



Political Parties, Elections and Referendums Act 2000

2000 CHAPTER 41

PART VI

CONTROLS RELATING TO THIRD PARTY NATIONAL ELECTION CAMPAIGNS

CHAPTER I

PRELIMINARY

Controlled expenditure by third parties

85 Controlled expenditure by third parties

- (1) The following provisions have effect for the purposes of this Part.
- (2) “Controlled expenditure”, in relation to a third party, means (subject to section 87) expenses incurred by or on behalf of the third party in connection with the production or publication of election material which is made available to the public at large or any section of the public (in whatever form and by whatever means).
- (3) “Election material” is material which can reasonably be regarded as intended to—
 - (a) promote or procure electoral success at any relevant election for—
 - (i) one or more particular registered parties,
 - (ii) one or more registered parties who advocate (or do not advocate) particular policies or who otherwise fall within a particular category of such parties, or
 - (iii) candidates who hold (or do not hold) particular opinions or who advocate (or do not advocate) particular policies or who otherwise fall within a particular category of candidates, or
 - (b) otherwise enhance the standing—

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- (i) of any such party or parties, or
 - (ii) of any such candidates,
- with the electorate in connection with future relevant elections (whether imminent or otherwise);
- and any such material is election material even though it can reasonably be regarded as intended to achieve any other purpose as well.
- (4) For the purposes of subsection (3)—
- (a) the reference to electoral success at any relevant election is a reference—
 - (i) in relation to a registered party, to the return at any such election of candidates standing in the name of the party or included in a list of candidates submitted by the party in connection with the election, and
 - (ii) in relation to candidates, to their return at any such election; and
 - (b) 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;
- and, for the purpose of determining whether any material is election material, it is immaterial that it does not expressly mention the name of any party or candidate.
- (5) “Recognised third party” means a third party for the time being recognised under section 88 for the purposes of this Part.
- (6) “Relevant election” has the same meaning as in Part II.
- (7) “Responsible person”, in relation to a recognised third party, means—
- (a) if the third party is an individual, that individual;
 - (b) if the third party is a registered party—
 - (i) the treasurer of the party, or
 - (ii) in the case of a minor party, the person for the time being notified to the Commission by the party in accordance with section 88(3)(b)(iii); and
 - (c) otherwise, the person or officer for the time being notified to the Commission by the third party in accordance with section 88(3)(c)(ii).
- (8) “Third party”, in relation to any relevant election, means—
- (a) any person or body other than a registered party; or
 - (b) subject to subsection (9), any registered party.
- (9) In connection with the application of subsection (2) in relation to expenses incurred by or on behalf of a third party which is a registered party, any reference in subsection (3) to a registered party or registered parties or to any candidates does not include—
- (a) the party itself, or
 - (b) any candidates standing in the name of the party at any relevant election or included in any list submitted by the party in connection with any such election,
- as the case may be.
- (10) In this section “candidates” includes future candidates, whether identifiable or not.

86 Notional controlled expenditure

- (1) This section applies where, in the case of a third party—
 - (a) either—
 - (i) property is transferred to the third 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 third 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 third party in circumstances such that, if any expenses were to be (or are) actually incurred by or on behalf of the third party in respect of that use, they would be (or are) controlled expenditure incurred by or on behalf of the third party.
- (2) Where this section applies, an amount of controlled expenditure determined in accordance with this section (“the appropriate amount”) shall be treated, for the purposes of this Part, as incurred by the third 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 section 87.
- (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
 - (b) the difference between the market value of the property and the amount of expenses actually incurred by or on behalf of the third 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 third 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 third 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 and allowances payable to the employee by his employer in respect of the period for which his services are so made available (but shall not include any amount in respect of any contributions or other payments for which the employer is liable in respect of the employee).

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- (6) Where an amount of controlled expenditure is treated, by virtue of subsection (2), as incurred by or on behalf of a third party during any period the whole or part of which falls within any period which is a regulated period (as defined by section 94(10)(a)), then—
- (a) the amount mentioned in subsection (7) shall be treated as incurred by or on behalf of the third party during the regulated period, and
 - (b) if a return falls to be prepared under section 96 in respect of controlled expenditure incurred by or on behalf of the third party during that period, the responsible person 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 regulated period.
- (8) A person commits an offence if he knowingly or recklessly makes a false declaration under subsection (6).
- (9) Paragraph 2(5) and (6)(a) of Schedule 11 shall apply with any necessary modifications for the purpose of determining, for the purposes of subsection (1), whether property is transferred to a third party.

