



# Political Parties, Elections and Referendums Act 2000

## 2000 CHAPTER 41

### PART V

#### CONTROL OF CAMPAIGN EXPENDITURE

##### *Preliminary*

#### **72 Campaign expenditure.**

- (1) The following provisions have effect for the purposes of this Part.
- (2) “Campaign expenditure”, in relation to a registered party, means (subject to subsection (7)) expenses incurred by or on behalf of the party which are expenses falling within Part I of Schedule 8 and so incurred for election purposes.
- (3) “Election campaign”, in relation to a registered party, means a campaign conducted by the party for election purposes.
- (4) “For election purposes”, in relation to a registered party, means for the purpose of or in connection with—
  - (a) promoting or procuring electoral success for the party at any relevant election, that is to say, the return at any such election of candidates—
    - (i) standing in the name of the party, or
    - (ii) included in a list of candidates submitted by the party in connection with the election; or
  - (b) otherwise enhancing the standing—
    - (i) of the party, or
    - (ii) of any such candidates,with the electorate in connection with future relevant elections (whether imminent or otherwise).

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- (5) For the purposes of subsection (4)—
- (a) the reference to doing any of the things mentioned in paragraph (a) or (as the case may be) paragraph (b) of that subsection includes doing so by prejudicing the electoral prospects at the election of other parties or candidates or (as the case may be) by prejudicing the standing with the electorate of other parties or candidates;
  - (b) a course of conduct may constitute the doing of one of those things even though it does not involve any express mention being made of the name of any party or candidate; and
  - (c) it is immaterial that any candidates standing in the name of the party also stand in the name of one or more other registered parties.
- (6) “Relevant election” has the same meaning as in Part II.
- (7) “Campaign expenditure” does not include anything which (in accordance with any enactment) falls to be included in—
- <sup>F1</sup>(a) a return as to election expenses in respect of a candidate or candidates at a particular election<sup>F2</sup>, or
  - (b) a recall petition return within the meaning of Schedule 5 to the Recall of MPs Act 2015 (see paragraph 1 of that Schedule).]
- (8) Where a registered party is a party with accounting units—
- (a) expenses incurred or to be incurred by or on behalf of any accounting unit of the party shall be regarded as expenses incurred or to be incurred by or on behalf of the party, and
  - (b) references to campaign expenditure incurred or to be incurred by or on behalf of a registered party accordingly extend, in relation to the party, to expenses which constitute such expenditure by virtue of paragraph (a).
- (9) In this section “candidates” includes future candidates, whether identifiable or not.
- (10) Nothing in this Part applies in relation to expenses incurred or to be incurred by or on behalf of a minor party.

**Annotations:**

**Amendments (Textual)**

**F1** S. 72(7) renumbered as s. 72(7)(a) (4.3.2016) by [Recall of MPs Act 2015 \(c. 25\)](#), s. 24(3), [Sch. 6 para. 5\(2\)\(a\)](#); [S.I. 2016/290](#), reg. 2

**F2** S. 72(7)(b) and word inserted (4.3.2016) by [Recall of MPs Act 2015 \(c. 25\)](#), s. 24(3), [Sch. 6 para. 5\(2\)\(b\)](#); [S.I. 2016/290](#), reg. 2

**Commencement Information**

**II** S. 72 wholly in force at 16.2.2001; s. 72 not in force at Royal Assent, see s. 163(2); s. 72 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

**<sup>F3</sup>72A Campaign expenditure: power of Scottish Ministers**

- (1) The powers under the following provisions of Schedule 8 are exercisable by the Scottish Ministers instead of the Secretary of State, so far as they relate to polls at elections for membership of the Scottish Parliament—

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- (a) paragraph 3(3) (power to approve a draft code of practice prepared by the Electoral Commission),
  - (b) paragraph 3(7) (power to appoint day when code comes into force), and
  - (c) paragraph 4(1) (power to amend Part 1 of Schedule 8).
- (2) For the purposes of the exercise by the Scottish Ministers of the powers mentioned in subsection (1), paragraphs 3 and 4 of Schedule 8 apply—
- (a) as if any reference to the Secretary of State were a reference to the Scottish Ministers,
  - (b) as if any reference to “each House of Parliament”, “each House”, “either House”, “both Houses” or “Parliament” were a reference to the Scottish Parliament,
  - (c) as if in paragraph 3(9) for the words from “means—” to the end there were substituted “ means the period of 40 days beginning with the day on which the draft is laid before the Scottish Parliament. ”
- (3) Subsection (1) does not apply to a power so far as it relates to circumstances where a limit applies to expenditure in relation to a period determined by reference both to the date of the poll for an election for membership of the Scottish Parliament and to the date of any other election.]

