



# 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)”;

- (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.

## **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—
- (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;

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- (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).
- (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).”

- (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).
- (5) After paragraph 2 insert—

*“Attribution of expenditure to different parliamentary constituencies*

- 2A (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—

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—



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“(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 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—
  - “(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*”.

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- (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.
- (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).

- (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—

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- (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
  - (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.
- (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—

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

### **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.”