



Political Parties, Elections and Referendums Act 2000

2000 CHAPTER 41

PART VII

REFERENDUMS

Modifications etc. (not altering text)

- C1** Pt. 7 restricted (16.2.2011) by [Parliamentary Voting System and Constituencies Act 2011](#) (c. 1), **ss. 5(c), 19(1)**
- C2** Pt. 7 extended (Gibraltar) for the purposes of the European Union referendum (17.12.2015) by [European Union Referendum Act 2015](#) (c. 36), ss. 12(2), 13(1)
- C3** Pt. 7 modified (1.2.2016) by [European Union Referendum Act 2015](#) (c. 36), s. 13(2), **Sch. 2 para. 1** (with [Sch. 2 paras. 3, 4](#)); [S.I. 2016/69](#), reg. 2
- C4** Pt. 7 restricted (1.2.2016) by [European Union Referendum Act 2015](#) (c. 36), s. 13(2), **Sch. 1 para. 21**; [S.I. 2016/69](#), reg. 2
- C5** Pt. 7 applied (1.2.2016) by [European Union Referendum Act 2015](#) (c. 36), **ss. 3, 13(2)** (with [Schs. 1-3](#)); [S.I. 2016/69](#), reg. 2
- C6** Pt. 7 excluded (1.2.2016) by [European Union Referendum Act 2015](#) (c. 36), s. 13(2), **Sch. 1 para. 19**; [S.I. 2016/69](#), reg. 2

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CHAPTER I

PRELIMINARY

Referendums to which this Part applies

101 Referendums to which this Part applies.

- (1) Subject to the following provisions of this section, this Part applies to any referendum held throughout—
 - (a) the United Kingdom;
 - (b) one or more of England, Scotland, Wales and Northern Ireland; or
 - (c) any region in England specified in Schedule 1 to the ^{M1}Regional Development Agencies Act 1998.
- (2) In this Part—
 - (a) “referendum” means a referendum or other poll held, in pursuance of any provision made by or under an Act of Parliament, on one or more questions specified in or in accordance with any such provision;
 - (b) “question” includes proposition (and “answer” accordingly includes response).
- (3) A poll held under [^{F1}section 64 of the Government of Wales Act 2006] is not, however, to be taken to be a referendum falling within subsection (2).
- (4) If the Secretary of State by order so provides—
 - (a) subsection (2) shall apply to any specified Bill which has been introduced into Parliament before the making of the order as if it were an Act; and
 - (b) any specified provisions of this Part shall apply, subject to any specified modifications, in relation to any specified referendum for which provision is made by the Bill.
- (5) In subsection (4) “specified” means specified in the order under that subsection.

Textual Amendments

- F1** Words in s. 101(3) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 96**, the amending provision coming into force immediately after the end of “the initial period” (which ended with the day of the first appointment of a First Minister on 25.5.2007) -- see [ss. 46, 161\(5\) of the Government of Wales Act 2006 \(c. 32\)](#) and art. 1(2) of the amending S.I.

Modifications etc. (not altering text)

- C7** S. 101(1)(2) applied (with modifications) (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 7(1), **Sch. 3 Pt. 1**

Commencement Information

- I1** S. 101 wholly in force at 16.2.2001; s. 101 partly in force at Royal Assent, see s. 163(3); s. 101 in force in so far as not already in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, **Sch. Pt. I** (subject to transitional provisions in [Sch. 1 Pt. II](#))

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Marginal Citations

M1 1998 c. 45.

102 Referendum period.

- (1) For the purposes of this Part the referendum period for any referendum to which this Part applies shall be determined in accordance with this section.
- (2) In the case of a referendum held in accordance with Schedule 1 to the ^{M2}Northern Ireland Act 1998, the referendum period—
 - (a) begins with the date when the draft of an order under that Schedule is laid before Parliament for approval by each House in accordance with section 96(2) of that Act; and
 - (b) ends with the date of the poll.
- (3) In the case of a referendum held in pursuance of any provision made by or under any other Act, the referendum period shall (subject to subsections (4) and (5)) be such period as is provided for by or under that Act.
- (4) In the case of a referendum to which an order under section 101(4) applies, the referendum period shall be such period (not exceeding six months) as may be specified in the order.
- (5) If (apart from this subsection) the referendum period in a case within subsection (4) would end after the date of the poll, it shall instead end on that date.

Modifications etc. (not altering text)

C8 S. 102 applied (with modifications) (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 7(1), **Sch. 3 Pt. 1**

Commencement Information

I2 S. 102 wholly in force at 16.2.2001; s. 102 not in force at Royal Assent, see s. 163(2); s. 102 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

M2 1998 c. 47.

103 Date of poll.

- (1) Where the date of the poll in the case of any referendum to which this Part applies falls to be fixed under any provision made by or under any Act, the date so fixed shall not be earlier than 28 days after the end of the period of 14 days mentioned in section 109(3).
- (2) If an order under section 109(6) applies to the referendum, subsection (1) shall be read as referring to the period which by virtue of the order is to apply instead of that period of 14 days.

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Commencement Information

- I3** S. 103 wholly in force at 16.2.2001; s. 103 not in force at Royal Assent, see s. 163(2); s. 103 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](#))

104 Referendum questions.

- (1) Subsection (2) applies where a Bill is introduced into Parliament which—
 - (a) provides for the holding of a poll that would be a referendum to which this Part applies, and
 - (b) specifies the wording of the referendum question.
- (2) The Commission shall consider the wording of the referendum question, and shall publish a statement of any views of the Commission as to the intelligibility of that question—
 - (a) as soon as reasonably practicable after the Bill is introduced, and
 - (b) in such manner as they may determine.
- (3) Subsections (4) and (5) apply where the wording of the referendum question in the case of any poll that would be a referendum to which this Part applies falls to be specified in subordinate legislation within the meaning of the ^{M3}Interpretation Act 1978.
- (4) If a draft of the instrument in question is to be laid before Parliament for approval by each House, the Secretary of State—
 - (a) shall consult the Commission on the wording of the referendum question before any such draft is so laid, and
 - (b) shall, at the time when any such draft is so laid, lay before each House a report stating any views as to the intelligibility of that question which the Commission have expressed in response to that consultation.
- (5) If the instrument in question is to be subject to annulment in pursuance of a resolution of either House of Parliament, the Secretary of State—
 - (a) shall consult the Commission on the wording of the referendum question before making the instrument; and
 - (b) shall, at the time when the instrument is laid before Parliament, lay before each House a report stating any views as to the intelligibility of that question which the Commission have expressed in response to that consultation.
- (6) Where any Bill, draft instrument or instrument to which subsection (2), (4) or (5) applies specifies not only the referendum question but also any statement which is to precede that question on the ballot paper at the referendum, any reference in that subsection to the referendum question shall be read as a reference to that question and that statement taken together.
- (7) In this section “the referendum question” means the question or questions to be included in the ballot paper at the referendum.

