elections and Referendums Act 2000

## 2000 CHAPTER 41

### PART VI

#### CONTROLS RELATING TO THIRD PARTY NATIONAL ELECTION CAMPAIGNS

### CHAPTER II

#### FINANCIAL CONTROLS

*[<sup>F1</sup>Which third parties may incur expenditure*

#### Textual Amendments

**F1** S. 89A and cross-heading inserted (24.11.2022) by [Elections Act 2022 \(c. 37\)](#), **ss. 26(1)**, 67(1) (with s. 26(3)(4)); S.I. 2022/1226, reg. 2(c)

#### **89A** Restriction on which third parties may incur controlled expenditure

- (1) No amount of controlled expenditure may be incurred by or on behalf of a third party during a reserved regulated period unless the third party—
  - (a) falls within any paragraph of section 88(2) (third parties eligible to give notification), or
  - (b) is an unincorporated association with the requisite UK connection.
- (2) Subsection (1) does not apply to any expenses incurred by or on behalf of a third party during a reserved regulated period which do not in total exceed £700.
- (3) Subsections (4) and (5) apply where expenses are incurred by or on behalf of a third party in contravention of subsection (1).

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- (4) If the third party is not an individual—
- (a) any person who authorised the expenses to be incurred by or on behalf of the third party is guilty of an offence if the person knew or ought reasonably to have known that the expenses would be incurred in contravention of subsection (1), and
  - (b) the third party is also guilty of an offence.
- (5) If the third party is an individual, the individual is guilty of an offence if they knew or ought reasonably to have known that the expenses would be incurred in contravention of subsection (1).
- (6) An unincorporated association has “the requisite UK connection” if it consists of two or more persons both or all of whom are registered in a register of parliamentary electors in pursuance of a declaration made under and in accordance with section 1C of the Representation of the People Act 1985 (overseas elector’s declaration).
- (7) In this section—
- “register of parliamentary electors” means a register of parliamentary electors maintained under section 9 of the Representation of the People Act 1983;
- “reserved regulated period” means a period in relation to which any limit is imposed by paragraph 3, 7, 9, 10 or 11 of Schedule 10 (periods involving parliamentary general elections or general elections to the Northern Ireland Assembly).]

*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).

<sup>F2</sup>(3) .....

<sup>F3</sup>(4) .....

**Textual Amendments**

- F2** S. 90(3) omitted (24.11.2022) by virtue of [Elections Act 2022 \(c. 37\)](#), ss. **24(5)**, 67(1); S.I. 2022/1226, reg. 2(c)
- F3** S. 90(4) repealed (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, **Sch. 1 Pt. 1** (as amended by S.I. 2019/1389, regs. 1, 2(2))

**Commencement Information**

- I1** 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**)

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## 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,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>F4</sup>(4A) This section does not apply in relation to a recognised third party that is subject to the lower-tier expenditure limits.]

<sup>F5</sup>(5) .....

### Textual Amendments

**F4** S. 91(4A) inserted (24.11.2022) by Elections Act 2022 (c. 37), ss. 28(12), 67(1) (with s. 28(13)(14)); S.I. 2022/1226, reg. 2(c)

**F5** S. 91(5) repealed (31.12.2020) by The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018 (S.I. 2018/1310), reg. 1, Sch. 1 Pt. 1 (as amended by S.I. 2019/1389, regs. 1, 2(2))

### Commencement Information

**I2** 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>F6</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>F7</sup>60 days] after the end of the regulated period.
- (3) A person commits an offence if, without reasonable excuse—

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- (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 [<sup>F8</sup>in England and Wales to the High Court or the county court or, in Northern Ireland,] 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.
- (7) Subsections (7) to [<sup>F9</sup>(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;
  - (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>F10</sup>(7A) This section does not apply in relation to a recognised third party that is subject to the lower-tier expenditure limits.]

<sup>F11</sup>(8) .....

#### Textual Amendments

- F6** 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)
- F7** 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)
- F8** Words in s. 92(4) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 9 para. 121(b)**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F9** Word in s. 92(7) substituted (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, **Sch. 2 para. 4(5)** (as amended by S.I. 2019/1389, regs. 1, 2(2))
- F10** S. 92(7A) inserted (24.11.2022) by [Elections Act 2022 \(c. 37\)](#), **ss. 28(12)**, 67(1) (with s. 28(13)(14)); S.I. 2022/1226, reg. 2(c)
- F11** S. 92(8) repealed (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, **Sch. 1 Pt. 1** (as amended by S.I. 2019/1389, regs. 1, 2(2))

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#### Commencement Information

- I3** 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 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

- I4** 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 <sup>F12</sup>on controlled expenditure*

#### Textual Amendments

- F12** Words in s. 94 cross-heading inserted (30.1.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\), ss. 30\(6\), 45\(3\)\(b\)](#) (with s. 46(1)(2))

### 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

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[<sup>F13</sup>, or in particular parliamentary constituencies,] 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 [<sup>F14</sup> or a parliamentary constituency] 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 [<sup>F15</sup> or parliamentary constituency], 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—

[<sup>F16</sup>(a) [<sup>F17</sup>any of the following sub-paragraphs applies—

- (ai) during a regulated period in relation to which any limit is imposed by paragraph 3, 7, 9, 10 or 11 of Schedule 10 (periods involving parliamentary general elections or general elections to the Northern Ireland Assembly), any controlled expenditure is incurred by or on behalf of a third party in excess of £10,000;]
  - (i) 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) [<sup>F18</sup>;
  - (ii) during a regulated period in relation to which any limit is imposed by paragraph 3, 9, 10 or 11 of Schedule 10 (periods involving parliamentary general elections), any controlled expenditure is incurred in a particular parliamentary constituency by or on behalf of a third party in excess of the limit mentioned in subsection (5ZA),]
- and

[<sup>F19</sup>(b) the third party—

- (i) in a case within paragraph (a)(ai) or (ii), is not a recognised third party;
- (ii) in a case within paragraph (a)(i), is not a recognised third party or, where the regulated period is one in relation to which any limit is imposed by paragraph 3, 7, 9, 10 or 11 of Schedule 10, is a recognised third party but is subject to the lower-tier expenditure limits.]

[<sup>F20</sup>(3A) For provision requiring certain controlled expenditure to be disregarded in determining for the purposes of subsection (3)(a) whether a limit is exceeded, see section 94B(3) (arrangements between third parties notified to the Commission).]

(4) In [<sup>F21</sup>the case mentioned in subsection (3)]—

- (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;

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- (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.

[<sup>F22</sup>(4ZA) In its application to a case within subsection (3)(a)(i) where the third party is a recognised third party that is subject to the lower-tier expenditure limits, the reference in subsection (4)(a)(i) to any person who authorised the expenditure to be incurred is to be read as a reference to the responsible person.]

[<sup>F23</sup>(4A) It is a defence for any person or third party charged with an offence under subsection (2) or (4) to show—

- (a) that any code of practice for the time being issued under paragraph 3 of Schedule 8A was complied with in determining whether any expenditure is controlled expenditure for the purposes of this Part, and
- (b) that the offence would not have been committed on the basis of the controlled expenditure as determined in accordance with the code.]

(5) The limits referred to in subsection [<sup>F24</sup>(3)(a)(i)] are as follows—

- (a) [<sup>F25</sup>£20,000 ] for England; and
- (b) [<sup>F26</sup>£10,000 ] for each of Scotland, Wales and Northern Ireland.

