



# Political Parties, Elections and Referendums Act 2000

## 2000 CHAPTER 41

### PART II

#### REGISTRATION OF POLITICAL PARTIES

##### *Requirement for registration*

#### **22 Parties to be registered in order to field candidates at elections.**

- (1) Subject to subsection (4), no nomination may be made in relation to a relevant election unless the nomination is in respect of—
- (a) a person who stands for election in the name of a qualifying registered party; or
  - (b) a person who does not purport to represent any party; or
  - (c) a qualifying registered party, where the election is one for which registered parties may be nominated.
- (2) For the purposes of subsection (1) a party (other than a minor party) is a “qualifying registered party” in relation to a relevant election if—
- (a) the constituency, local government area or electoral region in which the election is held—
    - (i) is in England, Scotland or Wales, or
    - (ii) is the electoral region of Scotland or Wales,and the party was, on the last day for publication of notice of the election, registered in respect of that part of Great Britain in the Great Britain register maintained by the Commission under section 23, or
  - (b) the constituency, district electoral area or electoral region in which the election is held—
    - (i) is in Northern Ireland, or
    - (ii) is the electoral region of Northern Ireland,

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and the party was, on that day, registered in the Northern Ireland register maintained by the Commission under that section.

- (3) For the purposes of subsection (1) a person does not purport to represent any party if either—
- (a) the description of the candidate given in his nomination paper, is—
    - (i) “Independent”, or
    - (ii) where the candidate is the Speaker of the House of Commons seeking re-election, “The Speaker seeking re-election”; or
  - (b) no description of the candidate is given in his nomination paper.
- (4) Subsection (1) does not apply in relation to any parish or community election.
- (5) The following elections are relevant elections for the purposes of this Part—
- (a) parliamentary elections,
  - (b) elections to the European Parliament,
  - (c) elections to the Scottish Parliament,
  - (d) elections to the National Assembly for Wales,
  - (e) elections to the Northern Ireland Assembly,
  - (f) local government elections, and
  - (g) local elections in Northern Ireland.
- (6) For the purposes of this Act a person stands for election in the name of a registered party if his nomination paper includes a description authorised by a certificate issued by or on behalf of the registered nominating officer of the party.

#### Commencement Information

- II** S. 22 wholly in force at 16.2.2001; s. 22 not in force at Royal assent and in force at 14.12.2000 for specified purposes, see s. 163(2)(4); s. 22 in force at 16.2.2001 by [S.I. 2001/222, art. 2](#), [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

### *The registers of political parties*

## 23 The new registers.

- (1) In place of the register of political parties maintained by the registrar of companies under the <sup>M1</sup>Registration of Political Parties Act 1998, there shall be the new registers of political parties mentioned in subsection (2) which—
- (a) shall be maintained by the Commission, and
  - (b) (subject to the provisions of this section) shall be so maintained in such form as the Commission may determine.
- (2) The new registers of political parties are—
- (a) a register of parties that intend to contest relevant elections in one or more of England, Scotland and Wales (referred to in this Act as “the Great Britain register”); and
  - (b) a register of parties that intend to contest relevant elections in Northern Ireland (referred to in this Act as “the Northern Ireland register”).

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- (3) Each party registered in the Great Britain register shall be so registered in respect of one or more of England, Scotland and Wales; and the entry for each party so registered shall be marked so as to indicate—
- (a) the part or parts of Great Britain in respect of which it is registered; and
  - (b) if the party is a minor party, that it is such a party.
- (4) A party may be registered under this Part in both of the new registers, but where a party is so registered—
- (a) the party as registered in the Great Britain register, and
  - (b) the party as registered in the Northern Ireland register,
- shall constitute two separate registered parties.
- (5) In such a case—
- (a) the party shall for the purposes of this Act be so organised and administered as to secure that the financial affairs of the party in Great Britain are conducted separately from those of the party in Northern Ireland;
  - (b) the financial affairs of the party in Great Britain or (as the case may be) Northern Ireland, shall accordingly constitute for those purposes the financial affairs of the party as registered in the Great Britain register or (as the case may be) the Northern Ireland register; and
  - (c) any application for the registration of a party in accordance with subsection (4) shall similarly be made and determined by reference to the party's organisation and activities in Great Britain and Northern Ireland respectively.
- (6) The Secretary of State may by order make provision for the transfer to the Commission of any property, rights and liabilities to which the registrar of companies is entitled or subject in connection with his functions under the <sup>M2</sup>Registration of Political Parties Act 1998; and an order under this subsection may in particular provide for the order to have effect despite any provision (of whatever nature) which would prevent or restrict the transfer of the property, rights or liabilities otherwise than by the order.

#### Commencement Information

- I2** S. 23 wholly in force at 16.2.2001; s. 23 partly in force at Royal Assent and in force for specified purposes at 14.12.2000, see s. 163(3)(4); s. 23 in force at 16.2.2001 by [S.I. 2001/222](#), [art. 2](#), [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

#### Marginal Citations

- M1** 1998 c. 48.  
**M2** 1998 c. 48.

### *Preliminary requirements*

## 24 Office-holders to be registered.

- (1) For each registered party there shall be—
- (a) a person registered as the party's leader;
  - (b) a person registered as the party's nominating officer; and
  - (c) a person registered as the party's treasurer;

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but the person registered as leader may also be registered as nominating officer or treasurer (or both).