Commencement Information

- I4** S. 104 wholly in force at 16.2.2001; s. 104 not in force at Royal Assent, see s. 163(2); S. 104 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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Marginal Citations

M3 1978 c. 30.

Permitted participants

105 Permitted participants.

- (1) In this Part “permitted participant”, in relation to a particular referendum to which this Part applies, means—
- (a) a registered party by whom a declaration has been made under section 106 in relation to the referendum; or
 - (b) any of the following by whom a notification has been given under section 106 in relation to the referendum, namely—
 - (i) any individual resident in the United Kingdom or registered in an electoral register (as defined by section 54(8)), or
 - (ii) any body falling within any of paragraphs (b) and (d) to (h) of section 54(2).
- (2) In this Part “responsible person” means—
- (a) if the permitted participant 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 106(2)(b);
 - (b) if the permitted participant is an individual, that individual; and
 - (c) otherwise, the person or officer for the time being notified to the Commission by the permitted participant in accordance with section 106(4)(b)(ii).

Modifications etc. (not altering text)

- C9** S. 105 applied (with modifications) (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 7(1), **Sch. 3 Pt. 1**
- C10** S. 105 restricted (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\)](#), s. 13(2), **Sch. 1 para. 7(2)**; [S.I. 2016/69](#), reg. 2
- C11** S. 105(1) modified (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\)](#), s. 13(2), **Sch. 1 para. 2**; [S.I. 2016/69](#), reg. 2
- C12** S. 105(2) modified (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\)](#), s. 13(2), **Sch. 1 para. 5**; [S.I. 2016/69](#), reg. 2

Commencement Information

- I5** S. 105 wholly in force at 16.2.2001; s. 105 not in force at Royal Assent, see s. 163(2); s. 105 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](#))

106 Declarations and notifications for purposes of section 105.

- (1) For the purposes of section 105(1) a registered party makes a declaration to the Commission under this section if the party makes a declaration to the Commission which identifies—
- (a) the referendum to which it relates, and

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- (b) the outcome or outcomes for which the party proposes to campaign.
- (2) A declaration under this section—
- (a) must be signed by the responsible officers of the party (within the meaning of section 64); and
 - (b) if made by a minor party, must be accompanied by a notification which states the name of the person who will be responsible for compliance on the part of the party with the provisions of Chapter II.
- (3) For the purposes of section 105(1) an individual or body gives a notification to the Commission under this section if he or it gives the Commission a notification which identifies—
- (a) the referendum to which it relates, and
 - (b) the outcome or outcomes for which the giver of the notification proposes to campaign.
- (4) A notification under this section 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 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.
- (5) If at any time before the end of the compliance period any of the statements which, in accordance with any provision of subsection (4), are contained in a notification under this section (as it has effect for the time being) ceases to be accurate, the permitted participant by whom the notification was given shall give the Commission a notification ("a notification of alteration") indicating that that statement is replaced by some other statement—
- (a) contained in the notification of alteration, and
 - (b) conforming with that provision of subsection (4).
- (6) For the purposes of subsection (5)—
- (a) "the compliance period" is the period during which any provisions of Chapter II remain to be complied with on the part of the permitted participant; and
 - (b) any reference to subsection (4) shall be read, in relation to a notification under subsection (2), as a reference to subsection (2).
- (7) In this section and sections 108 and 109 "outcome", in the case of a referendum, means a particular outcome in relation to any question asked in the referendum.

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Modifications etc. (not altering text)

- C13** S. 106 applied (with modifications) (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 7(1), **Sch. 3 Pt. 1**
- C14** S. 106 modified (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\)](#), s. 13(2), **Sch. 1 para. 6**; [S.I. 2016/69](#), reg. 2
- C15** S. 106 modified (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\)](#), s. 13(2), **Sch. 1 para. 3(1)**; [S.I. 2016/69](#), reg. 2
- C16** S. 106(3) modified (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\)](#), s. 13(2), **Sch. 1 para. 7(1)**; [S.I. 2016/69](#), reg. 2

Commencement Information

- I6** S. 106 wholly in force at 16.2.2001; s. 106 not in force at Royal Assent, see s. 163(2); s. 106 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](#))

107 Register of declarations and notifications for purposes of section 105.

- (1) The Commission shall maintain a register of—
 - (a) all declarations made to them under section 106; and
 - (b) all notifications given to them under that section.
- (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 declaration or notification, all of the information supplied to the Commission in connection with it in pursuance of section 106.
- (3) Where any declaration or notification is made or given to the Commission under section 106, they shall cause—
 - (a) the information mentioned in subsection (2) to be entered in the register, or
 - (b) in the case of a notification under section 106(5), any change required as a consequence of the notification to be made in the register,
 as soon as is reasonably practicable.
- (4) The information to be entered in the register in respect of a permitted participant who is an individual shall, however, not include his home address.

Modifications etc. (not altering text)

- C17** S. 107 applied (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 7(1), **Sch. 3 Pt. 1**
- C18** S. 107 restricted (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\)](#), s. 13(2), **Sch. 1 para. 7(2)**; [S.I. 2016/69](#), reg. 2

Commencement Information

- I7** S. 107 wholly in force at 16.2.2001; s. 107 not in force at Royal Assent, see s. 163(2); s. 107 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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Assistance for designated organisations

108 Designation of organisations to whom assistance is available.

- (1) The Commission may, in respect of any referendum to which this Part applies, designate permitted participants as organisations to whom assistance is available in accordance with section 110.
- (2) Where there are only two possible outcomes in the case of a referendum to which this Part applies, the Commission—
 - (a) may, in relation to each of those outcomes, designate one permitted participant as representing those campaigning for the outcome in question; but
 - (b) otherwise shall not make any designation in respect of the referendum.
- (3) Where there are more than two possible outcomes in the case of a referendum to which this Part applies, the Secretary of State may, after consulting the Commission, by order specify the possible outcomes in relation to which permitted participants may be designated in accordance with subsection (4).
- (4) In such a case the Commission—
 - (a) may, in relation to each of two or more outcomes specified in any such order, designate one permitted participant as representing those campaigning for the outcome in question; but
 - (b) otherwise shall not make any designation in respect of the referendum.

