

**Changes to legislation:** There are currently no known outstanding effects for the Electoral Administration Act 2006, Cross Heading: The 2000 Act. (See end of Document for details)

## SCHEDULES

### SCHEDULE 1

#### AMENDMENTS

#### PART 7

#### MISCELLANEOUS

##### *The 2000 Act*

138 The 2000 Act is amended as follows.

##### Commencement Information

**II** [Sch. 1 para. 138](#) wholly in force at 11.9.2006, see [s. 77\(2\)-\(4\)](#) and [S.I. 2006/1972](#), [art. 3](#), [Sch. 1 para. 25\(g\)](#) (subject to transitional provisions in [Sch. 2](#))

139 In section 3 (appointment of Electoral Commissioners and Commission chairman), in subsection (4)(d) after sub-paragraph (iii) insert “, or  
(iv) been named as a participant in the register of recordable transactions reported under Part 4A.”

##### Commencement Information

**I2** [Sch. 1 para. 139](#) wholly in force at 11.9.2006, see [s. 77\(2\)-\(4\)](#) and [S.I. 2006/1972](#), [art. 3](#), [Sch. 1 para. 25\(g\)](#) (subject to transitional provisions in [Sch. 2](#))

140 In section 24 (office-holders to be registered), in subsection (4), for paragraph (a) substitute—  
“(a) with the provisions of Parts 3, 4 and 4A (accounting requirements and control of donations, loans and certain other transactions)”.

##### Commencement Information

**I3** [Sch. 1 para. 140](#) partly in force; [Sch. 1 para. 140](#) not in force at Royal Assent see [s. 77](#); [Sch. 1 para. 140](#) in force for E.W.S. for certain purposes at 11.9.2006 by [S.I. 2006/1972](#), [art. 3](#), [Sch. 1 para. 25\(m\)](#) (as amended by [S.I. 2006/2268](#), [art. 3](#)) (subject to in [art. 4](#), [Sch. 2](#) of [S.I. 2006/1972](#)); [Sch. 1 para. 140](#) in force for N.I. at 1.7.2008 by [S.I. 2008/1656](#), [art. 2\(1\)\(2\)\(d\)\(ii\)](#) (subject to [art. 3](#), [Sch.](#))

141 In section 27 (financial structure of registered parties: accounting units), in subsection (2)(a) for “Parts III and IV” substitute “ Parts 3, 4 and 4A ”.

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- I4** Sch. 1 para. 141 partly in force; Sch. 1 para. 141 not in force at Royal Assent see s. 77; Sch. 1 para. 141 in force for E.W.S. for certain purposes at 11.9.2006 by S.I. 2006/1972, art. 3, Sch. 1 para. 25(m) (as amended by S.I. 2006/2268, art. 3) (subject to art. 4, Sch. 2 of S.I. 2006/1972); Sch. 1 para. 141 in force for N.I. at 1.7.2008 by S.I. 2008/1656, art. 2(1)(2)(d)(ii) (subject to art. 3, Sch.)

- 142 In section 29 (registration of party emblems), in subsection (2) after paragraph (c) insert—

“(ca) would be likely, were it to appear on a ballot paper issued at an election—

(i) to result in an elector being misled as to the effect of his vote, or

(ii) to contradict, or hinder an elector's understanding of, any directions for his guidance in voting given on the ballot paper or elsewhere.”.

#### Commencement Information

- I5** Sch. 1 para. 142 wholly in force at 11.9.2006, see s. 77(2)-(4) and S.I. 2006/1972, art. 3, Sch. 1 para. 25(h) (subject to transitional provisions in Sch. 2)

- 143 (1) Section 34 (registration of minor parties) is amended as follows.  
 (2) In subsection (3) for “three months” substitute “ six months ”.  
 (3) In subsection (8), in paragraph (c)(i), after “sections 28(4) to (8)” insert “, 28A ”.

#### Commencement Information

- I6** Sch. 1 para. 143 partly in force; Sch. 1 para. 143 not in force at Royal Assent see s. 77; Sch. 1 para. 143(1) (2) in force 11.9.2006 by S.I. 2006/1972, art. 3, Sch. 1 para. 25(h) (subject to transitional provisions in Sch. 2)

- 144 (1) Section 50 (definition of donations for the purposes of Part 4) is amended as follows.  
 (2) In subsection (2), omit paragraph (e).  
 (3) In subsection (4)—  
 (a) omit paragraph (a);  
 (b) in the words following paragraph (b), omit “the loan or”.