- (2) The person registered as a party's leader must be—
  - (a) the overall leader of the party; or
  - (b) where there is no overall leader of the party, a person who is the leader of the party for some particular purpose.
- (3) The person registered as a party's nominating officer must have responsibility for the arrangements for—
  - (a) the submission by representatives of the party of lists of candidates for the purpose of elections;
  - (b) the issuing of such certificates as are mentioned in section 22(6); and
  - (c) the approval of descriptions and emblems used on nomination and ballot papers at elections.
- (4) The person registered as a party's treasurer shall be responsible for compliance on the part of the party—
  - (a) with the provisions of Parts III and IV (accounting requirements and control of donations), and
  - (b) unless a person is registered as the party's campaigns officer in accordance with section 25, with the provisions of Parts V to VII (campaign expenditure, third party expenditure and referendums) as well.
- (5) In the case of a party with accounting units the person registered as the party's treasurer shall, in relation to the provisions of Part III, be responsible for compliance on the part of the party's central organisation (rather than of the party).
- (6) Where—
  - (a) the person registered as a party's treasurer dies, or
  - (b) his appointment as treasurer terminates for any other reason,
 then, until such time as another person is registered as the party's treasurer in pursuance of an application under section 31(3)(a), the appropriate person shall be treated for all purposes of this Act (except subsection (8)) as if he were registered also as its treasurer.
- (7) In subsection (6) "the appropriate person" means—
  - (a) the person registered as the party's leader; or
  - (b) if that person is also registered as its treasurer but not as its nominating officer, the person registered as its nominating officer; or
  - (c) if that person is also registered both as its treasurer and as its nominating officer, any other officer of the party registered in accordance with Schedule 4.
- (8) A person commits an offence if—
  - (a) he is registered as treasurer of a registered party, and
  - (b) he has been convicted, at any time within the period of five years ending with the date of registration, of any offence under this Act or of any other offence committed in connection with a relevant election [<sup>F1</sup>, an election to the House of Assembly of Gibraltar] or a referendum within the meaning of Part VII.
- (9) Where a person registered as treasurer of a registered party is convicted of an offence falling within subsection (8)(b), his appointment as treasurer of the party shall terminate on the date of the conviction.

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- (10) In connection with the registration of a party in both the Great Britain register and the Northern Ireland register in accordance with section 23(4)—
- (a) a person may be registered in the Northern Ireland register as leader of the separate party registered in that register if (although not such a leader of the party as is mentioned in subsection (2) above) he is leader of the party in Northern Ireland; and
  - (b) references to a person’s responsibilities in subsection (3) or (4) above shall be read as references to the responsibilities that he will have with respect to the separate party registered in the Great Britain register or the Northern Ireland register, as appropriate.

#### Textual Amendments

- F1** Words in s. 24(8)(b) inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), [Sch. para. 3](#)

#### Commencement Information

- I3** S. 24 wholly in force at 16.2.2001; s. 24 not in force at Royal Assent and in force for specified purposes at 14.12.2000, see s. 163(2)(4); s. 24 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

## 25 Parties with campaigns officers.

- (1) In the case of any registered party a person—
  - (a) may be registered as the party’s campaigns officer, and
  - (b) may be so registered whether or not he is also registered as the party’s leader or nominating officer (or both).
- (2) The person registered as a party’s campaign officer shall be responsible for compliance on the part of the party with the provisions of Parts V to VII.
- (3) So long as a party is registered as a party with a campaigns officer, section 24(6), (8) and (9) shall apply in relation to a person registered as the party’s campaigns officer as they apply in relation to a person registered as treasurer of the party, except that in section 24(6) the reference to the appropriate person shall be read as a reference to the person registered as treasurer of the party.
- (4) The person registered as a party’s campaigns officer may appoint, on such terms as he may determine, one or more deputy campaigns officers of the party for the purposes of Part V, but not more than 12 persons may hold such appointments at the same time.
- (5) For the purposes of this section—
  - (a) the provisions of section 74(2) to (10) shall apply in relation to a party’s campaigns officer and the appointment of a person as deputy campaigns officer as they apply in relation to a party’s treasurer and the appointment of a person as deputy treasurer, and
  - (b) any reference in those provisions to a treasurer or (as the case may be) deputy treasurer shall accordingly be read as a reference to a campaigns officer or (as the case may be) deputy campaigns officer.

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- (6) In relation to any time when a party is (or was) registered as a party with a campaigns officer—
- (a) the provisions of Part V (other than section 74) and Parts VI and VII shall apply as if any reference to the treasurer of the party were a reference to the registered campaigns officer, and any reference to a deputy treasurer of the party were a reference to a deputy campaigns officer of the party; and
  - (b) the provisions of Part X (enforcement) shall apply in connection with matters relevant for the purposes of Parts V to VII as if any reference to a person who is or has been the treasurer of the party were a reference to a person who is or has been the registered campaigns officer.

#### Commencement Information

- I4** S. 25 wholly in force at 16.2.2001; s. 25 not in force at Royal Assent and in force for specified purposes at 14.12.2000, see s. 163(2)(4); s. 25 in force at 16.2.2001 by [S.I. 2001/222](#), [art. 2](#), [Sch. 1](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