87 Expenditure by third parties which is not controlled expenditure

- (1) No amount of controlled expenditure shall be regarded as incurred by a third party by virtue of section 85 or 86 in respect of—
- (a) any of the matters mentioned in subsection (2); or
 - (b) any property, services or facilities to the extent that the property, services or facilities is or are used in circumstances in which—
 - (i) an amount of campaign expenditure is to be regarded as incurred by or on behalf of a registered party for the purposes of Part V, or
 - (ii) an amount of expenses falls (in accordance with any enactment) to be included in a return as to election expenses in respect of a candidate or candidates at a particular election,
 in respect of that use.
- (2) The matters mentioned in subsection (1)(a) are—
- (a) the publication of any matter relating to an election, other than an advertisement, in—
 - (i) a newspaper or periodical,
 - (ii) a broadcast made by the British Broadcasting Corporation or by Sianel Pedwar Cymru, or
 - (iii) a programme included in any service licensed under Part I or III of the Broadcasting Act 1990 or Part I or II of the Broadcasting Act 1996;
 - (b) any reasonable personal expenses incurred by an individual in travelling or in providing for his accommodation or other personal needs; and
 - (c) the provision by any individual of his own services which he provides voluntarily in his own time and free of charge.

Recognised third parties

88 Third parties recognised for the purposes of this Part

- (1) A third party is recognised for the purposes of this Part if—
 - (a) the third party has given the Commission a notification under this subsection which complies with subsection (3), and
 - (b) that notification is for the time being in force.
- (2) A third party may only give a notification under subsection (1) if the third party is—
 - (a) an individual resident in the United Kingdom or registered in an electoral register (as defined by section 54(8)),
 - (b) a registered party, or
 - (c) a body falling within any of paragraphs (b) and (d) to (h) of section 54(2).
- (3) A notification under subsection (1) must—
 - (a) if given by an individual, state—
 - (i) his full name, and
 - (ii) his home address in the United Kingdom, or (if he has no such address in the United Kingdom) his home address elsewhere,and be signed by him;
 - (b) if given by a registered party, state—
 - (i) the party's registered name,
 - (ii) the address of its registered headquarters, and
 - (iii) (in the case of a minor party) the name of the person who will be responsible for compliance on the part of the party with the provisions of Chapter II,and be signed by the responsible officers of the party (within the meaning of section 64); and
 - (c) if given by a body falling within any of paragraphs (b) and (d) to (h) of section 54(2), state—
 - (i) all such details in respect of the body as are required by virtue of any of sub-paragraphs (4) and (6) to (10) of paragraph 2 of Schedule 6 to be given in respect of such a body as the donor of a recordable donation, and
 - (ii) the name of the person or officer who will be responsible for compliance on the part of the body with the provisions of Chapter II,and be signed by the body's secretary or a person who acts in a similar capacity in relation to the body.
- (4) Subject to the following provisions of this section, a notification under subsection (1) ("the original notification")—
 - (a) shall be in force as from the date on which it is received by the Commission, but
 - (b) shall, subject to subsection (5), lapse at the end of the period of three months beginning with any anniversary of that date unless the third party notifies the Commission that the third party wishes the original notification to continue in force.
- (5) Where—

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- (a) the original notification would apart from this subsection lapse under subsection (4)(b) at the end of any such period of three months as is mentioned in that provision, but
- (b) the end of that period falls within any regulated period at the end of which a return will fall to be prepared under section 96 in respect of controlled expenditure incurred by or on behalf of the third party during the regulated period,

the original notification shall be treated, for all purposes connected with controlled expenditure so incurred during the regulated period, as lapsing at the end of that period instead.

- (6) A notification under subsection (4)(b) (“the renewal notification”) must either—
 - (a) confirm that all the statements contained in the original notification, as it has effect for the time being, are accurate; or
 - (b) indicate that any statement contained in that notification, as it so has effect, is replaced by some other statement conforming with subsection (3).
- (7) A notification under subsection (4)(b) must be received by the Commission during the period beginning one month before the relevant anniversary for the purposes of that provision and ending three months after it.
- (8) A third party may, at any time after giving the original notification, give the Commission a notification (“a notification of alteration”) indicating that any statement contained in the original notification, as it has effect for the time being, is replaced by some other statement—
 - (a) contained in the notification of alteration, and
 - (b) conforming with subsection (3).

89 Register of notifications for purposes of section 88

- (1) The Commission shall maintain a register of all notifications given to them under section 88(1) 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 notification, all the information contained in the notification as it has effect for the time being in accordance with section 88.
- (3) Where any notification is given to the Commission under section 88, they shall cause all the information contained in the notification, 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 a third party who is an individual shall, however, not include his home address.