#### Commencement Information

- I7** Sch. 1 para. 144 partly in force; Sch. 1 para. 144 not in force at Royal Assent see s. 77; Sch. 1 para. 144 in force for E.W.S. for certain purposes at 11.9.2006 by S.I. 2006/1972, art. 3, Sch. 1 para. 25(m) (as amended by S.I. 2006/2268, art. 3) (subject to art. 4, Sch. 2 of S.I. 2006/1972); Sch. 1 para. 144 in force for N.I. at 1.7.2008 by S.I. 2008/1656, art. 2(1)(2)(d)(ii) (subject to art. 3, Sch.)

- 145 In section 52 (payments, services etc. not to be regarded as donations), in subsection (2)(b) omit “except for the purposes of section 68,”.

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#### Commencement Information

- I8** Sch. 1 para. 145 wholly in force at 11.9.2006, see s. 77(2)-(4) and S.I. 2006/1972, art. 3, Sch. 1 para. 25(i) (subject to transitional provisions in Sch. 2)

146 (1) Section 53(4) (value of donations) is amended as follows.

(2) For “section 50(2)(e) or (f)” substitute “ section 50(2)(f) ”.

(3) In paragraph (a)—

- (a) omit “the loan or”;
- (b) omit sub-paragraph (i) and the “or” following it.

#### Commencement Information

- I9** Sch. 1 para. 146 partly in force; Sch. 1 para. 146 not in force at Royal Assent see s. 77; Sch. 1 para. 146 in force for E.W.S. for certain purposes at 11.9.2006 by S.I. 2006/1972, art. 3, Sch. 1 para. 25(m) (as amended by S.I. 2006/2268, art. 3) (subject to art. 4, Sch. 2 of S.I. 2006/1972); Sch. 1 para. 146 in force for N.I. at 1.7.2008 by S.I. 2008/1656, art. 2(1)(2)(d)(ii) (subject to art. 3, Sch.)

147 In section 55(2) (payments from public funds to be treated as donations received from a permissible donor), for “section 52(1)(a) and (b)” substitute “ section 52(1)(b) ”.

#### Commencement Information

- I10** Sch. 1 para. 147 wholly in force at 11.9.2006, see s. 77(2)-(4) and S.I. 2006/1972, art. 3, Sch. 1 para. 25(i) (subject to transitional provisions in Sch. 2)

148 (1) Section 62 (quarterly donation reports) is amended as follows.

(2) After subsection (3) insert—

“(3A) “Relevant benefit”, in relation to any person and any year, means—

- (a) a relevant donation accepted by the party from that person as a donor, or
  - (b) a relevant transaction within the meaning of section 71M(3) entered into by the party and that person as a participant,
- and a relevant benefit accrues when it is accepted (if it is a donation) or entered into (if it is a transaction).”

(3) In subsection (4)—

- (a) for “donation or donations” (in both places) substitute “ benefit or benefits ”;
- (b) after “this subsection” insert “ or section 71M(4) ”;
- (c) in paragraph (b) for “donations” substitute “ benefits ”.

(4) In subsection (5), in paragraph (b)—

- (a) for “as part of” substitute “ together with any other relevant donation or donations included in ”;
- (b) for “donation” (in the second place) substitute “ benefit ”;
- (c) for “is accepted” substitute “ accrues ”.

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(5) In subsection (6)—

- (a) for “donation or donations” (in the first four places) substitute “ benefit or benefits ”;
- (b) after “subsection (4)” (in the first place) insert “ or section 71M(4) ”;
- (c) in paragraph (a), for “subsection (4)” substitute “ that provision ”;
- (d) in paragraph (b), after “this subsection” insert “ or section 71M(6) ”;
- (e) for the words following paragraph (b) substitute “ any relevant donation falling within subsection (6A) ”.

(6) After subsection (6) insert—

“(6A) A relevant donation falls within this subsection—

- (a) if it is a donation of more than £1,000, or
- (b) if, when it is added to any other relevant benefit or benefits accruing since the time mentioned in subsection (6)(a) or (b), the aggregate amount of the benefits is more than £1,000.”

(7) In subsection (7)(a), for “donation” (in the first place) substitute “ benefit ”.

(8) In subsection (7)(b)—

- (a) for “as part of” substitute “ together with any other relevant donation or donations included in ”;
- (b) for “that subsection” substitute “ subsection (6A) ”;
- (c) for “donation” (in the second place) substitute “ benefit ”;
- (d) for “is accepted” substitute “ accrues ”.

