

SCHEDULES

SCHEDULE 1

AMENDMENTS

PART 7

MISCELLANEOUS

The Family Law Reform Act 1969 (c. 46)

- 103 In Schedule 2 to the Family Law Reform Act 1969 (provisions unaffected by section 1 to that Act), in paragraph 2, the words “section 7 of the Parliamentary Elections Act 1695” are omitted.

The 1983 Act

- 104 The 1983 Act is amended in accordance with paragraphs 105 to 133.
- 105 In section 10 (maintenance of registers: annual canvass), in subsection (4B) for “any incapacity” substitute “blindness or any other disability”.
- 106 In section 10A (maintenance of registers: registration of electors), in subsection (1B) for “any incapacity” substitute “blindness or any other disability”.
- 107 (1) Section 29 (payments by and to returning officer), as proposed to be amended by paragraph 6(3) of Schedule 21 to the 2000 Act, is amended as follows.
- (2) For subsections (3) to (6) substitute—
- “(3) A returning officer shall be entitled to recover his charges in respect of services rendered, or expenses incurred, for or in connection with a parliamentary election if—
- (a) the services were necessarily rendered, or the expenses were necessarily incurred, for the efficient and effective conduct of the election; and
- (b) the total of his charges does not exceed the amount (“the overall maximum recoverable amount”) specified in, or determined in accordance with, regulations made by the Commission, with the consent of the Treasury, for the purposes of this subsection.
- (4) Regulations under subsection (3) may specify, or make provision for determining in accordance with the regulations, a maximum recoverable amount for services or expenses of any specified description and, subject to subsection (5) below, the returning officer may not recover more than that amount in respect of any such services or expenses.

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- (5) In a particular case the Commission may, with the consent of the Treasury, authorise the payment of—
- (a) more than the overall maximum recoverable amount, or
 - (b) more than the specified maximum recoverable amount for any specified services or expenses,
- if the Commission are satisfied that the conditions in subsection (6) are met.
- (6) The conditions referred to in subsection (5) are—
- (a) that it was reasonable for the returning officer concerned to render the services or incur the expenses, and
 - (b) that the charges in question are reasonable.”
- 108 In section 31(2) (polling districts at local government elections in Scotland), for “section 18” substitute “section 18A”.
- 109 In section 53 (power to make regulations as to registration etc.), after subsection (3) insert—
- “(4) Provision may also be made by regulations—
- (a) for the supply of any such record or special list as is mentioned in subsection (1) above to such persons as are prescribed;
 - (b) with respect to any conditions subject to which the supply is made;
 - (c) making it an offence (punishable on summary conviction by a fine not exceeding level 5 on the standard scale) for a person to fail to comply with any such condition.”
- 110 In section 58 (registration appeals: Northern Ireland), in subsection (1), after “except” insert “subsection (1)(aa) and (ab),”.
- 111 In section 73 (payment of expenses through election agent), in subsection (5)(d) for “section 90A(5)(b)” substitute “section 90ZA(5)”.
- 112 (1) In section 74A (expenses incurred otherwise than for election purposes) is amended as follows.
- (2) In subsection (1)(b) for “section 90A(1)” substitute “section 90ZA(1)”.
- (3) In subsection (2) omit “(determined in accordance with section 90B below)”.
- (4) In subsection (3) for “sections 90A to” substitute “sections 90ZA and”.
- 113 In section 75 (prohibition of expenses not authorised by election agent), for subsection (4) substitute—
- “(4) A copy of every return and declaration made under subsection (2) above in relation to a parliamentary election in England, Wales or Northern Ireland must be sent to the relevant officer within 21 days after the day on which the result of the election is declared by the person making the return or declaration.
- (4A) The relevant officer is—
- (a) in relation to England and Wales, the returning officer;
 - (b) in relation to Northern Ireland, the Clerk of the Crown for Northern Ireland.