## 26 Financial structure of registered party: adoption of scheme.

- (1) A party may not be registered unless it has adopted a scheme which—
  - (a) sets out the arrangements for regulating the financial affairs of the party for the purposes of this Act; and
  - (b) has been approved in writing by the Commission.
- (2) The scheme must in particular determine for the purposes of this Act whether the party is to be taken to consist of—
  - (a) a single organisation with no division of responsibility for the financial affairs and transactions of the party for the purposes of Part III (accounting requirements), or
  - (b) a central organisation and one or more separate accounting units, that is to say constituent or affiliated organisations each of which is to be responsible for its own financial affairs and transactions for the purposes of that Part.
- (3) In the latter case the scheme must—
  - (a) identify, by reference to organisations mentioned in the party's constitution, those which are to constitute the central organisation and the accounting units respectively; and
  - (b) give the name of each of those organisations.
- (4) The scheme must in every case include such other information as may be prescribed by regulations made by the Commission.
- (5) Where a draft scheme is submitted by a party for the Commission's approval, the Commission may either—
  - (a) approve the scheme, or
  - (b) give the party a notice requesting it to submit a revised scheme to them, as they think fit.
- (6) If under subsection (5) the Commission request a party to submit a revised scheme, they may specify either or both of the following, namely—

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- (a) any matters which they consider should be dealt with in the revised scheme; and
  - (b) any modifications which they consider should be incorporated in it.
- (7) A registered party may at any time notify the Commission that it wishes to replace the scheme for the time being approved in relation to it under this section with a further scheme complying with subsections (1) to (4); and where it so notifies the Commission—
- (a) it shall submit for the Commission’s approval a draft of the replacement scheme;
  - (b) subsections (5) and (6) shall apply in connection with the approval by the Commission of that scheme; and
  - (c) once that scheme has been approved in writing by the Commission it shall have effect as the party’s scheme under this section.
- (8) For the purposes of this section none of the following shall be taken to be a constituent or affiliated organisation in relation to a party—
- (a) a trade union within the meaning of the <sup>M3</sup>Trade Union and Labour Relations (Consolidation) Act 1992 or the <sup>M4</sup>Industrial Relations (Northern Ireland) Order 1992;
  - (b) a friendly society registered under the <sup>M5</sup>Friendly Societies Act 1974 or a society registered (or deemed to be registered) under the <sup>M6</sup>Industrial and Provident Societies Act 1965 or the <sup>M7</sup>Industrial and Provident Societies Act (Northern Ireland) 1969;
  - (c) any other organisation specified, or of a description specified, in an order made by the Secretary of State on the recommendation of the Commission.
- (9) In this section “constitution”, in relation to a party, means the document or documents (of whatever name) by which the structure and organisation of the party is determined.
- (10) In connection with the registration of a party in both the Great Britain register and the Northern Ireland register, subsection (1)(a) and the other provisions of this section apply (in accordance with section 23(5)) separately in relation to the party in Great Britain and the party in Northern Ireland, and in that connection—
- (a) any reference in this section to a constituent or affiliated organisation in relation to the party shall be read as a reference to a constituent or affiliated organisation in relation to the party in Great Britain or the party in Northern Ireland, as appropriate; and
  - (b) any reference in this Part to the party’s constitution shall be read as a reference to the party’s constitution so far as relating to the party in Great Britain or the party in Northern Ireland, as appropriate;
- and the party’s scheme must show that the financial affairs of the party in Great Britain will be conducted separately from those of the party in Northern Ireland.
- (11) For the purposes of this Act—
- (a) “accounting unit” means a constituent or affiliated organisation falling within paragraph (b) of subsection (2);
  - (b) a registered party is a “party with accounting units” if the party’s scheme under this section identifies the party as being one falling within that paragraph; and
  - (c) in the case of such a party, the “central organisation” of the party is the central organisation referred to in that paragraph.

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#### Commencement Information

- I5** S. 26 wholly in force; s. 26 in force at Royal Assent for specified purposes, see s. 163(3); s. 26 partly in force at 14.12.2000 for specified purposes by s. 163(4) and fully in force at 16.2.2001 by S.I. 2001/222, art. 2, **Sch. 1 Pt. I** (subject to the transitional provisions in **Pt. II** of **Sch. 1**)

#### Marginal Citations

- M3** 1992 c. 52.  
**M4** S.I. 1992/807 (N.I.5).  
**M5** 1974 c. 46.  
**M6** 1965 c. 12.  
**M7** 1969 c. 24 (N.I.).

### 27 Financial structure of registered party: accounting units.

- (1) This section applies where a registered party is a party with accounting units.
- (2) For each accounting unit there shall be—
- (a) a person registered as the treasurer of the unit who shall be responsible for compliance on the part of the unit with the provisions of Parts III and IV so far as relating to it; and
  - (b) another person who is an officer of the unit registered for the purposes of subsection (3).
- (3) Section 24(6), (8) and (9) shall apply in relation to a person registered as treasurer of an accounting unit as they apply in relation to a person registered as treasurer of the party, except that in section 24(6) the reference to the appropriate person shall be read as a reference to the officer of the unit who is registered for the purposes of this subsection.

#### Commencement Information

- I6** S. 27 wholly in force at 16.2.2001; s. 27 not in force at Royal Assent and in force at 14.12.2000 for specified purposes, see s. 163(2)(4); s. 27 in force at 16.2.2001 by S.I. 2001/222, art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in **Sch. 1 Pt. II**)

## *Registration*

### 28 Registration of parties.

- (1) A party may apply to be registered under this Part by sending to the Commission an application which—
- (a) complies with the requirements of Part I of Schedule 4, and
  - (b) is accompanied by a declaration falling within subsection (2).
- (2) The declarations falling within this subsection are—
- (a) a declaration that the party—
    - (i) intends to contest one or more relevant elections in Great Britain and one or more such elections in Northern Ireland, and