**Annotations:**

**Amendments (Textual)**

**F3** S. 72A inserted (18.5.2017) by [Scotland Act 2016 \(c. 11\)](#), ss. **7(2)**, **72(4)(a)**; S.I. 2017/608, reg. 2(1)(e)

**73 Notional campaign expenditure.**

- (1) This section applies where, in the case of a registered party—
- (a) either—
    - (i) property is transferred to the party free of charge or at a discount of more than 10 per cent. of its market value, or
    - (ii) property, services or facilities is or are provided for the use or benefit of the party free of charge or at a discount of more than 10 per cent. of the commercial rate for the use of the property or for the provision of the services or facilities, and
  - (b) the property, services or facilities is or are made use of by or on behalf of the party in circumstances such that, if any expenses were to be (or are) actually incurred by or on behalf of the party in respect of that use, they would be (or are) campaign expenditure incurred by or on behalf of the party.
- (2) Where this section applies, an amount of campaign expenditure determined in accordance with this section (“the appropriate amount”) shall be treated, for the purposes of this Part, as incurred by the party during the period for which the property, services or facilities is or are made use of as mentioned in subsection (1)(b).

This subsection has effect subject to subsection (9).

- (3) Where subsection (1)(a)(i) applies, the appropriate amount is such proportion of either —
- (a) the market value of the property (where the property is transferred free of charge), or

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- (b) the difference between the market value of the property and the amount of expenses actually incurred by or on behalf of the party in respect of the property (where the property is transferred at a discount),  
as is reasonably attributable to the use made of the property as mentioned in subsection (1)(b).
- (4) Where subsection (1)(a)(ii) applies, the appropriate amount is such proportion of either —
- (a) the commercial rate for the use of the property or the provision of the services or facilities (where the property, services or facilities is or are provided free of charge), or
  - (b) the difference between that commercial rate and the amount of expenses actually incurred by or on behalf of the party in respect of the use of the property or the provision of the services or facilities (where the property, services or facilities is or are provided at a discount),
- as is reasonably attributable to the use made of the property, services or facilities as mentioned in subsection (1)(b).
- (5) Where the services of an employee are made available by his employer for the use or benefit of a registered party, then for the purposes of this section the amount which is to be taken as constituting the commercial rate for the provision of those services shall be the amount of the remuneration or allowances payable to the employee by his employer in respect of the period for which his services are made available (but shall not include any amount in respect of contributions or other payments for which the employer is liable in respect of the employee).
- (6) Where an amount of campaign expenditure is treated, by virtue of subsection (2), as incurred by or on behalf of a party during any period the whole or part of which falls within any period which is, in relation to the party, a relevant campaign period for the purposes of section 80, then—
- (a) the amount mentioned in subsection (7) shall be treated as incurred by or on behalf of the party during the relevant campaign period, and
  - (b) the treasurer or a deputy treasurer appointed under section 74 shall make a declaration of that amount,
- unless that amount is not more than £200.
- (7) The amount referred to in subsection (6) is such proportion of the appropriate amount (determined in accordance with subsection (3) or (4)) as reasonably represents the use made of the property, services or facilities as mentioned in subsection (1)(b) during the relevant campaign period.
- (8) A person commits an offence if he knowingly or recklessly makes a false declaration under subsection (6).
- (9) No amount of campaign expenditure shall be regarded as incurred by virtue of subsection (2) in respect of—
- (a) the transmission by a broadcaster of a party political broadcast;
  - (b) any facilities provided in accordance with any right conferred on candidates or a party at an election by any enactment; or
  - (c) the provision by any individual of his own services which he provides voluntarily in his own time and free of charge.

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(10) In subsections (1), (3), (4) and (5) any reference to anything done by or in relation to a registered party includes a reference to anything done by or in relation to any accounting unit of the party; and section 50(6) and (8)(a) shall apply with any necessary modifications for the purpose of determining, for the purposes of subsection (1), whether property is transferred to a registered party or to any such unit.

[<sup>F4</sup>(11) The reference in subsection (9)(a) to a broadcaster includes a reference to the Gibraltar Broadcasting Corporation.]

