



# Political Parties and Elections Act 2009

## 2009 CHAPTER 12

### PART 2

#### POLITICAL DONATIONS ETC AND EXPENDITURE

##### *Donations etc*

#### 10 Non-resident donors etc

- (1) In section 54 of the 2000 Act (permissible donors), in subsection (1) (circumstances in which party may not accept donation), for paragraph (aa) (inserted by section 9 above) there is substituted—

“(aa) any declaration required to be made in respect of the donation by section 54A or 54B has not been received by the party; or”.

- (2) In subsection (2)(a) of that section (individuals who are permissible donors), for “registered in an electoral register” there is substituted “who is registered in an electoral register and (subject to subsection (2ZB)) satisfies the condition set out in subsection (2ZA)”.

- (3) After subsection (2) of that section there is inserted—

“(2ZA) The condition referred to in subsection (2)(a) is that the individual’s liability to income tax for the current tax year (including eligibility to make any claim) falls to be determined (or would fall to be determined) on the basis that the individual is resident, ordinarily resident and domiciled in the United Kingdom in that year.

In this subsection “tax year” has the meaning given by section 4 of the Income Tax Act 2007.

- (2ZB) The condition set out in subsection (2ZA) applies in relation to a donation only if—

(a) it is a donation of more than £7,500, or

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*Status: This is the original version (as it was originally enacted).*

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- (b) when the donation is added to any other relevant benefit or benefits accruing in the same calendar year as the donation, the aggregate amount of the benefits is more than £7,500.

(2ZC) For the purposes of subsection (2ZB)(b) “relevant benefit” and “accruing” have the meaning given by section 62(3A).”

(4) After section 54A (inserted by section 9 above) there is inserted—

**“54B Declaration as to whether residence etc condition satisfied**

- (1) An individual making to a registered party a donation in relation to which the condition set out in section 54(2ZA) applies must give to the party a written declaration stating whether or not the individual satisfies that condition.
- (2) A declaration under this section must also state the individual’s full name and address.
- (3) A person who knowingly or recklessly makes a false declaration under this section commits an offence.
- (4) The Secretary of State may by regulations make provision requiring a declaration under this section to be retained for a specified period.
- (5) The requirement in subsection (1) does not apply where, by reason of section 71B(1)(a), the individual by whom the donation would be made is a permissible donor in relation to the donation at the time of its receipt by the party.”

(5) In section 56 of the 2000 Act (acceptance or return of donations: general), after subsection (1) there is inserted—

“(1A) In so far as subsection (1) requires steps to be taken to verify or ascertain whether an individual satisfies the condition set out in section 54(2ZA), the requirement is treated as having being complied with if—

- (a) the individual has given to the party a declaration under section 54B stating that the individual satisfies that condition, and
- (b) the party had no reasonable grounds for thinking that the statement was incorrect.”

(6) In Schedule 6 to the 2000 Act (details to be given in donation reports), in paragraph 1A (inserted by section 9 above)—

- (a) in the heading, at the end there is inserted “*or as to whether residence etc condition satisfied*”;
- (b) at the end of that paragraph (which becomes sub-paragraph (1)) there is inserted—

“(2) In relation to each recordable donation in the case of which a declaration under section 54B has been given, a quarterly report must either—

- (a) state that no reason was found for thinking that the declaration was incorrect, or
- (b) give details of any respects in which the declaration was found or suspected to be incorrect.”

(7) In Schedule 20 to the 2000 Act (penalties) the following entry is inserted at the appropriate place—

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“Section 54B(3) (making a false declaration as to whether residence etc condition satisfied)	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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(8) Schedule 4 has effect.

That Schedule makes amendments to—

- (a) Schedules 7, 11 and 15 to the 2000 Act (control of donations to individuals and members associations; to recognised third parties; and to permitted participants), and
- (b) Schedule 20 to the 2000 Act (penalties),

corresponding to those made by subsections (1) to (7).