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- (ii) is accordingly applying to be registered (as two such separate parties as are mentioned in section 23(4)) in both the Great Britain register and the Northern Ireland register;
  - (b) a declaration that the party—
    - (i) intends to contest one or more relevant elections (which will not be confined to one or more parish or community elections) in Great Britain only, and
    - (ii) is accordingly applying to be registered in the Great Britain register only;
  - (c) a declaration that the party—
    - (i) intends to contest one or more relevant elections in Northern Ireland only, and
    - (ii) is accordingly applying to be registered in the Northern Ireland register only;
  - (d) a declaration that the party—
    - (i) intends only to contest one or more parish or community elections, and
    - (ii) is accordingly applying to be registered in the Great Britain register only.
- (3) A declaration falling within paragraph (a), (b) or (d) of subsection (2) must specify the part or parts of Great Britain in respect of which the party is applying to be registered in the Great Britain register.
- [<sup>F2</sup>(3A) A declaration under subsection (2)(a) or (b) which specifies that the party is applying to be registered in respect of England may include a statement that the party intends to contest one or more elections to the European Parliament in the combined region.]
- (4) Where a party sends an application to the Commission in accordance with subsection (1), the Commission shall grant the application unless in their opinion the party proposes a registered name which—
  - (a) would either—
    - (i) be the same as that of a party which is already registered in the register in which that party is applying to be registered, or
    - (ii) be likely to result in electors confusing that party with a party which is already registered in respect of the relevant part of the United Kingdom,
  - (b) comprises more than six words,
  - (c) is obscene or offensive,
  - (d) includes words the publication of which would be likely to amount to the commission of an offence,
  - (e) includes any script other than Roman script, or
  - (f) includes any word or expression prohibited by order made by the Secretary of State after consulting the Commission,
 or it appears to the Commission that the party has failed to adopt a scheme approved under section 26.
- (5) In subsection (4)(a) “already registered in respect of the relevant part of the United Kingdom” means—

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- (a) in connection with registration of the applicant party in the Great Britain register, already registered in respect of any part of Great Britain in respect of which that party is applying to be registered;
  - (b) in connection with registration of the applicant party in the Northern Ireland register, already registered in that register.
- (6) An order under subsection (4)(f) may except the use of a word or expression from the prohibition in specified circumstances.
- (7) If—
- (a) at any time two or more applications for registration are pending each of which would (in the absence of the other or others) fall to be granted by the Commission, but
  - (b) the registered names proposed by the applicant parties are such that, if one of those names was already registered in pursuance of the application in question, the Commission would be required to refuse the other application or applications by virtue of subsection (4)(a),
- the Commission shall determine by reference to the history of each of the applicant parties which of them has, in the Commission’s opinion, the greater or greatest claim to the name proposed by it, and shall then grant the application by that party and refuse the other application or applications.
- (8) Where the Commission grant an application by a party under this section, they shall include in the party’s entry in the register—
- (a) the particulars, apart from home addresses, given in the application in accordance with paragraphs 2 to 4, 5(2) and 6 of Schedule 4;<sup>F3</sup> . . .
  - (b) the date of registration.
  - [<sup>F4</sup>(c) any statement made under subsection (3A); and
  - (d) if the party—
    - (i) is established in Gibraltar (in this Act referred to as a “Gibraltar party”); and
    - (ii) has made a statement under subsection (3A), a notice that it is a Gibraltar party.]
- (9) Where the Commission refuse an application by a party under this section, they shall notify the party of their reasons for refusing the application.
- (10) In this Part “the register” means—
- (a) in relation to a party registered in the Great Britain register, the Great Britain register, and
  - (b) in relation to a party registered in the Northern Ireland register, the Northern Ireland register.

#### Textual Amendments

**F2** S. 28(3A) inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), [Sch. para. 4\(a\)](#)

**F3** Word in s. 28(8) omitted (5.2.2004) by virtue of [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), [Sch. para. 4\(b\)](#)

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- F4** S. 28(8)(c)(d) inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), [Sch. para. 4\(b\)](#)

#### Commencement Information

- I7** S. 28 wholly in force at 16.2.2001; s. 28 in force at Royal Assent for specified purposes and at 14.12.2000 for further specified purposes, see s. 163(2)(4); s. 28 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

VALID FROM 01/01/2007

### **[<sup>F5</sup>28A Descriptions**

- (1) A party's application under section 28 may include a request for the registration of up to 12 descriptions to be used on nomination papers or ballot papers.
- (2) Where a request is made by a party under this section in relation to a description, the Commission shall register the description as a description of the party unless it is of more than six words in length or in their opinion it—
  - (a) would be the same as the name of a party or the registered description of a party which (in either case) is already registered in the register in which that party is applying to be registered,
  - (b) would be likely to result in electors confusing that party with another party which is already registered in respect of the relevant part of the United Kingdom,
  - (c) is obscene or offensive,
  - (d) is of such a character that its publication would be likely to amount to the commission of an offence,
  - (e) would be likely, were it to appear on a ballot paper issued at an election—
    - (i) to result in an elector being misled as to the effect of his vote, or
    - (ii) to contradict, or hinder an elector's understanding of, any directions for his guidance in voting given on the ballot paper or elsewhere,
  - (f) includes any script other than Roman script, or
  - (g) includes a word or expression prohibited by order made by the Secretary of State.
- (3) In subsection (2)(b) “already registered in respect of the relevant part of the United Kingdom” has the meaning given by section 28(5).
- (4) An order under subsection (2)(g) may except the use of a word or expression from the prohibition in specified circumstances.
- (5) In the application of subsection (2) above to a party which has made a declaration falling within section 28(2) which specifies Wales as a part of Great Britain in respect of which it is applying to be registered, for “it is of more than six words in length” substitute its length exceeds six words in either English or Welsh or, if the description is also expressed in the other of those languages, six words in that other language.
- (6) The Secretary of State may, by order, substitute for the number “12” in subsection (1) such other number as he thinks appropriate.