[<sup>F27</sup>(5ZA) The limit referred to in subsection (3)(a)(ii) is 0.05% of the total of the maximum campaign expenditure limits in England, Scotland, Wales and Northern Ireland.]

<sup>F28</sup>(5A) . . . . .

(6) Where—

- (a) during a regulated period any controlled expenditure is incurred in a particular part of the United Kingdom [<sup>F29</sup>or a particular parliamentary constituency] 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 [<sup>F30</sup>and the expenditure] can reasonably be regarded as intended to achieve a common purpose falling within section [<sup>F31</sup>85(2)(b)],

the expenditure mentioned in paragraph (a) shall be treated for the purposes of this section [<sup>F32</sup>, sections 94D to 94H] and Schedule 10 as having also been incurred, during the period and in the part of the United Kingdom [<sup>F33</sup>or parliamentary constituency] 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

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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 [F34, sections 94A and 94B][F35, sections 94D to 94H], sections 96 to [F3699A] and Schedule 10 as controlled expenditure incurred by or on behalf of the third party during that period.

[F37(8A) Where the period is one in relation to which any limit is imposed by paragraph 3, 7, 9, 10 or 11 of Schedule 10 (periods involving parliamentary general elections or general elections to the Northern Ireland Assembly), property, services or facilities are made use of on behalf of a third party for the purposes of subsection (8)(b) only if their use on behalf of the third party is directed, authorised or encouraged by the third party or (where the third party is a recognised third party and is not an individual) by the third party or the responsible person.]

(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 [F38, sections 94A and 94B][F39, sections 94D to 94H], sections 96 to [F4099A] and Schedule 10—

(a) a “regulated period” is F41... 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;

(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; F42  
 ...

(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.

[F43(e) the “maximum campaign expenditure limit” in a part of the United Kingdom is the limit imposed by paragraph 3 of Schedule 9 in relation to campaign expenditure incurred in the relevant period (within the meaning of that paragraph) by or on behalf of a registered party which contests all the constituencies in that part (and to which sub-paragraph (6) of that paragraph does not apply).]

[F44(f) any reference to controlled expenditure being incurred in a parliamentary constituency shall be construed in accordance with paragraph 2A of Schedule 10.]

[F45(10A) Where an offence under subsection (4) is committed in the case of a recognised third party that is subject to the lower-tier expenditure limits—

(a) the third party ceases to be subject to those limits at the time the offence is committed, and

(b) this Part then applies to the third party as if the notification under section 88(1) which is for the time being in force in relation to the third party did not contain a statement under section 88(3D).]

F46(11).....



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## Textual Amendments

- F13** Words in s. 94(1) inserted (30.1.2014) by Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (c. 4), **ss. 29(2)(a)**, 45(3)(b) (with s. 46(1)(2))
- F14** Words in s. 94(2) inserted (30.1.2014) by Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (c. 4), **ss. 29(2)(b)(i)**, 45(3)(b) (with s. 46(1)(2))
- F15** Words in s. 94(2) inserted (30.1.2014) by Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (c. 4), **ss. 29(2)(b)(ii)**, 45(3)(b) (with s. 46(1)(2))
- F16** S. 94(3)(a) substituted (30.1.2014) by Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (c. 4), **ss. 28(2)**, 45(3)(b) (with s. 46(1)(2))
- F17** Words in s. 94(3)(a) substituted (24.11.2022) by Elections Act 2022 (c. 37), **ss. 28(8)(a)**, 67(1) (with s. 28(13)(14)); S.I. 2022/1226, reg. 2(c)
- F18** Word in s. 94(3)(a)(i) substituted (24.11.2022) by Elections Act 2022 (c. 37), **ss. 28(8)(b)**, 67(1) (with s. 28(13)(14)); S.I. 2022/1226, reg. 2(c)
- F19** S. 94(3)(b) substituted (24.11.2022) by Elections Act 2022 (c. 37), **ss. 28(8)(c)**, 67(1) (with s. 28(13)(14)); S.I. 2022/1226, reg. 2(c)
- F20** S. 94(3A) inserted (30.1.2014) by Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (c. 4), **ss. 27(2)(a)**, 45(3)(b) (with s. 46(1)(2))
- F21** Words in s. 94(4) substituted (30.1.2014) by Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (c. 4), **ss. 27(2)(b)**, 45(3)(b) (with s. 46(1)(2))
- F22** S. 94(4ZA) inserted (24.11.2022) by Elections Act 2022 (c. 37), **ss. 28(9)**, 67(1) (with s. 28(13)(14)); S.I. 2022/1226, reg. 2(c)
- F23** S. 94(4A) inserted (30.1.2014) by Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (c. 4), **ss. 26(9)**, 45(3)(b) (with s. 46(1)(2))
- F24** Word in s. 94(5) substituted (30.1.2014) by Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (c. 4), **ss. 28(3)(a)**, 45(3)(b) (with s. 46(1)(2))
- F25** Word in s. 94(5)(a) substituted (30.1.2014) by Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (c. 4), **ss. 28(3)(b)**, 45(3)(b) (with s. 46(1)(2))
- F26** Word in s. 94(5)(b) substituted (30.1.2014) by Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (c. 4), **ss. 28(3)(c)**, 45(3)(b) (with s. 46(1)(2))
- F27** S. 94(5ZA) inserted (30.1.2014) by Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (c. 4), **ss. 28(4)**, 45(3)(b) (with s. 46(1)(2))
- F28** S. 94(5A) repealed (31.12.2020) by The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018 (S.I. 2018/1310), reg. 1, **Sch. 1 Pt. 1** (as amended by S.I. 2019/1389, regs. 1, 2(2))
- F29** Words in s. 94(6)(a) inserted (30.1.2014) by Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (c. 4), **ss. 29(2)(c)(i)**, 45(3)(b) (with s. 46(1)(2))
- F30** Words in s. 94(6)(b) substituted (30.1.2014) by Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (c. 4), **ss. 26(10)(a)**, 45(3)(b) (with s. 46(1)(2))
- F31** Word in s. 94(6)(b) substituted (30.1.2014) by Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (c. 4), **ss. 26(10)(b)**, 45(3)(b) (with s. 46(1)(2))
- F32** Words in s. 94(6) inserted (30.1.2014) by Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (c. 4), **ss. 30(7)(a)**, 45(3)(b) (with s. 46(1)(2))
- F33** Words in s. 94(6) inserted (30.1.2014) by Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (c. 4), **ss. 29(2)(c)(ii)**, 45(3)(b) (with s. 46(1)(2))
- F34** Words in s. 94(8) inserted (30.1.2014) by Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (c. 4), **ss. 27(2)(d)**, 45(3)(b) (with s. 46(1)(2))
- F35** Words in s. 94(8) inserted (30.1.2014) by Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (c. 4), **ss. 30(7)(b)**, 45(3)(b) (with s. 46(1)(2))
- F36** Word in s. 94(8) substituted (30.1.2014) by Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (c. 4), **ss. 35(2)**, 45(3)(b) (with s. 46(1)(2))

