
Changes to legislation: There are currently no known outstanding effects for the Recall of MPs Act 2015, Paragraph 6. (See end of Document for details)

SCHEDULES

SCHEDULE 3

REGULATION OF EXPENDITURE

PART 2

LIMITS ON EXPENDITURE

Notional petition expenses

- 6 (1) This paragraph applies where the following two conditions are met in relation to a person (“P”).
- (2) The first condition is that—
- (a) property is transferred to P free of charge or at a discount of more than 10% of the market value of the property, or
 - (b) property, services or facilities is or are provided for the use or benefit of P free of charge or at a discount of more than 10% of the commercial rate for the use of the property or for the provision of the services or facilities.
- (3) The second condition is that the property, services or facilities is or are made use of by or on behalf of P—
- (a) for a period any part of which falls within the recall petition period, and
 - (b) in circumstances such that, if any expenses were to be (or are) actually incurred by or on behalf of P in respect of that use, they would be (or are) petition expenses by virtue of Part 4 of this Schedule.
- [^{F1}(3A) For the purposes of sub-paragraph (3), property, services or facilities are made use of on behalf of P only if their use on behalf of P is directed, authorised or encouraged by P or (where P is an accredited campaigner) by P or the responsible person.]
- (4) Where this paragraph applies—
- (a) an amount of expenses determined in accordance with the following provisions of this paragraph (“the gross notional amount”) is treated for the purposes of this Part of this Schedule as incurred by P, and
 - (b) the appropriate proportion of the gross notional amount is treated for the purposes of this Part of this Schedule as petition expenses incurred by P during the recall petition period.
- (5) The “appropriate proportion” of the gross notional amount is such proportion of that amount as is reasonably attributable to the use made of the property, services or facilities as mentioned in sub-paragraph (3) during the recall petition period.
- (6) Where sub-paragraph (2)(a) applies, the gross notional amount is such proportion of either—

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- (a) the market value of the property (where the property is transferred free of charge), or
 - (b) the difference between the market value of the property and the amount of expenses actually incurred by or on behalf of P in respect of the property (where the property is transferred at a discount),
- as is reasonably attributable to the use made of the property as mentioned in sub-paragraph (3) during the recall petition period.
- (7) Where sub-paragraph (2)(b) applies, the gross notional amount is such proportion of either—
- (a) the commercial rate for the use of the property or the provision of the services or facilities (where the property, services or facilities is or are provided free of charge), or
 - (b) the difference between that commercial rate and the amount of expenses actually incurred by or on behalf of P in respect of the use of the property or the provision of the services or facilities (where the property, services or facilities is or are provided at a discount),
- as is reasonably attributable to the use made of the property, services or facilities as mentioned in sub-paragraph (3) during the recall petition period.
- (8) Where the services of an employee are made available by his or her employer for the use or benefit of a person, then for the purposes of this paragraph the amount that is to be taken as constituting the commercial rate for the provision of those services is—
- (a) the amount of the remuneration and allowances payable to the employee by the employer in respect of the period for which the employee's services are made available, but
 - (b) excluding from the amount mentioned in paragraph (a) any amount in respect of contributions or other payments for which the employer is liable in respect of the employee.
- (9) Sub-paragraph (4)(b) does not apply if it would (apart from this sub-paragraph) treat an amount of £50 or less as petition expenses incurred by P during the recall petition period.
- (10) In this paragraph a reference to property being transferred to P, or to property, services or facilities being provided for the use or benefit of P, includes—
- (a) property being transferred to, or property, services or facilities being provided for the use or benefit of, any officer, member, trustee or agent of P in his or her capacity as such, and
 - (b) property being transferred, or property, services or facilities being provided, indirectly through a third person.

Textual Amendments

F1 Sch. 3 para. 6(3A) inserted (24.11.2022) by Elections Act 2022 (c. 37), ss. 20(6), 67(1); S.I. 2022/1226, reg. 2(c) (with reg. 3(1))

Commencement Information

I1 Sch. 3 para. 6 in force at 4.3.2016 by S.I. 2016/290, reg. 2

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