Modifications etc. (not altering text)

C19 S. 108 power to apply (with modifications) conferred (17.2.2015) by [Wales Act 2014 \(c. 29\)](#), s. 29(2)(b)(3), [Sch. 1 para. 8](#)

C20 S. 108 modified (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\)](#), s. 13(2), [Sch. 1 para. 9](#); [S.I. 2016/69](#), reg. 2

Commencement Information

I8 S. 108 wholly in force at 16.2.2001; s. 108 partly in force at Royal Assent, see s. 163(3); s. 108 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](#))

109 Applications for designation under section 108.

- (1) A permitted participant seeking to be designated under section 108 must make an application for the purpose to the Commission.
- (2) An application for designation must—
 - (a) be accompanied by information or statements designed to show that the applicant adequately represents those campaigning for the outcome at the referendum in relation to which the applicant seeks to be designated; and
 - (b) be made within the period of 28 days beginning with the first day of the referendum period.
- (3) Where an application for designation has been made to the Commission in accordance with this section, the application must be determined by the Commission within the

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period of 14 days beginning with the day after the end of the period of 28 days mentioned in subsection (2)(b).

- (4) If there is only one application in relation to a particular outcome at the referendum, the Commission shall designate the applicant unless—
 - (a) they are not satisfied that the applicant adequately represents those campaigning for that outcome; or
 - (b) they are prevented from making any designation by virtue of section 108(2)(b) or (4)(b).
- (5) If there is more than one application in relation to a particular outcome at the referendum, the Commission shall designate whichever of the applicants appears to them to represent to the greatest extent those campaigning for that outcome unless—
 - (a) they are not satisfied that any of the applicants adequately represents those campaigning for that outcome; or
 - (b) they are prevented from making any designation by virtue of section 108(2)(b) or (4)(b).
- (6) The Secretary of State may, in the case of any referendum to which this Part applies, by order provide for this section to have effect as if each, or either, of the periods of 28 and 14 days referred to in subsections (2) and (3) was instead such shorter or longer period as is specified in the order.
- (7) In this section, in relation to a referendum, any reference to designation is to designation in respect of the referendum under section 108.

Modifications etc. (not altering text)

- C21** S. 109 power to apply (with modifications) conferred (17.2.2015) by [Wales Act 2014 \(c. 29\)](#), s. 29(2)(b)(3), [Sch. 1 para. 8](#)
- C22** S. 109 modified (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\)](#), s. 13(2), [Sch. 1 para. 12](#); [S.I. 2016/69](#), reg. 2
- C23** S. 109 modified (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\)](#), s. 13(2), [Sch. 1 para. 10](#); [S.I. 2016/69](#), reg. 2
- C24** S. 109(2)(3) modified (24.7.2004) by [The Regional Assembly and Local Government Referendums \(Date of Referendums, Referendum Question and Explanatory Material\) \(North East Region\) Order 2004 \(S.I. 2004/1963\)](#), [art. 6\(1\)](#)
- C25** S. 109(2)(b) modified (16.12.2010 with application in accordance with art. 1(3) of the amending S.I.) by [The National Assembly for Wales Referendum \(Assembly Act Provisions\) \(Limit on Referendum Expenses Etc.\) Order 2010 \(S.I. 2010/2985\)](#), arts. 1(2), [3](#) (with art. 1(3))
- C26** S. 109(3) modified (16.12.2010 with application in accordance with art. 1(3) of the amending S.I.) by [The National Assembly for Wales Referendum \(Assembly Act Provisions\) \(Limit on Referendum Expenses Etc.\) Order 2010 \(S.I. 2010/2985\)](#), arts. 1(2), [3](#) (with art. 1(3))

Commencement Information

- I9** S. 109 wholly in force at 16.2.2001; s. 109 partly in force at Royal Assent, see s. 163(3); s. 109 in force in so far as not already in force at 16.2.2001 by [S.I. 2001/222](#), [art. 2](#), [Sch. Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

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110 Assistance available to designated organisations.

- (1) Where the Commission have made any designations under section 108 in respect of a referendum, assistance shall be available to the designated organisations in accordance with this section.
- (2) The Commission shall make to each designated organisation a grant of the same amount, which shall be an amount not exceeding £600,000 determined by the Commission.
- (3) A grant under subsection (2) may be made subject to such conditions as the Commission consider appropriate.
- (4) Each designated organisation (or, as the case may be, persons authorised by the organisation) shall have the rights conferred by or by virtue of Schedule 12, which makes provision as to—
 - (a) the sending of referendum addresses free of charge;
 - (b) the use of rooms free of charge for holding public meetings; and
 - (c) referendum campaign broadcasts.
- (5) In this section and Schedule 12 “designated organisation”, in relation to a referendum, means a person or body designated by the Commission under section 108 in respect of that referendum.

Modifications etc. (not altering text)

- C27** S. 110 power to apply (with modifications) conferred (17.2.2015) by [Wales Act 2014 \(c. 29\)](#), s. 29(2)(b)(3), [Sch. 1 para. 8](#)
- C28** S. 110 modified (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\)](#), s. 13(2), [Sch. 1 para. 11\(1\)-\(3\)](#); [S.I. 2016/69](#), reg. 2
- C29** S. 110(2) modified (16.2.2011) by [Parliamentary Voting System and Constituencies Act 2011 \(c. 1\)](#), s. 19(1), [Sch. 1 para. 16\(4\)](#)
- C30** S. 110(2) modified (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\)](#), s. 13(2), [Sch. 1 para. 13\(3\)](#), (4); [S.I. 2016/69](#), reg. 2

Commencement Information

- I10** S. 110 wholly in force at 16.2.2001; s. 110 not in force at Royal Assent, see s. 163(2); s. 110 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](#))

CHAPTER II

FINANCIAL CONTROLS

Modifications etc. (not altering text)

- C31** Pt. 7 Ch. 2 modified (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\)](#), s. 13(2), [Sch. 1 para. 35](#); [S.I. 2016/69](#), reg. 2
- C32** Pt. 7 Ch. 2 modified (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\)](#), s. 13(2), [Sch. 1 para. 37\(1\)](#) (with [Sch. 1 para. 37\(2\)](#)); [S.I. 2016/69](#), reg. 2

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Referendum expenses

111 Referendum expenses.

- (1) The following provisions have effect for the purposes of this Part.
- (2) “Referendum expenses”, in relation to a referendum to which this Part applies, means expenses incurred by or on behalf of any individual or body which are expenses falling within Part I of Schedule 13 and incurred for referendum purposes.
- (3) “For referendum purposes” means—
 - (a) in connection with the conduct or management of any campaign conducted with a view to promoting or procuring a particular outcome in relation to any question asked in the referendum, or
 - (b) otherwise in connection with promoting or procuring any such outcome.
- (4) “Referendum campaign” means a campaign such as is mentioned in subsection (3)(a); and “campaign organiser”, in relation to referendum expenses, means the individual or body by whom or on whose behalf the expenses are incurred.

