Political Parties, Elections and Referendums Act 2000

2000 CHAPTER 41

PART VI

CONTROLS RELATING TO THIRD PARTY NATIONAL ELECTION CAMPAIGNS

CHAPTER II

FINANCIAL CONTROLS

General restrictions relating to controlled expenditure by recognised third parties

90 Restriction on incurring controlled expenditure

(1) No amount of controlled expenditure shall be incurred by or on behalf of a recognised third party unless it is incurred with the authority of—

(a) the responsible person; or

(b) a person authorised in writing by the responsible person.

(2) A person commits an offence if, without reasonable excuse, he incurs any expenses in contravention of subsection (1).

(3) Where, in the case of a recognised third party that is a registered party, any expenses are incurred in contravention of subsection (1), the expenses shall not count for the purposes of sections 94 to 99 or Schedule 10 as controlled expenditure incurred by or on behalf of the recognised third party.

91 Restriction on payments in respect of controlled expenditure

(1) No payment (of whatever nature) may be made in respect of any controlled expenditure incurred or to be incurred by or on behalf of a recognised third party unless it is made by—

(a) the responsible person, or

(b) a person authorised in writing by the responsible person.

(2) Any payment made in respect of any such expenditure by a person within paragraph (a) or (b) 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) of subsection (1) makes a payment to which subsection (2) applies, he must deliver to the responsible person—

(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).

92 Restriction on making claims in respect of controlled expenditure

(1) A claim for payment in respect of controlled expenditure incurred by or on behalf of a recognised third party during any period which is a regulated period (as defined by section 94(10)(a)) shall not be payable if the claim is not sent to—

(a) the responsible person, or

(b) any other person authorised under section 90 to incur the expenditure,

not later than 21 days after the end of the regulated period.

(2) Any claim sent in accordance with subsection (1) shall be paid not later than 42 days after the end of the regulated 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 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 recognised third party to obtain payment before the end of the period allowed under that subsection.

(7) Subsections (7) to (10) of section 77 shall apply for the purposes of this section as if—

(a) any reference to subsection (1), (2) or (4) of that section were a reference to subsection (1), (2) or (4) above;

(b) any reference to campaign expenditure were a reference to controlled expenditure; and

(c) any reference to the treasurer or deputy treasurer of the registered party were a reference to the responsible person in relation to the recognised third party.

93 Disputed claims

(1) This section applies where—

(a) a claim for payment in respect of controlled expenditure incurred by or on behalf of a recognised third party as mentioned in section 92(1) is sent to—

(i) the responsible person, 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 responsible person or other person to whom the claim is sent fails or refuses to pay the claim within the period allowed under section 92(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 92(2) shall apply in relation to any sum paid in pursuance of any judgment or order made by a court in the proceedings.

(3) For the purposes of this section—

(a) subsections (4) and (5) of section 92 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 92(1); and

(b) subsections (7) and (8) of section 77 shall apply as if any reference to subsection (4) of that section were a reference to section 92(4) as applied by paragraph (a) above.