#### Commencement Information

- I11** Sch. 1 para. 148 partly in force; Sch. 1 para. 148 not in force at Royal Assent see s. 77; Sch. 1 para. 148 in force for E.W.S. for certain purposes at 11.9.2006 by S.I. 2006/1972, art. 3, Sch. 1 para. 25(m) (as amended by S.I. 2006/2268, art. 3) (subject to art. 4, Sch. 2 of S.I. 2006/1972); Sch. 1 para. 148 in force for N.I. at 1.7.2008 by S.I. 2008/1656, art. 2(1)(2)(d)(ii) (subject to art. 3, Sch.)

149 In section 69 (register of recordable donations)—

- (a) omit subsection (3), and
- (b) in each of subsections (4) and (5), omit “or (3)”.

#### Commencement Information

- I12** Sch. 1 para. 149 wholly in force at 11.9.2006, see s. 77(2)-(4) and S.I. 2006/1972, art. 3, Sch. 1 para. 25(i) (subject to transitional provisions in Sch. 2)

150 (1) Section 146 (supervisory powers of Commission) is amended as follows.

(2) In subsection (7) after paragraph (a) (before “or”) insert—

“(aa) a regulated participant (or former regulated participant),”.

(3) In subsection (8), after paragraph (a) (before “or”) insert—

“(aa) such information or explanations relating to the income and expenditure of regulated participants in connection with the political activities as the Commission reasonably require for the purpose of

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monitoring compliance on the part of regulated participants with the requirements imposed on them by or by virtue of Schedule 7A,”.

(4) In subsection (9), after the definition of “regulated donee” insert—

““regulated participant” and “political activities” in relation to a regulated participant must be construed in accordance with Schedule 7A;”.

#### Commencement Information

**I13** Sch. 1 para. 150 partly in force; Sch. 1 para. 150 not in force at Royal Assent see s. 77; Sch. 1 para. 150 in force for E.W.S. for certain purposes at 11.9.2006 by S.I. 2006/1972, art. 3, Sch. 1 para. 25(m) (as amended by S.I. 2006/2268, art. 3) (subject to art. 4, Sch. 2 of S.I. 2006/1972); Sch. 1 para. 150 in force for N.I. at 1.7.2008 by S.I. 2008/1656, art. 2(1)(2)(d)(ii) (subject to art. 3, Sch.)

151 (1) Section 148(6) (general offences) is amended as follows.

(2) In paragraph (a), after “donee” insert “ regulated participant ”.

(3) In paragraph (b), after sub-paragraph (ii) insert—

“(ia) a regulated participant which is a members association,”.

(4) In paragraph (c), after sub-paragraph (iii) insert—

“(iia) in relation to a regulated participant which is a members association, the person responsible for the purposes of Schedule 7A,”.

(5) After paragraph (d) insert—

“(da) “regulated participant” has the same meaning as in Schedule 7A;”.

#### Commencement Information

**I14** Sch. 1 para. 151 partly in force; Sch. 1 para. 151 not in force at Royal Assent see s. 77; Sch. 1 para. 151 in force for E.W.S. for certain purposes at 11.9.2006 by S.I. 2006/1972, art. 3, Sch. 1 para. 25(m) (as amended by S.I. 2006/2268, art. 3) (subject to art. 4, Sch. 2 of S.I. 2006/1972); Sch. 1 para. 151 in force for N.I. at 1.7.2008 by S.I. 2008/1656, art. 2(1)(2)(d)(ii) (subject to art. 3, Sch.)

152 In Schedule 1 (the Electoral Commission), in paragraph 3(3) (term of office etc of Electoral Commissioners) after paragraph (c) insert—

“(ca) he is named as a participant in the register of recordable transactions reported under Part 4A;”.

#### Commencement Information

**I15** Sch. 1 para. 152 wholly in force at 11.9.2006, see s. 77(2)-(4) and S.I. 2006/1972, art. 3, Sch. 1 para. 25(j) (subject to transitional provisions in Sch. 2)

153 In Schedule 6, after paragraph 5 insert—

#### *“Application of reporting requirement*

5A If the requirement to record the donation arises only because the value of the donation has, for the purposes of section 62(4) or (6), been

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aggregated with the value of any relevant transaction or transactions (within the meaning of section 71M), a quarterly report must contain a statement to that effect.”