Modifications etc. (not altering text)

C33 S. 111 applied (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 7(2), [Sch. 3 Pt. 2](#)

Commencement Information

I11 S. 111 wholly in force at 16.2.2001; s. 111 not in force at Royal Assent, see s. 163(2); s. 111 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](#))

112 Notional referendum expenses.

- (1) This section applies where, in the case of any individual or body—
 - (a) either—
 - (i) property is transferred to the individual or body 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 individual or body 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 individual or body in circumstances such that, if any expenses were to be (or are) actually incurred by or on behalf of the individual or body in respect of that use, they would be (or are) referendum expenses incurred by or on behalf of the individual or body.

[^{F2}(1A) For the purposes of subsection (1)(b), property, services or facilities are made use of on behalf of an individual or body only if their use on behalf of the individual or body is directed, authorised or encouraged by the individual or body or (where the individual or body is a permitted participant) by the individual or body or the responsible person.]

- (2) Where this section applies, an amount of referendum expenses determined in accordance with this section (“the appropriate amount”) shall be treated, for the

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purposes of this Part, as incurred by the individual or body 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
- (b) the difference between the market value of the property and the amount of expenses actually incurred by or on behalf of the individual or body 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 individual or body 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 an individual or body, 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 referendum expenses is treated, by virtue of subsection (2), as incurred by or on behalf of an individual or body during any period the whole or part of which falls within the period which is, in relation to the referendum to which the expenses relate, the referendum period then—

- (a) the amount mentioned in subsection (7) shall be treated as incurred by or on behalf of the individual or body during the referendum period, and
- (b) if a return falls to be prepared under section 120 in respect of referendum expenses incurred by or on behalf of the individual or body 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 referendum period.

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- (8) A person commits an offence if he knowingly or recklessly makes a false declaration under subsection (6).
- (9) No amount of referendum expenses shall be regarded as incurred by virtue of subsection (2) in respect of—
- (a) the transmission by a broadcaster of a referendum campaign broadcast (within the meaning of section 127);
 - (b) the provision of any rights conferred on a designated organisation (or persons authorised by such an organisation) by virtue of section 110(4) and Schedule 12; or
 - (c) the provision by any individual of his own services which he provides voluntarily in his own time and free of charge.
- (10) Paragraph 2(5) and (6)(a) of Schedule 15 shall apply with any necessary modifications for the purpose of determining, for the purposes of subsection (1), whether property is transferred to an individual or body.

Textual Amendments

F2 S. 112(1A) inserted (24.11.2022) by [Elections Act 2022 \(c. 37\)](#), **ss. 20(5)**, 67(1); S.I. 2022/1226, [reg. 2\(c\)](#) (with [reg. 3\(1\)](#))

Modifications etc. (not altering text)

C34 S. 112 applied (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), [art. 7\(2\)](#), **Sch. 3 Pt. 2**

C35 S. 112 excluded (13.2.2013) by [The Scotland Act 1998 \(Modification of Schedule 5\) Order 2013 \(S.I. 2013/242\)](#), [arts. 2](#), **4(3)(a)**

C36 S. 112 applied (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\)](#), [s. 13\(2\)](#), **Sch. 1 para. 22(7)(a)**; S.I. 2016/69, [reg. 2](#)

Commencement Information

I12 S. 112 wholly in force at 16.2.2001; s. 112 not in force at Royal Assent, see [s. 163\(2\)](#); s. 112 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 referendum expenses incurred by permitted participants

113 Restriction on incurring referendum expenses.

- (1) No amount of referendum expenses shall be incurred by or on behalf of a permitted participant 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 permitted participant that is a registered party, any expenses are incurred in contravention of subsection (1), the expenses shall not count for the purposes of sections 117 to 123 or Schedule 14 as referendum expenses incurred by or on behalf of the permitted participant.

Changes to legislation: Political Parties, Elections and Referendums Act 2000, Part VII is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Modifications etc. (not altering text)

- C37** S. 113 applied (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 7(2), **Sch. 3 Pt. 2**
- C38** S. 113(3) applied (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\)](#), s. 13(2), **Sch. 1 para. 22(7)(b)**; [S.I. 2016/69](#), reg. 2

Commencement Information

- I13** S. 113 wholly in force at 16.2.2001; s. 113 not in force at Royal Assent, see s. 163(2); s. 113 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](#))

114 Restriction on payments in respect of referendum expenses.

- (1) No payment (of whatever nature) may be made in respect of any referendum expenses incurred or to be incurred by or on behalf of a permitted participant 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 expenses 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).

Modifications etc. (not altering text)

- C39** S. 114 applied (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 7(2), **Sch. 3 Pt. 2**

Commencement Information

- I14** S. 114 wholly in force at 16.2.2001; s. 114 not in force at Royal Assent, see s. 163(2); s. 114 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](#))

115 Restriction on making claims in respect of referendum expenses.

- (1) A claim for payment in respect of referendum expenses incurred by or on behalf of a permitted participant during a referendum period shall not be payable if the claim is not sent to—
 - (a) the responsible person, or
 - (b) any other person authorised under section 113 to incur the expenses,

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not later than [^{F3}30 days] after the end of the referendum period.

- (2) Any claim sent in accordance with subsection (1) shall be paid not later than [^{F4}60 days] after the end of the referendum 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 expenses in question were incurred,
 may apply [^{F5}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 permitted participant 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; and
 - (b) any reference to campaign expenditure were a reference to referendum expenses; 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 permitted participant.

Textual Amendments

- F3** Words in s. 115(1) substituted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 65(3)(a), 77(2)**; [S.I. 2006/1972](#), **art. 3**, [Sch. 1 para. 22](#) (subject to [art. 4](#), [Sch. 2](#))
- F4** Words in s. 115(2) substituted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 65(3)(b), 77(2)**; [S.I. 2006/1972](#), **art. 3**, [Sch. 1 para. 22](#) (subject to [art. 4](#), [Sch. 2](#))
- F5** Words in s. 115(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)

Modifications etc. (not altering text)

- C40** S. 115 applied (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), **art. 7(2)**, **Sch. 3 Pt. 2**
- C41** S. 115(7) modified (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\)](#), s. 13(2), **Sch. 1 para. 24**; [S.I. 2016/69](#), **reg. 2**

Commencement Information

- I15** S. 115 wholly in force at 16.2.2001; s. 115 not in force at Royal Assent, see s. 163(2); s. 115 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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116 Disputed claims.

