



Political Parties and Elections Act 2009

2009 CHAPTER 12

PART 1

THE ELECTORAL COMMISSION

Functions of Electoral Commission

1 Compliance with controls imposed by the 2000 Act etc

- (1) In the Political Parties, Elections and Referendums Act 2000 (c. 41) (“the 2000 Act”) section 145 (general function of Commission with respect to monitoring compliance with controls imposed by that Act etc) is amended as follows.
- (2) In subsection (1), for the words before paragraph (a) there is substituted “The Commission shall have the function of monitoring, and taking such steps as they consider appropriate with a view to securing, compliance with”.
- (3) After subsection (6) there is inserted—
 - “(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.”

2 Investigatory powers of Commission

- (1) For section 146 of the 2000 Act there is substituted—

Status: This is the original version (as it was originally enacted).

“146 Investigatory powers of Commission

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

- (2) Before Schedule 20 to the 2000 Act there is inserted, as Schedule 19B, the Schedule set out in Schedule 1 to this Act.
- (3) In Schedule 20 to the 2000 Act the following entries are inserted at the appropriate place—

“Paragraph 13(1) of Schedule 19B (failure to comply with investigation requirement)	On summary conviction: Level 5
Paragraph 13(2) of Schedule 19B (intentional obstruction of person exercising investigatory power)	On summary conviction: Level 5
Paragraph 13(3) of Schedule 19B (providing false information in purported compliance with investigation requirement)	On summary conviction in England and Wales or Scotland: statutory maximum or 12 months On summary conviction in Northern Ireland: statutory maximum or 6 months On indictment: fine or 1 year”.

3 Civil sanctions

- (1) For section 147 of the 2000 Act (civil penalty for failure to deliver documents etc) there is substituted—

“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.”
- (2) After Schedule 19B to the 2000 Act (inserted by section 2 above) there is inserted, as Schedule 19C, the Schedule set out in Schedule 2 to this Act.
- (3) In Schedule 20 to the 2000 Act the following entry is inserted at the appropriate place—

“Paragraph 14 of Schedule 19C (failure to comply with stop notice)	On summary conviction in England and Wales or Scotland: £20,000 or 12 months On summary conviction in Northern Ireland: £20,000 or 6 months On indictment: fine or 2 years”.
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- (4) In section 156 of the 2000 Act (orders and regulations), after subsection (4) there is inserted—

“(4A) An order under paragraph 16 of Schedule 19C that contains—

- (a) provision made by virtue of paragraph 1(1), (2), (3), (4) or (5), paragraph 5(1), (2), (3) or (4), paragraph 10(2)(b) or (3)(b) or paragraph 15(1)(a) of that Schedule, or
- (b) provision amending an Act,

shall not be made unless a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament; and subsection (2) does not apply to such an order.”