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- F37** S. 94(8A) inserted (24.11.2022) by Elections Act 2022 (c. 37), **ss. 20(4)**, 67(1); S.I. 2022/1226, reg. 2(c) (with reg. 3(1))
- F38** Words in s. 94(10) inserted (30.1.2014) by Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (c. 4), **ss. 27(2)(d)**, 45(3)(b) (with s. 46(1)(2))
- F39** Words in s. 94(10) inserted (30.1.2014) by Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (c. 4), **ss. 30(7)(b)**, 45(3)(b) (with s. 46(1)(2))
- F40** Word in s. 94(10) substituted (30.1.2014) by Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (c. 4), **ss. 35(2)**, 45(3)(b) (with s. 46(1)(2))
- F41** Words in s. 94(10)(a) repealed (31.12.2020) by The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018 (S.I. 2018/1310), reg. 1, **Sch. 1 Pt. 1** (as amended by S.I. 2019/1389, regs. 1, 2(2))
- F42** Word in s. 94(10)(c) omitted (30.1.2014) by virtue of Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (c. 4), **ss. 28(6)**, 45(3)(b) (with s. 46(1)(2))
- F43** S. 94(10)(e) inserted (30.1.2014) by Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (c. 4), **ss. 28(6)**, 45(3)(b) (with s. 46(1)(2))
- F44** S. 94(10)(f) inserted (30.1.2014) by Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (c. 4), **ss. 29(2)(d)**, 45(3)(b) (with s. 46(1)(2))
- F45** S. 94(10A) inserted (24.11.2022) by Elections Act 2022 (c. 37), **ss. 28(10)**, 67(1) (with s. 28(13)(14)); S.I. 2022/1226, reg. 2(c)
- F46** S. 94(11) repealed (31.12.2020) by The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018 (S.I. 2018/1310), reg. 1, **Sch. 1 Pt. 1** (as amended by S.I. 2019/1389, regs. 1, 2(2))

#### Commencement Information

- I5** 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)

#### [<sup>F47</sup>94A Arrangements between third parties notified to the Commission

- (1) A recognised third party may, at any time before the end of a regulated period, send a notice to the Commission—
  - (a) stating that it is party to an arrangement of the kind mentioned in section 94(6),
  - (b) undertaking to be a lead campaigner in relation to the arrangement, and
  - (c) identifying one or more other third parties that are parties to the arrangement and have undertaken to be minor campaigners in relation to it.
- (2) A recognised third party that has sent a notice under subsection (1) may, at any time before the end of the regulated period, send one or more supplementary notices to the Commission identifying additional third parties that are parties to the arrangement and have undertaken to be minor campaigners in relation to it.
- (3) As from the date of receipt by the Commission of—
  - (a) a notice under subsection (1), the recognised third party that sent the notice becomes “a lead campaigner” in relation to the arrangement;
  - (b) a notice under subsection (1) or (2), a third party identified in the notice becomes “a minor campaigner” in relation to the arrangement.
- (4) A notice under subsection (1) or (2) may not—
  - (a) identify as a minor campaigner a third party that is a lead campaigner in relation to the same arrangement, <sup>F48</sup> ...
  - <sup>F48</sup>(b) .....

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- (5) The Commission must, as soon as reasonably practicable after receiving—
- (a) a notice under subsection (1), enter in the register maintained under section 89 (register of notifications) the fact that the recognised third party that sent the notice is a lead campaigner in relation to the arrangement;
  - (b) a notice under subsection (1) or (2), enter in that register the name of each third party identified in the notice and the fact that it is a minor campaigner in relation to the arrangement.

[ A recognised third party that is subject to the lower-tier expenditure limits may not <sup>F49</sup>(5A) send a notice under subsection (1).]

- (6) For provision about the effect of sending a notice under this section, see section 94B.

#### Textual Amendments

- F47** Ss. 94A, 94B inserted (30.1.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), ss. 27(3), 45(3)(b) (with s. 46(1)(2))
- F48** S. 94A(4)(b) and word repealed (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, **Sch. 1 Pt. 1** (as amended by [S.I. 2019/1389](#), regs. 1, 2(2))
- F49** S. 94A(5A) inserted (24.11.2022) by [Elections Act 2022 \(c. 37\)](#), ss. 28(11), 67(1) (with s. 28(13)(14)); [S.I. 2022/1226](#), reg. 2(c)

### 94B Effect where arrangements are notified under section 94A

- (1) Subsection (2) applies where controlled expenditure is incurred during a regulated period in a part of the United Kingdom—
- (a) by or on behalf of a minor campaigner in relation to an arrangement, and
  - (b) in pursuance of the arrangement.
- (2) The expenditure is treated for the purposes of sections 96 to 99A (returns as to controlled expenditure) as having also been incurred, during the period and in the part of the United Kingdom concerned, by or on behalf of any lead campaigner in relation to the arrangement who sent a notice under section 94A(1) or (2) identifying the minor campaigner.
- (3) In determining for the purposes of section 94(3)(a) whether a limit is exceeded by a third party during a regulated period, controlled expenditure incurred by or on behalf of the third party is to be disregarded if—
- (a) conditions A and B are met in relation to the expenditure, and
  - (b) condition C is met.
- (4) Condition A is that the expenditure—
- (a) is incurred in pursuance of an arrangement that has been notified to the Commission under section 94A(1), and
  - (b) is, by virtue of section 94(6), treated for the purposes of section 94 and Schedule 10 as incurred by or on behalf of the third party.
- (5) Condition B is that the third party is, at the time the expenditure is incurred, a minor campaigner in relation to the arrangement.
- (6) Condition C is that—

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- (a) the total of the controlled expenditure incurred during the regulated period in any part of the United Kingdom by or on behalf of the third party, disregarding any expenditure in relation to which conditions A and B are met, does not exceed the limit for that part mentioned in section 94(5), and
  - (b) in the case of a regulated period in relation to which any limit is imposed by paragraph 3, 9 10 or 11 of Schedule 10 (periods involving parliamentary general elections), the total of the controlled expenditure incurred during the regulated period in any particular constituency by or on behalf of the third party, disregarding any expenditure in relation to which conditions A and B are met, does not exceed the limit mentioned in section 94(5ZA).
- (7) References in subsection (6) to controlled expenditure incurred by or on behalf of the third party include controlled expenditure that is, by virtue of section 94(6), treated for the purposes of section 94 and Schedule 10 as so incurred.]

#### Textual Amendments

**F47** Ss. 94A, 94B inserted (30.1.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), **ss. 27(3)**, 45(3)(b) (with s. 46(1)(2))

#### *<sup>F50</sup>Financial limits on targeted controlled expenditure*

#### Textual Amendments

**F50** Ss. 94C-94H and cross-heading inserted (30.1.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), **ss. 30(8)**, 45(3)(b) (with s. 46(1)(2))

### 94C Overview of sections 94D to 94H

- (1) Sections 94D to 94H impose limits on, and make other provision relating to, controlled expenditure incurred by or on behalf of a recognised third party where the expenditure is targeted at a particular registered party.
- (2) Section 94D defines when controlled expenditure is regarded as targeted at a particular registered party, specifies the limits and specifies the periods over which the limits operate.
- (3) Section 94E makes provision about the consequences where controlled expenditure targeted at a registered party is incurred by or on behalf of a recognised third party in excess of a limit without authorisation from the registered party.
- (4) Section 94F makes provision about the consequences where controlled expenditure targeted at a registered party is incurred by or on behalf of a recognised third party in excess of a limit with authorisation from the registered party.
- (5) Section 94G makes provision about how a registered party may give or withdraw authorisation (including provision enabling the registered party to specify a cap on the amount of expenditure authorised).
- (6) Section 94H makes provision about the meaning of references to expenditure that “exceeds” a targeted expenditure limit or cap.