- (1) This section applies where—
 - (a) a claim for payment in respect of referendum expenses incurred by or on behalf of a permitted participant as mentioned in section 115(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 115(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 115(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 115 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 115(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 115(4) as applied by paragraph (a) above.

Modifications etc. (not altering text)

- C42** S. 116 applied (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 7(2), [Sch. 3 Pt. 2](#)

Commencement Information

- I16** S. 116 wholly in force at 16.2.2001; s. 116 not in force at Royal Assent, see s. 163(2); s. 116 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

117 General restriction on referendum expenses.

- (1) The total referendum expenses incurred by or on behalf of any individual or body during the referendum period in the case of a particular referendum to which this Part applies must not exceed £10,000 unless the individual or body is a permitted participant.
- (2) Where—
 - (a) during the referendum period any referendum expenses are incurred by or on behalf of any individual in excess of the limit imposed by subsection (1), and
 - (b) he is not a permitted participant,

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he is guilty of an offence if he knew, or ought reasonably to have known, that the expenses were being incurred in excess of that limit.

(3) Where—

- (a) during the referendum period any referendum expenses are incurred by or on behalf of any body in excess of the limit imposed by subsection (1), and
- (b) the body is not a permitted participant,

any person who authorised the expenses to be incurred by or on behalf of the body is guilty of an offence if he knew, or ought reasonably to have known, that the expenses would be incurred in excess of that limit.

(4) Where subsection (3)(a) and (b) apply, the body in question is also guilty of an offence.

(5) Where—

- (a) at any time before the beginning of any referendum period, any expenses within section 111(2) are incurred by or on behalf of an individual or body 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 individual or body during the referendum period in circumstances such that, had any expenses been incurred in respect of that use during that period, they would by virtue of section 111(2) have constituted referendum expenses incurred by or on behalf of the individual or body during that period,

the appropriate proportion of the expenses mentioned in paragraph (a) shall be treated for the purposes of this section as referendum expenses incurred by or on behalf of the individual or body during that period.

(6) For the purposes of subsection (5) 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).

Modifications etc. (not altering text)

- C43** S. 117 applied (with modifications) (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 7(2), **Sch. 3 Pt. 2**
- C44** S. 117 modified (16.2.2011) by [Parliamentary Voting System and Constituencies Act 2011 \(c. 1\)](#), s. 19(1), **Sch. 1 para. 17(3)(a)**
- C45** S. 117 modified (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\)](#), s. 13(2), **Sch. 1 para. 22**; S.I. 2016/69, reg. 2
- C46** S. 117(5)(6) applied (16.2.2011) by [Parliamentary Voting System and Constituencies Act 2011 \(c. 1\)](#), s. 19(1), **Sch. 1 para. 17(6)**
- C47** S. 117(5)(6) applied (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\)](#), s. 13(2), **Sch. 1 para. 22(7)(c)**; S.I. 2016/69, reg. 2
- C48** S. 117(5) modified (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\)](#), s. 13(2), **Sch. 1 para. 20**; S.I. 2016/69, reg. 2

Commencement Information

- I17** S. 117 wholly in force at 16.2.2001; s. 117 not in force at Royal Assent, see s. 163(2); s. 117 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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118 Special restrictions on referendum expenses by permitted participants.

- (1) Schedule 14 has effect for imposing, in connection with a referendum to which this Part applies, limits on referendum expenses incurred by or on behalf of permitted participants during the referendum period in the case of that referendum.
- (2) Where any referendum expenses are incurred by or on behalf of a permitted participant during any such period in excess of any limit imposed by Schedule 14, then—
 - (a) if the permitted participant is a registered party falling within section 105(1) (a)—
 - (i) the responsible person or any deputy treasurer of the party is guilty of an offence if he authorised the expenses to be incurred by or on behalf of the party and he knew or ought reasonably to have known that the expenses would be incurred in excess of that limit, and
 - (ii) the party is also guilty of an offence;
 - (b) if the permitted participant is an individual falling within section 105(1)(b), that individual is guilty of an offence if he knew or ought reasonably to have known that the expenses would be incurred in excess of that limit;
 - (c) if the permitted participant is a body falling within section 105(1)(b)—
 - (i) the responsible person is guilty of an offence if he authorised the expenses to be incurred by or on behalf of the body and he knew or ought reasonably to have known that the expenses would be incurred in excess of that limit, and
 - (ii) the body is also guilty of an offence.
- (3) It shall be a defence for a permitted participant or other person 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 13 was complied with in determining the items and amounts of referendum expenses to be entered in the relevant return under section 120, and
 - (b) that the limit would not have been exceeded on the basis of the items and amounts entered in that return.
- (4) Section 117(5) and (6) shall apply, for the purposes of this section, sections 120 to 123 and Schedule 14, in relation to an individual or body that has become a permitted participant as they apply for the purposes of section 117 in relation to an individual or body that is not a permitted participant.
- (5) For the purposes of this section and sections 120 to 123 and Schedule 14, any reference to referendum expenses incurred by or on behalf of a permitted participant during the referendum period includes any referendum expenses so incurred at any time before the individual or body became a permitted participant.

Modifications etc. (not altering text)

- C49** S. 118 applied (with modifications) (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 7(2), **Sch. 3 Pt. 2**
- C50** S. 118 modified (16.2.2011) by [Parliamentary Voting System and Constituencies Act 2011 \(c. 1\)](#), s. 19(1), **Sch. 1 para. 17(3)(b)**
- C51** S. 118 modified (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\)](#), s. 13(2), **Sch. 1 para. 22**; [S.I. 2016/69](#), reg. 2

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Commencement Information

- 118** S. 118 wholly in force at 16.2.2001; s. 118 not in force at Royal Assent, see s. 163(2); s. 118 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](#))

Donations to permitted participants

119 Control of donations to permitted participants.

Schedule 15 has effect for controlling donations to permitted participants that either are not registered parties or are minor parties.

Modifications etc. (not altering text)

- C52** S. 119 applied (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 7(2), [Sch. 3 Pt. 2](#)

Commencement Information

- 119** S. 119 wholly in force at 16.2.2001; s. 119 not in force at Royal Assent, see s. 163(2); s. 119 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

120 Returns as to referendum expenses.

(1) Where—

- (a) any referendum expenses are incurred by or on behalf of a permitted participant during any referendum period (within the meaning of section 102), and
- (b) that period ends,

the responsible person shall make a return under this section in respect of the referendum expenses incurred by or on behalf of the permitted participant during that period.

