



# Electoral Administration Act 2006

## 2006 CHAPTER 22

### PART 7

#### REGULATION OF PARTIES

##### *Registration of parties*

#### **48 Registered names of parties**

In section 28 of the 2000 Act (registration of parties), after subsection (4)(d) insert—

- “(da) would be likely, were it to appear on a ballot paper issued at an election—
- (i) to result in an elector being misled as to the effect of his vote, or
  - (ii) to contradict, or hinder an elector’s understanding of, any directions for his guidance in voting given on the ballot paper or elsewhere.”.

#### **49 Political party descriptions**

(1) In the 2000 Act after section 28 (registration of parties) insert—

##### **“28A Descriptions**

- (1) A party’s application under section 28 may include a request for the registration of up to 12 descriptions to be used on nomination papers or ballot papers.
- (2) Where a request is made by a party under this section in relation to a description, the Commission shall register the description as a description of the party unless it is of more than six words in length or in their opinion it—
  - (a) would be the same as the name of a party or the registered description of a party which (in either case) is already registered in the register in which that party is applying to be registered,

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- (b) would be likely to result in electors confusing that party with another party which is already registered in respect of the relevant part of the United Kingdom,
  - (c) is obscene or offensive,
  - (d) is of such a character that its publication would be likely to amount to the commission of an offence,
  - (e) would be likely, were it to appear on a ballot paper issued at an election—
    - (i) to result in an elector being misled as to the effect of his vote, or
    - (ii) to contradict, or hinder an elector’s understanding of, any directions for his guidance in voting given on the ballot paper or elsewhere,
  - (f) includes any script other than Roman script, or
  - (g) includes a word or expression prohibited by order made by the Secretary of State.
- (3) In subsection (2)(b) “already registered in respect of the relevant part of the United Kingdom” has the meaning given by section 28(5).
- (4) An order under subsection (2)(g) may except the use of a word or expression from the prohibition in specified circumstances.
- (5) In the application of subsection (2) above to a party which has made a declaration falling within section 28(2) which specifies Wales as a part of Great Britain in respect of which it is applying to be registered, for “it is of more than six words in length” substitute “its length exceeds six words in either English or Welsh or, if the description is also expressed in the other of those languages, six words in that other language”.
- (6) The Secretary of State may, by order, substitute for the number “12” in subsection (1) such other number as he thinks appropriate.
- (7) An order under subsection (2)(g) or (6) must not be made unless the Secretary of State first consults the Commission.

### **28B Joint descriptions**

- (1) Two or more parties which are registered under section 28 above in the same register may apply to the Commission to register a description for use by a candidate standing in the name of both or all of the parties jointly.
- (2) The following provisions of section 28A apply to an application under this section as they apply to an application under that section—
  - (a) subsections (2) to (5);
  - (b) subsection (7), so far as it relates to subsection (2)(g).
- (3) Subsections (1)(bb), (4A) to (4D) and (6A) of section 30 apply to a description mentioned in subsection (1) above as they apply to a description to which section 28A applies; and for the purposes of such application—
  - (a) any reference to a party in section 30 (except in relation to an application to remove a description under subsection (1)(bb) of that

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- section) must be construed as a reference to the parties mentioned in subsection (1) above acting jointly,
- (b) section 30(4A)(a) must be taken to read “the parties already have a description registered in pursuance of section 28B above”, and
  - (c) the requirement in paragraph 9 of Schedule 4 for an application under section 30 to be signed by the responsible officer of a party must be taken to be a requirement for the application to be signed by a responsible officer of each party which joins in the application.”
- (2) In section 30 of that Act (changes to the register)—
- (a) in subsection (1), after paragraph (ba) insert—
    - “(bb) the addition, alteration, substitution or removal of a description.”;
  - (b) in subsection (2) for “(6)” substitute “(6A)”;
  - (c) in subsection (4) after paragraph (a) insert “or
    - (aa) such confusion in relation to a registered description of the party as is mentioned in paragraph (b) of section 28A(2),”;
  - (d) after subsection (4) insert—
    - “(4A) The Commission shall refuse an application to add a description if—
      - (a) the party already has 12 descriptions (or such other maximum number of descriptions as is substituted by order under section 28A(6)),
      - (b) the length of the description exceeds six words, or
      - (c) in the Commission’s opinion, any of paragraphs (a) to (g) of section 28A(2) apply to the description.
    - (4B) The Commission shall refuse an application to alter a description if the effect of the alteration—
      - (a) is that the length of the description as altered will exceed six words, or
      - (b) in their opinion, is that any of paragraphs (a) to (g) of section 28A(2) will apply to the description as altered.
    - (4C) The Commission shall refuse to substitute a description if—
      - (a) the length of the new description will exceed six words, or
      - (b) in their opinion any of paragraphs (a) to (g) of section 28A(2) apply to the new description.
    - (4D) In the application of subsection (4A)(b), (4B)(a) or (4C)(a) above to a party which has made a declaration falling within section 28(2) which specifies Wales as a part of Great Britain in respect of which it is registered, for “six words” substitute “six words in either English or Welsh or, if the description is also expressed in the other of those languages, six words in that other language”.”;
  - (e) after subsection (6) insert—
    - “(6A) If an application under this section for the substitution or removal of a description is granted at any time between—
      - (a) the date of publication of the notice of election at an election in which there are one or more candidates standing in the name of the party, and

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- (b) the poll at the election,  
the change does not take effect until the day following the poll.”
  - (f) in subsection (7), after “subsection (3)” insert “(4A), (4B), (4C),”;
  - (g) in subsection (7), after paragraph (a) insert “or
    - (aa) section 28A(2)(a) and section 28(5) as it applies by virtue of section 28A(3), or
    - (ab) section 28A(2)(a) as it applies by virtue of section 28B(2),”.
- (3) In Schedule 1 to the 1983 Act (parliamentary elections rules) in rule 6A, after paragraph (1) insert—
- “(1A) In paragraph (1) above an authorised description may be either—
    - (a) the name of the party registered under section 28 of the Political Parties, Elections and Referendums Act 2000, or
    - (b) a description of the party registered under section 28A of that Act.
  - (1B) A nomination paper may not include a description of a candidate which is likely to lead electors to associate the candidate with two or more registered political parties unless the parties are each qualifying parties in relation to the constituency and the description is a registered description authorised by a certificate—
    - (a) issued by or on behalf of the registered nominating officer of each of the parties, and
    - (b) received by the returning officer at some time during the period for delivery of nomination papers set out in the Table in rule 1.
  - (1C) For the purposes of paragraph (1B), a description is a registered description if it is a description registered for use by the parties under section 28B of the Political Parties, Elections and Referendums Act 2000.”

## **50 Confirmation of registered particulars**

- (1) Section 32 of the 2000 Act (confirmation of registered particulars) is amended as follows.<sup>58</sup>
- (2) In subsection (1), for the words from “at the time when” to “Part III” substitute “within the specified period”.
- (3) After that subsection insert—
  - “(1A) In subsection (1), “the specified period” means the period—
    - (a) beginning on the first day of the period within which the statement of accounts for any financial year of the party is required to be delivered to the Commission by virtue of section 45, and
    - (b) ending six months after the last day of that period.”

## **51 Removal from register of registered parties**

- (1) Section 33 of the 2000 Act (party ceasing to be registered) is amended as follows.
- (2) In subsection (1) after “subsection (2)” insert “or (2A)”.
- (3) After subsection (2) insert—

“(2A) Where the Commission does not receive a notification required by virtue of section 32(1) or 34(3) on or before the specified day, the Commission shall remove the party’s entry from the register.

