SCHEDULES

SCHEDULE 5

Control of donations to candidates

PART 2

Controls on donations

Prohibition on accepting donations from impermissible donors

6.—(1) A relevant donation received by a candidate or the candidate's election agent must not be accepted if—

(a) the person by whom the donation would be made is not, at the time of its receipt by the candidate or (as the case may be) the candidate's election agent, a permissible donor falling within section 54(2) of the 2000 Act, or

(b) the candidate or (as the case may be) the candidate's election agent is (whether because the donation is given anonymously or by reason of any deception or concealment or otherwise) unable to ascertain the identity of the person offering the donation.

(2) For the purposes of this Schedule, any relevant donation received by a candidate or the candidate's election agent which is an exempt trust donation is to be regarded as a relevant donation received by the candidate or the candidate's election agent from a permissible donor; and section 162 of the 2000 Act (interpretation: exempt trust donations) applies for the purposes of this Schedule as it applies for the purposes of that Act.

(3) But, for the purposes of this Schedule, any relevant donation received by a candidate or the candidate's election agent from a trustee of any property (in the trustee's capacity as such) which is not—

(a) an exempt trust donation, or

(b) a relevant donation transmitted by the trustee to the candidate or the candidate's election agent on behalf of beneficiaries under the trust who are—

(i) persons who at the time of its receipt by the candidate or the candidate's election agent are permissible donors falling within section 54(2) of the 2000 Act, or

(ii) the members of an unincorporated association which at that time is such a permissible donor,

is to be regarded as a relevant donation received by the candidate or the candidate's election agent from a person who is not such a permissible donor.

(4) Where any person ("the principal donor") causes an amount ("the principal donation") to be received by a candidate or the candidate's election agent by way of a relevant donation—

(a) on behalf of the principal donor and one or more other persons, or

(b) on behalf of two or more other persons,

then for the purposes of this Part each individual contribution by a person falling within paragraph (a) or (b) of more than £50 is treated as if it were a separate donation received from that person.

(5) In relation to each such separate donation, the principal donor must ensure that, at the time when the principal donation is received by the candidate or the candidate's election agent, the candidate or (as the case may be) the candidate's election agent is given—

(a) (except in the case of a donation which the principal donor is treated as making) all such details in respect of the person treated as making the donation as are required by virtue of paragraph 11(c), and

(b) (in any case) all such details in respect of the donation as are required by virtue of paragraph 11(a).

(6) Where—

(a) any person ("the agent") causes an amount to be received by a candidate or the candidate's election agent by way of a donation on behalf of another person ("the donor"), and

(b) the amount of the donation is more than £50,

the agent must ensure that, at the time when the donation is received by the candidate or the candidate's election agent, the candidate or (as the case may be) the candidate's election agent is given all such details in respect of the donor as are required by virtue of paragraph 11(c).

(7) A person commits an offence if, without reasonable excuse, the person fails to comply with sub-paragraph (5) or (6).

(8) A person guilty of an offence under sub-paragraph (7) is liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum or to a term of imprisonment not exceeding 6 months (or both);

(b) on conviction on indictment, to a fine or to a term of imprisonment not exceeding one year (or both).