**Annotations:**

**Amendments (Textual)**

**F4** S. 73(11) inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), [Sch. para. 18](#)

**Commencement Information**

**I2** S. 73 wholly in force at 16.2.2001; s. 73 not in force at Royal Assent, see s. 163(2); s. 73 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

**74 Officers of registered party with responsibility for campaign expenditure.**

- (1) The treasurer of a registered party may appoint, on such terms as he may determine, one or more deputy treasurers of the party for the purposes of this Part, but not more than 12 persons may hold such appointments at the same time.
- (2) The appointment of a person as deputy treasurer of a party is effective for those purposes once the treasurer has given the Commission a notification of the appointment which—
  - (a) contains the name of the person so appointed and the address of his office; and
  - (b) is accompanied by a declaration of acceptance of office signed by that person.
- (3) A person is not, however, eligible to be appointed as deputy treasurer of a registered party if, at any time within the last five years, he has been convicted of any offence under this Act or of any other offence committed in connection with a relevant election within the meaning of Part II [<sup>F5</sup>, an election to the [<sup>F6</sup>Gibraltar Parliament]] [<sup>F7</sup>, a ] referendum within the meaning of Part VII [<sup>F8</sup> or a recall petition within the meaning of the Recall of MPs Act 2015 (see section 1(2) of that Act)] .
- (4) A person commits an offence if he accepts the office of deputy treasurer of a registered party when, by virtue of subsection (3), he is not eligible to be so appointed.
- (5) Where a deputy treasurer of a registered party is convicted of an offence falling within subsection (3), his appointment as deputy treasurer shall terminate on the date of the conviction.
- (6) If, where the appointment of any deputy treasurer of a registered party has been notified to the Commission under subsection (2)—
  - (a) the deputy treasurer dies or his appointment terminates for any other reason, or
  - (b) any change occurs in the address of his office,the treasurer of the party must notify the Commission of that fact within the appropriate period.

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- (7) In subsection (6) “the appropriate period” means—
- (a) the period of 14 days beginning with the date of the deputy treasurer’s death or the termination of his appointment, or
  - (b) the period of 28 days beginning with the date when the change of address occurs,
- as the case may be.
- (8) The name of any deputy treasurer of a registered party and the address of his office, as notified to the Commission in accordance with this section, shall be included in the party’s entry in the Great Britain or Northern Ireland register.
- (9) Where the Commission receive a notification under subsection (6), they shall cause any change required as a consequence of the notification to be made in any such entry as soon as is reasonably practicable.
- (10) For the purposes of this Part—
- (a) the address of the treasurer of a registered party shall be regarded as being the registered address of the party; and
  - (b) the address of any deputy treasurer of such a party shall be regarded as being the address for the time being registered in relation to him in accordance with subsection (8).

**Annotations:**

**Amendments (Textual)**

- F5** Words in s. 74(3) inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), **Sch. para. 19**
- F6** Words in s. 74(3) substituted (8.12.2015) by [The European Parliamentary Elections \(Miscellaneous Provisions\) \(United Kingdom and Gibraltar\) Order 2015 \(S.I. 2015/1982\)](#), art. 1(2), **Sch. para. 3** (with art. 3)
- F7** Word in s. 74(3) substituted (4.3.2016) by [Recall of MPs Act 2015 \(c. 25\)](#), s. 24(3), **Sch. 6 para. 5(3)**; [S.I. 2016/290](#), reg. 2
- F8** Words in s. 74(3) inserted (4.3.2016) by [Recall of MPs Act 2015 \(c. 25\)](#), s. 24(3), **Sch. 6 para. 5(3)**; [S.I. 2016/290](#), reg. 2

**Commencement Information**

- I3** S. 74 wholly in force at 16.2.2001; s. 74 not in force at Royal Assent, see s. 163(2); s. 74 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in [Sch. 1 Pt. II](#))

*General restrictions relating to campaign expenditure*

**75 Restriction on incurring campaign expenditure.**

- (1) No campaign expenditure shall be incurred by or on behalf of a registered party unless it is incurred with the authority of—
- (a) the treasurer of the party,
  - (b) a deputy treasurer of the party, or
  - (c) a person authorised in writing by the treasurer or a deputy treasurer.

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- (2) A person commits an offence if, without reasonable excuse, he incurs any expenses in contravention of subsection (1).
- (3) Where any expenses are incurred in contravention of subsection (1), the expenses shall not count for the purposes of sections 79 to 83 or Schedule 9 as campaign expenditure incurred by or on behalf of the party.

