



# Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014

## 2014 CHAPTER 4

### PART 2

#### NON-PARTY CAMPAIGNING ETC

##### *Controlled expenditure*

#### **26 Meaning of “controlled expenditure”**

- (1) Section 85 of the Political Parties, Elections and Referendums Act 2000 (controlled expenditure by third parties) is amended in accordance with subsections (2) to (6).
- (2) In subsection (2), for the words from “in connection with” to the end substitute “where—
  - (a) the expenses fall within Part 1 of Schedule 8A, and
  - (b) the expenditure can reasonably be regarded as intended to promote or procure electoral success at any relevant election for—
    - (i) one or more particular registered parties,
    - (ii) one or more registered parties who advocate (or do not advocate) particular policies or who otherwise fall within a particular category of such parties, or
    - (iii) candidates who hold (or do not hold) particular opinions or who advocate (or do not advocate) particular policies or who otherwise fall within a particular category of candidates.”
- (3) Omit subsection (3).
- (4) In subsection (4)—
  - (a) in the opening words, for “(3)” substitute “(2)(b)”;

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- (b) in paragraph (b)—
    - (i) for “paragraph (a) or (as the case may be) paragraph (b) of that subsection” substitute “ that provision ”;
    - (ii) omit “or (as the case may be) by prejudicing the standing with the electorate of other parties or candidates”;
    - (iii) at the end insert “ and ”;
  - (c) for the words after that paragraph substitute—
    - “(c) a course of conduct may constitute the doing of one of those things even though it does not involve any express mention being made of the name of any party or candidate.”
- (5) After subsection (4) insert—
- “(4A) In determining whether expenditure can reasonably be regarded as intended to promote or procure electoral success as mentioned in subsection (2)(b), it is immaterial that it can reasonably be regarded as intended to achieve any other purpose as well.”
- (6) In subsection (9), for “subsection (3)” substitute “ that subsection ”.
- (7) In section 87 of that Act (expenditure by third parties which is not controlled expenditure)—
- (a) in subsection (1), omit paragraph (a) and the “or” at the end of it;
  - (b) omit subsection (2).
- (8) Section 94 of that Act (limits on controlled expenditure by third parties) is amended in accordance with subsections (9) and (10).
- (9) After subsection (4) insert—
- “(4A) It is a defence for any person or third party charged with an offence under subsection (2) or (4) to show—
- (a) that any code of practice for the time being issued under paragraph 3 of Schedule 8A was complied with in determining whether any expenditure is controlled expenditure for the purposes of this Part, and
  - (b) that the offence would not have been committed on the basis of the controlled expenditure as determined in accordance with the code.”
- (10) In subsection (6)(b)—
- (a) for “in connection with the production or publication of election material which” substitute “ and the expenditure ”;
  - (b) for “85(3)” substitute “ 85(2)(b) ”.
- (11) In section 143 of that Act (details to appear on election material)—
- (a) in subsections (2A) and (2B)—
    - (i) for “, procuring or enhancing” substitute “ or procuring ”;
    - (ii) omit “or standing”;
  - (b) in subsection (11), for the definition of “election material” substitute—
    - ““election material” has the meaning given by section 143A;”.
- (12) After section 143 of that Act insert—

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### “143A Meaning of “election material”

- (1) “Election material” means material which can reasonably be regarded as intended to promote or procure electoral success at any relevant election for—
  - (a) one or more particular registered parties,
  - (b) one or more registered parties who advocate (or do not advocate) particular policies or who otherwise fall within a particular category of such parties, or
  - (c) candidates who hold (or do not hold) particular opinions or who advocate (or do not advocate) particular policies or who otherwise fall within a particular category of candidates.
- (2) For the purposes of subsection (1)—
  - (a) the reference to electoral success at any relevant election is a reference—
    - (i) in relation to a registered party, to the return at any such election of candidates standing in the name of the party or included in a list of candidates submitted by the party in connection with the election, and
    - (ii) in relation to candidates, to their return at any such election,
  - (b) the reference to doing any of the things mentioned in that subsection includes doing so by prejudicing the electoral prospects at the election of other parties or candidates, and
  - (c) a course of conduct may constitute the doing of one of those things even though it does not involve any express mention being made of the name of any party or candidate.
- (3) In determining whether material can reasonably be regarded as intended to promote or procure electoral success as mentioned in subsection (1), it is immaterial that it can reasonably be regarded as intended to achieve any other purpose as well.
- (4) In this section—

“candidate” includes a future candidate, whether identifiable or not;

“relevant election” has the same meaning as in Part 2 (see section 22(5)).”
- (13) In section 156 of that Act (orders and regulations), after subsection (4)(j) insert—

“(ja) paragraph 4 of Schedule 8A,”.
- (14) Schedule 3 inserts a new Schedule 8A into that Act.

#### Commencement Information

- II** S. 26 partly in force; s. 26(1)-(10) (13) (14) in force for certain purposes at Royal Assent, see s. 45(3) (b)

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## 27 Arrangements between third parties notified to the Electoral Commission

- (1) Part 6 of the Political Parties, Elections and Referendums Act 2000 (controls relating to third party national election campaigns) is amended as follows.
- (2) In section 94 (limits on controlled expenditure by third parties)—
  - (a) after subsection (3) insert—
    - “(3A) For provision requiring certain controlled expenditure to be disregarded in determining for the purposes of subsection (3)(a) whether a limit is exceeded, see section 94B(3) (arrangements between third parties notified to the Commission).”;
  - (b) in subsection (4), for “such a case” substitute “ the case mentioned in subsection (3) ”;
  - (c) in subsection (5A)—
    - (i) after “Subsections (3) to (5)” insert “ and section 94B(3) to (7) ”;
    - (ii) for “those subsections” substitute “ those provisions ”;
  - (d) in subsections (8) and (10), after “the purposes of this section” insert “ , sections 94A and 94B ”;
  - (e) in subsection (11)(a), after “this section” insert “ and sections 94A and 94B ”.
- (3) After section 94 insert—

### “94A Arrangements between third parties notified to the Commission

- (1) A recognised third party may, at any time before the end of a regulated period, send a notice to the Commission—
  - (a) stating that it is party to an arrangement of the kind mentioned in section 94(6),
  - (b) undertaking to be a lead campaigner in relation to the arrangement, and
  - (c) identifying one or more other third parties that are parties to the arrangement and have undertaken to be minor campaigners in relation to it.
- (2) A recognised third party that has sent a notice under subsection (1) may, at any time before the end of the regulated period, send one or more supplementary notices to the Commission identifying additional third parties that are parties to the arrangement and have undertaken to be minor campaigners in relation to it.
- (3) As from the date of receipt by the Commission of—
  - (a) a notice under subsection (1), the recognised third party that sent the notice becomes “a lead campaigner” in relation to the arrangement;
  - (b) a notice under subsection (1) or (2), a third party identified in the notice becomes “a minor campaigner” in relation to the arrangement.
- (4) A notice under subsection (1) or (2) may not—
  - (a) identify as a minor campaigner a third party that is a lead campaigner in relation to the same arrangement, or
  - (b) be sent by a recognised Gibraltar third party.
- (5) The Commission must, as soon as reasonably practicable after receiving—

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- (a) a notice under subsection (1), enter in the register maintained under section 89 (register of notifications) the fact that the recognised third party that sent the notice is a lead campaigner in relation to the arrangement;
  - (b) a notice under subsection (1) or (2), enter in that register the name of each third party identified in the notice and the fact that it is a minor campaigner in relation to the arrangement.
- (6) For provision about the effect of sending a notice under this section, see section 94B.