(2B) In subsection (2A) “the specified day” means—

- (a) in relation to a notification required by virtue of section 32(1), the last day of the specified period for the purposes of that subsection;
- (b) in relation to a notification required by virtue of section 34(3), the day which falls six months after the relevant anniversary of the party’s inclusion in the register.

(2C) In subsection (2B)(b), “relevant anniversary” means the anniversary in relation to which the notification is required to be given by virtue of section 34(3).”

(4) In subsection (3) for “the party’s entry from the register” substitute “a party’s entry from the register by virtue of subsection (2) or (2A)”.

(5) In subsection (4) for the words from “the end” to the first reference to “the register” substitute “the relevant time”.

(6) After subsection (4) insert—

“(4A) In subsection (4), “the relevant time” means—

- (a) if—
  - (i) the party’s entry is removed by virtue of subsection (2), and
  - (ii) its gross income or total expenditure in its financial year preceding the year in which the entry is removed is £25,000 or more,the end of the financial year of the party which follows that in which the entry is removed;
- (b) otherwise, the end of the financial year of the party in which the entry is removed.”

(7) In subsection (5) for “under this section” substitute “under subsection (2)”.

## **52 Time for registration of parties fielding candidates**

(1) In Schedule 1 to the 1983 Act, rule 6A (nomination papers: name of registered political party) is amended in accordance with subsections (2) and (3).

(2) In paragraph (3)—

- (a) in sub-paragraph (a), for the words from “at the time” to the end substitute “on the day (“the relevant day”) which is two days before the last day for the delivery of nomination papers at the election;”;
- (b) in sub-paragraph (b), for “at the relevant time” (in both places) substitute “on the relevant day”.

(3) After paragraph (3) insert—

“(4) For the purposes of paragraph (3)(a) any day falling within rule 2(1) shall be disregarded.”

- (4) Section 22 of the 2000 Act (parties to be registered in order to field candidates at elections) is amended in accordance with subsections (5) and (6).
- (5) In subsection (2)—
- (a) in paragraph (a), for “on the last day for publication of notice of the election” substitute “on the day (“the relevant day”) which is two days before the last day for the delivery of nomination papers at that election”;
  - (b) in paragraph (b), for “on that day” substitute “on the relevant day”.
- (6) After that subsection insert—
- “(2A) For the purposes of subsection (2) any day falling within rule 2(1) of the parliamentary elections rules in Schedule 1 to the Representation of the People Act 1983 shall be disregarded.”

#### *Accounting requirements*

### **53 Requirements as to statements of account**

- (1) Section 42 of the 2000 Act (annual statement of accounts) is amended as follows.
- (2) In subsection (4) for paragraph (a) substitute—
- “(a) according to which of the following bands the gross income or total expenditure of a party falls within—
    - (i) not exceeding £25,000;
    - (ii) exceeding £25,000 but not £100,000;
    - (iii) exceeding £100,000 but not £250,000;
    - (iv) exceeding £250,000;”.
- (3) After that subsection insert—
- “(4A) The Secretary of State may by order amend subsection (4)(a) by varying the number of bands set out in it.
- (4B) The Secretary of State may not make an order under subsection (4A) except to give effect to a recommendation of the Commission.”
- (4) The amendments made by this section have effect in relation to any financial year of a registered party which ends after the coming into force of this section.

### **54 Time for delivery of unaudited accounts to Electoral Commission**

In section 45 of the 2000 Act (delivery of statement of accounts etc. to Commission), in subsection (1) for “3 months” substitute “4 months”.

#### *Control of donations*

### **55 Policy development grants to be donations**

In section 52 of the 2000 Act (payments, services etc. not to be regarded as donations), in subsection (1) omit paragraph (a).

## **56 Exemption from requirement to prepare quarterly donation reports**

(1) After section 62 of the 2000 Act (quarterly donation reports) insert—

### **“62A Exemption from requirement to prepare quarterly reports**

- (1) This section applies if each of four consecutive donation reports prepared by the treasurer of a registered party in pursuance of subsection (1) of section 62 contains—
    - (a) in the case of a party without accounting units, a statement under subsection (10) of that section, or
    - (b) in the case of a party with accounting units, statements under subsection (10) of that section in relation to the central organisation of the party and each of its accounting units.
  - (2) The treasurer is not required to prepare any further donation reports in pursuance of subsection (1) of that section until a recordable donation—
    - (a) is accepted by the registered party, or
    - (b) is dealt with by the registered party in accordance with section 56(2).
  - (3) A recordable donation is a donation which is required to be recorded by virtue of any of subsections (4) to (9) of section 62 (including those subsections as applied by subsection (11) of that section).
  - (4) If a recordable donation is accepted or (as the case may be) dealt with in accordance with section 56(2), nothing in this section affects the operation of section 62 in relation to—
    - (a) the reporting period in which the recordable donation is so accepted or dealt with, or
    - (b) any subsequent reporting period which falls before the time (if any) when this section again applies in relation to the party.
  - (5) In this section, “donation report” and “reporting period” have the same meaning as in section 62.”
- (2) Section 62A of the 2000 Act (as inserted by subsection (1) above) applies only if the last of the reports mentioned in subsection (1) of that section relates to a period which falls wholly or partly after the commencement of this section (but it is immaterial whether any of the other reports relate to such a period).

## **57 Repeal of section 68 of the 2000 Act**

Section 68 of the 2000 Act (reporting of multiple small donations) is omitted.

## **58 Register of donations to include details of nature of donation**

In section 69 of the 2000 Act (register of recordable donations), in subsection (2), after paragraph (a) insert—

- “(aa) whether the donation is in the form of sponsorship (within the meaning of section 51);”.

**59 Reporting donations to holders of certain elective offices**

- (1) Schedule 7 (control of donations to individuals and members associations) to the 2000 Act is amended as follows.
- (2) In paragraph 10, after sub-paragraph (7) insert—
- “(8) This paragraph does not apply to a donation received by a holder of a relevant elective office unless he is not a member of a registered party and is either—
- (a) a member of the Scottish Parliament, or
- (b) a member of a local authority in Scotland.
- (9) For the purposes of sub-paragraph (8), it is immaterial whether the donation is made to the holder of the relevant elective office in that capacity or in his capacity as a member of a registered party.”
- (3) In Part 5 of the Schedule, after paragraph 15 insert—

*“Donations to holders of certain elective offices*

- 15A (1) This paragraph applies in relation to donations received by a holder of a relevant elective office if—
- (a) the relevant body has in place arrangements requiring the holder of the office to report such donations, and
- (b) the Commission think that the arrangements correspond to the requirements of paragraph 10.
- (2) The Commission must make such arrangements as they think appropriate corresponding to section 69 as modified in pursuance of paragraph 15(3) to maintain a register of such information as they receive relating to such donations.
- (3) In sub-paragraph (1)(a) a relevant body is—
- (a) if the holder of a relevant elective office is a member of a body mentioned in paragraphs (a) to (f) of paragraph 1(8), that body;
- (b) if the holder of a relevant elective office is the Mayor of London, the London Assembly;
- (c) if the holder of a relevant elective office is an elected mayor within the meaning of Part 2 of the Local Government Act 2000, the local authority of which he is the mayor.”
- (4) The Secretary of State must not make an order under section 77 for the purposes of this section as it applies to the holders of a relevant elective office unless he is informed by the Commission that they are satisfied that they will receive the information mentioned in paragraph 15A(2) of that Schedule (as inserted by subsection (3) above) in relation to such holders of relevant elective office.
- (5) In subsection (4) references to the holder of a relevant elective office must be construed in accordance with Schedule 7 to the 2000 Act.