**Annotations:**

**Commencement Information**

- I4** S. 75 wholly in force at 16.2.2001; s. 75 not in force at Royal Assent, see s. 163(2); s. 75 in force at 16.2.2001 by [S.I. 2001/222, art. 2, Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

**76 Restriction on payments in respect of campaign expenditure.**

- (1) No payment (of whatever nature) may be made in respect of any campaign expenditure incurred or to be incurred by or on behalf of a registered party unless it is made by—
  - (a) the treasurer of the party,
  - (b) a deputy treasurer of the party, or
  - (c) a person authorised in writing by the treasurer or a deputy treasurer.
- (2) Any payment made in respect of any such expenditure by a person within any of paragraphs (a) to (c) of subsection (1) must be supported by an invoice or a receipt unless it is not more than £200.
- (3) Where a person within paragraph (b) or (c) of subsection (1) makes a payment to which subsection (2) applies, he must deliver to the treasurer—
  - (a) notification that he has made the payment, and
  - (b) the supporting invoice or receipt,as soon as possible after making the payment.
- (4) A person commits an offence if, without reasonable excuse—
  - (a) he makes any payment in contravention of subsection (1), or
  - (b) he contravenes subsection (3).

**Annotations:**

**Commencement Information**

- I5** S. 76 wholly in force at 16.2.2001; s. 76 not in force at Royal Assent, see s. 163(2); s. 76 in force at 16.2.2001 by [S.I. 2001/222, art. 2, Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

**77 Restriction on making claims in respect of campaign expenditure.**

- (1) A claim for payment in respect of campaign expenditure incurred by or on behalf of a registered party during any period which is, in relation to the party, a relevant campaign period (within the meaning of section 80) shall not be payable if the claim is not sent to—
  - (a) the treasurer or a deputy treasurer of the party, or
  - (b) any other person authorised under section 75 to incur the expenditure,

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- not later than [<sup>F9</sup>30 days] after the end of the relevant campaign period.
- (2) Any claim sent in accordance with subsection (1) shall be paid not later than [<sup>F10</sup>60 days] after the end of the relevant campaign period.
- (3) A person commits an offence if, without reasonable excuse—
- (a) he pays any claim which by virtue of subsection (1) is not payable, or
  - (b) he makes any payment in respect of a claim after the end of the period allowed under subsection (2).
- (4) In the case of any claim to which subsection (1) applies—
- (a) the person making the claim, or
  - (b) the person with whose authority the expenditure in question was incurred,
- may apply [<sup>F11</sup>in England and Wales to the High Court or the county court or, in Northern Ireland,] to the High Court or a county court or, in Scotland, to the Court of Session or the sheriff for leave for the claim to be paid although sent in after the end of the period mentioned in that subsection; and the court, if satisfied that for any special reason it is appropriate to do so, may by order grant the leave.
- (5) Nothing in subsection (1) or (2) shall apply in relation to any sum paid in pursuance of the order of leave.
- (6) Subsection (2) is without prejudice to any rights of a creditor of a registered party to obtain payment before the end of the period allowed under that subsection.
- (7) The jurisdiction conferred by subsection (4) on the Court of Session or the sheriff may be exercised in such manner as is prescribed by Act of Sederunt; and any order made by the sheriff by virtue of that subsection may be appealed to the Court of Session.
- (8) Article 60 of the <sup>M1</sup>County Courts (Northern Ireland) Order 1980 (appeals from county courts) shall apply in relation to any order of a county court in Northern Ireland made by virtue of subsection (4) as it applies in relation to any such decree of a county court as is mentioned in paragraph (1) of that Article.
- (9) Where, in the case of any campaign expenditure, the period allowed under subsection (1) or (2) would (apart from this subsection) end on—
- (a) a Saturday or Sunday or Christmas Eve, Christmas Day, <sup>F12</sup> . . . or Good Friday,
  - (b) a bank holiday, or
  - (c) a day appointed for public thanksgiving or mourning,
- the period instead ends on the first day following that day which is not one of those days.
- (10) In subsection (9)(b) “bank holiday” means [<sup>F13</sup>a day within subsection (11) or] a day which under the <sup>M2</sup>Banking and Financial Dealings Act 1971 is a bank holiday in any part of the United Kingdom—
- (a) in which is situated the office of the treasurer, deputy treasurer or (as the case may be) other authorised person to whom the claim is sent pursuant to subsection (1); or
  - (b) in which the person providing the property, services or facilities to which the expenditure relates conducts his business; or
  - (c) (if he conducts his business in more than one part of the United Kingdom) in which is situated the office from which dealings relating to the expenditure were conducted.

