



Political Parties, Elections and Referendums Act 2000

2000 CHAPTER 41

PART X

MISCELLANEOUS AND GENERAL

Enforcement of Act

145 [^{F1}Duties] of Commission with respect to ^{F2}... compliance with controls imposed by the Act etc.

(1) [^{F3}The Commission must monitor, and take all reasonable steps to secure, compliance with—]

(a) the restrictions and other requirements imposed by or by virtue of [^{F4}—

(i) sections 24, 31 and 34,

(ii) Parts 3 to 7, and

(iii) sections 143 and 148]; and

(b) the restrictions and other requirements imposed by other enactments in relation to—

(i) election expenses incurred by or on behalf of candidates at elections,
or

(ii) donations to such candidates or their election agents.

^{F5}(2)

(3) [^{F6}In relation to local government elections in Scotland], the reference in subsection (1) (b) to any enactment shall include a reference to any enactment comprised in or in an instrument made under an Act of the Scottish Parliament.

^{F7}(4)

^{F7}(5)

Status: Point in time view as at 02/02/2022.

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^{F7}(6)

[^{F8}(6A) The Commission may prepare and publish guidance setting out, in relation to any requirement referred to in subsection (1), their opinion on any of the following matters—

- (a) what it is necessary, or is sufficient, to do (or avoid doing) in order to comply with the requirement;
- (b) what it is desirable to do (or avoid doing) in view of the purpose of the requirement.]

[^{F9}(6B) Each report by the Commission under paragraph 20 of Schedule 1 shall set out the steps the Commission have taken during the year in question to secure compliance with the restrictions and other requirements mentioned in subsection (1).]

(7) In this section [^{F10}, section 148 and Schedule 19B] —

“election” means a relevant election for the purposes of Part II;

“election agent” includes a sub-agent.

Textual Amendments

- F1** Word in s. 145 heading substituted (23.5.2014) by Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (c. 4), **ss. 38(2)**, 45(1)(b)(vi); S.I. 2014/1236, art. 2(1)(i)
- F2** Word in s. 145 heading repealed (1.12.2010) by Political Parties and Elections Act 2009 (c. 12), s. 43(1), **Sch. 7**; S.I. 2010/2866, art. 3(d)(h)
- F3** Words in s. 145(1) substituted (23.5.2014) by Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (c. 4), **ss. 38(3)(a)**, 45(1)(b)(vi); S.I. 2014/1236, art. 2(1)(i)
- F4** Words in s. 145(1)(a) substituted (23.5.2014) by Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (c. 4), **ss. 38(3)(b)**, 45(1)(b)(vi); S.I. 2014/1236, art. 2(1)(i)
- F5** S. 145(2) revoked (S.) (2.2.2022) by The Scottish Local Government Elections Amendment Order 2022 (S.S.I. 2022/38), arts. 1(2), **3(2)** (with art. 1(3))
- F6** Words in s. 145(3) substituted (S.) (2.2.2022) by The Scottish Local Government Elections Amendment Order 2022 (S.S.I. 2022/38), arts. 1(2), **3(3)** (with art. 1(3))
- F7** S. 145(4)-(6) revoked (S.) (2.2.2022) by The Scottish Local Government Elections Amendment Order 2022 (S.S.I. 2022/38), arts. 1(2), **3(2)** (with art. 1(3))
- F8** S. 145(6A) inserted (21.7.2009) by Political Parties and Elections Act 2009 (c. 12), **ss. 1(3)**, 43(1)(5)(a)
- F9** S. 145(6B) inserted (23.5.2014) by Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (c. 4), **ss. 38(4)**, 45(1)(b)(vi); S.I. 2014/1236, art. 2(1)(i)
- F10** Words in s. 145(7) substituted (1.12.2010) by Political Parties and Elections Act 2009 (c. 12), s. 43(1), **Sch. 6 para. 22**; S.I. 2010/2866, art. 3(d)(g)

Modifications etc. (not altering text)