#### Commencement Information

**I16** Sch. 1 para. 153 partly in force; Sch. 1 para. 153 not in force at Royal Assent see s. 77; Sch. 1 para. 153 in force for E.W.S. for certain purposes at 11.9.2006 by S.I. 2006/1972, art. 3, Sch. 1 para. 25(m) (as amended by S.I. 2006/2268, art. 3) (subject to art. 4, Sch. 2 of S.I. 2006/1972); Sch. 1 para. 153 in force for N.I. at 1.7.2008 by S.I. 2008/1656, art. 2(1)(2)(d)(ii) (subject to art. 3, Sch.)

154 (1) Schedule 7 (donations to individuals and members associations by donors) is amended as follows.

(2) In paragraph 2—

- (a) in sub-paragraph (1), omit paragraph (d);
- (b) in sub-paragraph (3), omit paragraph (a);
- (c) in sub-paragraph (3) omit “the loan or”.

(3) In paragraph 4(3)(b), omit the words “except for the purposes of paragraph 14,”.

(4) In paragraph 5(4)—

- (a) for “2(1)(d) or (e)” substitute “2(1)(e)”;
- (b) in paragraph (a) omit “the loan or”;
- (c) in paragraph (a) omit sub-paragraph (i) and “or” following it.

(5) In paragraph 10, for sub-paragraphs (1) and (2) substitute—

“(1) A regulated donee must prepare a report under this paragraph in respect of each controlled donation accepted by the donee which is a recordable donation.

(1A) For the purposes of this paragraph a controlled donation is a recordable donation—

- (a) if it is a donation of more than £5,000 (where the donee is a members association) or £1,000 (in any other case);
- (b) if, when it is added to any other controlled benefit or benefits accruing to the donee—
  - (i) from the same person and in the same calendar year, and
  - (ii) in respect of which no report has been previously made under this paragraph,

the aggregate amount of the benefits is more than £5,000 (where the donee is a members association) or £1,000 (in any other case).

(1B) A controlled benefit is—

- (a) a controlled donation;
- (b) a controlled transaction within the meaning of paragraph 2 of Schedule 7A.

(1C) A controlled benefit which is a controlled donation accrues—

- (a) from the permissible donor who made it, and
- (b) when it is accepted by the donee.

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- (1D) A controlled benefit which is a controlled transaction accrues—
- (a) from any authorised participant (within the meaning of paragraph 4(3) of Schedule 7A) who is a party to it, and
  - (b) when it is entered into;
- and paragraph 9(6) of Schedule 7A applies for the purposes of paragraph (b) above.
- (2) A regulated donee must deliver the report prepared by virtue of sub-paragraph (1) to the Commission within the period of 30 days beginning with—
- (a) if sub-paragraph (1A)(a) applies, the date of acceptance of the donation;
  - (b) if sub-paragraph (1A)(b) applies, the date on which the benefit which causes the aggregate amount to exceed £5,000 or (as the case may be) £1,000 accrues.”
- (6) In that paragraph, in each of sub-paragraphs (6) and (7)—
- (a) after “In the case of” insert “ a controlled benefit which is ”;
  - (b) for “sub-paragraph (2)(b)” substitute “ sub-paragraph (1A)(b) ”;
  - (c) for “by the same permissible donor” substitute “ from the same person ”.
- (7) In paragraph 12(1), for “that provision” substitute “ paragraph 10(2) or 11(1) ”.
- (8) Omit Part 4 (reporting of donations by donors).
- (9) In paragraph 15 (register of recordable donations), omit sub-paragraph (3)(b).

#### Commencement Information

**I17** Sch. 1 para. 154 partly in force; Sch. 1 para. 154 not in force at Royal Assent see s. 77; Sch. 1 para. 154(3)(8)(9) wholly in force and Sch. 1 para. 154(1)(2)(4)-(7) in force for E.W.S. for certain purposes at 11.9.2006 by S.I. 2006/1972, art. 3, Sch. 1 paras 25(k)(m) (as amended by S.I. 2006/2268, art. 3) (subject to Sch. 2 of S.I. 2006/1972); Sch. 1 para. 154(1)(2)(4)-(7) in force for N.I. at 1.7.2008 by S.I. 2008/1656, art. 2(1)(2)(d)(ii) (subject to art. 3, Sch.)

- 155 In Schedule 20 (penalties), omit the entries relating to section 68(5) and paragraph 14(5) of Schedule 7.

#### Commencement Information

**I18** Sch. 1 para. 155 wholly in force at 11.9.2006, see s. 77(2)-(4) and S.I. 2006/1972, art. 3, Sch. 1 para. 25(k) (subject to transitional provisions in Sch. 2)

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