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[<sup>F14</sup>(11) A day is within this subsection if under the law of Gibraltar it is a bank holiday or a public holiday and—

- (a) the office of the treasurer, deputy treasurer or (as the case may be) other authorised person to whom the claim is sent pursuant to subsection (1) is situated in Gibraltar; or
- (b) the person providing the property, services or facilities to which the expenditure relates conducts his business in Gibraltar; or
- (c) (if he conducts his business in one or more parts of the United Kingdom and Gibraltar) the office from which dealings relating to the expenditure were conducted is situated in Gibraltar.

(12) In [<sup>F15</sup>its application to Gibraltar, subsection (4) has effect as if for the words between “apply” and “leave” there were substituted “ to the Gibraltar court for ”.]

#### Annotations:

##### Amendments (Textual)

- F9** Words in s. 77(1) substituted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\)](#), [ss. 65\(1\)\(a\), 77\(2\)](#); S.I. 2006/1972, [art. 3](#), [Sch. 1 para. 22](#) (subject to [art. 4](#), [Sch. 2](#))
- F10** Words in s. 77(2) substituted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\)](#), [ss. 65\(1\)\(b\), 77\(2\)](#); S.I. 2006/1972, [art. 3](#), [Sch. 1 para. 22](#) (subject to [art. 4](#), [Sch. 2](#))
- F11** Words in s. 77(4) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), [s. 61\(3\)](#), [Sch. 9 para. 121\(b\)](#); S.I. 2014/954, [art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in S.I. 2014/956, [arts. 3-11](#))
- F12** Words in s. 77(9)(a) repealed (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006 \(c. 22\)](#), [ss. 20, 74\(2\), 77\(2\)](#), [Sch. 1 para. 54](#), [Sch. 2](#); S.I. 2006/3412, [art. 3](#), [Sch. 1 para. 14\(g\)\(aa\)\(bb\)\(cc\)](#) (subject to [art. 6](#), [Sch. 2](#)); S.I. 2008/1316, [arts. 2\(2\)](#), [4\(d\)\(y\)\(z\)\(aa\)](#)
- F13** Words in s. 77(10) inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), [arts. 1\(2\), 4\(2\)](#), [Sch. para. 20\(a\)](#)
- F14** S. 77(11)(12) inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), [arts. 1\(2\), 4\(2\)](#), [Sch. para. 20\(b\)](#)
- F15** Words in s. 77(12) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), [s. 61\(3\)](#), [Sch. 9 para. 121\(c\)](#); S.I. 2014/954, [art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in S.I. 2014/956, [arts. 3-11](#))

##### Modifications etc. (not altering text)

- C1** S. 77(9)(10) applied (with modifications) (S.) (18.12.2013) by [Scottish Independence Referendum Act 2013 \(asp 14\)](#), [s. 36](#), [sch. 4 para. 15\(8\)](#) (with [sch. 4 para. 17](#))

##### Commencement Information

- I6** S. 77 wholly in force at 16.2.2001; s. 77 not in force at Royal Assent, see [s. 163\(2\)](#); s. 77 in force at 16.2.2001 by S.I. 2001/222, [art. 2](#), [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

##### Marginal Citations

- M1** S.I. 1980/397 (N.I. 3).
- M2** 1971 c. 80.

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## 78 Disputed claims.

- (1) This section applies where—
- (a) a claim for payment in respect of campaign expenditure incurred by or on behalf of a registered party as mentioned in section 77(1) is sent to—
    - (i) the treasurer of the party, or
    - (ii) any other person with whose authority it is alleged that the expenditure was incurred,
 within the period allowed under that provision; and
  - (b) the treasurer or other person to whom the claim is sent fails or refuses to pay the claim within the period allowed under section 77(2);
- and the claim is referred to in this section as “the disputed claim”.
- (2) The person by whom the disputed claim is made may bring an action for the disputed claim, and nothing in section 77(2) shall apply in relation to any sum paid in pursuance of any judgment or order made by a court in the proceedings.
- (3) Subsections (4) to (8) of section 77 shall apply in relation to an application made by the person mentioned in subsection (1)(b) above for leave to pay the disputed claim as they apply in relation to an application for leave to pay a claim (whether it is disputed or otherwise) which is sent in after the period allowed under section 77(1).