## **60 Northern Ireland: disapplication of Part 4 of the 2000 Act**

Any reference in the Political Parties, Elections and Referendums Act 2000 (Disapplication of Part 4 for Northern Ireland Parties, etc) Order 2005 ([S.I. 2005/299](#)) to a provision of the 2000 Act which is amended by sections 55 to 58 must be construed as a reference to that provision as so amended.

### *Regulation of loans etc.*

## **61 Regulation of loans etc.**

- (1) After Part 4 of the 2000 Act (control of donations to registered parties and their members) insert—

### **“PART 4A**

#### REGULATION OF LOANS AND RELATED TRANSACTIONS

##### **71F Regulated transactions**

- (1) In this Part, a reference to a regulated transaction must be construed in accordance with this section.
- (2) An agreement between a registered party and another person by which the other person makes a loan of money to the party is a regulated transaction.
- (3) An agreement between a registered party and another person by which the other person provides a credit facility to the party is a regulated transaction.
- (4) Where—
  - (a) a registered party and another person (A) enter into a regulated transaction of a description mentioned in subsection (2) or (3) or a transaction under which any property, services or facilities are provided for the use or benefit of the party (including the services of any person), and
  - (b) A also enters into an arrangement whereby another person (B) gives any form of security (whether real or personal) for a sum owed to A by the party under the transaction mentioned in paragraph (a),the arrangement is a regulated transaction.
- (5) An agreement or arrangement is also a regulated transaction if—
  - (a) the terms of the agreement or arrangement as first entered into do not constitute a regulated transaction by virtue of subsection (2), (3) or (4), but
  - (b) the terms are subsequently varied in such a way that the agreement or arrangement becomes a regulated transaction.
- (6) References in subsections (2) and (3) to a registered party include references to an officer, member, trustee or agent of the party if he makes the agreement as such.

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- (7) References in subsection (4) to a registered party include references to an officer, member, trustee or agent of the party if the property, services or facilities are provided to him, or the sum is owed by him, as such.
- (8) Except so far as the contrary intention appears, references to a registered party in the context of—
- (a) the making of a loan to a registered party,
  - (b) the provision of a credit facility to a registered party, or
  - (c) a sum being owed by a registered party,
- must, in the case of a party with accounting units, be construed as references to the central organisation of the party or any of its accounting units.
- (9) A reference to a connected transaction is a reference to the transaction mentioned in subsection (4)(b).
- (10) In this section a reference to anything being done by or in relation to a party or a person includes a reference to its being done directly or indirectly through a third person.
- (11) A credit facility is an agreement whereby a registered party is enabled to receive from time to time from another party to the agreement a loan of money not exceeding such amount (taking account of any repayments made by the registered party) as is specified in or determined in accordance with the agreement.
- (12) An agreement or arrangement is not a regulated transaction—
- (a) to the extent that, in accordance with any enactment, a payment made in pursuance of the agreement or arrangement falls to be included in a return as to election expenses in respect of a candidate or candidates at a particular election, or
  - (b) if its value is not more than £200.
- (13) The Secretary of State may, by order, specify circumstances or any description of circumstances in which an agreement or arrangement falling within any of subsections (2) to (5) is not a regulated transaction.

### **71G Valuation of regulated transaction**

- (1) The value of a regulated transaction which is a loan is the value of the total amount to be lent under the loan agreement.
- (2) The value of a regulated transaction which is a credit facility is the maximum amount which may be borrowed under the agreement for the facility.
- (3) The value of a regulated transaction which is an arrangement by which any form of security is given is the contingent liability under the security provided.
- (4) For the purposes of subsections (1) and (2), no account is to be taken of the effect of any provision contained in a loan agreement or an agreement for a credit facility at the time it is entered into which enables outstanding interest to be added to any sum for the time being owed in respect of the loan or credit facility, whether or not any such interest has been so added.

### **71H Authorised participants**

- (1) A registered party must not—
  - (a) be a party to a regulated transaction to which any of the other parties is not an authorised participant;
  - (b) derive a benefit in consequence of a connected transaction if any of the parties to that transaction is not an authorised participant.
- (2) This section does not apply to a regulated transaction if it was entered into before the commencement of section 61 of the Electoral Administration Act 2006.
- (3) In this Part, an authorised participant is a person who is a permissible donor within the meaning of section 54(2).
- (4) The Secretary of State may, by order, specify circumstances or any description of circumstances in which a person who is not a permissible donor is to be treated as an authorised participant.

### **71I Regulated transaction involving unauthorised participant**

- (1) This section applies if a registered party is a party to a regulated transaction in which another participant is not an authorised participant.
- (2) The transaction is void.
- (3) Despite subsection (2)—
  - (a) any money received by the registered party by virtue of the transaction must be repaid by the treasurer of the party to the person from whom it was received, along with interest at such rate as is determined in accordance with an order made by the Secretary of State;
  - (b) that person is entitled to recover the money, along with such interest.
- (4) If—
  - (a) the money is not (for whatever reason) repaid as mentioned in subsection (3)(a), or
  - (b) the person entitled to recover the money refuses or fails to do so,the Commission may apply to the court to make such order as it thinks fit to restore (so far as is possible) the parties to the transaction to the position they would have been in if the transaction had not been entered into.
- (5) An order under subsection (4) may in particular—
  - (a) where the transaction is a loan or credit facility, require that any amount owed by the registered party be repaid (and that no further sums be advanced under it);
  - (b) where any form of security is given for a sum owed under the transaction, require that security to be discharged.
- (6) In the case of a regulated transaction where a party other than a registered party—
  - (a) at the time the registered party enters into the transaction, is an authorised participant, but

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(b) subsequently, for whatever reason, ceases to be an authorised participant,

the transaction is void and subsections (3) to (5) apply with effect from the time when the other party ceased to be an authorised participant.

(7) This section does not apply to a regulated transaction if it was entered into before the commencement of section 61 of the Electoral Administration Act 2006.

### **71J Guarantees and securities: unauthorised participants**

(1) This section applies if—

- (a) a registered party and another person (A) enter into a transaction of a description mentioned in section 71F(4)(a),
- (b) A is party to a regulated transaction of a description mentioned in section 71F(4)(b) (“the connected transaction”) with another person (B), and
- (c) B is not an authorised participant.

(2) Section 71I(2) to (5) applies to the transaction mentioned in subsection (1)(a).

(3) The connected transaction is void.

(4) Subsection (5) applies if (but only if) A is unable to recover from the party the whole of the money mentioned in section 71I(3)(a) (as applied by subsection (2) above), along with such interest as is there mentioned.

(5) Despite subsection (3), A is entitled to recover from B any part of that money (and such interest) that is not recovered from the party.

(6) Subsection (5) does not entitle A to recover more than the contingent liability under the security provided by virtue of the connected transaction.

(7) In the case of a connected transaction where B—

- (a) at the time A enters into the transaction, is an authorised participant, but
- (b) subsequently, for whatever reason, ceases to be an authorised participant,

subsections (2) to (6) apply with effect from the time when B ceased to be an authorised participant.

(8) This section does not apply to a regulated transaction if it was entered into before the commencement of section 61 of the Electoral Administration Act 2006.

(9) If the transaction mentioned in section 71F(4)(a) is not a regulated transaction of a description mentioned in section 71F(2) or (3), references in this section and section 71I(2) to (5) (as applied by subsection (2) above) to the repayment or recovery of money must be construed as references to (as the case may be)

- (a) the return or recovery of any property provided under the transaction,
- (b) to the extent that such property is incapable of being returned or recovered or its market value has diminished since the time the

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- transaction was entered into, the repayment or recovery of the market value at that time, or
- (c) the market value (at that time) of any facilities or services provided under the transaction.

### **71K Transfer to unauthorised participant invalid**

If an authorised participant purports to transfer his interest in a regulated transaction to a person who is not an authorised participant the purported transfer is of no effect.

