

SCHEDULES

SCHEDULE 7

CONTROL OF DONATIONS TO INDIVIDUALS AND MEMBERS ASSOCIATIONS

PART I

INTRODUCTORY

Operation and interpretation of Schedule

- 1 (1) This Schedule has effect for controlling donations to—
- (a) members of registered parties;
 - (b) members associations; and
 - (c) holders of relevant elective offices.
- (2) The following provisions have effect for the purposes of this Schedule.
- (3) “Controlled donation”—
- (a) in relation to a member of a registered party, means a donation received by that person which is—
 - (i) offered to him, or
 - (ii) where it has been accepted, retained by him,for his use or benefit in connection with any of his political activities as a member of the party;
 - (b) in relation to a members association, means a donation received by the association which is—
 - (i) offered to the association, or
 - (ii) where it has been accepted, retained by the association,for its use or benefit in connection with any of its political activities;
 - (c) in relation to a holder of a relevant elective office, means a donation received by that person which is—
 - (i) offered to him, or
 - (ii) where it has been accepted, retained by him,for his use or benefit (as the holder of such an office) in connection with any of his political activities.
- (4) For the purposes of this Schedule the political activities of a party member or (as the case may be) of a members association include, in particular—
- (a) promoting or procuring the election of any person to any position in, or to any committee of, the party in question;
 - (b) promoting or procuring the selection of any person as the party’s candidate for election to a relevant elective office; and
 - (c) promoting or developing policies with a view to their adoption by the party;

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and in the application of paragraph (a) or (b) to a party member the reference to any person includes that member.

- (5) “Donation” shall be construed in accordance with paragraphs 2 to 4; and (in the absence of any express indication) a donation shall be taken to have been offered to, or retained by, a person or organisation as mentioned in sub-paragraph (1)(a), (b) or (c) if, having regard to all the circumstances, it must reasonably be assumed to have been so offered or retained.
- (6) “Members association” means any organisation whose membership consists wholly or mainly of members of a registered party, other than—
- (a) a registered party falling within section 26(2)(a); or
 - (b) an organisation falling within section 26(2)(b) (that is, the central organisation of a registered party or an accounting unit of such a party).
- (7) “Regulated donee” means—
- (a) a member of a registered party;
 - (b) a members association; or
 - (c) the holder of a relevant elective office, whether or not he is a member of a registered party.
- (8) “Relevant elective office” means the office of—
- (a) member of the House of Commons;
 - (b) member of the European Parliament elected in the United Kingdom;
 - (c) member of the Scottish Parliament;
 - (d) member of the National Assembly for Wales;
 - (e) member of the Northern Ireland Assembly;
 - (f) member of—
 - (i) any local authority in any part of the United Kingdom, including the Common Council of the City of London but excluding a parish or community council, or
 - (ii) the Greater London Assembly; or
 - (g) Mayor of London or elected mayor within the meaning of Part II of the Local Government Act 2000.
- (9) “The responsible person”, in relation to a members association, means—
- (a) the treasurer, if there is one, and
 - (b) otherwise any person responsible for dealing with donations to the association.
- (10) Where—
- (a) at a time when any order is in force under section 70(1) a donation is received by a regulated donee resident or carrying on activities in Great Britain, and
 - (b) the order provides for this sub-paragraph to apply to any such donation,
- section 54(2)(c) shall have effect in relation to the donation as if it referred only to a registered party which is registered in the Great Britain register.

Donations: general rules

- 2 (1) “Donation”, in relation to a regulated donee, means (subject to paragraph 4)—
- (a) any gift to the donee of money or other property;

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- (b) any sponsorship provided in relation to the donee (as defined by paragraph 3);
- (c) any money spent (otherwise than by or on behalf of the donee) in paying any expenses incurred directly or indirectly by the donee;
- (d) any money lent to the donee otherwise than on commercial terms;
- (e) the provision otherwise than on commercial terms of any property, services or facilities for the use or benefit of the donee (including the services of any person);
- (f) (where the donee is a members association) any subscription or other fee paid for affiliation to, or membership of, the donee.

(2) Where—

- (a) any money or other property is transferred to a regulated donee pursuant to any transaction or arrangement involving the provision by or on behalf of the donee of any property, services or facilities or other consideration of monetary value, and
- (b) the total value in monetary terms of the consideration so provided by or on behalf of the donee is less than the value of the money or (as the case may be) the market value of the property transferred,

the transfer of the money or property shall (subject to sub-paragraph (4)) constitute a gift to the donee for the purposes of sub-paragraph (1)(a).

(3) In determining—

- (a) for the purposes of sub-paragraph (1)(d) whether any money lent to a regulated donee is so lent otherwise than on commercial terms, or
- (b) for the purposes of sub-paragraph (1)(e) whether any property, services or facilities provided for the use or benefit of a regulated donee is or are so provided otherwise than on such terms,

regard shall be had to the total value in monetary terms of the consideration provided by or on behalf of the donee in respect of the loan or the provision of the property, services or facilities.

