



Political Parties and Elections Act 2009

2009 CHAPTER 12

PART 2

POLITICAL DONATIONS ETC AND EXPENDITURE

Responsible persons and compliance officers

15 Control of donations to holders of elective office: compliance officers

- (1) In Schedule 7 to the 2000 Act (control of donations to individuals etc), at the end there is inserted—

“PART 7

COMPLIANCE OFFICERS

Functions and liabilities of compliance officers

- 17 (1) A regulated donee who is the holder of a relevant elective office (the “office-holder”) may, by giving a notice to the Commission which complies with paragraph 18(1), appoint an individual as compliance officer for the office-holder.
- (2) Where a notice under this paragraph is for the time being in force—
- (a) any duty imposed on the office-holder by virtue of paragraph 8, or under paragraph 10, 11 or 13, may be discharged either by the office-holder or by the compliance officer;
 - (b) section 56(3), (3B) and (4) as applied by paragraph 8, and paragraph 12(1) and (2), apply to the compliance officer as well as the office-holder (so that either or both of them may be charged with any offence under those provisions);

Status: This is the original version (as it was originally enacted).

- (c) if the compliance officer makes a declaration under paragraph 13, paragraph 13(4) applies to the compliance officer instead of the office-holder.
- (3) The compliance officer for an office-holder cannot be guilty of an offence under paragraph 12(1) or (2) in respect of any controlled donation received by the office-holder at a time when the notice under this paragraph was not in force.
- (4) A person commits an offence if, at a time when a notice under this paragraph is in force in relation to an office-holder, the person knowingly gives the compliance officer any information relating to—
 - (a) the amount of any controlled donation made to the office-holder, or
 - (b) the person or body making such a donation,
 which is false in a material particular.

Notices of appointment, renewal, alteration and termination

- 18 (1) A notice under paragraph 17—
- (a) must be signed by the office-holder, and
 - (b) must contain a statement signed by the individual to be appointed as compliance officer confirming that the individual is willing to be appointed.
- (2) A notice under paragraph 17 must state—
- (a) the full name of the office-holder,
 - (b) the relevant elected office that the person holds,
 - (c) the office-holder’s home address in the United Kingdom, or (if there is no such home address) the office-holder’s home address elsewhere, and
 - (d) if the office-holder is a member of a registered party, the party’s registered name and the address of its registered headquarters.
- (3) A notice under paragraph 17 must also state—
- (a) the full name of the individual to be appointed as compliance officer,
 - (b) if the individual holds a relevant elected office, what that office is,
 - (c) the individual’s home address in the United Kingdom, or (if there is no such home address) the individual’s home address elsewhere, and
 - (d) if the individual is a member of a registered party, the party’s registered name and the address of its registered headquarters.
- (4) Subject to the following provisions of this paragraph, a notice under paragraph 17 (“the original notice”)—
- (a) shall be in force as from the date on which it is received by the Commission, but
 - (b) shall lapse at the end of the period of 12 months beginning with that date unless the office-holder or the compliance officer gives the Commission a notice (a “renewal notice”) that they both wish the original notice to remain in force.

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- (5) A renewal notice—
- (a) has the effect of extending the validity of the original notice for a further 12 months beginning with the time when it would otherwise have lapsed (whether under sub-paragraph (4)(b) or on the expiry of a previous extension under this sub-paragraph);
 - (b) must be received by the Commission during the period of one month ending at that time.

- (6) A renewal notice must either—
- (a) confirm that all the statements contained in the original notice, as it has effect for the time being, are accurate; or
 - (b) indicate that any statement contained in that notice, as it so has effect, is replaced by some other statement conforming with the relevant provision of sub-paragraph (2) or (3).

A renewal notice must be signed by the office-holder and the compliance officer.

- (7) The office-holder or the compliance officer may, at any time after giving the original notice, give the Commission a notice (a “notice of alteration”) indicating that any statement contained in the original notice, as it has effect for the time being, is replaced by some other statement—
- (a) contained in the notice of alteration, and
 - (b) conforming with the relevant provision of sub-paragraph (2) or (3).

A notice of alteration takes effect on the day on which it is received by the Commission or (if later) on such date as may be specified in the notice.

- (8) A notice of alteration must be signed—
- (a) by the office-holder, and
 - (b) by the compliance officer or, in the case of a notice substituting a different individual as the compliance officer, by that individual.

- (9) A notice under paragraph 17 ceases to have effect on receipt by the Commission of a notice terminating it (a “notice of termination”) given and signed by the office-holder or by the compliance officer.

- (10) On receipt of a notice of termination given by the office-holder or by the compliance officer, the Commission must inform the other party as soon as is reasonably practicable (unless the notice was signed both by the office-holder and by the compliance officer).

Register of compliance officers

- 19 (1) The Commission shall maintain a register of all notices given to them under paragraph 17 which are for the time being in force.
- (2) The register shall be maintained by the Commission in such form as they may determine and shall contain, in the case of each such notice, all the information contained in the notice as it has effect for the time being in accordance with paragraph 18.

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- (3) Where any notice is given to the Commission under paragraph 17 or sub-paragraph (4)(b) or (7) of paragraph 18, they shall cause all the information contained in the notice, or (as the case may be) any new information contained in it, 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, however, not include the individual's home address.”
- (2) In Schedule 20 to the 2000 Act the following entry is inserted at the appropriate place—

“Paragraph 17(4) of Schedule 7 (knowingly giving compliance officer false information about donations)	<p>On summary conviction in England and Wales or Scotland: statutory maximum or 12 months</p> <p>On summary conviction in Northern Ireland: statutory maximum or 6 months</p> <p>On indictment: fine or 1 year”.</p>
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