- C1** S. 145(1)(a) applied (1.2.2016) by European Union Referendum Act 2015 (c. 36), s. 13(2), **Sch. 2 para. 9(1)**; S.I. 2016/69, reg. 2
- C2** S. 145(1)(a) applied (1.2.2016) by European Union Referendum Act 2015 (c. 36), s. 13(2), **Sch. 1 para. 44(1)**; S.I. 2016/69, reg. 2
- C3** S. 145(6A) applied (1.2.2016) by European Union Referendum Act 2015 (c. 36), s. 13(2), **Sch. 2 para. 9(1)**; S.I. 2016/69, reg. 2
- C4** S. 145(6A) applied (1.2.2016) by European Union Referendum Act 2015 (c. 36), s. 13(2), **Sch. 1 para. 44(1)**; S.I. 2016/69, reg. 2

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Commencement Information

- II** S. 145 wholly in force at 16.2.2001; s. 145 partly in force at Royal Assent, see s. 163(3); s. 145 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](#))

[^{F11}146 Investigatory powers of Commission

Schedule 19B makes provision about the investigatory powers of the Commission.]

Textual Amendments

- F11** S. 146 substituted (1.12.2010) by [Political Parties and Elections Act 2009 \(c. 12\)](#), [ss. 2\(1\)](#), 43(1); [S.I. 2010/2866](#), [art. 3\(b\)](#) (with [art. 5](#))

Commencement Information

- I2** S. 146 wholly in force at 16.2.2001; s. 146 not in force at Royal Assent, see s. 163(2); s. 146 in force at 16.2.2001 by [S.I. 2001/222](#), [art. 2](#), [Sch. 1](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

[^{F12}147 Civil sanctions

Schedule 19C makes provision for civil sanctions in relation to—

- (a) the commission of offences under this Act;
- (b) the contravention of restrictions or requirements imposed by or by virtue of this Act.]

Textual Amendments

- F12** S. 147 substituted (1.12.2010) by [Political Parties and Elections Act 2009 \(c. 12\)](#), [ss. 3\(1\)](#), 43(1); [S.I. 2010/2866](#), [art. 3\(c\)](#) (with [art. 6](#))

Commencement Information

- I3** S. 147 wholly in force at 16.2.2001; s. 147 not in force at Royal Assent, see s. 163(2); s. 147 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](#))

148 General offences.

- (1) A person commits an offence if he—
 - (a) alters, suppresses, conceals or destroys, or
 - (b) causes or permits the alteration, suppression, concealment or destruction of, [^{F13}any book, record or other document which is or is liable to be required to be produced for inspection under paragraph 1 or 3 of Schedule 19B, and does so with the intention of falsifying the document or enabling any person to evade any of the provisions of this Act.]
- (2) Where the relevant person in the case of a supervised organisation, or a person acting on his behalf, requests a person holding an office in any such organisation (“the office-holder”) to supply the relevant person with any information which he reasonably requires for the purposes of any of the provisions of this Act, the office-holder commits an offence if—

