

SCHEDULES

SCHEDULE 5

Section 19

REPORTS OF GIFTS RECEIVED BY UNINCORPORATED ASSOCIATIONS MAKING POLITICAL CONTRIBUTIONS: SCHEDULE TO BE INSERTED INTO THE 2000 ACT

“SCHEDULE 19A

Section 140A

REPORTS OF GIFTS RECEIVED BY UNINCORPORATED ASSOCIATIONS MAKING POLITICAL CONTRIBUTIONS

Requirement to notify Commission of political contributions over £25,000

- 1 (1) Where in any calendar year an unincorporated association falling within section 54(2)(h)—
 - (a) makes a political contribution of more than £25,000, not having previously made any political contributions in that year, or
 - (b) makes a political contribution which takes the total amount of such contributions made by it in that year above £25,000,the association must notify the Commission accordingly within the period of 30 days beginning with the date on which the contribution was made.
- (2) An unincorporated association makes a “political contribution” in any of the following cases—
 - (a) it makes a donation (within the meaning of Part 4) to a registered party;
 - (b) it makes a loan of money to a registered party, or discharges (to any extent) a liability of a registered party, in pursuance of a regulated transaction (within the meaning of Part 4A);
 - (c) it makes a donation (within the meaning of Schedule 7) to a regulated donee;
 - (d) it makes a loan of money to a regulated donee, or discharges (to any extent) a liability of a regulated donee, in pursuance of a controlled transaction (within the meaning of Schedule 7A);
 - (e) it makes a donation (within the meaning of Schedule 11) to a recognised third party;
 - (f) it makes a donation (within the meaning of Schedule 15) to a permitted participant.
- (3) For the purposes of sub-paragraph (1)(b) a contribution is not counted towards the total unless it is a contribution of more than £500.
- (4) In this paragraph—
 - “permitted participant” has the meaning given in section 105 except that it does not include a registered party other than a minor party;
 - “recognised third party” has the meaning given in section 85;
 - “regulated donee” has the meaning given in Part 1 of Schedule 7.

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- (5) For the purposes of this paragraph—
- (a) the value of a donation to a registered party shall be determined in accordance with section 53;
 - (b) the value of a donation to a regulated donee shall be determined in accordance with paragraph 5 of Schedule 7;
 - (c) the value of a donation to a recognised third party shall be determined in accordance with paragraph 5 of Schedule 11;
 - (d) the value of a donation to a permitted participant shall be determined in accordance with paragraph 5 of Schedule 15;
 - (e) the value of a contribution within sub-paragraph (2)(b) or (d) is the amount of money lent or liability discharged.
- (6) Where a donation, or a sum of money lent, is sent on one day and received on another, the donation or loan is treated for the purposes of this paragraph as made on the earlier of those days.

Requirement to report gifts received to Commission

- 2 (1) This paragraph applies where the making of a political contribution by an unincorporated association causes the association to be subject to the notification requirement in paragraph 1; and in this paragraph—
- “the contribution date” means the date on which that contribution was made;
“quarter” means a period of three months ending on 31st March, 30th June, 30th September or 31st December.
- (2) Within the period of 60 days beginning with the contribution date, the unincorporated association must make a report to the Commission—
- (a) specifying every gift of more than £7,500 received by the association in the period—
 - (i) beginning at the start of the calendar year preceding the year in which the contribution date falls, and
 - (ii) ending with the contribution date,

or
 - (b) (if it is the case) stating that the association received no such gifts in the period mentioned in paragraph (a).
- (3) Within the period of 30 days following the end of the first quarter to begin after the contribution date, the unincorporated association must make a report to the Commission—
- (a) specifying every gift of more than £7,500 received by the association in the period—
 - (i) beginning with the day after the contribution date, and
 - (ii) ending with the end of the quarter,

or
 - (b) (if it is the case) stating that the association received no such gifts in the period mentioned in paragraph (a).
- (4) In relation to each subsequent quarter ending in the calendar year in which the contribution date falls or in the following calendar year, the unincorporated association

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must within the period of 30 days following the end of the quarter make a report to the Commission—

- (a) specifying every gift of more than £7,500 received by the association in the quarter, or
- (b) (if it is the case) stating that the association received no such gifts in the quarter.

(5) Where—

- (a) an unincorporated association receives two or more gifts of more than £500 from the same person in the same calendar year, and
- (b) those gifts amount to more than £7,500 in total,

the association is treated for the purposes of this paragraph as receiving a gift of more than £7,500 on the day on which it receives the gift that takes the total amount of gifts from that person in that year above £7,500.

(6) Where—

- (a) an unincorporated association receives (or is treated by sub-paragraph (5) as receiving) a gift of more than £7,500 from a particular person, and
- (b) later in the same calendar year the association receives a gift of more than £1,500 from the same person,

that subsequent gift is treated for the purposes of this paragraph in the same way as a gift of more than £7,500.

(7) A reference in this paragraph to a gift of more than a certain amount is to be read, in the case of a gift in a form other than money, as a reference to a gift with a value of more than that amount.

(8) Nothing in this paragraph requires an unincorporated association to report to the Commission—

- (a) any gift that it has already reported to them under this paragraph, or
- (b) in the case of an association that at the relevant time was a members association within the meaning of Schedule 7, any gift that it is required to report to them under Part 3 of that Schedule.

Information to be included in reports under paragraph 2

3 (1) A report under paragraph 2 must give the following information in relation to each gift that is required to be specified—

- (a) the date on which it was received;
- (b) the form that it took;
- (c) the amount or value of it;
- (d) whatever details the unincorporated association knows of the name and address of the person by whom the gift was made.