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#### **94D Meaning of “targeted”, “targeted expenditure limit” etc**

- (1) Controlled expenditure is “targeted” at a particular registered party if it can reasonably be regarded as—
  - (a) intended to benefit that party or any of its candidates, and
  - (b) not intended to benefit any other registered party or any of its candidates.
- (2) A limit (a “targeted expenditure limit”) applies to controlled expenditure that—
  - (a) is incurred during a qualifying regulated period in England, Scotland, Wales or Northern Ireland, and
  - (b) is targeted at a particular registered party.
- (3) A “qualifying regulated period” is a period in relation to which limits are imposed by paragraph 3, 9, 10 or 11 of Schedule 10 (periods involving parliamentary general elections).
- (4) The targeted expenditure limit applying to controlled expenditure incurred during a qualifying regulated period in a part of the United Kingdom is—
  - (a) for the period in relation to which limits are imposed by paragraph 3(2) of Schedule 10, 0.2% of the maximum campaign expenditure limit in that part of the United Kingdom, and
  - (b) for any other qualifying regulated period, the relevant proportion of the limit determined in accordance with paragraph (a).
- (5) In subsection (4)(b) “the relevant proportion” means—

where—

A is the number of days in the period mentioned in subsection (4)(b);

B is the number of days in the period mentioned in subsection (4)(a).
- (6) This section applies for the purposes of sections 94E to 94H.

#### **94E Unauthorised expenditure in excess of targeted expenditure limit**

- (1) This section applies if—
  - (a) controlled expenditure which is targeted at a particular registered party (“the registered party”) is incurred by or on behalf of a recognised third party (“the third party”),
  - (b) the expenditure exceeds a targeted expenditure limit (to any extent), and
  - (c) at the time the expenditure is incurred—
    - (i) the third party is not authorised by the registered party to incur expenditure targeted at it, or
    - (ii) the third party is so authorised, but the expenditure exceeds a cap specified in the authorisation (to any extent).
- (2) If the third party is not an individual—
  - (a) the responsible person is guilty of an offence if the person authorised the expenditure to be incurred by or on behalf of the third party and the person knew or ought reasonably to have known that the expenditure would be incurred in excess of the targeted expenditure limit, and
  - (b) the third party is also guilty of an offence.

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- (3) If the third party is an individual, the third party is guilty of an offence if the third party knew or ought reasonably to have known that the expenditure would be incurred in excess of the targeted expenditure limit.
- (4) It is a defence for a third party charged with an offence under subsection (2) or (3) to show—
  - (a) that any code of practice for the time being issued under paragraph 3 of Schedule 8A was complied with in determining whether any expenditure is controlled expenditure for the purposes of this Part, and
  - (b) that the offence would not have been committed on the basis of the controlled expenditure as determined in accordance with the code.

#### **94F Authorised expenditure in excess of targeted expenditure limit**

- (1) This section applies if—
  - (a) controlled expenditure which is targeted at a particular registered party (“the registered party”) is incurred by or on behalf of a recognised third party (“the third party”),
  - (b) the expenditure exceeds a targeted expenditure limit (to any extent),
  - (c) at the time the expenditure is incurred the third party is authorised by the registered party to incur expenditure targeted at it, and
  - (d) if the registered party specified a cap in the authorisation, the expenditure, or any part of it, does not exceed the cap.
- (2) The authorised amount is treated for the purposes of section 79(2) (limits on campaign expenditure) as if—
  - (a) it were campaign expenditure within the meaning of Part 5, and
  - (b) it was incurred by the registered party at the same time as the controlled expenditure mentioned in subsection (1)(a) was in fact incurred by or on behalf of the third party.
- (3) For the purposes of this section, “the authorised amount” is the amount of the controlled expenditure incurred as mentioned in subsection (1)(a) less—
  - (a) such amount, if any, of that expenditure as does not exceed the targeted expenditure limit, and
  - (b) such amount, if any, of that expenditure as exceeds a cap specified by the registered party in its authorisation of the third party.
- (4) In determining whether, by virtue of subsection (2), the incurring of controlled expenditure by or on behalf of the third party constitutes an offence under section 79(2) by the treasurer or any deputy treasurer of the registered party, section 79(2)(a)(i) is treated as if the reference in that provision to the authorisation of the expenditure were to the signing of the authorisation under section 94G.
- (5) The treasurer or a deputy treasurer of the registered party must make a declaration of—
  - (a) the amount of the controlled expenditure incurred as mentioned in subsection (1)(a), and
  - (b) the authorised amount.
- (6) A person commits an offence if the person knowingly or recklessly makes a false declaration under subsection (5).

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## **94G Authorisation**

- (1) A registered party may authorise a recognised third party to incur controlled expenditure in England, Scotland, Wales or Northern Ireland that is targeted at the registered party.
- (2) An authorisation—
  - (a) must be in writing,
  - (b) must be signed by a relevant officer,
  - (c) must specify the part of the United Kingdom to which it relates, and
  - (d) may specify a cap on the amount of expenditure authorised.
- (3) An authorisation is of no effect until a copy of it has been given to the Commission by the registered party.
- (4) The Commission must, as soon as is reasonably practicable after receiving a copy of an authorisation, enter in the register maintained under section 89 (register of notifications)—
  - (a) the fact that the registered party has given the authorisation, and
  - (b) the information specified in it.
- (5) A registered party may at any time withdraw an authorisation already given.
- (6) A withdrawal of an authorisation—
  - (a) must be in writing, and
  - (b) must be signed by a relevant officer.
- (7) A withdrawal of an authorisation is of no effect until a copy of it has been given to the Commission by the registered party.
- (8) The Commission must, as soon as is reasonably practicable after receiving a copy of a withdrawal of an authorisation, update the register maintained under section 89.
- (9) For the purposes of this section “relevant officer”, in relation to a registered party, means—
  - (a) the treasurer of the party, or
  - (b) a deputy treasurer of the party.

## **94H Expenditure that “exceeds” a targeted expenditure limit or cap**

- (1) Controlled expenditure incurred by or on behalf of a recognised third party during a qualifying regulated period in any part of the United Kingdom that is targeted at a particular registered party “exceeds”—
  - (a) a targeted expenditure limit, or
  - (b) a cap specified by the registered party in its authorisation of the third party, if and to the extent that the relevant cumulative total is in excess of that limit or cap.
- (2) For this purpose “the relevant cumulative total” is the total of—
  - (a) the controlled expenditure incurred as mentioned in subsection (1), and
  - (b) the total of any controlled expenditure targeted at the same registered party which has already been incurred by or on behalf of the third party during the qualifying regulated period in that part of the United Kingdom.]



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### *Donations to recognised third parties*

## 95 Control of donations to recognised third parties.

Schedule 11 has effect for controlling donations to recognised third parties <sup>F51</sup>....

#### Textual Amendments

**F51** Words in s. 95 omitted (24.11.2022) by virtue of [Elections Act 2022 \(c. 37\)](#), **ss. 24(6)**, 67(1); S.I. 2022/1226, reg. 2(c)

#### Commencement Information

**I6** 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](#))

## [<sup>F52</sup>95ZA Control of donation to recognised third parties: power of Scottish Ministers

- (1) The powers under the following provisions of Schedule 11 are exercisable by the Scottish Ministers instead of the Secretary of State, so far as they relate to polls at elections for membership of the Scottish Parliament—
- (a) paragraph 3(4) (power to change meaning of defined expenses and sponsorship),
  - (b) paragraph 6A(6) (power to make regulations about how the value of a benefit is calculated), and
  - (c) paragraph 6B(4) (power to make regulations about the retention of declarations).
- (2) For the purposes of the exercise by the Scottish Ministers of the powers mentioned in subsection (1), paragraphs 3, 6A and 6B of Schedule 11 apply as if any reference to the Secretary of State was a reference to the Scottish Ministers.
- (3) Subsection (1) does not apply to a power so far as it relates to circumstances where a limit applies to expenditure in relation to a period determined by reference both to the date of the poll for an election for membership of the Scottish Parliament and to the date of any other election.]