### Annotations:

#### Commencement Information

- I7** S. 78 wholly in force at 16.2.2001; S. 78 not in force at Royal Assent, see s. 163(2); s. 78 in force at 16.2.2001 by [S.I. 2001/222, art. 2](#), [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

### *Financial limits*

## 79 Limits on campaign expenditure.

- (1) Schedule 9 has effect for imposing limits on campaign expenditure incurred by or on behalf of registered parties in England, Scotland, Wales or Northern Ireland during the periods specified in that Schedule.
- (2) Where, during the period in relation to which any such limit applies in relation to a registered party, any campaign expenditure is incurred by or on behalf of the party in excess of that limit—
- (a) the treasurer or any deputy treasurer of the party is guilty of an offence if—
    - (i) he authorised the expenditure to be incurred by or on behalf of the party, and
    - (ii) he knew or ought reasonably to have known that the expenditure would be incurred in excess of that limit; and
  - (b) the party is also guilty of an offence.
- (3) It shall be a defence for any person or registered party charged with an offence under subsection (2) to show—
- (a) that any code of practice for the time being issued under paragraph 3 of Schedule 8 was complied with in determining the items and amounts of

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campaign expenditure to be entered in the relevant return under section 80, and

- (b) that the limit would not have been exceeded on the basis of the items and amounts entered in that return.

[<sup>F16</sup>(3A) See section 94F (expenditure by or on behalf of recognised third party targeted at a registered party) for—

- (a) provision under which expenditure incurred by or on behalf of a third party may count towards the limit mentioned in subsection (2), and  
(b) provision modifying subsection (2)(a)(i) in its application to such expenditure.]

(4) Where—

- (a) at any time before the beginning of any relevant campaign period (within the meaning of section 80), any expenses within section 72(2) are incurred by or on behalf of a registered party in respect of any property, services or facilities, but  
(b) the property, services or facilities is or are made use of by or on behalf of the party during the relevant campaign period in circumstances such that, had any expenses been incurred in respect of that use during that period, they would by virtue of section 72(2) have constituted campaign expenditure incurred by or on behalf of the party during that period,

the appropriate proportion of the expenses mentioned in paragraph (a) shall be treated for the purposes of this section, sections 80 to 83 and Schedule 9 as campaign expenditure incurred by or on behalf of the party during that period.

- (5) For the purposes of subsection (4) the appropriate proportion of the expenses mentioned in paragraph (a) of that subsection is such proportion of those expenses as is reasonably attributable to the use made of the property, services or facilities as mentioned in paragraph (b).

**Annotations:**

**Amendments (Textual)**

**F16** S. 79(3A) inserted (30.1.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), ss. **30(2)**, 45(3)(b) (with s. 46(1)(2))

**Commencement Information**

**I8** S. 79 wholly in force at 16.2.2001; s. 79 not in force at Royal Assent, see s. 163(2); s. 79 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

*Returns*

**80 Returns as to campaign expenditure.**

(1) For the purposes of this section—

- (a) “the relevant campaign period”, in relation to any limit imposed by Schedule 9, is the period in relation to which the limit is so imposed; and  
(b) a part of the United Kingdom is a “relevant” part, in relation to any limit imposed by Schedule 9, if the limit applies to campaign expenditure which (within the meaning of that Schedule) is incurred in that part.