(2) A return under this section must specify the referendum to which the expenditure relates and must contain—

- (a) a statement of all payments made in respect of referendum expenses incurred by or on behalf of the permitted participant during the referendum period in question;
- (b) a statement of all disputed claims (within the meaning of section 116);
- (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 115(4); and
- (d) in a case where the permitted participant either is not a registered party or is a minor party, a statement of relevant donations received in respect of the referendum which complies with the requirements of paragraphs 10 and 11 of Schedule 15.

(3) A return under this section must be accompanied by—

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- (a) all invoices or receipts relating to the payments mentioned in subsection (2) (a); and
 - (b) in the case of any referendum expenses treated as incurred by virtue of section 112, any declaration falling to be made with respect to those expenses in accordance with section 112(6).
- (4) Subsections (2) and (3) do not apply to any referendum expenses incurred at any time before the individual or body became a permitted participant, but the return must be accompanied by a declaration made by the responsible person of the total amount of such expenses incurred at any such time.
- (5) The Commission may by regulations prescribe a form of return which may be used for the purposes of this section.
- (6) In this section “relevant donation” has the same meaning as in Schedule 15.

Modifications etc. (not altering text)

- C53** S. 120 applied (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 7(2), **Sch. 3 Pt. 2**
- C54** Ss. 120-123 modified (16.2.2011) by [Parliamentary Voting System and Constituencies Act 2011 \(c. 1\)](#), s. 19(1), **Sch. 1 para. 17(3)(c)**
- C55** S. 120 modified (16.2.2011) by [Parliamentary Voting System and Constituencies Act 2011 \(c. 1\)](#), ss. 6(2), 19(1)
- C56** S. 120 modified (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\)](#), s. 13(2), **Sch. 1 para. 23**; [S.I. 2016/69](#), reg. 2
- C57** S. 120 modified (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\)](#), s. 13(2), **Sch. 2 para. 2(1)**; [S.I. 2016/69](#), reg. 2

Commencement Information

- I20** S. 120 wholly in force at 16.2.2001; s. 120 partly in force at Royal Assent, see s. 163(3); s. 120 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](#))

121 Auditor’s report on return.

- (1) Where during any referendum period the referendum expenses incurred by or on behalf of a permitted participant exceed £250,000, a report must be prepared by a qualified auditor on the return prepared under section 120 in respect of those expenses.
- (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.

Modifications etc. (not altering text)

- C54** Ss. 120-123 modified (16.2.2011) by [Parliamentary Voting System and Constituencies Act 2011 \(c. 1\)](#), s. 19(1), **Sch. 1 para. 17(3)(c)**

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C58 S. 121 applied (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 7(2), [Sch. 3 Pt. 2](#)

Commencement Information

I21 S. 121 wholly in force at 16.2.2001; s. 121 not in force at Royal Assent, see s. 163(2); s. 121 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](#))

122 Delivery of returns to Commission.

- (1) Where—
 - (a) any return falls to be prepared under section 120 in respect of referendum expenses incurred by or on behalf of a permitted participant, and
 - (b) an auditor's report on it falls to be prepared under section 121(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 the relevant referendum period.
- (2) In the case of any other return falling to be prepared under section 120, the responsible person shall deliver the return to the Commission within three months of the end of the relevant referendum 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 115(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 court order giving the leave.
- (4) The responsible person commits an offence if, without reasonable excuse, he—
 - (a) fails to comply with the requirements of subsection (1) or (2) in relation to a return under section 120;
 - (b) delivers a return which does not comply with the requirements of section 120(2) or (3); or
 - (c) fails to comply with the requirements of subsection (3) in relation to a return under that subsection.

Modifications etc. (not altering text)

C54 Ss. 120-123 modified (16.2.2011) by [Parliamentary Voting System and Constituencies Act 2011 \(c. 1\)](#), s. 19(1), [Sch. 1 para. 17\(3\)\(c\)](#)

C59 S. 122 applied (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 7(2), [Sch. 3 Pt. 2](#)

Commencement Information

I22 S. 122 wholly in force at 16.2.2001; s. 122 not in force at Royal Assent, see s. 163(2); s. 122 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](#))

123 Declaration of responsible person as to return under section 120.

- (1) Each return prepared under section 120 in respect of referendum expenses incurred by or on behalf of a permitted participant must be accompanied by a declaration which complies with subsection (2) and is signed by the responsible person.

Changes to legislation: Political Parties, Elections and Referendums Act 2000, Part VII is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (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 permitted participant 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 permitted participant are from permissible donors, and
 - (b) no other relevant donations have been accepted by the permitted participant.
- (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 permitted participant to which the return relates.
- (5) In this section “relevant donation” has the same meaning as in Schedule 15.

Modifications etc. (not altering text)

- C54** Ss. 120-123 modified (16.2.2011) by [Parliamentary Voting System and Constituencies Act 2011 \(c. 1\)](#), s. 19(1), [Sch. 1 para. 17\(3\)\(c\)](#)
- C60** S. 123 applied (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 7(2), [Sch. 3 Pt. 2](#)
- C61** S. 123 modified (16.2.2011) by [Parliamentary Voting System and Constituencies Act 2011 \(c. 1\)](#), [ss. 6\(3\)](#), 19(1)
- C62** S. 123 modified (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\)](#), s. 13(2), [Sch. 1 para. 36](#); [S.I. 2016/69](#), reg. 2
- C63** S. 123 modified (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\)](#), s. 13(2), [Sch. 2 para. 2\(2\)](#); [S.I. 2016/69](#), reg. 2

Commencement Information

- I23** S. 123 wholly in force at 16.2.2001; s. 123 not in force at Royal Assent, see s. 163(2); s. 123 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](#))

124 Public inspection of returns under section 120.

- (1) Where the Commission receive any return under section 120 they shall—
 - (a) as soon as reasonably practicable after receiving the return, make a copy of the return and of the 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) If the return contains a statement of relevant donations in accordance with section 120(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.

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- (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 permitted participant concerned, they shall arrange for the return or other document to be returned to that person.