#### Textual Amendments

**F52** S. 95ZA inserted (18.5.2017) by [Scotland Act 2016 \(c. 11\)](#), **ss. 7(4)**, 72(4)(a) (with s. 7(5)); S.I. 2017/608, reg. 2(1)(e)

### *[<sup>F53</sup>Quarterly and weekly reports of donations to recognised third parties*

#### Textual Amendments

**F53** Ss. 95A-95F and cross-heading inserted (30.1.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), **ss. 33(2)**, 45(3)(b) (with s. 46(1)(2))



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## 95A Quarterly donation reports

- (1) The responsible person in relation to a recognised third party must, in respect of each reporting period that falls within a pre-dissolution period, prepare a report about reportable donations (“a quarterly report”).

<sup>F54</sup>(2) .....

- (3) A “pre-dissolution period” means a period—
- (a) beginning with the [<sup>F55</sup>day that is the fourth anniversary of the day on which the Parliament then in existence first met], and
  - (b) ending with the day before the day <sup>F56</sup>... on which Parliament is dissolved.

[ In a case where the pre-dissolution period is 3 months or less, the reporting period is <sup>F57</sup>(3A) the pre-dissolution period.

- (3B) In a case where the pre-dissolution period is more than 3 months, the reporting periods are—
- (a) the period of 3 months beginning with the first day of the pre-dissolution period,
  - (b) any succeeding period of 3 months falling within the pre-dissolution period, and
  - (c) any final period of less than 3 months falling within that period.]

<sup>F58</sup>(4) .....

<sup>F59</sup>(5) .....

- (6) A quarterly report must comply with the requirements of Schedule 11A.
- (7) A “reportable donation” means a relevant donation (within the meaning of Schedule 11) which—
- <sup>F60</sup>(a) .....
  - (b) is accepted, or is dealt with in accordance with section 56(2) (as applied by paragraph 7 of Schedule 11), by the recognised third party during the reporting period.

- (8) A quarterly report must be delivered to the Commission by the responsible person within the period of 30 days beginning with the end of the reporting period to which it relates.

- (9) The report must be accompanied by a declaration signed by the responsible person stating that, to the best of that person's knowledge and belief—
- (a) all reportable donations (if any) recorded in the report as having been accepted by the recognised third party are from permissible donors, and
  - (b) there are no reportable donations which are required to be recorded in the report in accordance with Schedule 11A which are not so recorded.

- (10) This section does not require the preparation of a quarterly report in respect of a reporting period if no reportable donations are accepted, or dealt with, as described in subsection (7)(b), by the recognised third party during that period.

[ This section does not apply in relation to a recognised third party that is subject to the <sup>F61</sup>(10A) lower-tier expenditure limits.]

<sup>F62</sup>(11) .....

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### Textual Amendments

- F54** S. 95A(2) omitted (24.3.2022) by virtue of [Dissolution and Calling of Parliament Act 2022 \(c. 11\)](#), s. 6(3), [Sch. para. 15\(2\)](#)
- F55** Words in s. 95A(3)(a) substituted (24.3.2022) by [Dissolution and Calling of Parliament Act 2022 \(c. 11\)](#), s. 6(3), [Sch. para. 15\(3\)\(a\)](#)
- F56** Words in s. 95A(3)(b) omitted (24.3.2022) by virtue of [Dissolution and Calling of Parliament Act 2022 \(c. 11\)](#), s. 6(3), [Sch. para. 15\(3\)\(b\)](#)
- F57** S. 95A(3A)(3B) inserted (24.3.2022) by [Dissolution and Calling of Parliament Act 2022 \(c. 11\)](#), s. 6(3), [Sch. para. 15\(4\)](#)
- F58** S. 95A(4) omitted (24.3.2022) by virtue of [Dissolution and Calling of Parliament Act 2022 \(c. 11\)](#), s. 6(3), [Sch. para. 15\(5\)](#)
- F59** S. 95A(5) omitted (24.3.2022) by virtue of [Dissolution and Calling of Parliament Act 2022 \(c. 11\)](#), s. 6(3), [Sch. para. 15\(5\)](#)
- F60** S. 95A(7)(a) and word omitted (24.3.2022) by virtue of [Dissolution and Calling of Parliament Act 2022 \(c. 11\)](#), s. 6(3), [Sch. para. 15\(6\)](#)
- F61** S. 95A(10A) inserted (24.11.2022) by [Elections Act 2022 \(c. 37\)](#), [ss. 28\(12\)](#), 67(1) (with s. 28(13)(14)); S.I. 2022/1226, reg. 2(c)
- F62** S. 95A(11) omitted (24.11.2022) by virtue of [Elections Act 2022 \(c. 37\)](#), [ss. 24\(7\)](#), 67(1); S.I. 2022/1226, reg. 2(c)

### 95B Weekly donation reports during general election periods

- (1) The responsible person in relation to a recognised third party must, in respect of each reporting period that falls within a general election period, prepare a report about substantial donations (“a weekly report”).
- (2) The reporting periods are—
  - (a) the period of 7 days beginning with the first day of the general election period,
  - (b) each succeeding period of 7 days falling within the general election period, and
  - (c) any final period of less than 7 days falling within that period.
- (3) A “general election period” means the period—
  - (a) beginning with the day on which Parliament is dissolved for a parliamentary general election, and
  - (b) ending with the date during a qualifying regulated period which is the date of the poll for that election.
- (4) A weekly report must comply with the requirements of Schedule 11A.
- (5) A “substantial donation” means a relevant donation of a substantial value which is received by the recognised third party during the reporting period in respect of the relevant election or elections the poll or polls for which take place during the qualifying regulated period.
- (6) A relevant donation is “of a substantial value” if its value (as determined in accordance with paragraph 5 of Schedule 11) is more than £7,500.
- (7) A weekly report must be delivered to the Commission by the responsible person within the period of 7 days beginning with the end of the reporting period to which it relates.

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(8) The report must be accompanied by a declaration signed by the responsible person stating that, to the best of that person's knowledge and belief, no substantial donations have been received by the recognised third party during the reporting period which are required to be recorded in the report in accordance with Schedule 11A and are not so recorded.

(9) This section does not require the preparation of a weekly report in respect of a reporting period if no substantial donations are received by the recognised third party during that period.

(10) In this section—

“qualifying regulated period” means a period in relation to which any limit is imposed by paragraph 3, 9, 10 or 11 of Schedule 10 (periods involving parliamentary general elections);

“relevant donation” has the same meaning as in Schedule 11.

[ This section does not apply in relation to a recognised third party that is subject to the <sup>F63</sup>(10A) lower-tier expenditure limits.]

<sup>F64</sup>(11) . . . . .

**Textual Amendments**

**F63** S. 95B(10A) inserted (24.11.2022) by Elections Act 2022 (c. 37), ss. 28(12), 67(1) (with s. 28(13)(14)); S.I. 2022/1226, reg. 2(c)

**F64** S. 95B(11) omitted (24.11.2022) by virtue of Elections Act 2022 (c. 37), ss. 24(8), 67(1); S.I. 2022/1226, reg. 2(c)

**95C Related offences**

(1) The responsible person in relation to a recognised third party commits an offence if, without reasonable excuse, the responsible person—

- (a) fails to deliver a quarterly or weekly report in accordance with section 95A(8) or 95B(7),
- (b) delivers a quarterly or weekly report to the Commission without the accompanying declaration required under section 95A(9) or 95B(8), or
- (c) delivers a quarterly or weekly report to the Commission which does not comply with the requirements of Schedule 11A.

