



Political Parties and Elections Act 2009

2009 CHAPTER 12

PART 2

POLITICAL DONATIONS ETC AND EXPENDITURE

Donations etc

PROSPECTIVE

9 Declaration as to source of donation

- (1) In section 54 of the 2000 Act (permissible donors), in subsection (1) (circumstances in which party may not accept donation), after paragraph (a) there is inserted—
- “(aa) in the case of a donation of an amount exceeding £7,500, the party has not been given a declaration as required by section 54A; or”.
- (2) After that section there is inserted—

“54A Declaration as to source of donation

- (1) Where a person (P) causes an amount exceeding £7,500 to be received by a registered party by way of a donation, a written declaration must be given to the 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 subsection (2) applies to the donation.
- (2) This subsection 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

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Political Parties and Elections Act 2009, Section 9. (See end of Document for details)

- (b) the money, or the value of the benefit, is more than £7,500.
- (3) Where a declaration under this section contains a statement to the effect that subsection (2) applies to the donation, it must also—
 - (a) state whether or not, in the opinion of the person making the declaration—
 - (i) subsection (4) of section 54 applies to the donation;
 - (ii) subsection (6) of that section applies to it;
 - (b) if the person's opinion is that neither of those subsections applies to the donation, give the person's reasons for that opinion.
- (4) A declaration under this section must also state the full name and address of the person by whom it is made and, where subsection (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 section 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 subsection (2).”
- (3) In section 56 of the 2000 Act (acceptance or return of donations: general), in subsection (2) (steps to be taken if donation to be refused)—
 - (a) in paragraph (a), for “section 54(1)(b)” there is substituted “ section 54(1)(aa) or (b) ”;
 - (b) after that paragraph there is inserted—
 - “(aa) if the donation falls within section 54(1)(aa) (but not section 54(1)(b)), the donation, or a payment of an equivalent amount, must be sent back to the person appearing to be the donor.”;
 - (c) in paragraph (b), for “that provision” there is substituted “ section 54(1)(b) ”.
- (4) Before subsection (4) of that section there is inserted—
 - “(3B) Where—
 - (a) subsection (2)(aa) applies in relation to a donation, and
 - (b) the donation is not dealt with in accordance with that provision, the party and the treasurer of the party are each guilty of an offence.”
- (5) In Schedule 6 to the 2000 Act (details to be given in donation reports), after paragraph 1 there is inserted—

“Declarations as to source of donation

- 1A In relation to each recordable donation in the case of which a declaration under section 54A has been given, a quarterly or weekly report 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.”

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- (6) In paragraph 6 of that Schedule (donations from impermissible donors)—
- (a) in the heading, at the end there is inserted “ *or without required declaration* ”;
 - (b) for “section 54(1)(a)” there is substituted “ section 54(1)(a) or (aa) ”;
 - (c) in paragraph (a), after “the donor” there is inserted “ or the person appearing to be the donor ”;
 - (d) in paragraph (b), for “section 56(2)(a)” there is substituted “ section 56(2)(a) or (aa) ”.

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

“Section 54A(5) (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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- (8) Schedule 3 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).

- (9) The Secretary of State, after consulting the Electoral Commission, may make an order that—

- (a) amends or modifies a provision of the 2000 Act inserted by this section or Schedule 3 so far as it applies in relation to Northern Ireland;
- (b) makes provision that is consequential on or supplemental to that made by virtue of paragraph (a) (including provision amending or modifying any provision of the 2000 Act).

- (10) The power to make an order under subsection (9) is exercisable by statutory instrument.

- (11) No order may be made under subsection (9) unless a draft of the instrument containing the order has been laid before and approved by a resolution of each House of Parliament.

Status:

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Changes to legislation:

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