### **71L Offences relating to regulated transactions**

- (1) A registered party commits an offence if—
  - (a) it enters into a regulated transaction of a description mentioned in section 71F(2) or (3) in which another participant is not an authorised participant, and
  - (b) an officer of the party knew or ought reasonably to have known of the matters mentioned in paragraph (a).
- (2) A person commits an offence if—
  - (a) he is the treasurer of a registered party,
  - (b) the party enters into a regulated transaction of a description mentioned in section 71F(2) or (3) in which another participant is not an authorised participant, and
  - (c) he knew or ought reasonably to have known of the matters mentioned in paragraph (b).
- (3) A registered party commits an offence if—
  - (a) it enters into a regulated transaction of a description mentioned in section 71F(2) or (3) in which another participant is not an authorised participant,
  - (b) no officer of the party knew or ought reasonably to have known that the other participant is not an authorised participant, and
  - (c) as soon as practicable after knowledge of the matters mentioned in paragraph (a) comes to the treasurer of the party he fails to take all reasonable steps to repay any money which the party has received by virtue of the transaction.
- (4) A person who is the treasurer of a registered party commits an offence if—
  - (a) the party enters into a regulated transaction of a description mentioned in section 71F(2) or (3) in which another participant is not an authorised participant,
  - (b) subsection (2)(c) does not apply to him, and
  - (c) as soon as practicable after knowledge of the matters mentioned in paragraph (a) comes to him he fails to take all reasonable steps to repay any money which the party has received by virtue of the transaction.
- (5) A registered party commits an offence if—

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- (a) it benefits from or falls to benefit in consequence of a connected transaction to which any of the parties is not an authorised participant, and
  - (b) an officer of the party knew or ought reasonably to have known of the matters mentioned in paragraph (a).
- (6) A person commits an offence if—
  - (a) he is the treasurer of a registered party,
  - (b) the party benefits from or falls to benefit in consequence of a connected transaction to which any of the parties is not an authorised participant, and
  - (c) he knew or ought reasonably to have known of the matters mentioned in paragraph (b).
- (7) A registered party commits an offence if—
  - (a) it is a party to a transaction of a description mentioned in section 71F(4)(a),
  - (b) it benefits from or falls to benefit in consequence of a connected transaction to which any of the parties is not an authorised participant,
  - (c) no officer of the party knew or ought reasonably to have known of the matters mentioned in paragraphs (a) and (b), and
  - (d) as soon as practicable after knowledge of the matters mentioned in paragraphs (a) and (b) comes to the treasurer of the party he fails to take all reasonable steps to pay to any person who has provided the party with any benefit in consequence of the connected transaction the value of the benefit.
- (8) A person who is the treasurer of a registered party commits an offence if—
  - (a) the party is a party to a transaction of a description mentioned in section 71F(4)(a),
  - (b) the party benefits from or falls to benefit in consequence of a connected transaction to which any of the parties is not an authorised participant,
  - (c) subsection (6)(c) does not apply to him, and
  - (d) as soon as practicable after knowledge of the matters mentioned in paragraphs (a) and (b) comes to him he fails to take all reasonable steps to pay to any person who has provided the party with any benefit in consequence of the connected transaction the value of the benefit.
- (9) A person commits an offence if he—
  - (a) knowingly enters into, or
  - (b) knowingly does any act in furtherance of,  
any arrangement which facilitates or is likely to facilitate, whether by means of concealment or disguise or otherwise, the participation by a registered party in a regulated transaction with a person other than an authorised participant.
- (10) It is a defence for a person charged with an offence under subsection (2) to prove that he took all reasonable steps to prevent the registered party entering the transaction.

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- (11) It is a defence for a person charged with an offence under subsection (6) to prove that he took all reasonable steps to prevent the registered party benefiting in consequence of the connected transaction.
- (12) A reference to a registered party entering into a regulated transaction includes a reference to any circumstances in which the terms of a regulated transaction are varied so as to increase the amount of money to which the party is entitled in consequence of the transaction.
- (13) A reference to a registered party entering into a transaction in which another participant is not an authorised participant includes a reference to any circumstances in which another party to the transaction who is an authorised participant ceases (for whatever reason) to be an authorised participant.
- (14) This section does not apply to a transaction which is entered into before the commencement of section 61 of the Electoral Administration Act 2006.

#### **71M Quarterly reports of regulated transactions**

- (1) The treasurer of a registered party must, in the case of each year, prepare a report under this subsection in respect of each of the following periods—
  - (a) January to March;
  - (b) April to June;
  - (c) July to September;
  - (d) October to December.
- (2) The reports prepared under subsection (1) for any year must, in the case of each authorised participant who enters into or is party to a regulated transaction with the party in that year, comply with—
  - (a) the following provisions of this section so far as they require any such transaction to be recorded in such a report;
  - (b) section 71N so far as it requires any changes in relation to any such transaction to be so recorded.
- (3) In this section—
  - “transaction report” means a report prepared under subsection (1);
  - “reporting period”, in relation to such a report, means the period mentioned in any of paragraphs (a) to (d) of that subsection to which the report relates;
  - “relevant transaction”, in relation to an authorised participant and a year, means a regulated transaction entered into by the participant and the registered party in that year;
  - “relevant benefit”, in relation to any person and any year, means—
    - (a) a relevant donation within the meaning of section 62(3) accepted by the party from that person as a donor, or
    - (b) a relevant transaction entered into by the party and that person as a participant,and a relevant benefit accrues when it is accepted (if it is a donation) or entered into (if it is a transaction).

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- (4) Where no previous relevant benefit or benefits has or have been required to be recorded under this subsection or section 62(4), a relevant transaction must be recorded—
- (a) if the value of the transaction is more than £5,000, or
  - (b) if the aggregate amount of it and any other relevant benefit or benefits is more than £5,000.
- (5) A transaction to which subsection (4) applies must—
- (a) if it falls within paragraph (a) of that subsection, be recorded in the transaction report for the reporting period in which the transaction is entered into, or
  - (b) if it falls within paragraph (b) of that subsection, be recorded (together with any other relevant transaction or transactions included in the aggregate amount mentioned in that paragraph) in the transaction report for the reporting period in which the benefit which causes that aggregate to be more than £5,000 accrues.
- (6) Where any previous relevant benefit or benefits has or have been required to be recorded under subsection (4) or section 62(4), a relevant transaction must be recorded at the point when a relevant transaction falling within subsection (7) has been entered into—
- (a) since the benefit or benefits required to be recorded under that provision, or
  - (b) if any relevant benefit or benefits has or have previously been required to be recorded under this subsection or section 62(6), since the benefit or benefits last required to be so recorded.
- (7) A relevant transaction falls within this subsection—
- (a) if the value of the transaction is more than £1,000, or
  - (b) if, when it is added to any other relevant benefit or benefits accruing since the time mentioned in subsection (6)(a) or (b), the aggregate amount of the benefits is more than £1,000.
- (8) A transaction to which subsection (6) applies on any occasion must—
- (a) if it is the only benefit required to be recorded on that occasion, be recorded in the transaction report for the reporting period in which it is entered into, or
  - (b) in any other case, be recorded (together with any other relevant transaction or transactions included in the aggregate amount mentioned in subsection (7)) in the transaction report for the reporting period in which the benefit which causes that aggregate amount to be more than £1,000 accrues.
- (9) A transaction report must also record any regulated transaction which is entered into by the party and a person who is not an authorised participant and is dealt with during the reporting period in accordance with section 71I or 71J.
- (10) If during any reporting period no transactions have been entered into by the party which, by virtue of the preceding provisions of this section, are required to be recorded in the transaction report for that period, the report must contain a statement to that effect.



