

Status: This version of this schedule contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the Political Parties and Elections Act 2009, SCHEDULE 3. (See end of Document for details)

SCHEDULES

PROSPECTIVE

SCHEDULE 3

Section 9

DECLARATION AS TO SOURCE OF DONATION

Schedule 7 to the 2000 Act (control of donations to individuals and members associations)

- 1 (1) In paragraph 6 of Schedule 7 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 donee 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 regulated donee by way of a donation, a written declaration must be given to the donee—
- (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 (2) of paragraph 6 applies to the donation;
- (ii) sub-paragraph (4) 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).”
- 2 (1) Paragraph 10 of that Schedule (donation reports: donations from permissible donors) is amended as follows.
- (2) In the heading, at the end there is inserted “ *etc.* ”.
- (3) In sub-paragraph (1), for the words from “each controlled donation” to the end there is substituted “each controlled donation which is a recordable donation and either—
- (a) has been accepted by the donee, or
 - (b) has not been accepted by the donee but is a donation in the case of which a declaration under paragraph 6A has been given.”
- (4) In sub-paragraph (4)(a), for “by virtue of paragraphs 2, 2A and 4” there is substituted “, by virtue of paragraphs 1A, 2, 2A and 4 ”.
- (5) In sub-paragraph (5)—
- (a) for “paragraphs 2, 2A and 4” there is substituted “ paragraphs 1A, 2, 2A and 4 ”;
 - (b) after paragraph (a) there is inserted—

“(aa) any reference to section 54A shall be read as a reference to paragraph 6A above;”.
- 3 (1) Paragraph 11 of that Schedule (donation reports: donations from impermissible or unidentifiable donors) is amended as follows.
- (2) In the heading, at the end there is inserted “ *or without required declaration* ”.
- (3) In sub-paragraph (1)(a), for “paragraph 6(1)(a) or (b)” there is substituted “ paragraph 6(1)(a), (aa) or (b) ”.
- (4) In sub-paragraph (1)(b), for “section 56(2)(a) or (b)” there is substituted “ section 56(2)(a), (aa) or (b) ”.
- (5) In sub-paragraph (3), for “paragraph 6(1)(a)” there is substituted “ paragraph 6(1)(a) or (aa) ”.
- (6) In sub-paragraph (3)(a), after “the donor” there is inserted “ or the person appearing to be the donor ”.
- (7) In sub-paragraph (3)(c), for “section 56(2)(a)” there is substituted “ section 56(2)(a) or (aa) ”.

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Schedule 11 to the 2000 Act (control of donations to recognised third parties)

- 4 (1) In paragraph 6 of Schedule 11 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 recognised third party 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 recognised third party by way of a donation, a written declaration must be given to the recognised third party—

- (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 (4) of paragraph 6 applies to the donation;
(ii) sub-paragraph (6) 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.

- (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).”

- 5 (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—

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“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.”
- 6 (1) Paragraph 11 of that Schedule (donations from impermissible donors) is amended as follows.
- (2) In the heading, for “*impermissible donors*” there is substituted “ *impermissible or unidentifiable donors 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) ”.

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

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- (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.
- (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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Schedule 20 to the 2000 Act (penalties)

10 In Schedule 20 (penalties) the following entries are inserted at the appropriate places—

“Paragraph 6A(5) of Schedule 7 (making a false declaration as to source of donation)	On summary conviction in England and Wales or Scotland: statutory maximum or 12 months On summary conviction in Northern Ireland: statutory maximum or 6 months On indictment: fine or 1 year”
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“Paragraph 6A(5) of Schedule 11 (making a false declaration as to source of donation)	On summary conviction in England and Wales or Scotland: statutory maximum or 12 months On summary conviction in Northern Ireland: statutory maximum or 6 months On indictment: fine or 1 year”
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“Paragraph 6A(5) of Schedule 15 (making a false declaration as to source of donation)	On summary conviction in England and Wales or Scotland: statutory maximum or 12 months On summary conviction in Northern Ireland: statutory maximum or 6 months On indictment: fine or 1 year”.
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