#### **94B Effect where arrangements are notified under section 94A**

- (1) Subsection (2) applies where controlled expenditure is incurred during a regulated period in a part of the United Kingdom—
- (a) by or on behalf of a minor campaigner in relation to an arrangement, and
  - (b) in pursuance of the arrangement.
- (2) The expenditure is treated for the purposes of sections 96 to 99A (returns as to controlled expenditure) as having also been incurred, during the period and in the part of the United Kingdom concerned, by or on behalf of any lead campaigner in relation to the arrangement who sent a notice under section 94A(1) or (2) identifying the minor campaigner.
- (3) In determining for the purposes of section 94(3)(a) whether a limit is exceeded by a third party during a regulated period, controlled expenditure incurred by or on behalf of the third party is to be disregarded if—
- (a) conditions A and B are met in relation to the expenditure, and
  - (b) condition C is met.
- (4) Condition A is that the expenditure—
- (a) is incurred in pursuance of an arrangement that has been notified to the Commission under section 94A(1), and
  - (b) is, by virtue of section 94(6), treated for the purposes of section 94 and Schedule 10 as incurred by or on behalf of the third party.
- (5) Condition B is that the third party is, at the time the expenditure is incurred, a minor campaigner in relation to the arrangement.
- (6) Condition C is that—
- (a) the total of the controlled expenditure incurred during the regulated period in any part of the United Kingdom by or on behalf of the third party, disregarding any expenditure in relation to which conditions A and B are met, does not exceed the limit for that part mentioned in section 94(5), and
  - (b) in the case of a regulated period in relation to which any limit is imposed by paragraph 3, 9 10 or 11 of Schedule 10 (periods involving parliamentary general elections), the total of the controlled expenditure incurred during the regulated period in any particular constituency by or on behalf of the third party, disregarding any expenditure in relation to which conditions A and B are met, does not exceed the limit mentioned in section 94(5ZA).

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- (7) References in subsection (6) to controlled expenditure incurred by or on behalf of the third party include controlled expenditure that is, by virtue of section 94(6), treated for the purposes of section 94 and Schedule 10 as so incurred.”
- (4) In section 99 (declaration by responsible person as to return under section 96), after subsection (2) insert—
- “(2A) Subsection (2)(b)(ii) does not apply to expenses that are treated as incurred by or on behalf of the recognised third party by virtue of section 94B(2) (arrangements between third parties notified to the Commission).”

## 28 Changes to existing limits

- (1) Section 94 of the Political Parties, Elections and Referendums Act 2000 (limits on controlled expenditure by third parties) is amended in accordance with subsections (2) to (6).
- (2) In subsection (3), for paragraph (a) (but not the “and” after it) substitute—
- “(a) either—
- (i) during a regulated period, any controlled expenditure is incurred in a part of the United Kingdom by or on behalf of a third party in excess of the limit for that part of the United Kingdom mentioned in subsection (5), or
- (ii) during a regulated period in relation to which any limit is imposed by paragraph 3, 9, 10 or 11 of Schedule 10 (periods involving parliamentary general elections), any controlled expenditure is incurred in a particular parliamentary constituency by or on behalf of a third party in excess of the limit mentioned in subsection (5ZA).”
- (3) In subsection (5)—
- (a) in the opening words, for “(3)” substitute “(3)(a)(i) ”;
- (b) in paragraph (a), for “£10,000” substitute “ £20,000 ”;
- (c) in paragraph (b), for “£5,000” substitute “ £10,000. ”
- (4) After subsection (5) insert—
- “(5ZA) The limit referred to in subsection (3)(a)(ii) is 0.05% of the total of the maximum campaign expenditure limits in England, Scotland, Wales and Northern Ireland.”
- (5) In subsection (5A) for “(5)” substitute “ (5ZA) ”.
- (6) In subsection (10), omit the “and” at the end of paragraph (c) and after paragraph (d) insert—
- “(e) the “maximum campaign expenditure limit” in a part of the United Kingdom is the limit imposed by paragraph 3 of Schedule 9 in relation to campaign expenditure incurred in the relevant period (within the meaning of that paragraph) by or on behalf of a registered party which contests all the constituencies in that part (and to which subparagraph (6) of that paragraph does not apply).”

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(7) In Schedule 10 to that Act (limits on controlled expenditure by recognised third parties), in paragraph 3(2), for paragraphs (a) to (d) substitute—

- “(a) in relation to England, 2% of the maximum campaign expenditure limit in England;
- (b) in relation to Scotland, £20,000 plus 2% of the maximum campaign expenditure limit in Scotland;
- (c) in relation to Wales, £20,000 plus 2% of the maximum campaign expenditure limit in Wales;
- (d) in relation to Northern Ireland, £20,000 plus 2% of the maximum campaign expenditure limit in Northern Ireland.”

## 29 Constituency limits

(1) Part 6 of the Political Parties, Elections and Referendums Act 2000 (controls relating to third party national election campaigns) is amended as follows.

(2) In section 94 (limits on controlled expenditure by third parties)—

- (a) in subsection (1), after “Northern Ireland” insert “, or in particular parliamentary constituencies,”;
- (b) in subsection (2)—
  - (i) after “part of the United Kingdom” (the first time it occurs) insert “ or a parliamentary constituency ”;
  - (ii) after “part of the United Kingdom” (the second time it occurs) insert “ or parliamentary constituency ”;
- (c) in subsection (6)—
  - (i) in paragraph (a), after “part of the United Kingdom” insert “ or a particular parliamentary constituency ”;
  - (ii) in the words after paragraph (b), after “part of the United Kingdom” insert “ or parliamentary constituency ”;
- (d) in subsection (10), after paragraph (e) (as inserted by section 28) insert—
  - “(f) any reference to controlled expenditure being incurred in a parliamentary constituency shall be construed in accordance with paragraph 2A of Schedule 10.”

(3) In section 96 (returns as to controlled expenditure)—

- (a) in subsection (2), after paragraph (a) insert—
  - “(aa) a statement listing each constituency (if any) in which the controlled expenditure incurred by or on behalf of the third party during that period exceeded 0.04% of the total of the maximum campaign expenditure limits in England, Scotland, Wales and Northern Ireland;
  - (ab) a statement showing, for each constituency listed under paragraph (aa), all payments made in respect of controlled expenditure incurred by or on behalf of the third party during that period in that constituency;”;
- (b) in subsection (3)(a), after “subsection (2)(a)” insert “ or (ab) ”.

(4) Schedule 10 (limits on controlled expenditure) is amended in accordance with subsections (5) to (9).

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(5) After paragraph 2 insert—

**2A “Attribution of expenditure to different parliamentary constituencies**

- (1) For the purposes of this Schedule controlled expenditure incurred by or on behalf of any recognised third party shall (subject to the following provisions of this paragraph) be attributed to each parliamentary constituency in equal proportions.
- (2) Controlled expenditure whose effects are wholly or substantially confined to any particular constituencies or constituency—
  - (a) shall be attributed to those constituencies in equal proportions, or
  - (b) shall be attributed solely to that constituency,
 as the case may be.
- (3) For the purposes of sub-paragraph (2), the effects of controlled expenditure are wholly or substantially confined to any particular constituencies or constituency if they have no significant effects in any other constituency or constituencies.
- (4) References in this Schedule to controlled expenditure “in” a particular constituency are accordingly to controlled expenditure which is to be attributed to that constituency in accordance with this paragraph.”