*Status: Point in time view as at 05/02/2004. This version of this part contains provisions that are not valid for this point in time.*

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- (7) An order under subsection (2)(g) or (6) must not be made unless the Secretary of State first consults the Commission.

#### Textual Amendments

- F5** Ss. 28A, 28B inserted (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 49(1), 77(2)**; [S.I. 2006/3412](#), **art. 3**, [Sch. 1 para. 6](#) (subject to [art. 6](#), [Sch. 2](#))

VALID FROM 01/01/2007

### 28B Joint descriptions

- (1) Two or more parties which are registered under section 28 above in the same register may apply to the Commission to register a description for use by a candidate standing in the name of both or all of the parties jointly.
- (2) The following provisions of section 28A apply to an application under this section as they apply to an application under that section—
  - (a) subsections (2) to (5);
  - (b) subsection (7), so far as it relates to subsection (2)(g).
- (3) Subsections (1)(bb), (4A) to (4D) and (6A) of section 30 apply to a description mentioned in subsection (1) above as they apply to a description to which section 28A applies; and for the purposes of such application—
  - (a) any reference to a party in section 30 (except in relation to an application to remove a description under subsection (1)(bb) of that section) must be construed as a reference to the parties mentioned in subsection (1) above acting jointly,
  - (b) section 30(4A)(a) must be taken to read “the parties already have a description registered in pursuance of section 28B above”, and
  - (c) the requirement in paragraph 9 of Schedule 4 for an application under section 30 to be signed by the responsible officer of a party must be taken to be a requirement for the application to be signed by a responsible officer of each party which joins in the application.]

#### Textual Amendments

- F5** Ss. 28A, 28B inserted (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 49(1), 77(2)**; [S.I. 2006/3412](#), **art. 3**, [Sch. 1 para. 6](#) (subject to [art. 6](#), [Sch. 2](#))

### 29 Emblems.

- (1) A party’s application under section 28 may include a request for the registration of up to three emblems to be used by the party on ballot papers.
- (2) Where a request is made by a party under this section in relation to an emblem, the Commission shall register the emblem as an emblem of the party unless in their opinion it—

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- (a) would either—
    - (i) be the same as a registered emblem of a party which is already registered in the register in which that party is applying to be registered, or
    - (ii) be likely to be confused by voters with a registered emblem of a party which is already registered in respect of the relevant part of the United Kingdom,
  - (b) is obscene or offensive,
  - (c) is of such a character that its publication would be likely to amount to the commission of an offence, or
  - (d) includes a word or expression prohibited by virtue of section 28(4)(f).
- (3) In subsection (2)(a) “already registered in respect of the relevant part of the United Kingdom” has the meaning given by section 28(5).
- (4) A registered emblem shall be a black and white representation of the emblem shown in the application.
- (5) Where the Commission refuse a request made by a party under this section in relation to an emblem, they shall notify the party of their reasons for refusing the request.

#### Commencement Information

- I8** S. 29 wholly in force at 16.2.2001; s. 29 not in force at Royal Assent and in force at 14.12.2000 for specified purposes, see s. 163(2)(4); s. 29 in force at 16.2.2001 by [S.I. 2001/222, art. 2, Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

### 30 Changes to the register.

- (1) A party may apply to the Commission to have its entry in the register altered by—
- (a) changing its registered name,
  - (b) (if registered in the Great Britain register) changing the part or parts of Great Britain in respect of which it is registered,
  - <sup>[F6]</sup>(ba) (if registered in the Great Britain register in respect of England) the addition or removal of a statement that the party intends to contest one or more elections to the European Parliament in the combined region;
  - (c) the addition, substitution or removal of an emblem,
  - (d) the addition or removal of a statement that a party is registered as a party with a campaigns officer, or
  - (e) the addition of information prescribed under paragraph 6 of Schedule 4 since—
    - (i) the time when the party applied for registration, or
    - (ii) if a notification has been previously given under section 32 in relation to the party, the time when the last such notification was given.
- (2) Subject to subsections (3) to (6), the Commission shall grant an application under this section.

<sup>[F7]</sup>(2A) If the party—

- (a) is a Gibraltar party; and

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- (b) the Commission grants an application to have its entry in the register altered by the addition of a statement that it intends to contest one or more elections to the European Parliament in the combined region,  
the Commission shall include in the party's entry in the register a notice that it is a Gibraltar party.]
- (3) The Commission shall refuse an application to change a party's registered name if, in their opinion, any of paragraphs (a) to (f) of section 28(4) apply to the new name.
- (4) The Commission shall refuse an application to change the part or parts of Great Britain in respect of which a party is registered if, in their opinion, the change would be likely to result in—
- (a) such confusion in relation to the party's registered name as is mentioned in paragraph (a) of section 28(4), or
- (b) such confusion in relation to a registered emblem of the party as is mentioned in paragraph (a) of section 29(2).
- (5) The Commission shall refuse an application to add an emblem if—
- (a) the party already has three registered emblems, or
- (b) in the Commission's opinion, any of paragraphs (a) to (d) of section 29(2) apply to the emblem.
- (6) The Commission shall refuse to substitute an emblem if in their opinion any of paragraphs (a) to (d) of section 29(2) apply to the new emblem.
- (7) For the purposes of subsection (3), (5) or (6)—
- (a) section 28(4)(a) and section 28(5), or
- (b) section 29(2)(a) and section 28(5) (as it applies by virtue of section 29(3)),  
as the case may be, shall each have effect as if the words "applying to be" were omitted.
- (8) Where the Commission refuse an application by a party under this section, they shall notify the party of their reasons for refusing the application.
- (9) Part II of Schedule 4 applies to applications under this section.