- (11) Where a registered party is a party with accounting units, subsections (2) to (10) apply separately in relation to the central organisation of the party and each of its accounting units—
- (a) as if any reference to the party were a reference to the central organisation or (as the case may be) to such an accounting unit; but
  - (b) with the substitution, in relation to such an accounting unit, of “£1,000” for “£5,000” in each place where it occurs in subsections (4) and (5).
- (12) However, for the purposes of subsections (2) to (9) in their application to the central organisation and any year by virtue of subsection (11), any transaction—
- (a) which is entered into by an authorised participant and any of the accounting units during that year, but
  - (b) which is not required to be recorded under subsection (4) or (6) (as they apply by virtue of subsection (11)) as a transaction entered into by the accounting unit,
- must be treated as a transaction entered into by the authorised participant and the central organisation.
- (13) Schedule 6A has effect with respect to the information to be given in transaction reports.

#### **71N Changes to be recorded in quarterly reports**

- (1) If during any reporting period, in the case of any recorded transaction—
- (a) another authorised participant becomes party to the transaction (whether in place of or in addition to any existing participant),
  - (b) there is any change in the details given in relation to the transaction in pursuance of paragraph 5, 6 or 7 of Schedule 6A, or
  - (c) the transaction comes to an end,
- the change must be recorded in the transaction report for that period.
- (2) For the purposes of subsection (1)(c), a loan comes to an end if—
- (a) the whole debt (or all the remaining debt) is repaid;
  - (b) the creditor releases the whole debt (or all the remaining debt);
- and in such a case the transaction report must state how the loan has come to an end.
- (3) A transaction report must also record any change by which a person who is not an authorised participant becomes party to the transaction (whether in place of or in addition to any existing participant) and in consequence of which the transaction is dealt with in accordance with section 71I or 71J.
- (4) If during any reporting period there have been no changes (as mentioned in subsection (1) or (3)) to any recorded transaction, the report must contain a statement to that effect.
- (5) A recorded transaction, in relation to a reporting period, is a regulated transaction which is or has been recorded in a transaction report for that or a previous reporting period.

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- (6) Where a registered party is a party with accounting units, subsections (1) to (5) apply separately in relation to the central organisation of the party and each of its accounting units; and the reference in subsection (5) to a transaction report for a previous reporting period is a reference to a report prepared in relation to the central organisation or accounting unit, as the case may be.
- (7) In this section, “reporting period” and “transaction report” have the meanings given in section 71M.

### **71O Existing transactions**

- (1) This section applies in relation to the first report prepared under section 71M(1) by the treasurer of a party which, at the date on which that section comes into force, is a registered party.
- (2) Sections 71M and 71N have effect, in the case of a person (whether or not an authorised participant) who is a party to an existing transaction, as if—
  - (a) that transaction had been entered into in the reporting period to which the report relates;
  - (b) any change (as mentioned in section 71N(1) or (3)) to the transaction had occurred during that period;
  - (c) references in section 71M to a relevant benefit did not include references to a relevant donation.
- (3) An existing transaction is a regulated transaction which, at the date on which section 71M comes into force, has not come to an end for the purposes of section 71N(1)(c).

### **71P Exemption from requirement to prepare quarterly reports**

- (1) This section applies if each of four consecutive transaction reports prepared by the treasurer of a registered party in pursuance of subsection (1) of section 71M contains—
  - (a) in the case of a party without accounting units, a statement under subsection (10) of that section and a statement under subsection (4) of section 71N, or
  - (b) in the case of a party with accounting units, statements under each of those subsections in relation to the central organisation of the party and each of its accounting units.
- (2) The treasurer is not required to prepare any further transaction reports in pursuance of subsection (1) of section 71M until—
  - (a) a recordable transaction is entered into by the registered party, or
  - (b) a recordable change is made to a recorded transaction.
- (3) A recordable transaction is a transaction which is required to be recorded by virtue of any of subsections (4) to (9) of section 71M (including those subsections as applied by subsection (11) of that section).
- (4) A recordable change is a change which is required to be recorded by virtue of subsection (1) of section 71N (including that subsection as applied by subsection (6) of that section).

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- (5) If a recordable transaction is entered into or a recordable change is made, nothing in this section affects the operation of section 71M or 71N in relation to—
- (a) the reporting period in which the recordable transaction is entered into or the recordable change is made, or
  - (b) any subsequent reporting period which falls before the time (if any) when this section again applies in relation to the party.
- (6) In this section—
- “transaction report” and “reporting period” have the same meaning as in section 71M;
- “recorded transaction” has the same meaning as in section 71N.

### **71Q Weekly transaction reports during general election periods**

- (1) Subject to section 71R, the treasurer of a registered party must, in the case of any general election period, prepare a report under this subsection in respect of each of the following periods—
- (a) the period of seven days beginning with the first day of the general election period,
  - (b) each succeeding period of seven days falling within the general election period, and
  - (c) any final period of less than seven days falling within that period.
- (2) In this section—
- “weekly report” means a report prepared under subsection (1);
- “reporting period”, in relation to such a report, means the period mentioned in any of paragraphs (a) to (c) of that subsection to which the report relates.
- (3) The weekly report for any reporting period must record each regulated transaction which has a value of more than £5,000 entered into during that period—
- (a) by the party (if it is not a party with accounting units), or
  - (b) by the central organisation of the party (if it is a party with accounting units).
- (4) If during any reporting period no transactions falling within subsection (3) have been entered into as mentioned in that subsection, the weekly report for that period must contain a statement to that effect.
- (5) Schedule 6A has effect with respect to the information to be given in weekly reports.
- (6) The weekly report for any reporting period must also record any change (as mentioned in section 71N(1) or (3)) during that period to a regulated transaction recorded—
- (a) by the party (if it is not a party with accounting units), or
  - (b) by the central organisation of the party (if it is a party with accounting units).

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- (7) For the purposes of subsection (6), a transaction is recorded by a party or the central organisation of a party if it is or has been recorded in—
  - (a) a transaction report prepared under section 71M(1), or
  - (b) a weekly report prepared for that or a previous reporting period falling within the general election period.
- (8) If during any reporting period there have been no changes falling within subsection (6), the weekly report for that period must contain a statement to that effect.
- (9) In this section and section 71R “general election period” has the meaning given in section 63.

#### **71R Exemptions from section 71Q**

- (1) Section 71Q(1) does not apply in relation to a registered party in respect of a general election period if the party has made an exemption declaration under section 64 which covers the general election in question.
- (2) In its application (in accordance with subsection (1)) in relation to section 71Q, section 64 is to be read subject to the following modifications—
  - (a) the reference in subsection (5) to section 63 is to be read as a reference to section 71Q;
  - (b) subsection (6) is omitted.

#### **71S Submission of transaction reports to Commission**

- (1) A transaction report under section 71M must be delivered to the Commission by the treasurer of the party in question within the period of 30 days beginning with the end of the reporting period to which it relates.
- (2) A transaction report under section 71Q must be delivered to the Commission by the treasurer of the party in question—
  - (a) within the period of 7 days beginning with the end of the reporting period to which it relates, or
  - (b) if that is not possible in the case of any party to which section 71Q applies by virtue of section 64(5) (as applied by section 71R), within the period of 7 days beginning with the first day on which the party has a candidate at the election in question.
- (3) If a transaction report under section 71M or 71Q states that the registered party has seen evidence of such description as is prescribed by the Secretary of State in regulations that an individual participant has an anonymous entry in the electoral register (within the meaning of the Representation of the People Act 1983), the report must be accompanied by a copy of the evidence.
- (4) The treasurer of a registered party commits an offence if he fails to comply with the requirements of subsection (1) or (2) in relation to a transaction report.
- (5) The treasurer of a registered party also commits an offence if he delivers a transaction report to the Commission which does not comply with any requirements of this Part as regards the recording of transactions, or changes to transactions, in such a report.