(2) The responsible person in relation to a recognised third party commits an offence if the person knowingly or recklessly makes a false declaration under section 95A(9) or 95B(8).

**95D Forfeiture**

(1) The court may, on an application made by the Commission, order the forfeiture by a recognised third party of an amount equal to the value of a relevant donation where the court is satisfied that—

- (a) a failure by the responsible person to deliver a quarterly or weekly report in accordance with section 95A(8) or 95B(7), or

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- (b) the delivery by the responsible person of a quarterly or weekly report which fails to comply with a requirement of Schedule 11A,  
was attributable to an intention on the part of any person to conceal the existence or true amount of the donation.
- (2) The standard of proof in proceedings on an application under this section is that applicable to civil proceedings.
- (3) A forfeiture order may be made under this section whether or not proceedings are brought against any person for an offence connected with the donation.
- (4) In this section “the court” means—
- (a) in relation to England and Wales, a magistrates' court;
  - (b) in relation to Scotland, the sheriff;
  - (c) in relation to Northern Ireland, a court of summary jurisdiction.
- (5) Proceedings on an application under this section to the sheriff are civil proceedings.
- (6) Sections 59 and 60 (appeals etc against forfeiture orders) apply for the purposes, or in connection with the operation, of this section in relation to a recognised third party as they apply for the purposes, or in connection with the operation, of section 58 in relation to a registered party.
- (7) In this section “relevant donation” has the same meaning as in Schedule 11.
- [ This section does not apply in relation to a recognised third party that is subject to the <sup>F65</sup>(8) lower-tier expenditure limits.]

#### Textual Amendments

**F65** S. 95D(8) inserted (24.11.2022) by [Elections Act 2022 \(c. 37\)](#), **ss. 28(12)**, 67(1) (with s. 28(13)(14)); [S.I. 2022/1226](#), reg. 2(c)

### 95E Sections 95A to 95D: supplementary

- (1) This section applies where the requirements in section 95A or 95B to prepare quarterly or weekly reports in the case of a pre-dissolution period or a general election period have effect in relation to a recognised third party.
- (2) If the third party's notification under section 88(1) lapses during the pre-dissolution period or the general election period, the requirements in section 95A or 95B (as the case may be) continue to have effect in relation to the third party—
- (a) in respect of the reporting period in which the notification lapses, and
  - (b) in respect of each reporting period (if any) which preceded that period and which falls within the pre-dissolution period or the general election period.
- (3) If the third party's notification under section 88(1) lapses at or after the end of the pre-dissolution period or the general election period, the requirements in section 95A or 95B (as the case may be) continue to have effect in relation to the third party in the case of that period.
- (4) In a case where subsection (2) or (3) applies, references in sections 95A to 95D to the responsible person are to be read, for the purposes of, or in connection with, the discharge of obligations of the responsible person under those sections, as references

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to the person who was the responsible person in relation to the recognised third party immediately before the notification lapsed.

- (5) In this section—
- (a) “pre-dissolution period” and “reporting period”, in relation to a quarterly report, have the same meaning as in section 95A, and
  - (b) “general election period” and “reporting period”, in relation to a weekly report, have the same meaning as in section 95B.

## **95F Public inspection of reports**

- (1) Where the Commission receive a quarterly or weekly report under section 95A or 95B, they must—
- (a) as soon as reasonably practicable after receiving the report, make a copy of the report, 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 report or other document is kept by them.
- (2) The Commission must secure that the copy of the report 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 2 years beginning with the date when any report or other document mentioned in subsection (1) is received by the Commission—
- (a) they may cause the report or other document to be destroyed, but
  - (b) if requested to do so by the responsible person in relation to the third party concerned, they must arrange for the report or other document to be returned to that person.]

### *Returns*

## **96 Returns as to controlled expenditure.**

- [<sup>F66</sup>(1) Subsection (1A) applies where—
- (a) during a regulated period, any controlled expenditure is incurred by or on behalf of a recognised third party in a relevant part of the United Kingdom, and
  - (b) the incurring of that expenditure would, if the third party had not been recognised, have been an offence under section 94(4) (whether because it was incurred in excess of a limit mentioned in section 94(5) or 94(5ZA)).
- (1A) The responsible person must prepare a return in respect of the controlled expenditure incurred by or on behalf of the third party during that period in each relevant part 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;

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- [<sup>F67</sup>(aa) a statement listing each constituency (if any) in which the controlled expenditure incurred by or on behalf of the third party during that period exceeded 0.04% of the total of the maximum campaign expenditure limits in England, Scotland, Wales and Northern Ireland;
  - (ab) a statement showing, for each constituency listed under paragraph (aa), all payments made in respect of controlled expenditure incurred by or on behalf of the third party during that period in that constituency;]
  - (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) <sup>F68</sup>... 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) [<sup>F69</sup>or (ab)]; 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 [<sup>F70</sup>(1A)] 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 <sup>F71</sup>... 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 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.

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[<sup>F72</sup>(9) This section does not apply in relation to a recognised third party that is subject to the lower-tier expenditure limits.]

#### Textual Amendments

- F66** S. 96(1)(1A) substituted for s. 96(1) (30.1.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), **ss. 34(2)**, 45(3)(b) (with s. 46(1)(2))
- F67** S. 96(2)(aa)(ab) inserted (30.1.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), **ss. 29(3)(a)**, 45(3)(b) (with s. 46(1)(2))
- F68** Words in s. 96(2)(d) omitted (24.11.2022) by virtue of [Elections Act 2022 \(c. 37\)](#), **ss. 24(9)**, 67(1); S.I. 2022/1226, reg. 2(c)
- F69** Words in s. 96(3)(a) inserted (30.1.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), **ss. 29(3)(b)**, 45(3)(b) (with s. 46(1)(2))
- F70** Word in s. 96(7) substituted (30.1.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), **ss. 34(3)(a)**, 45(3)(b) (with s. 46(1)(2))
- F71** Words in s. 96(7)(a) omitted (30.1.2014) by virtue of [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), **ss. 34(3)(b)**, 45(3)(b) (with s. 46(1)(2))
- F72** S. 96(9) inserted (24.11.2022) by [Elections Act 2022 \(c. 37\)](#), **ss. 28(12)**, 67(1) (with s. 28(13)(14)); S.I. 2022/1226, reg. 2(c)

#### Commencement Information

- I7** 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](#))

#### [<sup>F73</sup>96A Statement of accounts

- (1) Where—
- (a) a 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) the period is one in relation to which any limit is imposed by paragraph 3, 9, 10 or 11 of Schedule 10 (periods involving parliamentary general elections),
- the responsible person must, subject to subsections (8) and (9), also prepare a statement of accounts in respect of the regulated period.
- (2) A statement of accounts under this section must include—
- (a) a statement of the income and expenditure of the third party for the regulated period, and
  - (b) a statement of its assets and liabilities at the end of that period.
- (3) A statement of accounts under this section must comply with such requirements as to the form and contents of the statement as may be prescribed by regulations made by the Commission.
- (4) Regulations under subsection (3) may in particular—
- (a) require any statement of accounts 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.
- (5) Without prejudice to the generality of paragraph 22(7) of Schedule 1 (power to make different provision for different cases), regulations under subsection (3) may impose