#### Textual Amendments

- F6** S. 30(1)(ba) inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), [Sch. para. 5\(a\)](#)
- F7** S. 30(2A) inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), [Sch. para. 5\(b\)](#)

#### Commencement Information

- I9** S. 30 wholly in force at 16.2.2001; s. 30 not in force at Royal Assent and in force for specified purposes at 14.12.2000, see s. 163(2)(4); s. 30 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

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### 31 Notification of changes in party's officers etc.

- (1) If at any time any particulars in a party's entry in the register which relate to any relevant matter cease to be accurate, the person registered as treasurer of the party must give the Commission a notification under this section.
- (2) For the purposes of this section "relevant matter" means any of the following—
  - (a) the name of any registered officer of the party;
  - (b) the home address of any such officer;
  - (c) the address of the party's headquarters (or, if it has no headquarters, the address to which communications to the party may be sent);
  - (d) the name of the treasurer of any accounting unit of the party or of any officer of such a unit registered for the purposes of section 27(3);
  - (e) the name of any accounting unit of the party;
  - (f) the address of the headquarters of any accounting unit of the party (or, if it has no headquarters, the address to which communications to the accounting unit may be sent).
- (3) A notification under this section [<sup>F8</sup>(other than under subsection (3A))] must specify the relevant matter in respect of which the registered particulars have ceased to be accurate, and—
  - (a) if that matter is specified in subsection (2)(a) or (d)—
    - (i) specify the name of the officer replacing the person currently registered as holder of the office in question, and
    - (ii) (if that person is so registered as an officer of the party) include an application for the registration of the replacement officer which complies with Part III of Schedule 4; and
  - (b) otherwise, specify accurate particulars in respect of that matter.
- [<sup>F9</sup>(3A) If a party's entry in the register includes a statement that it intends to contest one or more elections to the European Parliament in the combined region and the statement ceases to be accurate, the person registered as the treasurer of the party must give the Commission a notification to that effect under this section.]
- (4) A notification under this section must be given to the Commission—
  - (a) where subsection (1) applies by reason of the death or the termination for any other reason of the appointment of any registered officer of the party, within the period of 14 days beginning with the date of his death or the termination of his appointment;
  - (b) where that subsection applies by reason of any other change in circumstances, within the period of 28 days beginning with the date when the change occurs.
  - [<sup>F10</sup>(c) where subsection (3A) applies, within the period of 14 days beginning with the date when the statement ceases to be accurate.]
- (5) Where the Commission receive a notification under this section, they shall cause any change required as a consequence of the notification to be made in the party's entry in the register as soon as is reasonably practicable.
- (6) In the case of a party with accounting units any reference to the party in subsection (2) (c) shall be read as a reference to the central organisation.



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- (7) For the purposes of this section any particulars held by the Commission in respect of the home address of any registered officer of the party shall be taken to be particulars contained in the party's entry in the register.

#### Textual Amendments

- F8** Words in s. 31(3) inserted (5.2.2004) by The European Parliamentary Elections (Combined Region and Campaign Expenditure) (United Kingdom and Gibraltar) Order 2004 (S.I. 2004/366, arts. 1(2), 4(2), [Sch. para. 6\(a\)](#))
- F9** S. 31(3A) inserted (5.2.2004) by The European Parliamentary Elections (Combined Region and Campaign Expenditure) (United Kingdom and Gibraltar) Order 2004 (S.I. 2004/366), arts. 1(2), 4(2), [Sch. para. 6\(b\)](#))
- F10** S. 31(4)(c) inserted (5.2.2004) by The European Parliamentary Elections (Combined Region and Campaign Expenditure) (United Kingdom and Gibraltar) Order 2004 (S.I. 2004/366), arts. 1(2), 4(2), [Sch. para. 6\(c\)](#))

#### Commencement Information

- I10** S. 31 wholly in force at 16.2.2001; s. 31 not in force at Royal Assent and in force for specified purposes at 14.12.2000, see s. 163(2)(4); s. 31 in force at 16.2.2001 by [S.I. 2001/222](#), [art. 2](#), [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

## 32 Confirmation of registered particulars etc.

- (1) The person registered as treasurer of a party must, at the time when the statement of accounts for any financial year of the party is sent to the Commission under Part III, give a notification under this section to the Commission.
- (2) A notification under this section must—
- (a) state that the particulars in the party's entry in the register remain accurate and include any information prescribed under paragraph 6 of Schedule 4 since the relevant time, or
  - (b) so far as necessary to secure that such particulars will both be accurate and include any information so prescribed, contain one or more of the following, namely—
    - (i) an application under section 30,
    - (ii) a notification under section 31, or
    - (iii) any information so prescribed.
- (3) A notification under this section must also give particulars of any change occurring in the party's constitution (within the meaning of section 26) since the relevant time.
- (4) In subsections (2) and (3) "the relevant time" means—
- (a) the time when the party applied for registration, or
  - (b) if a notification has been previously given under this section in relation to the party, the time when the last such notification was given.
- (5) A notification under this section must be accompanied by any fee prescribed by order made by the Secretary of State.
- (6) For the purposes of this section any particulars held by the Commission in respect of the home address of any registered officer of the party shall be taken to be particulars contained in the party's entry in the register.