(6) After paragraph 3(2) insert—

“(2A) The limit applying to controlled expenditure which is incurred by or on behalf of a recognised third party in the relevant period in any particular parliamentary constituency is 0.05% of the total of the maximum campaign expenditure limits in England, Scotland, Wales and Northern Ireland.”

(7) In paragraph 9 (combined limits where parliamentary election pending)—

- (a) in sub-paragraph (1)(a), for “a limit” substitute “ limits ”;
- (b) in sub-paragraph (2)(b), for “limit” substitute “ limits ”;
- (c) after sub-paragraph (3) insert—

“(3A) Subject to sub-paragraphs (5) to (7), the limit applying to controlled expenditure which is incurred by or on behalf of the recognised third party in the relevant period in any particular parliamentary constituency is the relevant proportion of the limit mentioned in paragraph 3(2A).

(3B) For this purpose “the relevant proportion” means—

$$\frac{A}{B}$$

where—



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A is the number of days in the relevant period;

B is the number of days in the period which is the relevant period for the purposes of paragraph 3.”;

- (d) in sub-paragraph (4), for “sub-paragraph (3)” substitute “ sub-paragraphs (3) to (3B) ”;
- (e) after sub-paragraph (5) insert—

“(5A) Where two parliamentary general elections are pending during different parts of any such period as is mentioned in sub-paragraph (2)

- (a) the limit applying to controlled expenditure which is incurred by or on behalf of the recognised third party in the first relevant period in any particular parliamentary constituency is the relevant proportion of the limit mentioned in paragraph 3(2A), and
- (b) the limit applying to controlled expenditure which is incurred by or on behalf of the recognised third party in the second relevant period in any particular parliamentary constituency is the relevant proportion of the limit mentioned in paragraph 3(2A).

(5B) For these purposes “the relevant proportion” means—

$$\frac{A}{B}$$

where—

A is the number of days in the first relevant period or (as the case may be) the second relevant period;

B is the number of days in the period which is the relevant period for the purposes of paragraph 3.”;

- (f) in sub-paragraphs (6) and (7), for “sub-paragraph (5)” substitute “ sub-paragraphs (5) to (5B) ”.
- (8) In paragraph 10 (combination of limit under paragraph 9 and other limit)—
- (a) in sub-paragraph (1)—
    - (i) for “a limit” (in both places) substitute “ limits ”;
    - (ii) after “9(3)” insert “ to (3B) ”;
    - (iii) after “9(5)” insert “ to (5B) ”;
  - (b) in sub-paragraph (2), for “limit” (in both places) substitute “ limits ”;
  - (c) after sub-paragraph (3) insert—

“(3A) The limit applying to controlled expenditure which is incurred by or on behalf of the recognised third party during the combined period in

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any particular parliamentary constituency is the relevant proportion of the limit mentioned in paragraph 3(2A).

(3B) For this purpose “the relevant proportion” means—

$$\frac{A}{B}$$

where—

A is the number of days in the combined period;

B is the number of days in the period which is the relevant period for the purposes of paragraph 3.”

(9) In paragraph 11 (combination of parliamentary general election and other election, or elections, falling within paragraphs 4 to 8)—

- (a) in sub-paragraph (1), for “a limit” substitute “limits”;
- (b) in sub-paragraph (2), for “limit” (in both places) substitute “limits”;
- (c) after sub-paragraph (4) insert—

“(4A) The limit applying to controlled expenditure which is incurred by or on behalf of the recognised third party during the combined period in any particular parliamentary constituency is the relevant proportion of the limit mentioned in paragraph 3(2A).

(4B) For this purpose “the relevant proportion” means—

$$\frac{A}{B}$$

where—

A is the number of days in the combined period;

B is the number of days in the period which is the relevant period for the purposes of paragraph 3.”

### **30 Targeted expenditure limits**

(1) Part 5 of the Political Parties, Elections and Referendums Act 2000 (control of campaign expenditure) is amended in accordance with subsections (2) and (3).

(2) In section 79 (limits on campaign expenditure), after subsection (3) insert—

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- “(3A) See section 94F (expenditure by or on behalf of recognised third party targeted at a registered party) for—
- (a) provision under which expenditure incurred by or on behalf of a third party may count towards the limit mentioned in subsection (2), and
  - (b) provision modifying subsection (2)(a)(i) in its application to such expenditure.”
- (3) In section 80(4) (returns as to campaign expenditure), omit the “and” at the end of paragraph (a) and after paragraph (b) insert “; and
- (c) in the case of any campaign expenditure treated as incurred by the party by virtue of section 94F(2) (expenditure by or on behalf of recognised third party targeted at a registered party), any declaration falling to be made with respect to that expenditure in accordance with section 94F(5).”
- (4) Part 6 of that Act (controls relating to third party national election campaigns) is amended in accordance with subsections (5) to (8).
- (5) In section 87 (expenditure by third parties which is not controlled expenditure), after subsection (2) insert—
- “(3) The reference in subsection (1)(b)(i) to circumstances in which an amount of campaign expenditure is to be regarded as incurred by or on behalf of a registered party for the purposes of Part 5 does not include circumstances in which an amount of campaign expenditure is treated as incurred by a registered party under section 94F(2).”
- (6) In the italic heading before section 94 after “*Financial limits*” insert “ *on controlled expenditure* ”.
- (7) In section 94 (limits on controlled expenditure by third parties)—
- (a) in subsection (6), after “the purposes of this section” insert “, sections 94D to 94H ”;
  - (b) in subsections (8) and (10), after “sections 94A and 94B” (as inserted by section 27) insert “, sections 94D to 94H ”.
- (8) After section 94B (as inserted by section 27) insert—

*“Financial limits on targeted controlled expenditure*

**94C Overview of sections 94D to 94H**

- (1) Sections 94D to 94H impose limits on, and make other provision relating to, controlled expenditure incurred by or on behalf of a recognised third party where the expenditure is targeted at a particular registered party.
- (2) Section 94D defines when controlled expenditure is regarded as targeted at a particular registered party, specifies the limits and specifies the periods over which the limits operate.
- (3) Section 94E makes provision about the consequences where controlled expenditure targeted at a registered party is incurred by or on behalf of a recognised third party in excess of a limit without authorisation from the registered party.

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- (4) Section 94F makes provision about the consequences where controlled expenditure targeted at a registered party is incurred by or on behalf of a recognised third party in excess of a limit with authorisation from the registered party.
- (5) Section 94G makes provision about how a registered party may give or withdraw authorisation (including provision enabling the registered party to specify a cap on the amount of expenditure authorised).
- (6) Section 94H makes provision about the meaning of references to expenditure that “exceeds” a targeted expenditure limit or cap.