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- (2) Where—
- (a) any limit imposed by Schedule 9 applies to campaign expenditure incurred by or on behalf of a registered party during the relevant campaign period, and
  - (b) that period ends,
- the treasurer of the party shall prepare a return under this section in respect of campaign expenditure incurred by or on behalf of the party during that period in any relevant part or parts of the United Kingdom.
- (3) A return under this section must specify the poll for the relevant election (or, as the case may be, the polls for the relevant elections) that took place during the relevant campaign period, and must contain—
- (a) a statement of all payments made in respect of campaign expenditure incurred by or on behalf of the party during the relevant campaign period in the relevant part or parts of the United Kingdom;
  - (b) a statement of all disputed claims (within the meaning of section 78) of which the treasurer is aware; and
  - (c) a statement of all the unpaid claims (if any) of which the treasurer is aware in respect of which an application has been made, or is about to be made, to a court under section 77(4).
- (4) A return under this section must be accompanied by—
- (a) all invoices or receipts relating to the payments mentioned in subsection (3) (a); <sup>F17</sup>...
  - (b) in the case of any campaign expenditure treated as incurred by the party by virtue of section 73, any declaration falling to be made with respect to that expenditure in accordance with section 73(6)<sup>F18</sup>; and
  - (c) in the case of any campaign expenditure treated as incurred by the party by virtue of section 94F(2) (expenditure by or on behalf of recognised third party targeted at a registered party), any declaration falling to be made with respect to that expenditure in accordance with section 94F(5).]
- (5) Where, however, any payments or claims falling to be dealt with in a return by virtue of subsection (3) have already been dealt with in an earlier return under this section—
- (a) it shall be sufficient for the later return to deal with those payments or claims by specifying overall amounts in respect of them; and
  - (b) the requirement imposed by subsection (4) does not apply to any invoices, receipts or declarations which accompanied the earlier return and are specified as such in the later return.
- (6) The Commission may by regulations prescribe a form of return which may be used for the purposes of this section.

#### Annotations:

#### Amendments (Textual)

- F17** Word in s. 80(4)(a) omitted (30.1.2014) by virtue of [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), ss. **30(3)**, 45(3)(b) (with s. 46(1)(2))
- F18** S. 80(4)(c) and word inserted (30.1.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), ss. **30(3)**, 45(3)(b) (with s. 46(1)(2))

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#### Commencement Information

- I9** S. 80 wholly in force at 16.2.2001; s. 80 partly in force at Royal Assent, see s. 163(3); s. 80 in force in so far as not already in force at 16.2.2001 by [S.I. 2001/222](#), [art. 2](#), [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

### 81 Auditor's report on return.

- (1) Where during a relevant campaign period the campaign expenditure incurred by or on behalf of a registered party in the relevant part or parts of the United Kingdom exceeds £250,000, a report must be prepared by a qualified auditor on the return prepared under section 80 in respect of that expenditure.
- (2) The following provisions, namely—
  - (a) section 43(6) and (7), and
  - (b) section 44,shall apply in relation to the appointment of an auditor to prepare a report under subsection (1) or (as the case may be) an auditor so appointed as they apply in relation to the appointment of an auditor to carry out an audit under section 43 or (as the case may be) an auditor so appointed.
- (3) Subsection (1) of section 80 applies for the purposes of this section as it applies for the purposes of section 80.

#### Annotations:

#### Commencement Information

- I10** S. 81 wholly in force at 16.2.2001; s. 81 not in force at Royal Assent, see s. 163(2); s. 81 in force at 16.2.2001 by [S.I. 2001/222](#), [art. 2](#), [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

### 82 Delivery of returns to the Commission.

- (1) Where—
  - (a) any return falls to be prepared under section 80, and
  - (b) an auditor's report on it falls to be prepared under section 81(1),the treasurer of the party shall deliver the return to the Commission, together with a copy of the auditor's report, within six months of the end of the relevant campaign period.
- (2) In the case of any other return falling to be prepared under section 80, the treasurer of the party shall deliver the return to the Commission within three months of the end of the relevant campaign period.
- (3) Where, after the date on which a return is delivered to the Commission under this section, leave is given by a court under section 77(4) for any claim to be paid, the treasurer of the party in question shall, within seven days after the payment, deliver to the Commission a return of any sums paid in pursuance of the leave accompanied by a copy of the order of the court giving the leave.
- (4) The treasurer of a registered party commits an offence if, without reasonable excuse, he—

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- (a) fails to comply with the requirements of subsection (1) or (2) in relation to any return or report to which that subsection applies;
- (b) delivers a return which does not comply with the requirements of section 80(3) or (4); or
- (c) fails to comply with the requirements of subsection (3) in relation to a return under that subsection.

**Annotations:**

**Commencement Information**

**III** S. 82 wholly in force at 16.2.2001; s. 82 not in force at Royal Assent, see s. 163(2); s. 82 in force at 16.2.2001 by [S.I. 2001/222, art. 2](#), [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

**83 Declaration by treasurer as to return under section 80.**

- (1) Each return under section 80 must, when delivered to the Commission, be accompanied by a declaration which complies with subsection (2) and is signed by the treasurer.
- (2) The declaration must state—
  - (a) that the treasurer has examined the return in question; and
  - (b) that to the best of his knowledge and belief—
    - (i) it is a complete and correct return as required by law, and
    - (ii) all expenses shown in it as paid have been paid by him or a deputy treasurer of the party or a person authorised under section 76.
- (3) A person commits an offence if—
  - (a) he knowingly or recklessly makes a false declaration under this section; or
  - (b) subsection (1) is contravened at a time when he is treasurer of the registered party to which the return relates.

