



# Political Parties and Elections Act 2009

## 2009 CHAPTER 12

### PART 5

#### GENERAL

#### **38 Meaning of “the 1983 Act” and “the 2000 Act”**

In this Act—

“the 1983 Act” means the Representation of the People Act 1983 (c. 2);

“the 2000 Act” means the Political Parties, Elections and Referendums Act 2000 (c. 41).

#### <sup>F1</sup> **38A Functions of the Minister for the Cabinet Office**

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#### **Textual Amendments**

- F1** S. 38A repealed (8.12.2021) by [The Transfer of Functions \(Secretary of State for Levelling Up, Housing and Communities\) Order 2021 \(S.I. 2021/1265\)](#), art. 1(2), **Sch. 2 para. 20**

#### **39 Amendments and repeals**

Schedules 6 (minor and consequential amendments) and 7 (repeals) have effect.

#### **Commencement Information**

- I1** S. 39 partly in force; s. 39 in force for certain purposes at Royal Assent see s. 43(5); s. 39 in force for certain purposes at 4.9.2009 by [S.I. 2009/2395](#), **art. 2(c)** (with art. 3); for certain purposes at 25.11.2009 and 1.1.2010 by [S.I. 2009/3084](#), **arts. 3(b)(c)(d), 4(i)**
- I2** S. 39 in force at 26.3.2010 for specified purposes by [S.I. 2010/969](#), **art. 2(b)** (with art. 3)
- I3** S. 39 in force at 1.12.2010 for specified purposes by [S.I. 2010/2866](#), **art. 3(d)**

*Changes to legislation: There are currently no known outstanding effects for the Political Parties and Elections Act 2009, Part 5. (See end of Document for details)*

**14** S. 39 in force at 1.1.2011 for specified purposes by [S.I. 2010/2866](#), [art. 4\(f\)](#)

**40 Transitional provision**

In relation to England and Wales, a reference in this Act to imprisonment for a term not exceeding 12 months (including any such reference inserted in any other Act) is to be read, in the case of an offence committed before [<sup>F2</sup>2 May 2022], as a reference to imprisonment for a term not exceeding six months.

**Textual Amendments**

**F2** Words in s. 40 substituted (28.4.2022) by [The Criminal Justice Act 2003 \(Commencement No. 33\) and Sentencing Act 2020 \(Commencement No. 2\) Regulations 2022 \(S.I. 2022/500\)](#), regs. 1(2), 5(1), [Sch. Pt. 1](#)

**41 Money**

- (1) There shall be paid out of money provided by Parliament any increase attributable to this Act in the sums payable under any other Act out of money so provided.
- (2) There shall be charged on and paid out of the Consolidated Fund any increase attributable to this Act in the sums to be charged on and paid out of that Fund under any other Act.
- (3) There shall be paid into the Consolidated Fund any increase attributable to this Act in the sums payable into that Fund under any other Act.

**42 Extent**

- (1) This Act extends to England and Wales, Scotland and Northern Ireland.
- <sup>F3</sup>(2) .....

**Textual Amendments**

**F3** [S. 42\(2\)](#) 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))

**43 Commencement**

- (1) This Act comes into force on whatever day or days the Secretary of State appoints by order made by statutory instrument.
- (2) An order under subsection (1)—
  - (a) may make different provision for different purposes or different areas;
  - (b) may make transitional or saving provision.
- (3) An order under subsection (1) bringing into force any provision of section 10 or 11, or Schedule 4, may make such supplementary, incidental or consequential provision as the Secretary of State considers appropriate—

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- (a) for the general purposes, or any particular purposes, of those sections or that Schedule, or
  - (b) in consequence of, or for giving full effect to, any provision of those sections or that Schedule.
- (4) An order made by virtue of subsection (3) may make provision amending this Act or the 2000 Act.

An order that makes any such provision must not be made unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, each House of Parliament.

- (5) Subsection (1) does not apply to—
- (a) section 1(1) and (3),
  - (b) sections 4, 5 and 7, paragraphs 9, 10, 11 and 27 of Schedule 6 and the entry in Schedule 7 relating to Schedule 1 to the 2000 Act,
  - (c) section 19 and Schedule 5,
  - (d) section 22,
  - (e) section 26,
  - (f) section 32(6),
  - (g) section 38,
  - (h) section 39 so far as relating to provisions in Schedules 6 and 7 mentioned above, and
  - (i) sections 40 to 44,

which accordingly come into force on the day on which this Act is passed.

#### **Subordinate Legislation Made**

- P1** S. 43(1)(2)(b) power partly exercised: 4.9.2009 appointed for specified provisions by {[S.I. 2009/2395](#)}, art. 2 (with transitional provisions in art. 3); different dates appointed for specified provisions by {[S.I. 2009/3084](#)}, arts. 3, 4 (with arts. 5, 6)

#### **44 Short title**

This Act may be cited as the Political Parties and Elections Act 2009.

**Changes to legislation:**

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