(4) Where (apart from this sub-paragraph) anything would be a donation both by virtue of sub-paragraph (1)(b) and by virtue of any other provision of this paragraph, sub-paragraph (1)(b) (together with paragraph 3) shall apply in relation to it to the exclusion of the other provision of this paragraph.

(5) Anything given or transferred to any officer, member, trustee or agent of a members association in his capacity as such (and not for his own use or benefit) is to be regarded as given or transferred to the association (and references to donations received by a regulated donee accordingly include, in the case of a members association, donations so given or transferred).

(6) In this paragraph—

- (a) any reference to anything being given or transferred to a regulated donee or any other person is a reference to its being so given or transferred either directly or indirectly through any third person;
- (b) “gift” includes bequest.

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Sponsorship

- 3 (1) For the purposes of this Schedule sponsorship is provided in relation to a regulated donee if—
- (a) any money or other property is transferred to the donee or to any person for the benefit of the donee, and
 - (b) the purpose (or one of the purposes) of the transfer is (or must, having regard to all the circumstances, reasonably be assumed to be)—
 - (i) to help the donee with meeting, or to meet, to any extent any defined expenses incurred or to be incurred by or on behalf of the donee, or
 - (ii) to secure that to any extent any such expenses are not so incurred.
- (2) In sub-paragraph (1) “defined expenses” means expenses in connection with—
- (a) any conference, meeting or other event organised by or on behalf of the donee,
 - (b) the preparation, production or dissemination of any publication by or on behalf of the donee, or
 - (c) any study or research organised by or on behalf of the donee.
- (3) The following do not, however, constitute sponsorship by virtue of sub-paragraph (1) —
- (a) the making of any payment in respect of—
 - (i) any charge for admission to any conference, meeting or other event, or
 - (ii) the purchase price of, or any other charge for access to, any publication;
 - (b) the making of any payment in respect of the inclusion of an advertisement in any publication where the payment is made at the commercial rate payable for the inclusion of such an advertisement in any such publication.
- (4) The Secretary of State may by order made on the recommendation of the Commission amend sub-paragraph (2) or (3).
- (5) In this paragraph “publication” means a publication made available in whatever form and by whatever means (whether or not to the public at large or any section of the public).

Payments etc. not to be regarded as donations

- 4 (1) None of the following shall be regarded as a donation—
- (a) any facility provided in pursuance of any right conferred on candidates at an election by any enactment;
 - (b) the provision of assistance by a person appointed under section 9 of the Local Government and Housing Act 1989;
 - (c) the provision by any individual of his own services which he provides voluntarily and in his own time;
 - (d) any interest accruing to a regulated donee in respect of any donation which is dealt with by the donee in accordance with section 56(2)(a) or (b) (as applied by paragraph 8);
 - (e) any money or other property, or any services or facilities, provided out of public funds for the personal security of a regulated donee who is an individual.

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- (2) For the avoidance of doubt no remuneration or allowances paid to the holder of a relevant elective office in his capacity as such shall be regarded as a donation.
- (3) There shall also be disregarded—
 - (a) any donation which (in accordance with any enactment) falls to be included in a return as to election expenses in respect of a candidate or candidates at a particular election; and
 - (b) except for the purposes of paragraph 14, any donation whose value (as determined in accordance with paragraph 5) is not more than £200.

Value of donations

- 5 (1) The value of any donation falling within paragraph 2(1)(a) (other than money) shall be taken to be the market value of the property in question.
- (2) Where, however, paragraph 2(1)(a) applies by virtue of paragraph 2(2) the value of the donation shall be taken to be the difference between—
 - (a) the value of the money, or the market value of the property, in question, and
 - (b) the total value in monetary terms of the consideration provided by or on behalf of the donee.
- (3) The value of any donation falling within paragraph 2(1)(b) shall be taken to be the value of the money, or (as the case may be) the market value of the property, transferred as mentioned in paragraph 3(1); and accordingly any value in monetary terms of any benefit conferred on the person providing the sponsorship in question shall be disregarded.
- (4) The value of any donation falling within paragraph 2(1)(d) or (e) shall be taken to be the amount representing the difference between—
 - (a) the total value in monetary terms of the consideration that would have had to be provided by or on behalf of the donee in respect of the loan or the provision of the property, services or facilities if—
 - (i) the loan had been made, or
 - (ii) the property, services or facilities had been provided, on commercial terms, and
 - (b) the total value in monetary terms of the consideration (if any) actually so provided by or on behalf of the donee
- (5) Where a donation such as is mentioned in sub-paragraph (4) confers an enduring benefit on the donee over a particular period, the value of the donation—
 - (a) shall be determined at the time when it is made, but
 - (b) shall be so determined by reference to the total benefit accruing to the donee over that period.