#### **94D Meaning of “targeted”, “targeted expenditure limit” etc**

- (1) Controlled expenditure is “targeted” at a particular registered party if it can reasonably be regarded as—
  - (a) intended to benefit that party or any of its candidates, and
  - (b) not intended to benefit any other registered party or any of its candidates.
- (2) A limit (a “targeted expenditure limit”) applies to controlled expenditure that—
  - (a) is incurred during a qualifying regulated period in England, Scotland, Wales or Northern Ireland, and
  - (b) is targeted at a particular registered party.
- (3) A “qualifying regulated period” is a period in relation to which limits are imposed by paragraph 3, 9, 10 or 11 of Schedule 10 (periods involving parliamentary general elections).
- (4) The targeted expenditure limit applying to controlled expenditure incurred during a qualifying regulated period in a part of the United Kingdom is—
  - (a) for the period in relation to which limits are imposed by paragraph 3(2) of Schedule 10, 0.2% of the maximum campaign expenditure limit in that part of the United Kingdom, and
  - (b) for any other qualifying regulated period, the relevant proportion of the limit determined in accordance with paragraph (a).
- (5) In subsection (4)(b) “the relevant proportion” means—

$$\frac{A}{B}$$

where—

A is the number of days in the period mentioned in subsection (4)(b);

B is the number of days in the period mentioned in subsection (4)(a).

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(6) This section applies for the purposes of sections 94E to 94H.

#### **94E Unauthorised expenditure in excess of targeted expenditure limit**

- (1) This section applies if—
- (a) controlled expenditure which is targeted at a particular registered party (“the registered party”) is incurred by or on behalf of a recognised third party (“the third party”),
  - (b) the expenditure exceeds a targeted expenditure limit (to any extent), and
  - (c) at the time the expenditure is incurred—
    - (i) the third party is not authorised by the registered party to incur expenditure targeted at it, or
    - (ii) the third party is so authorised, but the expenditure exceeds a cap specified in the authorisation (to any extent).
- (2) If the third party is not an individual—
- (a) the responsible person is guilty of an offence if the person authorised the expenditure to be incurred by or on behalf of the third party and the person knew or ought reasonably to have known that the expenditure would be incurred in excess of the targeted expenditure limit, and
  - (b) the third party is also guilty of an offence.
- (3) If the third party is an individual, the third party is guilty of an offence if the third party knew or ought reasonably to have known that the expenditure would be incurred in excess of the targeted expenditure limit.
- (4) It is a defence for a third party charged with an offence under subsection (2) or (3) to show—
- (a) that any code of practice for the time being issued under paragraph 3 of Schedule 8A was complied with in determining whether any expenditure is controlled expenditure for the purposes of this Part, and
  - (b) that the offence would not have been committed on the basis of the controlled expenditure as determined in accordance with the code.

#### **94F Authorised expenditure in excess of targeted expenditure limit**

- (1) This section applies if—
- (a) controlled expenditure which is targeted at a particular registered party (“the registered party”) is incurred by or on behalf of a recognised third party (“the third party”),
  - (b) the expenditure exceeds a targeted expenditure limit (to any extent),
  - (c) at the time the expenditure is incurred the third party is authorised by the registered party to incur expenditure targeted at it, and
  - (d) if the registered party specified a cap in the authorisation, the expenditure, or any part of it, does not exceed the cap.
- (2) The authorised amount is treated for the purposes of section 79(2) (limits on campaign expenditure) as if—
- (a) it were campaign expenditure within the meaning of Part 5, and

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- (b) it was incurred by the registered party at the same time as the controlled expenditure mentioned in subsection (1)(a) was in fact incurred by or on behalf of the third party.
- (3) For the purposes of this section, “the authorised amount” is the amount of the controlled expenditure incurred as mentioned in subsection (1)(a) less—
  - (a) such amount, if any, of that expenditure as does not exceed the targeted expenditure limit, and
  - (b) such amount, if any, of that expenditure as exceeds a cap specified by the registered party in its authorisation of the third party.
- (4) In determining whether, by virtue of subsection (2), the incurring of controlled expenditure by or on behalf of the third party constitutes an offence under section 79(2) by the treasurer or any deputy treasurer of the registered party, section 79(2)(a)(i) is treated as if the reference in that provision to the authorisation of the expenditure were to the signing of the authorisation under section 94G.
- (5) The treasurer or a deputy treasurer of the registered party must make a declaration of—
  - (a) the amount of the controlled expenditure incurred as mentioned in subsection (1)(a), and
  - (b) the authorised amount.
- (6) A person commits an offence if the person knowingly or recklessly makes a false declaration under subsection (5).

#### **94G Authorisation**

- (1) A registered party may authorise a recognised third party to incur controlled expenditure in England, Scotland, Wales or Northern Ireland that is targeted at the registered party.
- (2) An authorisation—
  - (a) must be in writing,
  - (b) must be signed by a relevant officer,
  - (c) must specify the part of the United Kingdom to which it relates, and
  - (d) may specify a cap on the amount of expenditure authorised.
- (3) An authorisation is of no effect until a copy of it has been given to the Commission by the registered party.
- (4) The Commission must, as soon as is reasonably practicable after receiving a copy of an authorisation, enter in the register maintained under section 89 (register of notifications)—
  - (a) the fact that the registered party has given the authorisation, and
  - (b) the information specified in it.
- (5) A registered party may at any time withdraw an authorisation already given.
- (6) A withdrawal of an authorisation—
  - (a) must be in writing, and
  - (b) must be signed by a relevant officer.

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- (7) A withdrawal of an authorisation is of no effect until a copy of it has been given to the Commission by the registered party.
- (8) The Commission must, as soon as is reasonably practicable after receiving a copy of a withdrawal of an authorisation, update the register maintained under section 89.
- (9) For the purposes of this section “relevant officer”, in relation to a registered party, means—
  - (a) the treasurer of the party, or
  - (b) a deputy treasurer of the party.

#### **94H Expenditure that “exceeds” a targeted expenditure limit or cap**

- (1) Controlled expenditure incurred by or on behalf of a recognised third party during a qualifying regulated period in any part of the United Kingdom that is targeted at a particular registered party “exceeds”—
  - (a) a targeted expenditure limit, or
  - (b) a cap specified by the registered party in its authorisation of the third party,if and to the extent that the relevant cumulative total is in excess of that limit or cap.
- (2) For this purpose “the relevant cumulative total” is the total of—
  - (a) the controlled expenditure incurred as mentioned in subsection (1), and
  - (b) the total of any controlled expenditure targeted at the same registered party which has already been incurred by or on behalf of the third party during the qualifying regulated period in that part of the United Kingdom.”

- (9) In Schedule 20 to that Act (penalties) insert the following entries in the appropriate places—

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“Section 94E(2) or (3) (exceeding limits on targeted controlled expenditure when not authorised)	On summary conviction: statutory maximum On indictment: fine”;
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“Section 94F(6) (making false declaration about amount of expenditure incurred by or on behalf of third party and targeted at the registered party)	On summary conviction: statutory maximum or 6 months On indictment: fine or 1 year”.
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- (10) If section 85(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 comes into force before the day on which this Act is passed—
  - (a) section 85 of that Act (removal of limit on certain fines on conviction by magistrates' court) applies in relation to the offences in sections 94E(2) and (3) and 94F(6) of the Political Parties, Elections and Referendums Act 2000 (as inserted by this section) on and after that day as if they were relevant offences (as defined in section 85(3) of that Act), and

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- (b) regulations described in section 85(11) of that Act may amend, repeal or otherwise modify amendments made by this section.

VALID FROM 23/05/2014

### 31 Extension of power to vary specified sums

- (1) Section 155 of the Political Parties, Elections and Referendums Act 2000 (power to vary specified sums) is amended as follows.
- (2) In the heading, at the end insert “ **or percentages** ”.
- (3) After subsection (4) insert—
- “(5) The Secretary of State may by order vary any percentage for the time being specified in—
- (a) section 94(5ZA), 94D(4) or 96(2)(aa), or
- (b) paragraph 3(2) or (2A) of Schedule 10.
- (6) The Secretary of State may make an order under subsection (5) only if it gives effect to a recommendation of the Commission.”