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.

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- (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

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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.

Financial limits

94 Limits on controlled expenditure by third parties

- (1) Schedule 10 has effect for imposing limits on controlled expenditure incurred by or on behalf of recognised third parties in England, Scotland, Wales or Northern Ireland during the periods specified in that Schedule.
- (2) Where during a regulated period any controlled expenditure is incurred in a relevant part of the United Kingdom by or on behalf of a recognised third party in excess of the limit imposed by Schedule 10 in relation to that period and part of the United Kingdom, then—
 - (a) if the third party is not an individual—
 - (i) the responsible person is guilty of an offence if he authorised the expenditure to be incurred by or on behalf of the third party and he knew or ought reasonably to have known that the expenditure would be incurred in excess of that limit, and
 - (ii) the third party is also guilty of an offence;
 - (b) if the third party is an individual, he is guilty of an offence if he knew or ought reasonably to have known that the expenditure would be incurred in excess of that limit.
- (3) Subsection (4) applies where—
 - (a) during a regulated period any controlled expenditure is incurred in a part of the United Kingdom by or on behalf of a third party in excess of the limit for that part of the United Kingdom mentioned in subsection (5), and
 - (b) the third party is not a recognised third party.
- (4) In such a case—
 - (a) if the third party is not an individual—
 - (i) any person who authorised the expenditure to be incurred by or on behalf of the third party is guilty of an offence if he knew or ought reasonably to have known that the expenditure would be incurred in excess of that limit, and
 - (ii) the third party is also guilty of an offence;
 - (b) if the third party is an individual, he is guilty of an offence if he knew or ought reasonably to have known that the expenditure would be incurred in excess of that limit.
- (5) The limits referred to in subsection (3) are as follows—
 - (a) £10,000 for England; and
 - (b) £5,000 for each of Scotland, Wales and Northern Ireland.
- (6) Where—

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- (a) during a regulated period any controlled expenditure is incurred in a particular part of the United Kingdom by or on behalf of a third party, and
- (b) the expenditure is so incurred in pursuance of a plan or other arrangement whereby controlled expenditure is to be incurred by or on behalf of—
 - (i) that third party, and
 - (ii) one or more other third parties,

respectively in connection with the production or publication of election material which can reasonably be regarded as intended to achieve a common purpose falling within section 85(3),

the expenditure mentioned in paragraph (a) shall be treated for the purposes of this section and Schedule 10 as having also been incurred, during the period and in the part of the United Kingdom concerned, by or on behalf of the other third party (or, as the case may be, each of the other third parties) mentioned in paragraph (b)(ii).

(7) Subsection (6) applies whether or not any of the third parties in question is a recognised third party.

(8) Where—

- (a) at any time before the beginning of any regulated period any expenses within section 85(2) are incurred by or on behalf of a third 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 third party during the regulated period in circumstances such that, had any expenses been incurred in respect of that use during that period, they would by virtue of section 85(2) have constituted controlled expenditure incurred by or on behalf of the third party during that period,

the appropriate proportion of the expenses mentioned in paragraph (a) shall be treated for the purposes of this section, sections 96 to 99 and Schedule 10 as controlled expenditure incurred by or on behalf of the third party during that period.

(9) For the purposes of subsection (8) 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).

(10) For the purposes of this section, sections 96 to 99 and Schedule 10—

- (a) a “regulated period” is a period in relation to which any limit is imposed by Schedule 10;
- (b) any reference to controlled expenditure incurred by or on behalf of a recognised third party during a regulated period includes any controlled expenditure so incurred during that period at any time before the third party became a recognised third party;
- (c) a part of the United Kingdom is a “relevant part” if any limit imposed by Schedule 10 applies to controlled expenditure which is incurred in that part; and
- (d) any reference to controlled expenditure being incurred in a part of the United Kingdom shall be construed in accordance with paragraph 2 of that Schedule.

Donations to recognised third parties

95 Control of donations to recognised third parties

Schedule 11 has effect for controlling donations to recognised third parties which either are not registered parties or are minor parties.