**Annotations:**

**Commencement Information**

**III** S. 83 wholly in force at 16.2.2001; s. 83 not in force at Royal Assent, see s. 163(2); s. 83 in force at 16.2.2001 by [S.I. 2001/222, art. 2](#), [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

**84 Public inspection of returns under section 80.**

- (1) Where the Commission receive any return under section 80, they shall—
  - (a) as soon as reasonably practicable after receiving the return, make a copy of the return, and of any documents accompanying it, available for public inspection; and
  - (b) keep any such copy available for public inspection for the period for which the return or other document is kept by them.
- (2) At the end of the period of two years beginning with the date when any return or other document mentioned in subsection (1) is received by the Commission—
  - (a) they may cause the return or other document to be destroyed; but

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- (b) if requested to do so by the treasurer of the party concerned, they shall arrange for the return or other document to be returned to the treasurer.

**Annotations:**

**Commencement Information**

**I13** S. 84 wholly in force at 16.2.2001; s. 84 not in force at Royal Assent, see s. 163(2); s. 84 in force at 16.2.2001 by [S.I. 2001/222](#), [art. 2](#), [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 9 heading words inserted by 2009 c. 12 Sch. 6 para. 21
- s. 8(3)(d) inserted by 2011 c. 13 Sch. 10 para. 12
- s. 54(1)(aa) inserted by 2009 c. 12 s. 9(1)
- s. 54(1)(aa) substituted by 2009 c. 12 s. 10(1)
- s. 54(2ZA)-(2ZC) inserted by 2009 c. 12 s. 10(3)
- s. 56(1A) inserted by 2009 c. 12 s. 10(5)
- s. 56(2)(aa) inserted by 2009 c. 12 s. 9(3)(b)
- s. 56(3B) inserted by 2009 c. 12 s. 9(4)
- s. 71H(3ZA) inserted by 2009 c. 12 Sch. 6 para. 19
- s. 71L(9A) inserted by 2009 c. 12 s. 11(2)
- Sch. 7 para. 6(1)(aa) inserted by 2009 c. 12 Sch. 3 para. 1(1)
- Sch. 7 para. 8(1A) inserted by 2009 c. 12 Sch. 4 para. 2
- Sch. 7 para. 10(5)(aa) inserted by 2009 c. 12 Sch. 3 para. 2(5)(b)
- Sch. 7 para. 6(1)(aa) substituted by 2009 c. 12 Sch. 4 para. 1(1)
- Sch. 7 para. 10(5)(aa) words inserted by 2009 c. 12 Sch. 4 para. 3(3)
- Sch. 7A para. 8(9A) inserted by 2009 c. 12 s. 11(5)
- Sch. 7A para. 9(10)(ba) inserted by 2009 c. 12 s. 11(6)(b)
- Sch. 11 para. 4(3) inserted by 2009 c. 12 Sch. 6 para. 29(2)
- Sch. 11 para. 6(1)(aa) inserted by 2009 c. 12 Sch. 3 para. 4(1)
- Sch. 11 para. 7(2)(aa) inserted by 2009 c. 12 Sch. 4 para. 5
- Sch. 11 para. 6(1)(aa) substituted by 2009 c. 12 Sch. 4 para. 4(1)
- Sch. 11 para. 4(3) words inserted by 2009 c. 12 Sch. 6 para. 29(3)
- Sch. 15 para. 4(3) (4) inserted by 2009 c. 12 Sch. 6 para. 30(2)(b)
- Sch. 15 para. 6(1)(aa) inserted by 2009 c. 12 Sch. 3 para. 7(1)
- Sch. 15 para. 7(2)(aa) inserted by 2009 c. 12 Sch. 4 para. 8
- Sch. 15 para. 6(1)(aa) substituted by 2009 c. 12 Sch. 4 para. 7(1)
- Sch. 15 para. 4(3) words inserted by 2009 c. 12 Sch. 6 para. 30(3)
- Sch. 19C para. 28(6) words inserted by 2018 c. 12 Sch. 19 para. 65(3)