

POLITICAL PARTIES AND ELECTIONS ACT 2009

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedule 2: Civil sanctions: Schedule to be inserted into the 2000 Act

Part 3: Stop notices

252. *Paragraph 10* provides that the Electoral Commission can impose a stop notice on a person in order to prevent them from continuing or repeating a particular activity which the Commission reasonably believe is (or is likely to be) a prescribed offence or a contravention of a prescribed requirement or restriction under the 2000 Act. In this context a “person” means any entity regulated under the 200 Act, including political parties. A stop notice can also be imposed where the Commission believe that a person’s behaviour is likely to lead to them committing an offence or acting in contravention of a prescribed requirement or restriction contained in the 2000 Act. In both cases the Commission must believe that the activity, or potential activity, is seriously damaging to public confidence in the effectiveness of the controls in the 2000 Act on income or expenditure by registered parties and others, or that it significantly risks doing so.
253. *Paragraphs 11 to 14* set out the details and limitations of how the stop notice system operates. Paragraph 11 lists the information to be included in a stop notice which is the grounds for imposition, rights of appeal and consequences of non-compliance. *Paragraph 12* requires the Commission to issue a “completion certificate” once they are satisfied that the person has taken the steps set out in the stop notice (at which point it will cease to have effect). The person upon whom a notice has been imposed may apply for a completion certificate at any time and the Commission must make a decision on the application within 14 days of receipt. *Paragraph 13* explains how a person may appeal against the imposition of a stop notice, or against a decision not to issue a completion certificate, and provides that any appeal will be heard by a county court (or the sheriff in Scotland). It also sets out the grounds for appeal in both circumstances. *Paragraph 14* provides that a person who does not comply with a stop notice is guilty of an offence.