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- (a) without reasonable excuse, he fails to supply the relevant person with that information as soon as is reasonably practicable, or
 - (b) in purporting to comply with the request, he knowingly supplies the relevant person with any information which is false in a material particular.
- (3) A person commits an offence if, with intent to deceive, he withholds—
- (a) from the relevant person in the case of a supervised organisation, or
 - (b) from a supervised individual,
- any information required by the relevant person or that individual for the purposes of any of the provisions of this Act.
- (4) In subsections (1) to (3) any reference to a supervised organisation or individual includes a reference to a former supervised organisation or individual.
- (5) Subsections (1) and (3) shall apply in relation to a person who is (or has been)—
- (a) a candidate at an election (other than a local government election in Scotland), or
 - (b) the election agent for such a candidate,
- as they apply in relation to a supervised individual (or a former supervised individual), except that in their application in relation to any such person any reference to any of the provisions of this Act includes a reference to any other enactment imposing any restriction or other requirement falling within section 145(1)(b).
- (6) In this section—
- (a) “supervised individual” means an individual who is a regulated donee [^{F14}regulated participant], a recognised third party or a permitted participant;
 - (b) “supervised organisation” means—
 - (i) a registered party or (in the case of such a party with accounting units) the central organisation of the party or any of its accounting units,
 - (ii) a regulated donee which is a members association,
 - [^{F15}(iia) a regulated participant which is a members association,]
 - (iii) a recognised third party other than an individual, or
 - (iv) a permitted participant other than an individual;
 - (c) “relevant person” means a person who is (or has been)—
 - (i) in relation to a registered party (other than a minor party) or the central organisation of such a party, the treasurer of the party,
 - (ii) in relation to any accounting unit of such a party, the registered treasurer of the unit,
 - (iii) in relation to a regulated donee which is a members association, the responsible person for the purposes of Schedule 7,
 - [^{F16}(iiia) in relation to a regulated participant which is a members association, the person responsible for the purposes of Schedule 7A,]
 - (iv) in relation to a recognised third party, the responsible person for the purposes of Part VI,
 - (v) in relation to a permitted participant, the responsible person for the purposes of Part VII;
 - (d) “regulated donee” and “members association” have the same meaning as in Schedule 7;
 - [^{F17}(da) “regulated participant” has the same meaning as in Schedule 7A;]

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- (e) “recognised third party” and “permitted participant” have the same meaning as in Parts VI and VII respectively.

Textual Amendments

- F13** Words in s. 148(1) substituted (1.12.2010) by [Political Parties and Elections Act 2009 \(c. 12\)](#), s. 43(1), [Sch. 6 para. 23](#); S.I. 2010/2866, art. 3(d)(g)
- F14** Words in s. 148(6)(a) inserted (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 74(1), 77(2), [Sch. 1 para 151\(2\)](#); S.I. 2006/1972, [art. 3](#), [Sch. 1 paras. 24, 25\(m\)\(ii\)](#) (subject to [art. 4](#), [Sch. 2](#)) (as amended by S.I. 2006/2268, [art. 4](#)); S.I. 2008/1656, [art. 2](#) (subject to [art. 3](#), [Sch. 1](#))
- F15** S. 148(6)(b)(ia) inserted (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 74(1), 77(2), [Sch. 1 para 151\(3\)](#); S.I. 2006/1972, [art. 3](#), [Sch. 1 paras. 24, 25\(m\)\(ii\)](#) (subject to [art. 4](#), [Sch. 2](#)) (as amended by S.I. 2006/2268, [art. 4](#)); S.I. 2008/1656, [art. 2](#) (subject to [art. 3](#), [Sch. 1](#))
- F16** S. 148(6)(c)(ia) inserted (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 74(1), 77(2), [Sch. 1 para 151\(4\)](#); S.I. 2006/1972, [art. 3](#), [Sch. 1 paras. 24, 25\(m\)\(ii\)](#) (subject to [art. 4](#), [Sch. 2](#)) (as amended by S.I. 2006/2268, [art. 4](#)); S.I. 2008/1656, [art. 2](#) (subject to [art. 3](#), [Sch. 1](#))
- F17** S. 148(6)(da) inserted (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 74(1), 77(2), [Sch. 1 para 151\(5\)](#); S.I. 2006/1972, [art. 3](#), [Sch. 1 paras. 24, 25\(m\)\(ii\)](#) (subject to [art. 4](#), [Sch. 2](#)) (as amended by S.I. 2006/2268, [art. 4](#)); S.I. 2008/1656, [art. 2](#) (subject to [art. 3](#), [Sch. 1](#))

Modifications etc. (not altering text)

- C5** S. 148(1)-(3) modified (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\)](#), s. 13(2), [Sch. 2 para. 9\(2\)](#); S.I. 2016/69, reg. 2
- C6** S. 148(1)-(3) modified (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\)](#), s. 13(2), [Sch. 1 para. 44\(2\)](#); S.I. 2016/69, reg. 2

Commencement Information

- I4** S. 148 wholly in force at 16.2.2001; s. 148 not in force at Royal Assent, see s. 163(2); s. 148 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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