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different requirements according to which of the following bands the gross income or total expenditure of a third party falls within—

- (a) not exceeding £25,000;
  - (b) exceeding £25,000 but not £100,000;
  - (c) exceeding £100,000 but not £250,000;
  - (d) exceeding £250,000.
- (6) The Secretary of State may by order amend subsection (5) by varying the number of bands set out in it.
- (7) The Secretary of State may not make an order under subsection (6) except to give effect to a recommendation of the Commission.
- (8) This section does not apply if the third party is an individual.
- (9) This section does not apply to a third party in relation to a regulated period if the Commission are satisfied—
- (a) that a statement or statements prepared or to be prepared by the third party under any enactment contains or will contain the information required by subsection (2) or equivalent information, and
  - (b) that the Commission are, or will be, able to inspect that statement or those statements.
- (10) Equivalent information is—
- (a) a statement or statements of the income and expenditure for a period or periods other than the regulated period, or
  - (b) a statement or statements of assets and liabilities at a date or dates other than the end of that period,
- but which in the Commission's opinion gives a sufficient indication of the third party's accounts for, or at the end of, the regulated period.
- (11) Where section 96(7) (lapse of notification) applies to the preparation of a return—
- (a) the reference to the responsible person in subsection (1) of this section is to be read as a reference to the person described in section 96(7)(b), and
  - (b) for the purposes of, or in connection with, the discharge of obligations of the responsible person under sections 98 and 99A in relation to a statement of accounts under this section, references to the responsible person are to be read as references to that person.
- (12) In this section and section 97 “gross income” means gross recorded income from all sources.]

#### Textual Amendments

**F73** S. 96A inserted (30.1.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), ss. **35(3)**, 45(3)(b) (with s. 46(1)(2))

#### 97 Auditor's report on return [<sup>F74</sup>or statement of accounts] .

- (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



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£250,000, a report must be prepared by a qualified auditor on the return prepared under section 96 in respect of that expenditure.

[<sup>F75</sup>(1A) A report must be prepared by a qualified auditor on any statement of accounts prepared under section 96A in respect of a regulated period, if—

- (a) a report falls to be prepared under subsection (1) on the return mentioned in section 96A(1)(a), or
- (b) during the regulated period the gross income or total expenditure of the third party exceeds £250,000.]

(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) [<sup>F76</sup>or (1A)] 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.

#### Textual Amendments

- F74** Words in s. 97 heading inserted (30.1.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), **ss. 35(4)(c)**, 45(3)(b) (with s. 46(1)(2))
- F75** S. 97(1A) inserted (30.1.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), **ss. 35(4)(a)**, 45(3)(b) (with s. 46(1)(2))
- F76** Words in s. 97(2) inserted (30.1.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), **ss. 35(4)(b)**, 45(3)(b) (with s. 46(1)(2))

#### Commencement Information

- I8** 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.

[<sup>F77</sup>(2A) Where a statement of accounts falls to be prepared under section 96A, the responsible person must deliver—

- (a) the statement, and
- (b) if an auditor's report on the statement falls to be prepared under section 97(1A), that report,

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to the Commission before the end of the period of 6 months beginning with the end of the period under subsection (1) or (2) for the delivery of the relevant section 96 return.

- (2B) “The relevant section 96 return” means the return mentioned in section 96A(1)(a) which gives rise to the duty to prepare the statement of accounts.]
- (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.
- (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
  - [<sup>F78</sup>(aa) fails to comply with the requirements of subsection (2A) in relation to any statement 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
  - [<sup>F79</sup>(ba) delivers a statement which does not comply with the requirements of section 96A(2) or (3); or]
  - (c) fails to comply with the requirements of subsection (3) in relation to a return under that subsection.

#### Textual Amendments

- F77** S. 98(2A)(2B) inserted (30.1.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), **ss. 35(5)**, 45(3)(b) (with s. 46(1)(2))
- F78** S. 98(4)(aa) inserted (30.1.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), **ss. 35(6)(a)**, 45(3)(b) (with s. 46(1)(2))
- F79** S. 98(4)(ba) inserted (30.1.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), **ss. 35(6)(b)**, 45(3)(b) (with s. 46(1)(2))

#### Commencement Information

- I9** 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.

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[<sup>F80</sup>(2A) Subsection (2)(b)(ii) does not apply to expenses that are treated as incurred by or on behalf of the recognised third party by virtue of section 94B(2) (arrangements between third parties notified to the Commission).]

- (3) The declaration must also state <sup>F81</sup>... 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.

#### Textual Amendments

**F80** S. 99(2A) inserted (30.1.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), [ss. 27\(4\)](#), [45\(3\)\(b\)](#) (with [s. 46\(1\)\(2\)](#))

**F81** Words in [s. 99\(3\)](#) omitted (24.11.2022) by virtue of [Elections Act 2022 \(c. 37\)](#), [ss. 24\(10\)](#), [67\(1\)](#); [S.I. 2022/1226](#), [reg. 2\(c\)](#)

#### Commencement Information

**I10** 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](#))

[<sup>F82</sup>**99A Declaration by responsible person as to statement of accounts under section 96A**

- (1) Each statement of accounts prepared under section 96A must, when delivered to the Commission, 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 statement in question; and
  - (b) that to the best of that person's knowledge and belief it is a complete and correct statement of accounts as required by law.
- (3) A person commits an offence if—
- (a) that person knowingly or recklessly makes a false declaration under this section; or
  - (b) subsection (1) is contravened without reasonable excuse at a time when that person is the responsible person in the case of the recognised third party to which the statement of accounts relates.]

#### Textual Amendments

**F82** S. 99A inserted (30.1.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), [ss. 35\(7\)](#), [45\(3\)\(b\)](#) (with [s. 46\(1\)\(2\)](#))

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## 100 Public inspection of returns under section 96.

- (1) Where the Commission receive any return under section 96, 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) 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.
- [<sup>F83</sup>(4) Where a statement of accounts is delivered under section 98(2A), this section applies as if the statement and any documents accompanying it—
  - (a) were documents accompanying the relevant section 96 return, and
  - (b) (for the purposes of subsection (3)) were received by the Commission when the return was received.
- (5) In subsection (4)(a), “the relevant section 96 return” has the meaning given by section 98(2B).]

### Textual Amendments

**F83** S. 100(4)(5) inserted (30.1.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), **ss. 35(8)**, 45(3)(b) (with s. 46(1)(2))

### Commencement Information

**I11** 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](#))

<sup>F84</sup>*Code of practice relating to controlled expenditure*

### Textual Amendments

**F84** **Ss. 100A, 100B** and cross-heading inserted (24.11.2022) by [Elections Act 2022 \(c. 37\)](#), **ss. 29(1)**, 67(1); [S.I. 2022/1226](#), **reg. 2(c)**

## 100A Code of practice on controlled expenditure

- (1) The Commission must prepare a code of practice about the operation of this Part in relation to a reserved regulated period.

