

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Political Parties and Elections Act 2009, Cross Heading: Schedule 15 to the 2000 Act (control of donations to permitted participants). (See end of Document for details)

SCHEDULES

PROSPECTIVE

SCHEDULE 3

DECLARATION AS TO SOURCE OF DONATION

Schedule 15 to the 2000 Act (control of donations to permitted participants)

- 7 (1) In paragraph 6 of Schedule 15 to the 2000 Act (prohibition on accepting donations from impermissible donors), after paragraph (a) of sub-paragraph (1) there is inserted—

“(aa) in the case of a donation of an amount exceeding £7,500, the permitted participant has not been given a declaration as required by paragraph 6A, or”.

- (2) After paragraph 6 of that Schedule there is inserted—

“Declaration as to source of donation

- 6A (1) Where a person (P) causes an amount exceeding £7,500 to be received by a permitted participant by way of a donation, a written declaration must be given to the permitted participant—
- (a) by P, if P is an individual, or
 - (b) if not, by an individual authorised by P to make the declaration, stating, to the best of the individual's knowledge and belief, whether or not sub-paragraph (2) applies to the donation.
- (2) This sub-paragraph applies to the donation if—
- (a) a person other than P has provided, or is expected to provide, money or any other benefit to P with a view to, or otherwise in connection with, the making of the donation, and
 - (b) the money, or the value of the benefit, is more than £7,500.
- (3) Where a declaration under this paragraph contains a statement to the effect that sub-paragraph (2) applies to the donation, it must also—
- (a) state whether or not, in the opinion of the person making the declaration—
 - (i) sub-paragraph (5) of paragraph 6 applies to the donation;
 - (ii) sub-paragraph (7) of that paragraph applies to it;
 - (b) if the person's opinion is that neither of those sub-paragraphs applies to the donation, give the person's reasons for that opinion.

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- (4) The declaration must also state the full name and address of the person by whom it is made and, where sub-paragraph (1)(b) applies—
 - (a) state that the person is authorised by P to make the declaration;
 - (b) describe the person's role or position in relation to P.
 - (5) A person who knowingly or recklessly makes a false declaration under this paragraph commits an offence.
 - (6) Regulations made by the Secretary of State may make provision as to how the value of a benefit is to be calculated for the purposes of sub-paragraph (2).”
- 8 (1) In paragraph 9 of that Schedule (statement of relevant donations), for “paragraphs 10 and 11” there is substituted “ paragraphs 9A to 11 ”.
- (2) After that paragraph there is inserted—

“Declarations under paragraph 6A

- 9A In relation to each relevant donation falling within paragraph 10(2) in the case of which a declaration under paragraph 6A has been given, the statement must either—
- (a) state that no reason was found to think that the declaration was untruthful or inaccurate, or
 - (b) give details of any respects in which the declaration was found or suspected to be untruthful or inaccurate.”
- 9 (1) Paragraph 11 of that Schedule (donations from impermissible or unidentified donors) is amended as follows.
- (2) In the heading, at the end there is inserted “ *or without required declaration* ”.
- (3) In sub-paragraph (1), for “paragraph 6(1)(a) or (b)” there is substituted “ paragraph 6(1)(a), (aa) or (b) ”.
- (4) In sub-paragraph (2), for “paragraph 6(1)(a)” there is substituted “ paragraph 6(1)(a) or (aa) ”.
- (5) In sub-paragraph (2)(a), after “the donor” there is inserted “ or the person appearing to be the donor ”.
- (6) In sub-paragraph (2)(c), for “section 56(2)(a)” there is substituted “ section 56(2)(a) or (aa) ”.

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