

**2010 No. 2866 (C. 128)**

**REPRESENTATION OF THE PEOPLE**

**The Political Parties and Elections Act 2009 (Commencement  
No. 5 and Saving Provisions) Order 2010**

*Made* - - - - *29th November 2010*

The Lord President of the Council makes this Order in exercise of the powers conferred by section 43(1) and (2) of the Political Parties and Elections Act 2009(a).

**Citation and interpretation**

1. This Order may be cited as the Political Parties and Elections Act 2009 (Commencement No. 5 and Saving Provisions) Order 2010.

2. In this Order—

“the 2000 Act” means the Political Parties, Elections and Referendums Act 2000(b);

“the 2009 Act” means the Political Parties and Elections Act 2009.

**Provisions coming into force on 1st December 2010**

3. The following provisions of the 2009 Act come into force on 1st December 2010—

- (a) section 1(2) (compliance with controls imposed by the 2000 Act etc);
- (b) section 2 (investigatory powers of Commission);
- (c) section 3 (civil sanctions);
- (d) section 39 (amendments and repeals) so far as it relates to the provisions mentioned in paragraphs (g) and (h);
- (e) Schedule 1 (investigatory powers of Commission: schedule to be inserted into the 2000 Act);
- (f) Schedule 2 (civil sanctions: schedule to be inserted into the 2000 Act);
- (g) paragraphs 22, 23, 25 and 26 of Schedule 6 (minor and consequential amendments);
- (h) in Schedule 7 (repeals), the entries relating to section 145 of, and Schedule 20 to, the 2000 Act.

**Provisions coming into force on 1st January 2011**

4. The following provisions of the 2009 Act come into force on 1st January 2011—

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- (a) 2009 c. 12. Article 3 of the Lord President of the Council Order 2010 (S.I. 2010/1837) provides that the powers conferred on the Secretary of State under section 43 are exercisable concurrently by the Secretary of State and the Lord President of the Council.
  - (b) 2000 c. 41.

- (a) section 8 (education about systems of government and EU institutions);
- (b) section 31(8) (the registration objectives);
- (c) section 35 (schemes for provision of data to registration officers);
- (d) section 36 (schemes under section 35: proposals, consultation and evaluation);
- (e) section 37 (meaning of expressions relating to registration);
- (f) section 39 so far as it relates to the provisions mentioned in paragraph (g);
- (g) in Schedule 7, the entries relating to section 13 of the 2000 Act.

**Saving provisions**

5. Notwithstanding the commencement of section 2 of the 2009 Act by article 3(b), the following provisions of the 2000 Act continue to have effect from 1st December 2010 to 31st May 2011 as if section 2 of the 2009 Act, and the entry in Schedule 7 to that Act relating to Schedule 20 to the 2000 Act, had not been commenced—

- (a) in section 146 (supervisory powers of Commission)—
  - (i) subsections (2), (5) and (6);
  - (ii) subsection (3), but only if the person exercising the power conferred by that subsection has been duly authorised by the Electoral Commission before 1st December 2010;
- (b) the entries in Schedule 20 (penalties) relating to section 146(5) and (6).

6. Notwithstanding the commencement of section 3 of the 2009 Act by article 3(c)—

- (a) where the time for complying with a requirement mentioned in section 147(1) of the 2000 Act (civil penalties) expires before 1st December 2010, and the requirement has not been complied with by 1st December, section 147 has effect in respect of that failure to comply as if section 3 of the 2009 Act had not been commenced;
- (b) where a liability to a penalty under section 147(2) arises before 1st December 2010 otherwise than in the circumstances described at paragraph (a), and such liability has not been discharged by 1st December 2010, section 147(5) and (6) continues to apply to that liability on and after 1st December 2010 as if section 3 of the 2009 Act had not been commenced;
- (c) where paragraph (a) applies to a failure to comply with a requirement of the 2000 Act, the provisions of Schedule 19C to that Act do not apply to that failure.

Signed by authority of the Lord President of the Council

*Mark Harper*  
Parliamentary Secretary (Minister for Political and Constitutional Reform)  
Cabinet Office

29th November 2010

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order brings into force several provisions in the Political Parties and Elections Act 2009 (c. 12), and makes saving provisions in relation to some of those provisions.

Article 3 of the Order commences sections 1(2), 2 and 3 of, and Schedules 1 and 2 to, the 2009 Act, along with related consequential provisions, on 1st December 2010. Section 1(2) of the 2009 Act amends the function of the Electoral Commission set out in section 145(1) of the Political Parties, Elections and Referendums Act 2000 (c. 41).

Section 2 of the 2009 Act substitutes a new section 146 of the 2000 Act, inserts a new Schedule 19B (set out at Schedule 1 to the 2009 Act) into the 2000 Act, and inserts additional provisions into Schedule 20 to the 2000 Act. These amendments replace the current supervisory powers of the Electoral Commission with new investigatory powers.

Section 3 of the 2009 Act substitutes a new section 147 of the 2000 Act, inserts a new Schedule 19C (set out at Schedule 2 to the 2009 Act) into the 2000 Act, and inserts additional provisions into section 156 of and Schedule 20 to the 2000 Act. These amendments replace the current limited range of civil penalties for failures to comply with the requirements of the 2000 Act with wider powers for the Electoral Commission to impose civil sanctions. They also enable Ministers to make supplementary provisions by order, including prescription of the offences, restrictions or requirements under the 2000 Act to which the Commission's powers will apply.

Article 4 of the Order commences sections 8, 31(8) and 35 to 37 of the 2009 Act on 1st January 2011. Section 8 of the 2009 Act repeals section 13(1)(b) and (c) of the 2000 Act, ending the duty of the Electoral Commission to promote public awareness of current systems of local government and national government in the United Kingdom and any pending such systems, and of the institutions of the European Union.

Sections 35 to 37 of the 2009 Act enable Ministers to make schemes for authorities to provide information to electoral registration officers in order to assist registration officers to meet registration objectives. Section 31(8) sets out what those objectives are.

Article 5 of the Order provides that certain existing supervisory powers of the Electoral Commission which are repealed by section 2 of the 2009 Act are saved for a period of 6 months.

Article 6 of the Order provides that the existing provisions relating to civil penalties which are repealed by section 3 of the 2009 Act are saved in respect of certain failures to comply with requirements in the 2000 Act.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Act have been brought into force by commencement order made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 6	01.10.2010	2010/2409
Sections 12 to 18	01.01.2010	2009/3084
Section 20	01.01.2010	2009/3084
Section 21	25.11.2009	2009/3084
Sections 23 and 24	04.09.2009	2009/2395
Section 25	26.03.2010	2010/969
Section 39 (partially)	04.09.2009	2009/2395
Section 39 (partially)	25.11.2009	2009/3084
Section 39 (partially)	01.01.2010	2009/3084
Section 39 (partially)	26.03.2010	2010/969
Schedule 6 (partially)	04.09.2009	2009/2395
Schedule 6 (partially)	25.11.2009	2009/3084
Schedule 6 (partially)	01.01.2010	2009/3084
Schedule 7 (partially)	04.09.2009	2009/2395
Schedule 7 (partially)	25.11.2009	2009/3084
Schedule 7 (partially)	01.01.2010	2009/3084
Schedule 7 (partially)	26.03.2010	2010/969

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