

Status: This version of this schedule contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the Political Parties and Elections Act 2009, SCHEDULE 4. (See end of Document for details)

SCHEDULES

PROSPECTIVE

SCHEDULE 4

Section 10

DECLARATION AS TO WHETHER RESIDENCE ETC CONDITION SATISFIED

Schedule 7 to the 2000 Act (control of donations to individuals and members associations)

- 1 (1) In paragraph 6 of Schedule 7 to the 2000 Act (prohibition on accepting donations from impermissible donors), for paragraph (aa) of sub-paragraph (1) (inserted by Schedule 3 above) there is substituted—

“(aa) any declaration required to be made in respect of the donation by paragraph 6A or 6B has not been received by the donee, or”.

- (2) After paragraph 6A of that Schedule (inserted by Schedule 3 above) there is inserted—

“Declaration as to whether residence etc condition satisfied

- 6B (1) An individual making to a regulated donee a donation in relation to which the condition set out in section 54(2ZA) applies must give to the donee a written declaration stating whether or not the individual satisfies that condition.

(2) A declaration under this paragraph must also state the individual's full name and address.

(3) A person who knowingly or recklessly makes a false declaration under this paragraph commits an offence.

(4) The Secretary of State may by regulations make provision requiring a declaration under this paragraph to be retained for a specified period.

(5) The requirement in sub-paragraph (1) does not apply where, by reason of section 71B(1)(a), the individual by whom the donation would be made is a permissible donor in relation to the donation at the time of its receipt by the donee.”

- 2 In paragraph 8 of that Schedule (acceptance or return of donations), after sub-paragraph (1) there is inserted—

“(1A) In its application in accordance with sub-paragraph (1), section 56(1A) (a) shall have effect as if the reference to a declaration under section 54B were construed as a reference to a declaration under paragraph 6B above.”

- 3 (1) Paragraph 10 of that Schedule (donation reports: donations from permissible donors) (as amended by Schedule 3 above) is amended as follows.

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- (2) In sub-paragraph (1)(b), after “paragraph 6A” there is inserted “ or 6B ”.
- (3) In sub-paragraph (5), at the end of paragraph (aa) there is inserted “ , and any reference to section 54B shall be read as a reference to paragraph 6B above ”.

Schedule 11 to the 2000 Act (control of donations to recognised third parties)

- 4 (1) In paragraph 6 of Schedule 11 to the 2000 Act (prohibition on accepting donations from impermissible donors), for paragraph (aa) of sub-paragraph (1) (inserted by Schedule 3 above) there is substituted—
 - “(aa) any declaration required to be made in respect of the donation by paragraph 6A or 6B has not been received by the recognised third party; or”.
- (2) After paragraph 6A of that Schedule (inserted by Schedule 3 above) there is inserted—

“Declaration as to whether residence etc condition satisfied

- 6B (1) An individual making to a recognised third party a donation in relation to which the condition set out in section 54(2ZA) applies must give to the recognised third party a written declaration stating whether or not the individual satisfies that condition.
- (2) A declaration under this paragraph must also state the full name and address of the person by whom it is made.
- (3) A person who knowingly or recklessly makes a false declaration under this paragraph commits an offence.
- (4) The Secretary of State may by regulations make provision requiring a declaration under this paragraph to be retained for a specified period.”

- 5 In paragraph 7 of that Schedule (acceptance or return of donations), after paragraph (a) of sub-paragraph (2) there is inserted—

“(aa) section 56(1A)(a) shall have effect as if the reference to a declaration under section 54B were construed as a reference to a declaration under paragraph 6B above; and”.

- 6 In paragraph 9A of that Schedule (inserted by Schedule 3 above)—
 - (a) in the heading, after “*paragraph 6A*” there is inserted “ *or 6B* ”;
 - (b) at the end of that paragraph (which becomes sub-paragraph (1)) there is inserted—

“(2) In relation to each relevant donation falling with paragraph 10(2) in the case of which a declaration under paragraph 6B has been given, the statement must either—

- (a) state that no reason was found for thinking that the declaration was incorrect, or
- (b) give details of any respects in which the declaration was found or suspected to be incorrect.”

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Schedule 15 to the 2000 Act (control of donations to permitted participants)

- 7 (1) In paragraph 6 of Schedule 15 to the 2000 Act (prohibition on accepting donations from impermissible donors), for paragraph (aa) of sub-paragraph (1) (inserted by Schedule 3 above) there is substituted—

“(aa) any declaration required to be made in respect of the donation by paragraph 6A or 6B has not been received by the permitted participant, or”.

- (2) After paragraph 6A of that Schedule (inserted by Schedule 3 above) there is inserted—

“Declaration as to whether residence etc condition satisfied

- 6B (1) An individual making to a permitted participant a donation in relation to which the condition set out in section 54(2ZA) applies must give to the permitted participant a declaration stating whether or not the individual satisfies that condition.

(2) A declaration under this paragraph must also state the individual's full name and address.

(3) A person who knowingly or recklessly makes a false declaration under this paragraph commits an offence.

(4) The Secretary of State may by regulations make provision requiring a declaration under this paragraph to be retained for a specified period.”

- 8 In paragraph 7 of that Schedule (acceptance or return of donations), after paragraph (a) of sub-paragraph (2) there is inserted—

“(aa) section 56(1A)(a) shall have effect as if the reference to a declaration under section 54B were construed as a reference to a declaration under paragraph 6B above; and”.

- 9 In paragraph 9A of that Schedule (inserted by Schedule 3 above)—

(a) in the heading, after “*paragraph 6A*” there is inserted “ *or 6B* ”;

(b) at the end of that paragraph (which becomes sub-paragraph (1)) there is inserted—

“(2) In relation to each relevant donation falling with paragraph 10(2) in the case of which a declaration under paragraph 6B has been given, the statement must either—

(a) state that no reason was found for thinking that the declaration was incorrect, or

(b) give details of any respects in which the declaration was found or suspected to be incorrect.”

Schedule 20 to the 2000 Act (penalties)

- 10 In Schedule 20 (penalties) the following entries are inserted at the appropriate places—

“Paragraph 6B(3) of Schedule 7
(making a false declaration as to

On summary conviction in England and
Wales or Scotland: statutory maximum
or 12 months

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whether residence etc condition satisfied)	On summary conviction in Northern Ireland: statutory maximum or 6 months On indictment: fine or 1 year”
“Paragraph 6B(3) of Schedule 11 (making a false declaration as to whether residence etc condition satisfied)	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”
“Paragraph 6B(3) of Schedule 15 (making a false declaration as to whether residence etc condition satisfied)	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”.

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