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- (2) The code must in particular set out—
  - (a) guidance on the kinds of expenses which do, or do not, fall within Part 1 of Schedule 8A (qualifying expenses);
  - (b) guidance on determining whether the condition in section 85(2)(b) (promoting or procuring electoral success) is met in relation to expenditure;
  - (c) guidance on determining whether anything provided to or for the use of a third party falls to be dealt with in accordance with section 86 (notional controlled expenditure) or with section 95 and Schedule 11 (donations);
  - (d) examples of when expenditure falls to be dealt with in accordance with section 94(6) (expenditure of a third party in pursuance of an arrangement with one or more other third parties);
  - (e) guidance about the operation of sections 94D to 94H (targeted controlled expenditure).
- (3) The Commission may from time to time revise the code.
- (4) In exercising their functions under this Part, the Commission must have regard to the code.
- (5) It is a defence for a third party charged with an offence under any provision of this Part, where the offence relates to expenditure incurred or treated as incurred by a third party during a reserved regulated period, to show—
  - (a) that the code, in the form for the time being issued under section 100B, was complied with by the third party in determining whether the expenditure is controlled expenditure for the purposes of this Part, and
  - (b) that the offence would not have been committed on the basis of the controlled expenditure as determined in accordance with the code.
- (6) In this section, “reserved regulated period” means a period in relation to which any limit is imposed by paragraph 3, 7, 9, 10 or 11 of Schedule 10 (regulated periods for parliamentary general elections or general elections to the Northern Ireland Assembly).
- (7) Section 100B sets out consultation and procedural requirements relating to the code or any revised code.

### **100B Code of practice: consultation and procedural requirements**

- (1) The Commission must consult the following on a draft of a code under section 100A—
  - (a) the Speaker’s Committee;
  - (b) the Levelling Up, Housing and Communities Committee;
  - (c) such other persons as the Commission consider appropriate.
- (2) After the Commission have carried out the consultation required by subsection (1), they must—
  - (a) make whatever modifications to the draft code the Commission consider necessary in light of responses to the consultation, and
  - (b) submit the draft to the Secretary of State for approval by the Secretary of State.
- (3) The Secretary of State may approve a draft code either without modifications or with such modifications as the Secretary of State may determine.

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*Changes to legislation: Political Parties, Elections and Referendums Act 2000, Chapter II is up to date with all changes known to be in force on or before 12 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) View outstanding changes*

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- (4) Once the Secretary of State has approved a draft code, the Secretary of State must lay before each House of Parliament a copy of the draft, whether—
  - (a) in its original form, or
  - (b) in a form which incorporates any modifications determined under subsection (3).
- (5) If the draft code incorporates any such modifications, the Secretary of State must at the same time lay before each House a statement of the Secretary of State’s reasons for making them.
- (6) If, within the 40-day period, either House resolves not to approve the draft, the Secretary of State must take no further steps in relation to the draft code.
- (7) Subsection (6) does not prevent a new draft code from being laid before Parliament.
- (8) If no resolution of the kind mentioned in subsection (6) is made within the 40-day period—
  - (a) the Secretary of State must issue the code in the form of the draft laid before Parliament,
  - (b) the Commission must arrange for the code to be published in such manner as they consider appropriate, and
  - (c) the code comes into force on such day as the Secretary of State may by order appoint.
- (9) References in this section (other than in subsection (1)) to a code or draft code include a revised code or draft revised code.
- (10) In this section, “the 40-day period”, in relation to a draft code, means—
  - (a) if the draft is laid before one House on a day later than the day on which it is laid before the other House, the period of 40 days beginning with the later of the two days, and
  - (b) in any other case, the period of 40 days beginning with the day on which the draft is laid before each House, no account being taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.
- (11) If the name of the Levelling Up, Housing and Communities Committee is changed, the reference in subsection (1)(b) to that Committee is to be read (subject to subsection (12)) as a reference to the Committee by its new name.
- (12) If the functions of the Levelling Up, Housing and Communities Committee at the passing of this Act with respect to electoral matters (or functions corresponding substantially to such matters) become functions of a different committee of the House of Commons, the reference in subsection (1)(b) to that Committee is to be read as a reference to the committee which for the time being has those functions.]

**Changes to legislation:**

Political Parties, Elections and Referendums Act 2000, Chapter II is up to date with all changes known to be in force on or before 12 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.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 2(2A) inserted by 2022 c. 37 s. 18(1)
- s. 4A-4E and cross-heading inserted by 2022 c. 37 s. 16
- s. 8(3)(d) inserted by 2011 c. 13 Sch. 10 para. 12
- s. 13ZA and cross-heading inserted by 2022 c. 37 s. 17(1)
- s. 54(1)(aa) inserted by 2009 c. 12 s. 9(1)
- s. 54(1)(aa) substituted by 2009 c. 12 s. 10(1)
- s. 54(2ZA)-(2ZC) inserted by 2009 c. 12 s. 10(3)
- s. 56(1A) inserted by 2009 c. 12 s. 10(5)
- s. 56(2)(aa) inserted by 2009 c. 12 s. 9(3)(b)
- s. 56(3B) inserted by 2009 c. 12 s. 9(4)
- s. 71H(3ZA) inserted by 2009 c. 12 Sch. 6 para. 19
- s. 71L(9A) inserted by 2009 c. 12 s. 11(2)
- Sch. 1 para. 2(1) Sch. 1 para. 2 renumbered as Sch. 1 para. 2(1) by 2022 c. 37 s. 19(2)
- Sch. 1 para. 2(2) inserted by 2022 c. 37 s. 19(4)
- Sch. 1 para. 2(1) words inserted by 2022 c. 37 s. 19(3)(a)
- Sch. 1 para. 2(1) words omitted by 2022 c. 37 s. 19(3)(b)
- Sch. 2 para. 2(1A) inserted by 2022 c. 37 s. 18(2)
- Sch. 2 para. 4 and cross-heading inserted by 2022 c. 37 s. 17(2)
- Sch. 7 para. 6(1)(aa) inserted by 2009 c. 12 Sch. 3 para. 1(1)
- Sch. 7 para. 8(1A) inserted by 2009 c. 12 Sch. 4 para. 2
- Sch. 7 para. 10(5)(aa) inserted by 2009 c. 12 Sch. 3 para. 2(5)(b)
- Sch. 7 para. 6(1)(aa) substituted by 2009 c. 12 Sch. 4 para. 1(1)
- Sch. 7 para. 10(5)(aa) words inserted by 2009 c. 12 Sch. 4 para. 3(3)
- Sch. 7A para. 8(9A) inserted by 2009 c. 12 s. 11(5)
- Sch. 7A para. 9(10)(ba) inserted by 2009 c. 12 s. 11(6)(b)
- Sch. 11 para. 4(3) inserted by 2009 c. 12 Sch. 6 para. 29(2)
- Sch. 11 para. 6(1)(aa) inserted by 2009 c. 12 Sch. 3 para. 4(1)
- Sch. 11 para. 7(2)(aa) inserted by 2009 c. 12 Sch. 4 para. 5
- Sch. 11 para. 6(1)(aa) substituted by 2009 c. 12 Sch. 4 para. 4(1)
- Sch. 11 para. 4(3) words inserted by 2009 c. 12 Sch. 6 para. 29(3)
- Sch. 15 para. 4(3)(4) inserted by 2009 c. 12 Sch. 6 para. 30(2)(b)
- Sch. 15 para. 6(1)(aa) inserted by 2009 c. 12 Sch. 3 para. 7(1)
- Sch. 15 para. 7(2)(aa) inserted by 2009 c. 12 Sch. 4 para. 8
- Sch. 15 para. 6(1)(aa) substituted by 2009 c. 12 Sch. 4 para. 7(1)
- Sch. 15 para. 4(3) words inserted by 2009 c. 12 Sch. 6 para. 30(3)