### *Recognised third parties, information and reports*

VALID FROM 23/05/2014

### 32 Recognised third parties

- (1) Section 88 of the Political Parties, Elections and Referendums Act 2000 (recognised third parties) is amended as follows.
- (2) In subsection (2), after paragraph (c) insert—
- “(ca) a body incorporated by Royal Charter which does not fall within any of those paragraphs of section 54(2),
- (cb) a charitable incorporated organisation within the meaning of Part 11 of the Charities Act 2011 or within the meaning of the Charities Act (Northern Ireland) 2008,
- (cc) a Scottish charitable incorporated organisation within the meaning of Chapter 7 of Part 1 of the Charities and Trustee Investment (Scotland) Act 2005 (asp 10),
- (cd) a partnership constituted under the law of Scotland which carries on business in the United Kingdom,”.
- (3) In subsection (3)(c), after sub-paragraph (i) (before the “and” at the end) insert—
- “(ia) in the case of a body falling within any of paragraphs (b) and (d) to (h) of section 54(2), the names of the relevant participators in relation to the body (see subsection (3B)),”.
- (4) After subsection (3)(c) insert—



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“(d) if given by a body falling within any of paragraphs (ca) to (cd) of subsection (2), state—

- (i) the relevant details in relation to the body (see subsection (3C)), and
- (ii) the name of the person or officer who will be responsible for compliance on the part of the body with the provisions of Chapter 2,

and be signed by the body's secretary or a person who acts in a similar capacity in relation to the body.”

(5) In subsection (3A)—

- (a) for “or (c)(ii)” (in both places) substitute “, (c)(ii) or (d)(ii) ”;
- (b) after “(3)(c)” insert “ or (d) ”.

(6) After subsection (3A) insert—

“(3B) For the purposes of subsection (3)(c), the “relevant participators” in relation to a body are—

- (a) in the case of a body falling with section 54(2)(b) (companies), the body's directors;
- (b) in the case of a body falling within section 54(2)(d) (trade unions), the body's officers (within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992: see section 119 of that Act);
- (c) in the case of a body falling within section 54(2)(e) (building societies), the body's directors;
- (d) in the case of a body falling within section 54(2)(f) (limited liability partnerships), the body's members;
- (e) in the case of a body falling within section 54(2)(g) (friendly societies etc)—
  - (i) where the body is a friendly society, the members of the body's committee of management;
  - (ii) otherwise, the members of the body's committee of management or other directing body;
- (f) in the case of a body falling within section 54(2)(h) (unincorporated associations)—
  - (i) where the body has more than 15 members and has officers or a governing body, those officers or the members of that governing body;
  - (ii) otherwise, the body's members.

(3C) For the purposes of subsection (3)(d), the “relevant details” in relation to a body are—

- (a) in the case of a body falling within subsection (2)(ca) (body incorporated by Royal Charter)—
  - (i) the name of the body,
  - (ii) the address of its main office in the United Kingdom, and
  - (iii) the names of its officers or the members of its governing body;
- (b) in the case of a body falling within subsection (2)(cb) or (cc) (charitable incorporated organisation)—

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- (i) the name of the body,
  - (ii) the address of its principal office, and
  - (iii) the names of its charity trustees within the meaning of the Charities Act 2011, the Charities Act (Northern Ireland) 2008 or the Charities and Trustee Investment (Scotland) Act 2005 (asp 10);
- (c) in the case of a body falling within subsection (2)(cd) (Scottish partnership)—
- (i) the name of the body,
  - (ii) the address of its main office in the United Kingdom, and
  - (iii) the names of the partners.”
- (7) In section 85(7)(c) of that Act (definition of “responsible person”), after “88(3)(c)(ii)” insert “ or (d)(ii) ”.

### 33 Reporting of donations to recognised third parties

- (1) The Political Parties, Elections and Referendums Act 2000 is amended in accordance with subsections (2) to (8).
- (2) After section 95 (control of donations to recognised third parties) insert—

*“Quarterly and weekly reports of donations to recognised third parties*

#### 95A Quarterly donation reports

- (1) The responsible person in relation to a recognised third party must, in respect of each reporting period that falls within a pre-dissolution period, prepare a report about reportable donations (“a quarterly report”).
- (2) The reporting periods are—
  - (a) the period of 3 months beginning with the first day of the pre-dissolution period,
  - (b) each succeeding period of 3 months falling within the pre-dissolution period, and
  - (c) any final period of less than 3 months falling within that period.
- (3) A “pre-dissolution period” means a period—
  - (a) beginning with the first day of a qualifying regulated period, and
  - (b) ending with the day before the day (or the last day) during that qualifying regulated period on which Parliament is dissolved.
- (4) A “qualifying regulated period” is a period in relation to which any limit is imposed by paragraph 3, 9, 10 or 11 of Schedule 10 (periods involving parliamentary general elections) other than a period including the date of the poll for an early parliamentary general election.
- (5) An “early parliamentary general election” is a parliamentary general election the date of the poll for which is appointed under section 2(7) of the Fixed-term Parliaments Act 2011.
- (6) A quarterly report must comply with the requirements of Schedule 11A.

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- (7) A “reportable donation” means a relevant donation (within the meaning of Schedule 11) which—
- (a) is received by the recognised third party in respect of the relevant election or elections the poll or polls for which take place during the qualifying regulated period, and
  - (b) is accepted, or is dealt with in accordance with section 56(2) (as applied by paragraph 7 of Schedule 11), by the recognised third party during the reporting period.
- (8) A quarterly report must be delivered to the Commission by the responsible person within the period of 30 days beginning with the end of the reporting period to which it relates.
- (9) The report must be accompanied by a declaration signed by the responsible person stating that, to the best of that person's knowledge and belief—
- (a) all reportable donations (if any) recorded in the report as having been accepted by the recognised third party are from permissible donors, and
  - (b) there are no reportable donations which are required to be recorded in the report in accordance with Schedule 11A which are not so recorded.
- (10) This section does not require the preparation of a quarterly report in respect of a reporting period if no reportable donations are accepted, or dealt with, as described in subsection (7)(b), by the recognised third party during that period.
- (11) This section does not apply in relation to—
- (a) a recognised third party which is a registered party other than a minor party, or
  - (b) a recognised Gibraltar third party.

### **95B Weekly donation reports during general election periods**

- (1) The responsible person in relation to a recognised third party must, in respect of each reporting period that falls within a general election period, prepare a report about substantial donations (“a weekly report”).
- (2) The reporting periods are—
- (a) the period of 7 days beginning with the first day of the general election period,
  - (b) each succeeding period of 7 days falling within the general election period, and
  - (c) any final period of less than 7 days falling within that period.
- (3) A “general election period” means the period—
- (a) beginning with the day on which Parliament is dissolved for a parliamentary general election, and
  - (b) ending with the date during a qualifying regulated period which is the date of the poll for that election.
- (4) A weekly report must comply with the requirements of Schedule 11A.