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- (6) Where a person is charged with an offence under this section, it shall be a defence to prove that he took all reasonable steps, and exercised all due diligence, to ensure that any such requirements were complied with in relation to transactions entered into by the party, or changes to transactions made, during the relevant reporting period.
- (7) Where the court is satisfied, on an application made by the Commission, that any failure to comply with any such requirements in relation to—
- (a) any transaction entered into by a registered party, or
  - (b) any change made to a transaction to which the registered party is a party,
- was attributable to an intention on the part of any person to conceal the existence or true value of the transaction, the court may make such order as it thinks fit to restore (so far as is possible) the parties to the transaction to the position they would have been in if the transaction had not been entered into.
- (8) An order under subsection (7) may in particular—
- (a) where the transaction is a loan or credit facility, require that any amount owed by the registered party be repaid (and that no further sums be advanced under it);
  - (b) where any form of security is given for a sum owed under the transaction, or the transaction is an arrangement by which any form of security is given, require that the security be discharged.
- (9) The reference in subsection (2) to a party having a candidate at an election must be construed in accordance with section 64(9).

#### **71T Declaration by treasurer in transaction report**

- (1) Each transaction report under section 71M or 71Q must, when delivered to the Commission, be accompanied by a declaration made by the treasurer which complies with subsection (2), (3) or (4).
- (2) In the case of a report under section 71M (other than one making a nil return), the declaration must state that, to the best of the treasurer's knowledge and belief—
- (a) all the transactions recorded in the report were entered into by the party with authorised participants,
  - (b) during the reporting period no transaction has been entered into by the party which is required to be recorded in the report but is not so recorded,
  - (c) during the reporting period no change has been made to a regulated transaction which is required to be recorded in the report but is not so recorded, and
  - (d) during the reporting period the party has not entered into any regulated transaction with a person or body other than an authorised participant.
- (3) For the purposes of subsection (2) a return under section 71M makes a nil return if it contains such a statement as is mentioned in subsection (10) of that section and a statement as is mentioned in subsection (4) of section 71N; and

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in the case of such a report the declaration must state that, to the best of the treasurer's knowledge and belief—

- (a) those statements are accurate, and
- (b) during the reporting period the party has not entered into any regulated transaction with a person or body other than an authorised participant.

(4) In the case of a report under section 71Q, the declaration must state that, to the best of the treasurer's knowledge and belief—

- (a) no transaction has been entered into by the party, or (if section 71Q(3)(b) applies) by its central organisation, during the reporting period which is required to be recorded in the report but is not so recorded, and
- (b) no change has been made to a regulated transaction during the reporting period which is required to be recorded in the report but is not so recorded.

(5) A person commits an offence if he knowingly or recklessly makes a false declaration under this section.

#### **71U Weekly donation reports in connection with elections other than general elections**

(1) The Secretary of State may, after consulting the Commission and all registered parties, by order make provision for—

- (a) sections 71Q and 71R, together with Schedule 6A,
- (b) sections 71S and 71T, and
- (c) section 147 so far as applying in relation to section 71S(1) or (2),

to apply in relation to the specified election period in the case of one or more relevant elections with such modifications as are specified in the order.

(2) In this section “specified election period” and “relevant election” have the meanings given in section 67.

#### **71V Register of recordable transactions**

(1) The Commission must maintain a register of all transactions (and all changes) reported to them under this Part.

(2) The register must be maintained by the Commission in such form as they may determine and must contain the following details in the case of each such transaction—

- (a) the value of the transaction;
- (b) (subject to subsection (3)) such other details as have been given in relation to the transaction in pursuance of any of paragraphs 2 to 7 of Schedule 6A;
- (c) the relevant date for the transaction within the meaning of paragraph 8 of that Schedule.

(3) The details required by virtue of subsection (2) do not include, in the case of any transaction entered into by an authorised participant who is an individual, the individual's address.

- (4) Where—
- (a) any transaction or transactions is or are reported to the Commission under this Part, or
  - (b) any change or changes is or are so reported to them,
- they must cause the details mentioned in subsection (2) to be entered or, as the case may be, changed in the register in respect of the transaction or transactions as soon as is reasonably practicable.

#### **71W Proceedings under sections 71I and 71S**

- (1) This section has effect in relation to proceedings on applications under sections 71I(4) and 71S(7).
- (2) The court is—
  - (a) in England and Wales, the county court;
  - (b) in Scotland, the sheriff, and the proceedings are civil proceedings;
  - (c) in Northern Ireland, the county court.
- (3) The standard of proof is that applicable to civil proceedings.
- (4) An order may be made whether or not proceedings are brought against any person for an offence under section 71L, 71S or 71T.
- (5) An appeal against an order made by the sheriff may be made to the Court of Session.
- (6) Rules of court may make provision—
  - (a) with respect to applications or appeals from proceedings on such applications;
  - (b) for the giving of notice of such applications or appeals to persons affected;
  - (c) for the joinder, or in Scotland sisting, of such persons as parties;
  - (d) generally with respect to procedure in such applications or appeals.
- (7) Subsection (6) does not affect any existing power to make rules.

#### **71X Construction of Part 4A**

- (1) In this Part—
  - “authorised participant” must be construed in accordance with section 71H;
  - “connected transaction” has the meaning given by section 71F(9);
  - “credit facility” has the meaning given by section 71F(11);
  - “regulated transaction” must be construed in accordance with section 71F.
- (2) For the purposes of any provision relating to the reporting of transactions, anything required to be done by a registered party in consequence of its being a party to a regulated transaction must also be done by it, if it is a party to a transaction of a description mentioned in section 71F(4)(a), as if it were a party to the connected transaction.”

- (2) In section 147 of that Act (civil penalty for failure to deliver documents etc), after subsection (1)(c) insert—
- “(ca) the requirements of section 71S(1) or (2) are not complied with in relation to any transaction report relating to a registered party;”.
- (3) In section 149 of that Act (inspection of Commission’s registers etc), after subsection (1)(b) insert—
- “(ba) section 71V;”.
- (4) In section 156(4) of that Act (provision about subordinate legislation)—
- (a) after paragraph (d) insert—
- “(da) section 71F(13),  
 (db) section 71H(4),  
 (dc) section 71U(1);”;
- (b) after paragraph (h) insert—
- “(ha) paragraph 9 of Schedule 6A;”.
- (5) After Schedule 6 to that Act (details to be given in donation reports) insert—

“SCHEDULE 6A

DETAILS TO BE GIVEN IN TRANSACTION REPORTS

**Preliminary**

- 1 (1) In this Schedule—
- (a) “quarterly report” means a report required to be prepared by virtue of section 71M;
- (b) “weekly report” means a report required to be prepared by virtue of section 71Q;
- and “recordable transaction”, in relation to a quarterly or weekly report, means a transaction required to be recorded in that report.
- (2) References in this Schedule to a registered party must, in the case of a party with accounting units, be read as references to the central organisation of the party.

**Identity of authorised participants: quarterly reports**

- 2 (1) In relation to each recordable transaction, a quarterly report must give the following information about each authorised participant (other than the registered party deriving the benefit of the transaction) that is required by any of sub-paragraphs (2) to (10).
- (2) In the case of an individual the report must give his full name and—
- (a) if his address is, at the date the transaction is entered into, shown in an electoral register (within the meaning of section 54), that address, and
- (b) otherwise, his home address (whether in the United Kingdom or elsewhere).