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- (4B) The returning officer must forward to the relevant registration officer (within the meaning of rule 55 of the parliamentary elections rules) every document sent to him in pursuance of subsection (4) above.
- (4C) Rule 57 of those rules applies to any documents sent under this section to—
- (a) the relevant registration officer, or
 - (b) the Clerk of the Crown for Northern Ireland.”
- 114 In section 81(9) (returns as to election expenses)—
- (a) for “subsection (3)” substitute “subsection (3A)”, and
 - (b) the words “of each such matter” are omitted.
- 115 In section 89(1A) (inspection of return containing statement of donations), for “section 81(3)(e) above” substitute “paragraph 10 of Schedule 2A to this Act”.
- 116 In section 90 (election expenses at elections where election agent not required), in subsection (1)(a) for “sections 90A(5)” substitute “sections 90ZA(4)”.
- 117 In section 90C (property, goods and services provided free of charge or at a discount), in subsection (2) for “section 90A(3) above” substitute “Part 2 of Schedule 4A to this Act”.
- 118 (1) Section 90D (modification of election expenses provisions relating to election of London Assembly members) is amended as follows.
- (2) In the title, for “sections 90A to” substitute “sections 90ZA and”.
 - (3) In subsection (1) for “Sections 90A to” substitute “Sections 90ZA and”.
 - (4) In subsection (2)(b) for “section 90A(4)” substitute “section 90ZA(3)”.
 - (5) In subsection (3)—
 - (a) for “section 90A” substitute “section 90ZA”;
 - (b) for “subsection (5)” substitute “subsection (6)”;
 - (c) the substituted subsection there set out is renumbered as subsection (6).
- 119 In section 118 (interpretation of Part 2), in the definition of “election expenses” for “sections 90A” substitute “sections 90ZA”.
- 120 (1) Section 160 (persons reported personally guilty of corrupt or illegal practices) is amended as follows.
- (2) In subsection (4A) after “section 60” insert “or 62A”.
 - (3) In subsection (5A) after “Subject” insert “to subsection (5B) below and”.
 - (4) After subsection (5A) insert—

“(5B) Subsection (5A) above, in its application to a candidate or other person reported personally guilty of a corrupt practice under section 62A above, has effect as if the references in it to public office did not include references to the office of councillor for a local government area in Scotland.”
- 121 In section 168 (prosecutions for corrupt practice), in subsection (1)(a)(i) after “section 60” insert “or 62A”.
- 122 In section 173 (incapacities on conviction of corrupt or illegal practice), in subsection (2) after “section 60” insert “or 62A”.

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- 123 (1) Section 173A (incapacity to hold public or judicial office in Scotland) is amended as follows.
- (2) In subsection (1) after “Subject” insert “to subsection (3) and”.
- (3) After subsection (2) insert—
- “(3) Subsection (1) above, in its application to a person convicted of a corrupt practice under section 62A above, has effect as if the references in it to public office did not include references to the office of councillor for a local government area in Scotland.”
- 124 In section 187 (application of Act to certain local elections) in subsection (1)(a) after “60” insert “, 62A”.
- 125 In section 191 (municipal elections in the City), in subsection (1)(a) for “and 61” substitute “, 61 and 62A”.
- 126 In section 193 (personation and other voting offences), in paragraph (a) for “and 61” substitute “, 61 and 62A”.
- 127 In section 197 (candidate’s expenses: ward, and liverymen in common hall, elections), in subsection (3) for the words from “An order under this subsection” to the end substitute—
- “The power to make an order under this subsection is exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- 128 (1) Section 202(1) (general interpretation) is amended as follows.
- (2) Omit the definition of “absent voters list”.
- (3) After the definition of “parliamentary election petition” insert—
- ““the postal voters list” means—
- (a) in relation to England and Wales and Scotland, the list of persons kept in pursuance of paragraph 5(2) of Schedule 4 to the Representation of the People Act 2000 (persons whose applications to vote by post have been granted);
- (b) in relation to Northern Ireland, the list of persons kept in pursuance of section 7(4)(a) of the Representation of the People Act 1985 (persons whose applications to vote by post have been granted);
- “the proxy postal voters list” means—
- (a) in relation to England and Wales and Scotland, the list of persons kept in pursuance of paragraph 7(8) of Schedule 4 to the Representation of the People Act 2000 (persons whose applications to vote by post as proxy have been granted);
- (b) in relation to Northern Ireland, the list of persons kept in pursuance of section 9(9) of the Representation of the People Act 1985 (persons whose applications to vote by post as proxy have been granted).”
- 129 (1) Rule 6A of Schedule 1 (nomination papers: registered political parties) is amended as follows.