(2) Where paragraph 2(5) applies, each of the gifts of more than £500 mentioned in that provision is required to be specified separately for the purposes of sub-paragraph (1).

(3) Where a person (“P”) makes a gift indirectly through one or more intermediaries, the reference in sub-paragraph (1)(d) to the person by whom the gift was made is to be read as a reference to P and each of the intermediaries.

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Declaration by authorised individual

- 4 A notification under paragraph 1 or a report under paragraph 2 must contain a declaration, made by an individual authorised to do so by the unincorporated association concerned, that to the best of the individual's knowledge and belief—
- (a) everything stated in the notification or report is accurate, and
 - (b) the notification or report contains everything that it is required to contain by this Schedule.

Additional matters to be included in notifications and reports

- 5 A notification under paragraph 1 or a report under paragraph 2 must (as well as containing the things that paragraphs 1 and 4 or paragraphs 3 and 4 require it to contain)
- (a) state the name of the unincorporated association by which it is given;
 - (b) state the address of the association's main office in the United Kingdom;
 - (c) state the full name and address of the individual making the declaration under paragraph 4;
 - (d) state that the individual is authorised by the unincorporated association to make the declaration;
 - (e) describe the individual's role or position in relation to the association.

Offences

- 6 (1) An unincorporated association commits an offence if it—
- (a) is required by paragraph 1 to give a notification to the Commission, or
 - (b) is required by paragraph 2 to make a report to the Commission,
- and fails without reasonable excuse to do so within the permitted period.
- (2) An unincorporated association commits an offence if, without reasonable excuse, it—
- (a) gives a notification to the Commission under paragraph 1, or
 - (b) makes a report to the Commission under paragraph 2,
- which fails to comply with any requirement of this Schedule applying to the notification or report.
- (3) An individual who knowingly or recklessly makes a false declaration under paragraph 4 commits an offence.
- (4) For the purposes of sub-paragraph (1) the “permitted period” is—
- (a) in relation to a notification under paragraph 1, the period of 30 days mentioned in paragraph 1(1);
 - (b) in relation to a notice under sub-paragraph (2) of paragraph 2, the period of 60 days mentioned in that sub-paragraph;
 - (c) in relation to a notice under sub-paragraph (3) of paragraph 2, the period of 30 days mentioned in that sub-paragraph;
 - (d) in relation to a notice under sub-paragraph (4) of paragraph 2, the period of 30 days mentioned in that sub-paragraph.

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Register of recordable gifts to unincorporated associations

- 7 (1) The Commission shall maintain a register of all notifications made to them under paragraph 1 and all gifts reported to them under paragraph 2.
- (2) The register shall be maintained by the Commission in such form as they may determine and shall contain the following details—
- (a) in the case of each notification under paragraph 1—
- (i) the name of the unincorporated association by which the notification was given;
- (ii) the address of the association's main office in the United Kingdom;
- (iii) the date on which the notification was given;
- (b) in the case of each gift reported under paragraph 2—
- (i) the name of the unincorporated association by which the report was given;
- (ii) the address of the association's main office in the United Kingdom;
- (iii) (subject to sub-paragraph (4) and paragraph 8) the information provided under paragraph 3.
- (3) Where the Commission are given any notification under paragraph 1 or any report under paragraph 2, they shall cause the details mentioned in sub-paragraph (2)(a) (in respect of a notification) or sub-paragraph (2)(b) (in respect of a report) to be entered in the register as soon as is reasonably practicable.
- (4) The information to be entered in the register in respect of any individual shall not include the individual's home address.
- 8 (1) This paragraph applies where—
- (a) an unincorporated association receives a gift in respect of which an entry falls to be made in the register under paragraph 7, and
- (b) at the time when the gift is received there is no entry in the register in respect of that unincorporated association.
- (2) The Commission shall not include in the register any information that would or might identify a person as someone by or through whom the gift was made unless—
- (a) they have given to the person a notice stating that they propose to include such information, and inviting representations on the matter, and
- (b) they decide, having considered any representations made by the person, that it is reasonable to include such information in the register.
- (3) The Commission shall make reasonable efforts to give a notice under sub-paragraph (2)
- (a) in any case where, if a notice is not given, sub-paragraph (2) prevents information from being included in the register.
- (4) The Commission shall not make a decision on the matter referred to in sub-paragraph (2)
- (b) until after the period of 45 days beginning with the date on which they gave the notice under sub-paragraph (2)(a), unless representations from the person concerned are received before the end of that period.
- (5) Once they have made a decision on that matter the Commission shall give notification of it to the person concerned.

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Meaning of “gift”, etc

- 9 (1) In this Schedule “gift” includes bequest.
- (2) Anything given or transferred to any officer, member, trustee or agent of an unincorporated association in that person's capacity as such (and not for the person's own use or benefit) is to be regarded for the purposes of this Schedule as given or transferred to the association (and references to gifts received by an unincorporated association are to be read accordingly).
- (3) Regulations made by the Secretary of State may—
- (a) make provision as to things that are, or are not, to be regarded as gifts to unincorporated associations for the purposes of this Schedule;
 - (b) make provision as to how the value of a gift to an unincorporated association is to be calculated for the purposes of this Schedule.
- (4) Provision made under sub-paragraph (3)(a) may, in particular, provide for a person to be treated as making a gift where that person—
- (a) pays expenses incurred by another;
 - (b) lends money to another otherwise than on commercial terms;
 - (c) provides any property, services or facilities for the use or benefit of another otherwise than on commercial terms;
 - (d) transfers any money or other property for a consideration that is worth less than what is transferred (or for no consideration).”

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