Changes to legislation:
There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Police and Crime Commissioner Elections Order 2012. Any changes that have already been made by the team appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:
Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. A1 para. 4 applied by S.I. 2023/1150 reg. 23
- Sch. A1 inserted by S.I. 2023/1150 Sch. 1
- Sch. 2 para. 3(10) amendment to earlier affecting provision S.I. 2023/1147, reg. 17(5)(a)(iii) by S.I. 2023/1406 reg. 19(2)(a)(ii)
- Sch. 2 para. 3(10) inserted by S.I. 2023/1147 reg. 17(5)(a)(iii)
- Sch. 2 para. 4(6) inserted by S.I. 2023/1147 reg. 17(5)(b)(iii)
- Sch. 2 para. 9A inserted by S.I. 2023/1225 reg. 8(6)(a)
- Sch. 2 para. 29(1A) inserted by S.I. 2023/1225 reg. 8(6)(b)(ii)
- Sch. 2 para. 43(3A) inserted by S.I. 2023/1225 reg. 8(6)(d)(ii)
- Sch. 2 para. 43A-43D inserted by S.I. 2023/1225 reg. 8(6)(e)
- Sch. 2 para. 46A-46E inserted by S.I. 2023/1225 reg. 8(6)(g)
- Sch. 2 para. 55(6)-(9) inserted by S.I. 2023/1225 reg. 8(6)(h)(ii)
- Sch. 2 para. 57(1)(g) and word inserted by S.I. 2023/1225 reg. 8(6)(i)(ii)
- Sch. 2 para. 59A(1)(a)(ii)(iii) inserted by S.I. 2023/1225 reg. 8(6)(k)(iii)(bb)
- Sch. 2 para. 59A(1)(c)(ii) inserted by S.I. 2023/1225 reg. 8(6)(k)(iv)(bb)
- Sch. 2 para. 16C(7)(ca) inserted by S.I. 2024/43 reg. 24(2)
- Sch. 2 para. 7(14) inserted by S.I. 2023/1147, reg. 17(5)(ca)(iii) (as inserted) by S.I. 2023/1406 reg. 19(2)(b)
- Sch. 2 para. 16C(6) omitted by S.I. 2023/1406 reg. 12(b)
- Sch. 2 para. 16C(5) substituted by S.I. 2023/1406 reg. 12(a)
- Sch. 2 para. 6(5)-(7) substituted for Sch. 2 para. 6(5) by S.I. 2023/1147 reg. 17(5)(c)
- Sch. 2 para. 16C(7) word substituted by S.I. 2023/1406 reg. 12(c)(i)
- Sch. 2 para. 59A(1)(a)(i) words in Sch. 2 para. 59A(1)(a) renumbered as Sch. 2 para. 59A(1)(a)(i) by S.I. 2023/1225 reg. 8(6)(k)(iii)(aa)
- Sch. 2 para. 59A(1)(c)(i) words in Sch. 2 para. 59A(1)(c) renumbered as Sch. 2 para. 59A(1)(c)(i) by S.I. 2023/1225 reg. 8(6)(k)(iv)(aa)
- Sch. 2 para. 16C(7)(b) words substituted by S.I. 2023/1406 reg. 12(c)(ii)
- Sch. 2 para. 16C(7)(c) words substituted by S.I. 2023/1406 reg. 12(c)(ii)
- Sch. 2 para. 16C(7)(d) words substituted by S.I. 2023/1406 reg. 12(c)(iii)
- Sch. 3 rule 34(1)(ba) inserted by S.I. 2023/1225 reg. 8(7)(b)
- Sch. 3 rule 49(2)(e) and word inserted by S.I. 2023/1225 reg. 8(7)(c)(ii)
- Sch. 3 rule 70 Form 11 substituted by S.I. 2023/1147 Sch. 8 Pt. 2
- Sch. 3 rule 70 Form 13 substituted by S.I. 2023/1147 Sch. 8 Pt. 2
- Sch. 3 rule 70 Form 12 substituted by S.I. 2023/1225 Sch. 6 Pt. 2
- Sch. 3 rule 70 Form 14 substituted by S.I. 2023/1225 Sch. 6 Pt. 2
- Sch. 3 rule 49(2)(c) word omitted by S.I. 2023/1225 reg. 8(7)(c)(i)
- Sch. 3 rule 37(1)(b) words inserted by S.I. 2023/1147 reg. 17(7)(a)
- Sch. 3 rule 37 table words omitted by S.I. 2023/1147 reg. 17(7)(b)(ii)
- Sch. 3 rule 37 table words substituted by S.I. 2023/1147 reg. 17(7)(b)(i)
- Sch. 3 rule 32(1)(a) words substituted by S.I. 2023/1225 reg. 8(7)(a)(i)
- Sch. 3 rule 32(1)(b) words substituted by S.I. 2023/1225 reg. 8(7)(a)(ii)
- Sch. 4 para. 27(1)(a) words substituted by S.I. 2023/1225 reg. 8(8)(a)(i)
- Sch. 4 para. 27(1)(b) words substituted by S.I. 2023/1225 reg. 8(8)(a)(ii)
- Sch. 4 para. 27(2) words substituted by S.I. 2023/1225 reg. 8(8)(b)
- Sch. 7 para. 14A inserted by S.I. 2024/428 reg. 4(3)
- Sch. 10 para. 3(1)(b)(v) inserted by S.I. 2023/1225 reg. 8(10)(b)
- art. 3A inserted by S.I. 2023/1150 reg. 36(3)

- art. 13(1)(ea) art. 13(1)(ee) renumbered as art. 13(1)(ea) by S.I. 2024/131 reg. 22(2)(a)
- art. 13(1)(ea) words inserted by S.I. 2024/131 reg. 22(2)(b)
- art. 18A inserted by S.I. 2023/1141 reg. 4(2)
- art. 22(5A)-(5F) inserted by S.I. 2023/1225 reg. 8(3)