- (3) Sub-paragraph (2) applies in the case of an individual who has an anonymous entry in an electoral register (within the meaning of the Representation of the People Act 1983) as if for paragraphs (a) and (b) there were substituted “state that the registered party has seen evidence of such description as is prescribed by the Secretary of State in regulations that the individual has an anonymous entry in an electoral register (within the meaning of the Representation of the People Act 1983)”.
- (4) In the case of a company falling within section 54(2)(b) the report must give—
  - (a) the company’s registered name,
  - (b) the address of its registered office, and
  - (c) the number with which it is registered.
- (5) In the case of a registered party the report must give—
  - (a) the party’s registered name, and
  - (b) the address of its registered headquarters.
- (6) In the case of trade union falling within section 54(2)(d) the report must give—
  - (a) the name of the union, and
  - (b) the address of its head or main office,as shown in the list kept under the Trade Union and Labour Relations (Consolidation) Act 1992 or the Industrial Relations (Northern Ireland) Order 1992.
- (7) In the case of a building society within the meaning of the Building Societies Act 1986 the report must give—
  - (a) the name of the society, and
  - (b) the address of its principal office.
- (8) In the case of a limited liability partnership falling within section 54(2) (f) the report must give—
  - (a) the partnership’s registered name, and
  - (b) the address of its registered office.
- (9) In the case of a friendly or other registered society falling within section 54(2)(g) the report must give—
  - (a) the name of the society, and
  - (b) the address of its registered office.
- (10) In the case of an unincorporated association falling within section 54(2) (h) the report must give—
  - (a) the name of the association, and
  - (b) the address of its main office in the United Kingdom.

### **Identity of authorised participants: weekly reports**

- 3 (1) In relation to each recordable transaction, a weekly report must give all such details of the name and address of each authorised participant (other than the registered party deriving the benefit from the transaction) as are for the time being known to the party.

- (2) In the case of a participant who is an individual having an anonymous entry in an electoral register (within the meaning of the Representation of the People Act 1983) instead of giving details of the address of the individual the party must state that it has seen evidence of such description as is prescribed by the Secretary of State in regulations that the individual has such an entry.

### **Identity of unauthorised participants**

- 4 In relation to each recordable transaction to which a person who is not an authorised participant is a party, a quarterly or weekly report must give—
- (a) the name and address of the person;
  - (b) the date when, and the manner in which, the transaction was dealt with in accordance with subsections (3) to (5) of section 71I or those subsections as applied by section 71I(6) or 71J(2).

### **Details of transaction**

- 5
- (1) In relation to each recordable transaction a report must give the following details about the transaction.
  - (2) A quarterly or weekly report must give the nature of the transaction (that is to say, whether it is a loan, a credit facility or an arrangement by which any form of security is given).
  - (3) A quarterly or weekly report must give the value of the transaction (determined in accordance with section 71G) or, in the case of a credit facility or security to which no limit is specified, a statement to that effect.
  - (4) A quarterly or weekly report must give the relevant date for the transaction (determined in accordance with paragraph 8).
  - (5) If the requirement to record the transaction arises only because the value of the transaction has, for the purposes of section 71M(4) or (7), been aggregated with the value of any relevant donation or donations (within the meaning of section 62), a quarterly report must contain a statement to that effect.
  - (6) A quarterly report must—
    - (a) state whether the transaction was entered into by the registered party or any accounting unit of the party, or
    - (b) in the case of a transaction to which section 71M(12) applies, indicate that it is a transaction which falls to be treated as made to the party by virtue of that provision.
- 6
- (1) In relation to each recordable transaction of a description mentioned in section 71F(2) or (3), a quarterly or weekly report must give the following details about the transaction.
  - (2) The report must give—
    - (a) the date when the loan is to be repaid or the facility is to end (or a statement that the loan or facility is indefinite), or
    - (b) where that date is to be determined under the agreement, a statement of how it is to be so determined.

- (3) The report must give—
  - (a) the rate of interest payable on the loan or on sums advanced under the facility (or a statement that no interest is payable), or
  - (b) where that rate is to be determined under the agreement, a statement of how it is to be so determined.
- (4) The report must state whether the agreement contains a provision which enables outstanding interest to be added to any sum for the time being owed in respect of the loan or credit facility.
- (5) The report must state whether any form of security is given in respect of the loan or the sums advanced under the facility.
- 7 (1) In relation to each recordable transaction of a description mentioned in section 71F(4)(b), a quarterly or weekly report must give the following details about the transaction.
  - (2) The report must—
    - (a) if the transaction mentioned in section 71F(4)(a) is a regulated transaction, identify that transaction by reference to the transaction report in which it is recorded;
    - (b) in any other case, give a description of the principal features of that transaction.
  - (3) Where the security given consists in or includes rights over any property, the report must state the nature of that property.
  - (4) The report must—
    - (a) if the person giving the security receives from the registered party any consideration for giving the security, give a statement of that consideration;
    - (b) in any other case, state that no such consideration is received.
- 8 (1) For the purposes of paragraph 5(4) as it applies to a quarterly report, the relevant date for a transaction is—
  - (a) if the transaction is within section 71M(4)(a) or (7)(a), the date when the transaction was entered into by the party or the accounting unit;
  - (b) if the transaction is within section 71M(4)(b) or (7)(b), the date when the party or the accounting unit entered into the transaction which caused the aggregate amount in question to be more than the limit specified in that provision.
- (2) For the purposes of paragraph 5(4) as it applies to a weekly report, the relevant date for a transaction is the date when the transaction was entered into by the party or its central organisation as mentioned in section 71Q(3).

#### **Other details**

- 9 (1) The Secretary of State may by order amend paragraphs 2 to 7 so as to vary the details which a quarterly or weekly report must give about a transaction.

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*Status: This is the original version (as it was originally enacted).*

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(2) The Secretary of State must not make an order under sub-paragraph (1) unless he first consults the Commission.”

(6) In Schedule 20 to that Act (penalties), after the entry relating to section 71E(5) (as inserted by paragraph 2 of Schedule 1 to the Northern Ireland (Miscellaneous Provisions) Act 2006) insert—

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“Section 71L(1) (registered party entering into regulated transaction with unauthorised participant)	On summary conviction: statutory maximum On indictment: fine
Section 71L(2) (treasurer of party entering into regulated transaction with unauthorised participant)	On summary conviction: statutory maximum or 12 months On indictment: fine or 1 year
Section 71L(3) (party liable if treasurer fails to repay money obtained under regulated transaction with unauthorised participant)	On summary conviction: statutory maximum On indictment: fine
Section 71L(4) (treasurer failing to repay money obtained under regulated transaction with unauthorised participant)	On summary conviction: statutory maximum or 12 months On indictment: fine or 1 year
Section 71L(5) (party benefiting from connected transaction to which an unauthorised participant is a party)	On summary conviction: statutory maximum On indictment: fine
Section 71L(6) (treasurer of registered party which benefits from connected transaction to which an unauthorised participant is a party)	On summary conviction: statutory maximum or 12 months On indictment: fine or 1 year
Section 71L(7) (party liable if treasurer fails to repay benefit obtained in consequence of security given by unauthorised participant)	On summary conviction: statutory maximum On indictment: fine
Section 71L(8) (treasurer failing to repay benefit obtained in consequence of security given by unauthorised participant)	On summary conviction: statutory maximum or 12 months On indictment: fine or 1 year
Section 71L(9) (facilitating a regulated transaction involving unauthorised participant)	On summary conviction: statutory maximum or 12 months On indictment: fine or 1 year
Section 71S(4) (failure to deliver transaction reports to Commission within time limits)	On summary conviction: Level 5
Section 71S(5) (failure to comply with requirements for recording transactions in transaction report)	On summary conviction: statutory maximum or 12 months On indictment: fine or 1 year
Section 71T(5) (making a false declaration about transaction report)	On summary conviction: statutory maximum or 12 months On indictment: fine or 1 year.”