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### Commencement Information

**II1** S. 32 wholly in force at 16.2.2001; s. 32 in force at Royal Assent for specified purposes and in force at 14.12.2000 for further specified purposes, see s. 163(3)(4); s. 32 in force at 16.2.2001 by [S.I. 2001/222](#), [art. 2](#), [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

## 33 Party ceasing to be registered.

- (1) Once a party is registered its entry may only be removed from the register in accordance with subsection (2).
- (2) Where—
  - (a) a party applies to have its entry removed from the register, and
  - (b) the application includes a declaration on behalf of the party that it does not intend to have any candidates at any relevant election,
 the Commission shall remove the party’s entry from the register.
- (3) On the removal of the party’s entry from the register the party shall cease to be a registered party.
- (4) However, until the end of the financial year of the party which follows that in which its entry is removed from the register—
  - (a) the Commission shall, when considering applications made by other parties under this Part, treat the entry as if it were still contained in the register, and
  - (b) the requirements of Parts III to V shall continue to apply to the party as if it were still registered.
- (5) Part IV of Schedule 4 applies to applications under this section.

### Commencement Information

**II2** S. 33 wholly in force at 16.2.2001; s. 33 not in force at Royal Assent and in force for specified purposes at 14.12.2000, see s. 163(2)(4); s. 33 in force at 16.2.2001 by [S.I. 2001/222](#), [art. 2](#), [Sch. Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

## 34 Registration of minor parties.

- (1) This section applies to any party registered in the Great Britain register in pursuance of a declaration falling within section 28(2)(d) (referred to in this Act as a “minor party”).
- (2) The following provisions do not apply to a minor party—
  - (a) any provisions of this Part so far as relating to the registration of a treasurer or campaigns officer for a registered party or otherwise referring to a registered treasurer or campaigns officer (or any deputy campaigns officer);
  - (b) sections 26 and 27; and
  - (c) section 36;
 but this is subject to subsection (8)(a).
- (3) The registered leader of a minor party must, in the case of each anniversary of the party’s inclusion in the register, give a notification under this subsection to the

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Commission within the period beginning one month before the anniversary and ending three months after it.

- (4) A notification under subsection (3) must—
- (a) state that the particulars in the party’s entry in the register remain accurate and include any information prescribed under paragraph 6 of Schedule 4 since the relevant time, or
  - (b) so far as necessary to secure that such particulars will both be accurate and include any information so prescribed, contain one or more of the following, namely—
    - (i) an application under section 30,
    - (ii) a notification under section 31, or
    - (iii) any information so prescribed.
- (5) In subsection (4) “the relevant time” means—
- (a) the time when the party applied for registration, or
  - (b) if a notification has previously been given under subsection (3) in relation to the party, the time when the last such notification was given;
- and for the purposes of subsection (4) any particulars held by the Commission in respect of the home address of any registered officer of the party shall be taken to be particulars contained in the party’s entry in the register.
- (6) A notification under subsection (3) must be accompanied by any fee prescribed by order made by the Secretary of State.
- (7) In addition to being able to make an application under section 30, a minor party may apply to the Commission to have—
- (a) the declaration mentioned in subsection (1) above cancelled, and
  - (b) the party’s existing entry in the Great Britain register replaced by such entry or entries (in that or the Northern Ireland register) as accord with a fresh declaration sent by the party to the Commission and falling within section 28(2)(a), (b) or (c).
- (8) Where a minor party makes an application under subsection (7)—
- (a) the provisions mentioned in subsection (2)(a) and (b) shall apply to the party;
  - (b) the party must provide the Commission with such information as—
    - (i) would, by virtue of Schedule 4, be required to be provided in connection with an application by the party under section 28 to be registered in accordance with the fresh declaration mentioned in subsection (7)(b), and
    - (ii) has not already been provided in connection with its existing registration as a minor party; and
  - (c) the following provisions, namely—
    - (i) sections 28(4) to (8) and 29, and
    - (ii) paragraphs 1(2) and 7 of Schedule 4,
 shall apply, with any necessary modifications, in relation to the party’s application as if it were such an application under section 28 as is mentioned in paragraph (b)(i).

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#### Commencement Information

- I13** S. 34 wholly in force at 16.2.2001; s. 34 partly in force at Royal Assent and in force at 14.12.2000 for specified purposes, see s. 163(3)(4); s. 34 in force at 16.2.2001 by [S.I. 2001/222](#), [art. 2](#), [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

### 35 Request by Secretary of State.

On receipt of a request made by the Secretary of State, the Commission shall send a copy of the Great Britain or Northern Ireland register, or any parts of it specified in the request, to—

- (a) the Secretary of State; or
- (b) any other person so specified.

#### Commencement Information

- I14** S. 35 wholly in force at 16.2.2001; s. 35 not in force at Royal Assent and in force for specified purposes at 14.12.2000, see s. 163(2)(4); s. 35 in force at 16.2.2001 by [S.I. 2001/222](#), [art. 2](#), [Sch. Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

### 36 Assistance by Commission for existing registered parties.

- (1) The Commission may, in accordance with a scheme prepared by them for the purposes of this section, provide assistance for existing parties with a view to helping them to meet, or to reducing, the expenses falling to be initially incurred by them in order to comply with Parts III and IV.
- (2) The assistance which may be so provided to an existing party may take the form of—
  - (a) a grant to the party, or
  - (b) the provision of non-financial benefits to the party (such as the provision of computer software free of charge),
 or both, as the scheme may determine.
- (3) The scheme may provide for an existing party's entitlement to assistance under this section to depend on the Commission's being satisfied that the expenses falling to be incurred by the party as mentioned in subsection (1) exceed an amount specified in the scheme.
- (4) Any grant under this section may be made subject to such conditions as the Commission consider appropriate.
- (5) The total expenditure incurred by the Commission in providing assistance under this section (whether by grants or otherwise) shall not exceed £700,000.
- (6) The Commission shall publish the scheme in such manner as they consider appropriate.
- (7) In this section "existing party" means any party registered under the <sup>M8</sup>Registration of Political Parties Act 1998 at the commencement of this section.