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- (5) A “substantial donation” means a relevant donation of a substantial value which is received by the recognised third party during the reporting period in respect of the relevant election or elections the poll or polls for which take place during the qualifying regulated period.
- (6) A relevant donation is “of a substantial value” if its value (as determined in accordance with paragraph 5 of Schedule 11) is more than £7,500.
- (7) A weekly report must be delivered to the Commission by the responsible person within the period of 7 days beginning with the end of the reporting period to which it relates.
- (8) The report must be accompanied by a declaration signed by the responsible person stating that, to the best of that person's knowledge and belief, no substantial donations have been received by the recognised third party during the reporting period which are required to be recorded in the report in accordance with Schedule 11A and are not so recorded.
- (9) This section does not require the preparation of a weekly report in respect of a reporting period if no substantial donations are received by the recognised third party during that period.
- (10) In this section—  
     “qualifying regulated period” means a period in relation to which any limit is imposed by paragraph 3, 9, 10 or 11 of Schedule 10 (periods involving parliamentary general elections);  
     “relevant donation” has the same meaning as in Schedule 11.
- (11) This section does not apply in relation to—  
     (a) a recognised third party which is a registered party other than a minor party, or  
     (b) a recognised Gibraltar third party.

### **95C Related offences**

- (1) The responsible person in relation to a recognised third party commits an offence if, without reasonable excuse, the responsible person—  
     (a) fails to deliver a quarterly or weekly report in accordance with section 95A(8) or 95B(7),  
     (b) delivers a quarterly or weekly report to the Commission without the accompanying declaration required under section 95A(9) or 95B(8), or  
     (c) delivers a quarterly or weekly report to the Commission which does not comply with the requirements of Schedule 11A.
- (2) The responsible person in relation to a recognised third party commits an offence if the person knowingly or recklessly makes a false declaration under section 95A(9) or 95B(8).

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## 95D Forfeiture

- (1) The court may, on an application made by the Commission, order the forfeiture by a recognised third party of an amount equal to the value of a relevant donation where the court is satisfied that—
  - (a) a failure by the responsible person to deliver a quarterly or weekly report in accordance with section 95A(8) or 95B(7), or
  - (b) the delivery by the responsible person of a quarterly or weekly report which fails to comply with a requirement of Schedule 11A,was attributable to an intention on the part of any person to conceal the existence or true amount of the donation.
- (2) The standard of proof in proceedings on an application under this section is that applicable to civil proceedings.
- (3) A forfeiture order may be made under this section whether or not proceedings are brought against any person for an offence connected with the donation.
- (4) In this section “the court” means—
  - (a) in relation to England and Wales, a magistrates' court;
  - (b) in relation to Scotland, the sheriff;
  - (c) in relation to Northern Ireland, a court of summary jurisdiction.
- (5) Proceedings on an application under this section to the sheriff are civil proceedings.
- (6) Sections 59 and 60 (appeals etc against forfeiture orders) apply for the purposes, or in connection with the operation, of this section in relation to a recognised third party as they apply for the purposes, or in connection with the operation, of section 58 in relation to a registered party.
- (7) In this section “relevant donation” has the same meaning as in Schedule 11.

## 95E Sections 95A to 95D: supplementary

- (1) This section applies where the requirements in section 95A or 95B to prepare quarterly or weekly reports in the case of a pre-dissolution period or a general election period have effect in relation to a recognised third party.
- (2) If the third party's notification under section 88(1) lapses during the pre-dissolution period or the general election period, the requirements in section 95A or 95B (as the case may be) continue to have effect in relation to the third party—
  - (a) in respect of the reporting period in which the notification lapses, and
  - (b) in respect of each reporting period (if any) which preceded that period and which falls within the pre-dissolution period or the general election period.
- (3) If the third party's notification under section 88(1) lapses at or after the end of the pre-dissolution period or the general election period, the requirements in section 95A or 95B (as the case may be) continue to have effect in relation to the third party in the case of that period.

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- (4) In a case where subsection (2) or (3) applies, references in sections 95A to 95D to the responsible person are to be read, for the purposes of, or in connection with, the discharge of obligations of the responsible person under those sections, as references to the person who was the responsible person in relation to the recognised third party immediately before the notification lapsed.
- (5) In this section—
- (a) “pre-dissolution period” and “reporting period”, in relation to a quarterly report, have the same meaning as in section 95A, and
  - (b) “general election period” and “reporting period”, in relation to a weekly report, have the same meaning as in section 95B.

### **95F Public inspection of reports**

- (1) Where the Commission receive a quarterly or weekly report under section 95A or 95B, they must—
  - (a) as soon as reasonably practicable after receiving the report, make a copy of the report, and of any documents accompanying it, available for public inspection, and
  - (b) keep any such copy available for public inspection for the period for which the report or other document is kept by them.
- (2) The Commission must secure that the copy of the report made available for public inspection does not include, in the case of any donation by an individual, the donor's address.
- (3) At the end of the period of 2 years beginning with the date when any report or other document mentioned in subsection (1) is received by the Commission—
  - (a) they may cause the report or other document to be destroyed, but
  - (b) if requested to do so by the responsible person in relation to the third party concerned, they must arrange for the report or other document to be returned to that person.”
- (3) In section 149(6) (inspection of Commission's registers etc), after paragraph (b) insert—
 

“(ba) section 95F.”.
- (4) In section 155(3) (power to vary specified sums), after paragraph (c) insert—
 

“(ca) section 95B(6);  
(cb) Schedule 11A.”.
- (5) In Schedule 1 (the Commission), in paragraph 3(3)(c), for the words from “the register” to the end substitute “—
  - (i) the register of donations reported under Chapter 3 or 5 of Part 4,
  - (ii) any quarterly or weekly report delivered to the Commission under section 95A or 95B, or
  - (iii) any statement of donations included in a return delivered to the Commission under section 98 or 122;”.

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- (6) In Schedule 11 (control of donations to recognised third parties), in the heading to Part 3, after “REPORTING OF DONATIONS” insert “IN SECTION 96 RETURN”.
- (7) Schedule 4 inserts a new Schedule 11A into that Act.
- (8) In Schedule 20 (penalties) insert the following entries in the appropriate places—

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“Section 95C(1)(a) (failure of responsible person to deliver quarterly or weekly report to Commission) On summary conviction: Level 5”;

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“Section 95C(1)(b) (failure to deliver signed declaration with quarterly or weekly report to the Commission) On summary conviction: statutory maximum or 6 months  
On indictment: fine or 1 year”;

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“Section 95C(1)(c) (failure to comply with requirements for quarterly or weekly reports) On summary conviction: statutory maximum or 6 months  
On indictment: fine or 1 year”;

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“Section 95C(2) (making a false declaration to Commission when delivering quarterly or weekly report) On summary conviction: statutory maximum or 6 months  
On indictment: fine or 1 year”.

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- (9) If section 85(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 comes into force before the day on which this Act is passed—
  - (a) section 85 of that Act (removal of limit on certain fines on conviction by magistrates' court) applies in relation to the offences in section 95C(1) and (2) of the Political Parties, Elections and Referendums Act 2000 (as inserted by this section) on and after that day as if they were relevant offences (as defined in section 85(3) of that Act), and
  - (b) regulations described in section 85(11) of that Act may amend, repeal or otherwise modify amendments made by this section.
- (10) The Minister may by order made by statutory instrument make, in relation to the content of quarterly or weekly reports under section 95A or 95B of the Political Parties, Elections and Referendums Act 2000 (as inserted by this section), such provision as the Minister thinks appropriate which corresponds or is similar to any of the amendments made to Part 3 of Schedule 11 to that Act by the Political Parties and Elections Act 2009.
- (11) An order under subsection (10) may—
  - (a) make provision amending this section or the Political Parties, Elections and Referendums Act 2000;
  - (b) make such consequential, supplementary, incidental, transitional or saving provision as the Minister thinks appropriate;
  - (c) make different provision for different purposes.
- (12) A statutory instrument containing an order under subsection (10) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

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- (13) In subsection (10) “the Minister” means the Secretary of State or the Lord President of the Council.