Returns

96 Returns as to controlled expenditure

- (1) Where—
- (a) during any regulated period any controlled expenditure is incurred by or on behalf of a recognised third party in any relevant part or parts of the United Kingdom, and
 - (b) that period ends,
- the responsible person shall prepare a return under this section in respect of the controlled expenditure incurred by or on behalf of the third party during that period in that part or those parts of the United Kingdom.
- (2) 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 regulated period in question, and must contain—
- (a) a statement of all payments made in respect of controlled expenditure incurred by or on behalf of the third party during that period in the relevant part or parts of the United Kingdom;
 - (b) a statement of all disputed claims (within the meaning of section 93) of which the responsible person is aware;
 - (c) a statement of all the unpaid claims (if any) of which the responsible person is aware in respect of which an application has been made, or is about to be made, to a court under section 92(4); and
 - (d) in a case where the third party either is not a registered party or is a minor party, a statement of relevant donations received by the third party in respect of the relevant election or elections which complies with the requirements of paragraphs 10 and 11 of Schedule 11.
- (3) A return under this section must be accompanied by—
- (a) all invoices or receipts relating to the payments mentioned in subsection (2) (a); and
 - (b) in the case of any controlled expenditure treated as incurred by the third party by virtue of section 86, any declaration falling to be made with respect to that expenditure in accordance with section 86(6).
- (4) Where, however, any payments or claims falling to be dealt with in a return by virtue of subsection (2) 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 (3) does not apply to any invoices, receipts or declarations which accompanied the earlier return and are specified as such in the later return.

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- (5) Subsections (2) to (4) do not apply to any controlled expenditure incurred at any time before the third party became a recognised third party, but the return must be accompanied by a declaration made by the responsible person of the total amount of such expenditure incurred at any such time.
- (6) The Commission may by regulations prescribe a form of return which may be used for the purposes of this section.
- (7) Where subsection (1)(a) applies in relation to a recognised third party and any regulated period—
 - (a) the requirements as to the preparation of a return under this section in respect of controlled expenditure falling within subsection (1)(a) shall have effect in relation to the third party despite the third party ceasing to be a recognised third party at or after the end of the regulated period by virtue of the lapse of the third party’s notification under section 88(1); and
 - (b) for the purposes of, or in connection with, the discharge of obligations of the responsible person under this section and sections 98 and 99 in relation to any such return, references to the responsible person shall be read as references to the person who was the responsible person in relation to the third party immediately before that notification lapsed.
- (8) In this section “relevant donation” has the same meaning as in Schedule 11.

97 Auditor’s report on return

- (1) Where during any regulated period the controlled expenditure incurred by or on behalf of a recognised third 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 96 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.

98 Delivery of returns to the Commission

- (1) Where—
 - (a) any return falls to be prepared under section 96 in respect of controlled expenditure incurred by or on behalf of a recognised third party during a regulated period, and
 - (b) an auditor’s report on it falls to be prepared under section 97(1),
 the responsible person shall deliver the return to the Commission, together with a copy of the auditor’s report, within six months of the end of that period.
- (2) In the case of any other return falling to be prepared under section 96 in respect of controlled expenditure incurred by or on behalf of a recognised third party during a regulated period, the responsible person shall deliver the return to the Commission within three months of the end of that period.

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- (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 92(4) for any claim to be paid, the responsible person 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 responsible person in the case of a recognised third party commits an offence if, without reasonable excuse, he—
 - (a) fails to comply with the requirements of subsection (1) or (2) in relation to any return or report to which that subsection applies; or
 - (b) delivers a return which does not comply with the requirements of section 96(2) or (3); or
 - (c) fails to comply with the requirements of subsection (3) in relation to a return under that subsection.

99 Declaration by responsible person as to return under section 96

- (1) Each return prepared under section 96 in respect of controlled expenditure incurred by or on behalf of a recognised third party during a regulated period must, when delivered to the Commission, be accompanied by a declaration which complies with subsections (2) and (3) and is signed by the responsible person.
- (2) The declaration must state—
 - (a) that the responsible person has examined the return in question;
 - (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 person authorised by him.
- (3) The declaration must also state, in a case where the third party either is not a registered party or is a minor party, that—
 - (a) all relevant donations recorded in the return as having been accepted by the third party are from permissible donors, and
 - (b) no other relevant donations have been accepted by the third party in respect of the relevant election or elections which took place during the regulated period.
- (4) 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 the responsible person in the case of the recognised third party to which the return relates.
- (5) In this section “relevant donation” has the same meaning as in Schedule 11.

100 Public inspection of returns under section 96

- (1) Where the Commission receive any return under section 96, 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.

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- (2) If the return contains a statement of relevant donations in accordance with section 96(2)(d), the Commission shall secure that the copy of the statement made available for public inspection does not include, in the case of any donation by an individual, the donor's address.
- (3) 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
 - (b) if requested to do so by the responsible person in the case of the third party concerned, they shall arrange for the return or other document to be returned to that person.