Modifications etc. (not altering text)

- C64** S. 124 applied (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 7(2), **Sch. 3 Pt. 2**
- C65** S. 124 modified (16.2.2011) by [Parliamentary Voting System and Constituencies Act 2011 \(c. 1\)](#), **ss. 6(4), 19(1)**
- C66** S. 124 modified (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\)](#), s. 13(2), **Sch. 2 para. 2(3)**; [S.I. 2016/69](#), reg. 2

Commencement Information

- I24** S. 124 wholly in force at 16.2.2001; s. 124 not in force at Royal Assent, see s. 163(2); s. 124 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](#))

CHAPTER III

CONTROLS ON PUBLICATIONS

125 Restriction on publication etc. of promotional material by central and local government etc.

- (1) This section applies to any material which—
- (a) provides general information about a referendum to which this Part applies;
 - (b) deals with any of the issues raised by any question on which such a referendum is being held;
 - (c) puts any arguments for or against any particular answer to any such question; or
 - (d) is designed to encourage voting at such a referendum.
- (2) Subject to subsection (3), no material to which this section applies shall be published during the relevant period by or on behalf of—
- (a) any Minister of the Crown, government department or local authority; or
 - (b) any other person or body whose expenses are defrayed wholly or mainly out of public funds or by any local authority.
- (3) Subsection (2) does not apply to—
- (a) material made available to persons in response to specific requests for information or to persons specifically seeking access to it;
 - (b) anything done by or on behalf of the Commission or a person or body designated under section 108 (designation of organisations to whom assistance is available);
 - (c) the publication of information relating to the holding of the poll; or
 - (d) the issue of press notices;

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and subsection (2)(b) shall not be taken as applying to the British Broadcasting Corporation or Sianel Pedwar Cymru.

(4) In this section—

- (a) “publish” means make available to the public at large, or any section of the public, in whatever form and by whatever means (and “publication” shall be construed accordingly);
- (b) “the relevant period”, in relation to a referendum, means the period of 28 days ending with the date of the poll.

Modifications etc. (not altering text)

- C67** S. 125 applied (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), [art. 7\(1\)](#), [Sch. 3 Pt. 1](#)
- C68** S. 125: power to modify conferred (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\)](#), [ss. 8, 13\(2\)](#); [S.I. 2016/69](#), [reg. 2](#)
- C69** S. 125 modified (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\)](#), [s. 13\(2\)](#), [Sch. 1 para. 38](#); [S.I. 2016/69](#), [reg. 2](#)

Commencement Information

- I25** S. 125 wholly in force at 16.2.2001; s. 125 not in force at Royal Assent, see s. 163(2); s. 125 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](#))

126 Details to appear on referendum material.

- (1) No material wholly or mainly relating to a referendum to which this Part applies shall be published during the referendum period unless—
 - (a) in the case of material which is, or is contained in, such a printed document as is mentioned in subsection (3), (4) or (5), the requirements of that subsection are complied with; or
 - (b) in the case of any other material, any requirements falling to be complied with in relation to the material by virtue of regulations under subsection (6) are complied with.
- (2) For the purposes of subsections (3) to (5) the following details are “the relevant details” in the case of any material falling within subsection (1)(a), namely—
 - (a) the name and address of the printer of the document;
 - (b) the name and address of the promoter of the material; and
 - (c) the name and address of any person on behalf of whom the material is being published (and who is not the promoter).
- (3) Where the material is a document consisting (or consisting principally) of a single side of printed matter, the relevant details must appear on the face of the document.
- (4) Where the material is a printed document other than one to which subsection (3) applies, the relevant details must appear either on the first or the last page of the document.
- (5) Where the material is an advertisement contained in a newspaper or periodical—
 - (a) the name and address of the printer of the newspaper or periodical must appear either on its first or last page; and

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- (b) the relevant details specified in subsection (2)(b) and (c) must be included in the advertisement.
- (6) The Secretary of State may, after consulting the Commission, by regulations make provision for and in connection with the imposition of requirements as to the inclusion in material falling within subsection (1)(b) of the following details, namely—
 - (a) the name and address of the promoter of the material; and
 - (b) the name and address of any person on behalf of whom the material is being published (and who is not the promoter).
- (7) Regulations under subsection (6) may in particular specify—
 - (a) the manner and form in which such details must be included in any such material for the purpose of complying with any such requirement;
 - (b) circumstances in which—
 - (i) any such requirement does not have to be complied with by a person of any description specified in the regulations, or
 - (ii) a breach of any such requirement by a person of any description so specified is not to result in the commission of an offence under this section by that person or by a person of any other such description;
 - (c) circumstances in which material is, or is not, to be taken for the purposes of the regulations to be published or (as the case may be) published by a person of any description so specified.
- (8) Where during the referendum period any material falling within subsection (1)(a) is published in contravention of subsection (1), then (subject to subsection (10))—
 - (a) the promoter of the material,
 - (b) any other person by whom the material is so published, and
 - (c) the printer of the document,
 shall be guilty of an offence.
- (9) Where during the referendum period any material falling within subsection (1)(b) is published in contravention of subsection (1), then (subject to regulations made by virtue of subsection (7)(b) and to subsection (10))—
 - (a) the promoter of the material, and
 - (b) any other person by whom the material is so published,
 shall be guilty of an offence.
- (10) It shall be a defence for a person charged with an offence under this section to prove—
 - (a) that the contravention of subsection (1) arose from circumstances beyond his control; and
 - (b) that he took all reasonable steps, and exercised all due diligence, to ensure that that contravention would not arise.

[^{F6}(10A) Subsection (1) does not apply to any material published for the purposes of a referendum if the publication is required under or by virtue of any enactment.]

- (11) In this section—
 - “print” means print by whatever means, and “printer” shall be construed accordingly;
 - “the promoter”, in relation to any material falling within subsection (1), means the person causing the material to be published;

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“publish” means make available to the public at large, or any section of the public, in whatever form and by whatever means.

Textual Amendments

F6 S. 126(10A) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 66(1), 77(2); S.I. 2006/3412, [art. 3](#), [Sch. 1 para. 14\(x\)](#) (subject to [art. 6](#), [Sch. 2](#)); S.I. 2008/1316, [arts. 2\(2\)](#), 4(v)

Modifications etc. (not altering text)

C70 S. 126 excluded (8.7.2003) by [Regional Assemblies \(Preparations\) Act 2003 \(c. 10\)](#), ss. 12(3), 27(1)

C71 S. 126 applied (with modifications) (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), [art. 7\(1\)](#), [Sch. 3 Pt. 1](#)

C72 S. 126 excluded (17.2.2015) by [Wales Act 2014 \(c. 29\)](#), s. 29(2)(b)(3), [Sch. 1 para. 10](#)

Commencement Information

I26 S. 126 wholly in force at 16.2.2001; s. 126 partly in force at Royal Assent, see s. 163(3); s. 126 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](#))

127 Referendum campaign broadcasts.

- (1) A broadcaster shall not include in its broadcasting services any referendum campaign broadcast made on behalf of any person or body other than one designated in respect of the referendum in question under section 108.
- (2) In this section “referendum campaign broadcast” means any broadcast whose purpose (or main purpose) is or may reasonably be assumed to be—
 - (a) to further any campaign conducted with a view to promoting or procuring a particular outcome in relation to any question asked in a referendum to which this Part applies, or
 - (b) otherwise to promote or procure any such outcome.