### **34 Returns as to controlled expenditure**

- (1) Section 96 of the Political Parties, Elections and Referendums Act 2000 (returns as to controlled expenditure) is amended as follows.

- (2) For subsection (1) substitute—

“(1) Subsection (1A) applies where—

- (a) during a regulated period, any controlled expenditure is incurred by or on behalf of a recognised third party in a relevant part of the United Kingdom, and
- (b) the incurring of that expenditure would, if the third party had not been recognised, have been an offence under section 94(4) (whether because it was incurred in excess of a limit mentioned in section 94(5) or 94(5ZA)).

(1A) The responsible person must prepare a return in respect of the controlled expenditure incurred by or on behalf of the third party during that period in each relevant part of the United Kingdom.”

- (3) In subsection (7)—

- (a) in the opening words, for “(1)(a)” substitute “(1A) ”;
- (b) in paragraph (a), omit “falling within subsection (1)(a)”.

### **35 Statements of accounts by recognised third parties**

- (1) Part 6 of the Political Parties, Elections and Referendums Act 2000 (controls relating to third party national election campaigns) is amended as follows.

- (2) In sections 90(3) and 94(8), (10) and (11), for “99” substitute “99A ”.

- (3) After section 96 (returns as to controlled expenditure) insert—

#### **“96A Statement of accounts**

- (1) Where—

- (a) a return falls to be prepared under section 96 in respect of controlled expenditure incurred by or on behalf of a recognised third party during a regulated period, and
- (b) the period is one in relation to which any limit is imposed by paragraph 3, 9, 10 or 11 of Schedule 10 (periods involving parliamentary general elections),

the responsible person must, subject to subsections (8) and (9), also prepare a statement of accounts in respect of the regulated period.

- (2) A statement of accounts under this section must include—

- (a) a statement of the income and expenditure of the third party for the regulated period, and
- (b) a statement of its assets and liabilities at the end of that period.



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- (3) A statement of accounts under this section must comply with such requirements as to the form and contents of the statement as may be prescribed by regulations made by the Commission.
- (4) Regulations under subsection (3) may in particular—
  - (a) require any statement of accounts to be prepared in accordance with such methods and principles as are specified or referred to in the regulations;
  - (b) specify information which is to be provided by way of notes to the accounts.
- (5) Without prejudice to the generality of paragraph 22(7) of Schedule 1 (power to make different provision for different cases), regulations under subsection (3) may impose different requirements according to which of the following bands the gross income or total expenditure of a third party falls within—
  - (a) not exceeding £25,000;
  - (b) exceeding £25,000 but not £100,000;
  - (c) exceeding £100,000 but not £250,000;
  - (d) exceeding £250,000.
- (6) The Secretary of State may by order amend subsection (5) by varying the number of bands set out in it.
- (7) The Secretary of State may not make an order under subsection (6) except to give effect to a recommendation of the Commission.
- (8) This section does not apply if the third party is an individual.
- (9) This section does not apply to a third party in relation to a regulated period if the Commission are satisfied—
  - (a) that a statement or statements prepared or to be prepared by the third party under any enactment contains or will contain the information required by subsection (2) or equivalent information, and
  - (b) that the Commission are, or will be, able to inspect that statement or those statements.
- (10) Equivalent information is—
  - (a) a statement or statements of the income and expenditure for a period or periods other than the regulated period, or
  - (b) a statement or statements of assets and liabilities at a date or dates other than the end of that period,but which in the Commission's opinion gives a sufficient indication of the third party's accounts for, or at the end of, the regulated period.
- (11) Where section 96(7) (lapse of notification) applies to the preparation of a return—
  - (a) the reference to the responsible person in subsection (1) of this section is to be read as a reference to the person described in section 96(7) (b), and
  - (b) for the purposes of, or in connection with, the discharge of obligations of the responsible person under sections 98 and 99A in relation to a statement of accounts under this section, references to the responsible person are to be read as references to that person.

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*Changes to legislation: There are currently no known outstanding effects for the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014, Part 2. (See end of Document for details)*

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- (12) In this section and section 97 “gross income” means gross recorded income from all sources.”
- (4) In section 97 (auditor's report on return)—
- (a) after subsection (1) insert—
- “(1A) A report must be prepared by a qualified auditor on any statement of accounts prepared under section 96A in respect of a regulated period, if—
- (a) a report falls to be prepared under subsection (1) on the return mentioned in section 96A(1)(a), or
- (b) during the regulated period the gross income or total expenditure of the third party exceeds £250,000.”;
- (b) in subsection (2), after “subsection (1)” insert “ or (1A) ”;
- (c) in the heading, at the end insert “ **or statement of accounts** ”.
- (5) In section 98 (delivery of returns to the Commission), after subsection (2) insert—
- “(2A) Where a statement of accounts falls to be prepared under section 96A, the responsible person must deliver—
- (a) the statement, and
- (b) if an auditor's report on the statement falls to be prepared under section 97(1A), that report,
- to the Commission before the end of the period of 6 months beginning with the end of the period under subsection (1) or (2) for the delivery of the relevant section 96 return.
- (2B) “The relevant section 96 return” means the return mentioned in section 96A(1) (a) which gives rise to the duty to prepare the statement of accounts.”
- (6) In section 98(4) (offences)—
- (a) after paragraph (a) insert—
- “(aa) fails to comply with the requirements of subsection (2A) in relation to any statement or report to which that subsection applies; or”;
- (b) after paragraph (b) insert—
- “(ba) delivers a statement which does not comply with the requirements of section 96A(2) or (3); or”.
- (7) After section 99 (declaration by responsible person as to return under section 96) insert—

**“99A Declaration by responsible person as to statement of accounts under section 96A**

- (1) Each statement of accounts prepared under section 96A must, when delivered to the Commission, be accompanied by a declaration which complies with subsection (2) and is signed by the responsible person.
- (2) The declaration must state—
- (a) that the responsible person has examined the statement in question; and

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- (b) that to the best of that person's knowledge and belief it is a complete and correct statement of accounts as required by law.
- (3) A person commits an offence if—
  - (a) that person knowingly or recklessly makes a false declaration under this section; or
  - (b) subsection (1) is contravened without reasonable excuse at a time when that person is the responsible person in the case of the recognised third party to which the statement of accounts relates.”
- (8) In section 100 (public inspection of returns under section 96), after subsection (3) insert—
  - “(4) Where a statement of accounts is delivered under section 98(2A), this section applies as if the statement and any documents accompanying it—
    - (a) were documents accompanying the relevant section 96 return, and
    - (b) (for the purposes of subsection (3)) were received by the Commission when the return was received.
  - (5) In subsection (4)(a), “the relevant section 96 return” has the meaning given by section 98(2B).”
- (9) In Schedule 20 (penalties) insert these entries in the appropriate places—

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“Section 98(4)(aa) (failure of responsible person to deliver statement of accounts and auditor's report to Commission)	On summary conviction: Level 5”;
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“Section 98(4)(ba) (failure to comply with requirements for statements of accounts)	On summary conviction: statutory maximum or 6 months On indictment: fine or 1 year”;
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“Section 99A(3)(a) (making a false declaration to Commission when delivering statement of accounts)	On summary conviction: statutory maximum or 6 months On indictment: fine or 1 year
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Section 99A(3)(b) (failure to deliver signed declaration with statement of accounts to Commission)	On summary conviction: statutory maximum or 6 months On indictment: fine or 1 year”.
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- (10) If section 85(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 comes into force before the day on which this Act is passed—
  - (a) section 85 of that Act (removal of limit on certain fines on conviction by magistrates' court) applies in relation to the offences in section 98(4)(aa) and (ba) and 99A(3) of the Political Parties, Elections and Referendums Act 2000 (as inserted by this section) on and after that day as if they were relevant offences (as defined in section 85(3) of that Act), and
  - (b) regulations described in section 85(11) of that Act may amend, repeal or otherwise modify amendments made by this section.