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- (2) In paragraph (1) for “voters” substitute “electors”.
- (3) In paragraph (2) after “paragraph (1)” insert “or (1B)”.
- 130 In rule 12(3A) of that Schedule (decisions as to validity of nomination papers) after “rule 6A(1)” insert “or (1B)”.
- 131 In rule 14(5) of that Schedule (statement of persons nominated: documents to be sent to Electoral Commission) after “rule 6A” insert “(1) or (1B)”.
- 132 For rule 36 of that Schedule (challenge of voter) substitute—
 - “36 A person shall not be prevented from voting by reason only that—
 - (a) a candidate or his election or polling agent declares that he has reasonable cause to believe that the person has committed an offence of personation, or
 - (b) the person is arrested on the grounds that he is suspected of committing or of being about to commit such an offence.”
- 133 The amendments made by paragraphs 111, 112, 114, 117 and 119 do not apply to a local government election in Scotland.

The Representation of the People Act 1985 (c. 50)

- 134 In section 6 of the Representation of the People Act 1985 (absent vote at parliamentary elections for an indefinite period), in subsection (2)(b) for “physical incapacity” substitute “disability”.
- 135 (1) Schedule 1 to that Act (special polling stations in Northern Ireland) is amended as follows.
 - (2) In paragraph 1(6) (right to vote at special polling stations) for “section 18” substitute “section 18A”.
 - (3) Paragraph 7(2) (application of rules regarding ballot papers after election) is omitted.

The Caldey Island Act 1990 (c. 44)

- 136 In section 4(1) of the Caldey Island Act 1990 (savings) for “sections 18” substitute “sections 18A”.

The Representation of the People Act 2000 (c. 2)

- 137 (1) Schedule 4 to the Representation of the People Act 2000 (absent voting in Great Britain) is amended as follows.
 - (2) In paragraph 1(1) omit the definition of “absent voters list”.
 - (3) In paragraph 2—
 - (a) in sub-paragraph (7), for the words from “if he is shown” to “as so entitled” substitute “if sub-paragraph (8) or (9) (as the case may be) applies to him in relation to the election”;
 - (b) after sub-paragraph (7) insert—

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“(8) This sub-paragraph applies to a person who is shown in the postal voters list mentioned in paragraph 5(2) below as entitled to vote by post at an election.

(9) This sub-paragraph applies to a person who is shown in the list of proxies mentioned in paragraph 5(3) below as entitled to vote by proxy at an election.”

(4) In paragraph 3(3)(b) after “by reason of” insert “blindness or other disability or, in the case of local government elections in Scotland, by reason of”.

(5) In paragraph 5(1) for “a special list (“the absent voters list”) consisting of the two” substitute “the two special”.

(6) In paragraph 5(2) after “list” insert “(“the postal voters list”)”.

(7) In paragraph 7(8) after “list” insert “(“the proxy postal voters list”)”.

The 2000 Act

138 The 2000 Act is amended as follows.

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.”

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)”.

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”.

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.”.

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”.

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);

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- (b) in the words following paragraph (b), omit “the loan or”.
- 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,”.
- 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.
- 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)”.
- 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”.
- (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.”

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- (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”.
- 149 In section 69 (register of recordable donations)—
- (a) omit subsection (3), and
 - (b) in each of subsections (4) and (5), omit “or (3)”.
- 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 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;”.
- 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—
- “(iia) a regulated participant which is a members association,”.
- (4) In paragraph (c), after sub-paragraph (iii) insert—
- “(iiia) 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;”.
- 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;”.
- 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.”

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.

(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.

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

European Parliament (Representation) Act 2003 (c. 7)

- 156 In section 12 of the European Parliament (Representation) Act 2003—
 - (a) in subsection (3) after paragraph (b) insert—
 - “(ba) the regulation of loans or credit facilities which benefit, or any form of security (whether real or personal) which benefits, registered parties in Gibraltar or their members or officers;”;
 - (b) in subsection (4), before the definition of “donation” insert—
 - ““credit facilities” must be construed in accordance with section 71F(11) of the Political Parties, Elections and Referendums Act 2000;”.