Modifications etc. (not altering text)

C73 S. 127 applied (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), [art. 7\(1\)](#), [Sch. 3 Pt. 1](#)

C74 S. 127 applied (with modifications) (13.2.2013) by [The Scotland Act 1998 \(Modification of Schedule 5\) Order 2013 \(S.I. 2013/242\)](#), [arts. 2](#), 4(1)(a)(2)

C75 S. 127 modified (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\)](#), s. 13(2), [Sch. 1 para. 43](#); S.I. 2016/69, [reg. 2](#)

C76 S. 127(1) modified (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\)](#), s. 13(2), [Sch. 1 para. 11\(4\)](#); S.I. 2016/69, [reg. 2](#)

Commencement Information

I27 S. 127 wholly in force at 16.2.2001; s. 127 not in force at Royal Assent, see s. 163(2); s. 127 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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CHAPTER IV

CONDUCT OF REFERENDUMS

128 Chief Counting Officers, and counting officers, for referendums.

- (1) This section has effect in relation to any referendum to which this Part applies.
- (2) There shall be a Chief Counting Officer for the referendum, who (subject to subsection (8)) shall be—
 - (a) the chairman of the Commission, or
 - (b) if the chairman of the Commission appoints some other person to act as Chief Counting Officer for the referendum, the person so appointed.
- (3) The Chief Counting Officer for the referendum shall appoint a counting officer for each relevant area in Great Britain.
- (4) The local authority in the case of each such area shall place the services of their officers at the disposal of the counting officer for the area for the purpose of assisting him in the discharge of his functions.
- (5) Each counting officer shall, as respects the votes cast in the area for which he is appointed, certify—
 - (a) the number of ballot papers counted by him, and
 - (b) the number of votes cast in favour of each answer to a question asked in the referendum.
- (6) The Chief Counting Officer shall certify—
 - (a) the total number of ballot papers counted, and
 - (b) the total number of votes cast in favour of each answer to a question asked in the referendum,
 in the whole of the referendum area.
- (7) Where two or more forms of ballot paper are used in the referendum, a separate number shall be certified under subsection (5)(a) or (6)(a) in relation to each form of ballot paper so used.
- (8) Where the referendum is held in Northern Ireland, the Chief Electoral Officer for Northern Ireland—
 - (a) shall be the Chief Counting Officer for the referendum if it is held only in Northern Ireland, and
 - (b) in any other case shall be treated, for the purposes of subsection (5), as if he were a counting officer appointed under this section for the whole of Northern Ireland.
- (9) In this section—
 - (a) “relevant area in Great Britain” means any of the following—
 - (i) a district in England or a London borough,
 - (ii) the City of London (including the Inner and Middle Temples), the Isle of Wight or the Isles of Scilly,
 - (iii) a local government area in Scotland, or
 - (iv) a county or county borough in Wales,
 where it is comprised in the referendum area;

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- (b) “the local authority”—
 - (i) in the case of an area falling within paragraph (a)(i), (iii) or (iv), means the council for that area, and
 - (ii) in the case of an area falling within paragraph (a)(ii), means the Common Council of the City of London, the Council of the Isle of Wight or the Council of the Isles of Scilly, as the case may be;
- (c) “the referendum area” means the parts or part of the United Kingdom, or (as the case may be) the region in England, throughout which the referendum is held as mentioned in section 101(1).

Modifications etc. (not altering text)

- C77** S. 128 applied (with modifications) (16.2.2011) by [Parliamentary Voting System and Constituencies Act 2011 \(c. 1\)](#), s. 19(1), **Sch. 4 para. 6**
- C78** S. 128 modified (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\)](#), s. 13(2), **Sch. 3 para. 2**; [S.I. 2016/69](#), reg. 2
- C79** S. 128 modified (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\)](#), s. 13(2), **Sch. 3 para. 4**; [S.I. 2016/69](#), reg. 2
- C80** S. 128 modified (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\)](#), s. 13(2), **Sch. 3 para. 6(4)**; [S.I. 2016/69](#), reg. 2
- C81** S. 128(5) restricted (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), **art. 9(2)**

Commencement Information

- I28** S. 128 wholly in force at 16.2.2001; s. 128 not in force at Royal Assent, see s. 163(2); s. 128 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](#))

129 Orders regulating conduct of referendums.

- (1) The Secretary of State may by order make such provision as he considers expedient for or in connection with regulating the conduct of referendums to which this Part applies.
- (2) An order under this section may, in particular—
 - (a) make provision for the creation of offences;
 - (b) apply (with or without modification) any provision of any enactment;
 and different provision may be made under this section in relation to different parts of the United Kingdom.
- (3) An order under this section shall not apply in relation to any referendum in relation to which specific provision is made by any other enactment for or in connection with regulating any matters relating to the conduct of the referendum, except to such extent (if any) as may be provided by that enactment.
- (4) Before making an order under this section the Secretary of State shall consult the Commission.

Commencement Information

- I29** S. 129 wholly in force at 16.2.2001; s. 129 partly in force at Royal Assent, see s. 163(3); s. 129 in force at 16.2.2001 by [S.I. 2001/222](#), **art. 2**, **Sch. Pt. I** (subject to transitional provisions in [Sch. 1 Pt. II](#))

Changes to legislation:

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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):

- s. 2(2A) inserted by [2022 c. 37 s. 18\(1\)](#)
- s. 4A-4E and cross-heading inserted by [2022 c. 37 s. 16](#)
- s. 8(3)(d) inserted by [2011 c. 13 Sch. 10 para. 12](#)
- s. 13ZA and cross-heading inserted by [2022 c. 37 s. 17\(1\)](#)
- 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. 1 para. 2(1) Sch. 1 para. 2 renumbered as Sch. 1 para. 2(1) by [2022 c. 37 s. 19\(2\)](#)
- Sch. 1 para. 2(2) inserted by [2022 c. 37 s. 19\(4\)](#)
- Sch. 1 para. 2(1) words inserted by [2022 c. 37 s. 19\(3\)\(a\)](#)
- Sch. 1 para. 2(1) words omitted by [2022 c. 37 s. 19\(3\)\(b\)](#)
- Sch. 2 para. 2(1A) inserted by [2022 c. 37 s. 18\(2\)](#)
- Sch. 2 para. 4 and cross-heading inserted by [2022 c. 37 s. 17\(2\)](#)
- 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\(3\)](#)