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### Miscellaneous

VALID FROM 01/07/2014

#### 36 Third party expenditure in respect of candidates

- (1) In section 75 of the Representation of the People Act 1983 (prohibition of expenses not authorised by election agent), in subsection (1ZA)(a) (limit on third party expenditure on candidate at parliamentary election), for “£500” substitute “ £700 ”.
- (2) After that section insert—

##### **“75ZA Return of permitted expenditure: power to require return**

- (1) The returning officer or the Electoral Commission may, at any time during the period of 6 months beginning with the date of the poll at a parliamentary election, request a relevant person to deliver to the officer or Commission a return of permitted expenditure in relation to a candidate at the election who is specified in the request.
- (2) “Relevant person” means a person who—
  - (a) is not required to deliver a return under section 75(2) in relation to the candidate, and
  - (b) is not the candidate, the candidate's election agent, or a person engaged or employed for payment or promise of payment by the candidate or the candidate's election agent.
- (3) “Return of permitted expenditure” means a return—
  - (a) showing all permitted expenses incurred by the person in relation to the candidate, or
  - (b) stating that the person incurred no such expenses or that the total such expenses incurred by the person was £200 or less.
- (4) “Permitted expense”, in relation to a candidate, means an expense incurred by the person in respect of the candidate which, if the person had been required to deliver a return under section 75(2) in relation to the candidate, would have been required to be included in that return.

##### **75ZB Return of permitted expenditure: compliance and sanctions**

- (1) A person must comply with a request under section 75ZA(1) within the period of 21 days beginning with the day on which the request is received.
- (2) A return of permitted expenditure must be accompanied by a declaration made by the person (or in the case of an association or body of persons, by a director, general manager, secretary or other similar officer of the association or body)—
  - (a) verifying the return, and
  - (b) in the case of a return of the kind mentioned in section 75ZA(3) (a), giving particulars of the matters for which the expenses were incurred.

*Status: Point in time view as at 30/01/2014. This version of this part contains provisions that are not valid for this point in time.*

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- (3) A person who fails to deliver a return or declaration in accordance with this section is guilty of an illegal practice.
  - (4) A person who knowingly makes a false declaration under subsection (2) is guilty of a corrupt practice.
  - (5) The court before whom a person is convicted under subsection (3) or (4) may, if they think it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by virtue of section 173.
  - (6) Where any act or omission of an association or body of persons, corporate or unincorporate, is an offence declared to be a corrupt or illegal practice by this section, any person who at the time of the act or omission was a director, general manager, secretary or other similar officer of the association or body, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence, unless he proves—
    - (a) that the act or omission took place without his consent or connivance, and
    - (b) that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.”
- (3) If section 85(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 comes into force before the day on which this Act is passed—
- (a) section 85 of that Act (removal of limit on certain fines on conviction by magistrates' court) applies in relation to the offences in section 75ZB(3) and (4) of the Representation of the People Act 1983 (as inserted by this section) on and after that day as if they were relevant offences (as defined in section 85(3) of that Act), and
  - (b) regulations described in section 85(11) of that Act may amend, repeal or otherwise modify amendments made by this section.

VALID FROM 01/07/2014

**37 Candidate's personal expenses not to count for local election expenses limit in England and Wales**

- (1) In section 76(5) of the RPA 1983 (exclusion of personal expenses from limitation on election expenses), after “subsection (1A) above)” insert “ or a local government election in England or Wales ”.
- (2) Subsection (3) applies where, before the relevant date, an enactment—
  - (a) provides that section 76 of the RPA 1983 is to have effect in relation to an election of any description as it has effect in relation to a local government election in England or Wales, or
  - (b) otherwise makes provision (however expressed) to the effect that that section applies to an election of any description as it applies to a local government election in England and Wales.
- (3) If the date of the poll at an election of that description is on or after the relevant date, section 76 of the RPA 1983 applies to the election as amended by subsection (1).

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(4) In this section—

- “the RPA 1983” means the Representation of the People Act 1983,
- “the relevant date” means the date on which the amendment made by subsection (1) comes into force, and
- “an enactment” means an Act of Parliament or any subordinate legislation (within the meaning of the Interpretation Act 1978).

VALID FROM 23/05/2014

### 38 Functions of Electoral Commission with respect to compliance

- (1) Section 145 of the Political Parties, Elections and Referendums Act 2000 (general function of Commission with respect to compliance with controls imposed by the Act etc) is amended in accordance with subsections (2) to (4).
- (2) In the heading, for “**General function**” substitute “**Duties**”.
- (3) In subsection (1)—
  - (a) for the words before paragraph (a) substitute “ The Commission must monitor, and take all reasonable steps to secure, compliance with— ”;
  - (b) in paragraph (a), for “Parts III to VII” substitute “—
    - (i) sections 24, 31 and 34,
    - (ii) Parts 3 to 7, and
    - (iii) sections 143 and 148”.
- (4) After subsection (6A) insert—
 

“(6B) Each report by the Commission under paragraph 20 of Schedule 1 shall set out the steps the Commission have taken during the year in question to secure compliance with the restrictions and other requirements mentioned in subsection (1).”
- (5) In consequence of the amendment made by subsection (3)(a), omit section 1(2) of the Political Parties and Elections Act 2009.

### 39 Post-election review

- (1) The Minister must, within the period of 12 months beginning with the day on which this Act is passed, appoint a person to conduct a review of the operation of Part 6 of the Political Parties, Elections and Referendums Act 2000 in relation to the first relevant parliamentary general election.
- (2) The “first relevant parliamentary general election” is the first parliamentary general election to be held after the beginning of the first Part 6 regulated period in relation to which one or more of the amendments made by this Part mentioned in section 46(1) have effect.
- (3) A “Part 6 regulated period” is a regulated period within the meaning given by section 46(2)(b).
- (4) The Minister may specify matters which the review must, in particular, consider.

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- (5) On completion of the review, the appointed person must—
  - (a) make a written report on the review, and
  - (b) provide a copy of the report to the Minister.
- (6) The Minister must—
  - (a) lay a copy of the report before Parliament, and
  - (b) publish the report in such manner as the Minister considers appropriate.
- (7) The report shall be laid before Parliament not more than 18 months after the date of the first relevant parliamentary general election.
- (8) The Minister may pay to the appointed person such remuneration and expenses as the Minister may determine.
- (9) “The Minister” means the Secretary of State or the Lord President of the Council.

**Status:**

Point in time view as at 30/01/2014. This version of this part contains provisions that are not valid for this point in time.

**Changes to legislation:**

There are currently no known outstanding effects for the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014, Part 2.