



# Political Parties, Elections and Referendums Act 2000

## 2000 CHAPTER 41

### PART VI

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

#### CHAPTER I

#### PRELIMINARY

#### *Controlled expenditure by third parties*

#### **85 Controlled expenditure by third parties.**

- (1) The following provisions have effect for the purposes of this Part.
- (2) “Controlled expenditure”, in relation to a third party, means (subject to section 87) expenses incurred by or on behalf of the third party [<sup>F1</sup>where—
  - (a) the expenses fall within Part 1 of Schedule 8A, and
  - (b) the expenditure can reasonably be regarded as intended to promote or procure electoral success at any relevant election for—
    - (i) one or more particular registered parties,
    - (ii) one or more registered parties who advocate (or do not advocate) particular policies or who otherwise fall within a particular category of such parties, or
    - (iii) candidates who hold (or do not hold) particular opinions or who advocate (or do not advocate) particular policies or who otherwise fall within a particular category of candidates.]

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

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*Changes to legislation: Political Parties, Elections and Referendums Act 2000, Section 85 is up to date with all changes known to be in force on or before 19 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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and any such material is election material even though it can reasonably be regarded as intended to achieve any other purpose as well.

- (4) For the purposes of subsection [F3(2)(b)]—
- (a) the reference to electoral success at any relevant election is a reference—
    - (i) in relation to a registered party, to the return at any such election of candidates standing in the name of the party or included in a list of candidates submitted by the party in connection with the election, and
    - (ii) in relation to candidates, to their return at any such election; and
  - (b) the reference to doing any of the things mentioned in [F4that provision] includes doing so by prejudicing the electoral prospects at the election of other parties or candidates F5...; [F6and]
  - [F7(c) a course of conduct may constitute the doing of one of those things even though it does not involve any express mention being made of the name of any party or candidate.]

[F8(4A) In determining whether expenditure can reasonably be regarded as intended to promote or procure electoral success as mentioned in subsection (2)(b), it is immaterial that it can reasonably be regarded as intended to achieve any other purpose as well.]

- (5) “Recognised third party” means a third party for the time being recognised under section 88 for the purposes of this Part.

F9(5A) .....

[F10(5B) “The lower-tier expenditure limits”, in relation to controlled expenditure incurred by or on behalf of a recognised third party, means the limits specified in section 94(5) (limits on controlled expenditure incurred in a part of the UK); and a recognised third party is subject to those limits if the notification given by the third party under section 88(1), as it has effect for the time being, contains a statement within section 88(3D).]

- (6) “Relevant election” has the same meaning as in Part II.

- (7) “Responsible person”, in relation to a recognised third party, means—
- (a) if the third party is an individual, that individual;
  - F11(b) .....
  - (c) otherwise, the person or officer for the time being notified to the Commission by the third party in accordance with section 88(3)(c)(ii) [F12or (d)(ii)].

- (8) “Third party”, in relation to any relevant election, means—
- (a) any person or body other than a registered party; or
  - (b) subject to subsection (9), any registered party.

- (9) In connection with the application of subsection (2) in relation to expenses incurred by or on behalf of a third party which is a registered party, any reference in [F13that subsection] to a registered party or registered parties or to any candidates does not include—

- (a) the party itself, or
- (b) any candidates standing in the name of the party at any relevant election or included in any list submitted by the party in connection with any such election,

as the case may be.

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(10) In this section “candidates” includes future candidates, whether identifiable or not.

#### Textual Amendments

- F1** Words in s. 85(2) substituted (30.1.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), **ss. 26(2)**, 45(3)(b) (with s. 46(1)(2))
- F2** S. 85(3) omitted (30.1.2014) by virtue of [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), **ss. 26(3)**, 45(3)(b) (with s. 46(1)(2))
- F3** Word in s. 85(4) substituted (30.1.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), **ss. 26(4)(a)**, 45(3)(b) (with s. 46(1)(2))
- F4** Words in s. 85(4)(b) substituted (30.1.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), **ss. 26(4)(b)(i)**, 45(3)(b) (with s. 46(1)(2))
- F5** Words in s. 85(4)(b) omitted (30.1.2014) by virtue of [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), **ss. 26(4)(b)(ii)**, 45(3)(b) (with s. 46(1)(2))
- F6** Word in s. 85(4)(b) inserted (30.1.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), **ss. 26(4)(b)(iii)**, 45(3)(b) (with s. 46(1)(2))
- F7** S. 85(4)(c) substituted (30.1.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), **ss. 26(4)(c)**, 45(3)(b) (with s. 46(1)(2))
- F8** S. 85(4A) inserted (30.1.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), **ss. 26(5)**, 45(3)(b) (with s. 46(1)(2))
- F9** S. 85(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))
- F10** S. 85(5B) inserted (24.11.2022) by [Elections Act 2022 \(c. 37\)](#), **ss. 28(1)**, 67(1) (with s. 28(13)(14)); S.I. 2022/1226, **reg. 2(c)**
- F11** S. 85(7)(b) omitted (24.11.2022) by virtue of [Elections Act 2022 \(c. 37\)](#), **ss. 24(3)**, 67(1); S.I. 2022/1226, **reg. 2(c)**
- F12** Words in s. 85(7)(c) inserted (23.5.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), **ss. 32(7)**, 45(1)(b)(iii); S.I. 2014/1236, **art. 2(1)(h)**
- F13** Words in s. 85(9) substituted (30.1.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), **ss. 26(6)**, 45(3)(b) (with s. 46(1)(2))

#### Commencement Information

- I1** S. 85 wholly in force at 16.2.2001; s. 85 not in force at Royal Assent, see s. 163(2); s. 85 in force at 16.2.2001 by [S.I. 2001/222](#), **art. 2**, **Sch. 1 Pt. I** (subject to transitional provisions in [Sch. 1 Pt. II](#))

**Changes to legislation:**

Political Parties, Elections and Referendums Act 2000, Section 85 is up to date with all changes known to be in force on or before 19 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\(3\)](#)