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- (7) Part 6 of Schedule 1 amends the 2000 Act for the purpose of controlling loans and certain other transactions involving individuals and members associations.

## **62 Regulation of loans: power to make provision for candidates, third parties and referendums**

- (1) The Secretary of State may by order make in relation to a relevant matter such provision as he thinks appropriate which corresponds to or is similar to any provision of Part 4A of or Schedule 7A to the 2000 Act (the relevant transaction provisions).
- (2) A relevant matter is a loan, credit facility or any form of security (whether real or personal) which benefits—
- (a) a candidate at an election;
  - (b) a recognised third party;
  - (c) a permitted participant in a referendum.
- (3) An order under this section may—
- (a) amend or repeal any enactment (whenever passed);
  - (b) create an offence corresponding or similar to any offence created by the relevant transaction provisions;
  - (c) confer power on the Secretary of State to make provision by order corresponding to any such power in the relevant transaction provisions;
  - (d) make different provision for different purposes;
  - (e) make such supplemental, incidental, consequential, transitional or savings provision as the Secretary of State thinks necessary or expedient in connection with the order.
- (4) An order under this section which confers power to make an order by virtue of subsection (3)(c) must require the order—
- (a) to be made by statutory instrument;
  - (b) not to be made unless a draft of the instrument containing the order has been laid before and approved by resolution of each House of Parliament.
- (5) Subsection (4) does not apply to any power to make provision determining a rate of interest.
- (6) The power to make an order under this section is exercisable by statutory instrument.
- (7) No such order may be made unless a draft of the instrument containing the order has been laid before and approved by resolution of each House of Parliament.
- (8) In this section—
- “candidate” has the same meaning as in Part 2 of the 1983 Act;
  - “credit facility” must be construed in accordance with section 71F(11) of the 2000 Act;
  - “election” has the same meaning as in section 202 of the 1983 Act;
  - “permitted participant” has the same meaning as in Part 7 of the 2000 Act;
  - “recognised third party” has the same meaning as in Part 6 of that Act.
- (9) An order under this section must not make provision which is within the legislative competence of the Scottish Parliament.

(10) Subsection (9) does not apply to provision made by virtue of subsection (3)(e).

### **63 Regulation of loans etc: Northern Ireland**

- (1) The Secretary of State may, after consulting the Electoral Commission, by order make provision relating to regulated transactions, controlled transactions or relevant matters which corresponds to or is similar to any provision (“relevant provision”) relating to donations for political purposes which is made by, or which may be made under, the Northern Ireland (Miscellaneous Provisions) Act 2006 (“the 2006 Act”).
- (2) But if a relevant provision has effect, or would have effect, subject to a temporal limitation, a provision of an order under this section which corresponds to or is similar to the relevant provision must be subject to the same temporal limitation.
- (3) An order under this section may in particular—
  - (a) amend, repeal or revoke any provision made by or under an Act of Parliament or Northern Ireland legislation (whenever passed or made);
  - (b) create an offence corresponding or similar to any offence relating to donations for political purposes created by the 2006 Act;
  - (c) confer power on the Secretary of State to make provision by order corresponding or similar to any such power relating to donations for political purposes conferred by the 2006 Act;
  - (d) make different provision for different purposes;
  - (e) make such supplemental, incidental, consequential, transitional or savings provision as the Secretary of State thinks necessary or expedient in connection with the order.
- (4) An order under this section which confers power to make an order by virtue of subsection (3)(c) must require the order—
  - (a) to be made only after consulting the Electoral Commission;
  - (b) to be made by statutory instrument; and
  - (c) not to be made unless a draft of the instrument containing the order has been laid before and approved by a resolution of each House of Parliament.
- (5) The power to make an order under this section is exercisable by statutory instrument.
- (6) No such order may be made unless a draft of the instrument containing the order has been laid before and approved by a resolution of each House of Parliament.
- (7) In this section—
  - “regulated transaction” has the same meaning as in Part 4A of the 2000 Act (see section 71F of that Act);
  - “controlled transaction” has the same meaning as in Schedule 7A to that Act (see paragraphs 1 and 2 of that Schedule);
  - “relevant matter” has the same meaning as in section 62 of this Act (see subsection (2) of that section).

### *Campaign expenditure*

#### **64 Campaign expenditure: standing for more than one party**

- (1) Schedule 9 to the 2000 Act (limits on campaign expenditure) is amended as follows.
- (2) In paragraph 5 (general elections to Scottish Parliament) after sub-paragraph (2) insert—
  - “(2A) Sub-paragraph (2B) applies to a registered party in a case where at the election a candidate stands for election in any constituency in the name of that party and one or more other registered parties.
  - (2B) In such a case, the amount applying to the party in respect of the constituency under sub-paragraph (2)(a) shall, instead of being the amount specified in that sub-paragraph, be that amount divided by the number of registered parties in whose name the candidate stands for election as mentioned in sub-paragraph (2A).”
- (3) In paragraph 6 (ordinary elections to National Assembly for Wales) after sub-paragraph (2) insert—
  - “(2A) Sub-paragraph (2B) applies to a registered party in a case where at the election a candidate stands for election in any constituency in the name of that party and one or more other registered parties.
  - (2B) In such a case, the amount applying to the party in respect of the constituency under sub-paragraph (2)(a) shall, instead of being the amount specified in that sub-paragraph, be that amount divided by the number of registered parties in whose name the candidate stands for election as mentioned in sub-paragraph (2A).”
- (4) In paragraph 7 (general elections to Northern Ireland Assembly) after sub-paragraph (2) insert—
  - “(2A) Sub-paragraph (2B) applies to a registered party in a case where at the election a candidate stands for election in any constituency in the name of that party and one or more other registered parties.
  - (2B) In such a case, the amount applying to the party in respect of the constituency under sub-paragraph (2) shall, instead of being the amount specified in that sub-paragraph, be that amount divided by the number of registered parties in whose name the candidate stands for election as mentioned in sub-paragraph (2A).”

#### **65 Time limit for claims in respect of campaign expenditure**

- (1) In section 77 of the 2000 Act (restriction on making claims in respect of campaign expenditure)—
  - (a) in subsection (1), for “21 days” substitute “30 days”;
  - (b) in subsection (2), for “42 days” substitute “60 days”.
- (2) In section 92 of that Act (restriction on making claims in respect of certain expenditure by third parties)—
  - (a) in subsection (1), for “21 days” substitute “30 days”;

- (b) in subsection (2), for “42 days” substitute “60 days”.
- (3) In section 115 of that Act (restriction on making claims in respect of referendum expenditure)—
  - (a) in subsection (1), for “21 days” substitute “30 days”;
  - (b) in subsection (2), for “42 days” substitute “60 days”.

*Referendum and election material*

**66 Details to appear on referendum and election material**

- (1) In section 126 of the 2000 Act (details to appear on referendum material), after subsection (10) insert—
  - “(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.”
- (2) In section 143 of the 2000 Act (details to appear on election material), after subsection (2) insert—
  - “(2A) For the purposes of subsection (2)(c), election material to which subsection (2B) applies—
    - (a) is not to be regarded as being published on behalf of a candidate merely because it can be regarded as promoting, procuring or enhancing his electoral success or standing, but
    - (b) may be regarded as being published on behalf of the party mentioned in subsection (2B).
  - (2B) This subsection applies to election material which can be reasonably regarded as promoting, procuring or enhancing the electoral success or standing of two or more candidates standing in the name of a party or included in a list of candidates submitted by the party in connection with the election.”