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#### Marginal Citations

**M8** 1998 c. 48.

### Supplemental

#### 37 Party political broadcasts.

- (1) A broadcaster shall not include in its broadcasting services any party political broadcast made on behalf of a party which is not a registered party.
- (2) In this Act “broadcaster” means—
- (a) the holder of a licence under the <sup>M9</sup>Broadcasting Act 1990 or <sup>M10</sup>1996 ,
  - (b) the British Broadcasting Corporation, or
  - (c) Sianel Pedwar Cymru.
- [<sup>F11</sup>(3) The reference in subsection (1) to a broadcaster includes a reference to the Gibraltar Broadcasting Corporation, but only as respects party political broadcasts relating to elections to the European Parliament.]

#### Textual Amendments

**F11** S. 37(3) inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), [Sch. para. 7](#)

#### Commencement Information

**I15** S. 37 wholly in force at 16.2.2001; s. 37 not in force at Royal Assent and in force for specified purposes at 14.12.2000, see s. 163(2)(4); s. 37 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, [Sch. Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

#### Marginal Citations

**M9** 1990 c. 42.

**M10** 1996 c. 55.

#### 38 Amendment of parliamentary elections rules.

- (1) The rules set out in Schedule 1 to the Representation of the <sup>M11</sup>People Act 1983 (the parliamentary elections rules) shall be amended as follows.
- (2) In rule 6 (nomination of candidates), for paragraph (3) there shall be substituted—
- “(3) The description, if any, must consist of either—
- (a) a description (of not more than 6 words in length) which is authorised as mentioned in rule 6A(1) below; or
  - (b) the word “Independent” or, where the candidate is the Speaker of the House of Commons seeking re-election, the words “The Speaker seeking re-election”.”
- (3) In rule 6A (nomination papers: name of registered political party)—

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- (a) in paragraph (1), after “unless” there shall be inserted “the party is a qualifying party in relation to the constituency and ”; and
- (b) for paragraph (3) there shall be substituted—

“(3) For the purposes of the application of this rule in relation to an election—

- (a) “registered political party” means a party which was registered under Part II of the Political Parties, Elections and Referendums Act 2000 at the time by which the notice of the election is required to be published by virtue of rule 1 (“the relevant time”);
- (b) a registered political party is a qualifying party in relation to a constituency if—
  - (i) the constituency is in England, Scotland or Wales and the party was at the relevant time registered in respect of that part of Great Britain in the Great Britain register maintained under that Part of that Act, or
  - (ii) the constituency is in Northern Ireland and the party was at the relevant time registered in the Northern Ireland register maintained under that Part of that Act.”

- (4) In the Appendix of Forms, in the form of nomination paper, for “Merchant” there shall be substituted “Independent”.

#### Commencement Information

**I16** S. 38 wholly in force at 16.2.2001; s. 38 not in force at Royal Assent and in force for specified purposes at 14.12.2000, see s. 163(2)(4); s. 38 in force at 16.2.2001 by [S.I. 2001/222](#), [art. 2](#), [Sch. Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

#### Marginal Citations

**M11** 1983 c. 2.

### 39 False statements: offence.

A person commits an offence if—

- (a) he knowingly or recklessly makes a statement to the Commission which is false in any material particular, and
- (b) the statement is made, or purports to be made, on behalf of a party for any purpose of this Part of this Act.

#### Commencement Information

**I17** S. 39 wholly in force at 16.2.2001; s. 39 not in force at Royal Assent and in force for specified purposes at 14.12.2000, see s. 163(2)(4); s. 39 in force at 16.2.2001 by [S.I. 2001/222](#), [art. 2](#), [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

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## 40 Interpretation of Part II.

(1) In this Part—

“the appointed day” means the day appointed under section 163(2) for the coming into force of section 23;

“financial year”, in relation to a registered party, shall be construed in accordance with section 41(6);

“parish or community election” means an election of councillors for a parish in England or a community in Wales;

“party” includes any organisation or person;

“the register” shall be construed in accordance with section 28(10);

“registered” (unless the context otherwise requires) means registered under this Part (whether in the Great Britain or the Northern Ireland register), and other references to registration shall be construed accordingly;

“the registrar of companies” means the registrar or other officer who performs the duty of registering companies under the<sup>M12</sup>Companies Act 1985;

“relevant election” shall be construed in accordance with section 22(5).

(2) For the purposes of this Part a registered party contests an election—

(a) by one or more candidates standing for election in the party’s name at the election, or

(b) by the party itself standing nominated at the election.

[<sup>F12</sup>(3) The combined region is to be regarded as part of England for the purposes of—

(a) the references to England in sections 22(2)(a), 23(2)(a) and (3), 28(3A) and 30(1)(ba);

(b) the references to Great Britain (other than in the expression “Great Britain register”) in sections 23(5)(c) and 28(2)(a) and (b); and

(c) any reference in this Part to a part or parts of Great Britain or to a part or parts of the United Kingdom (other than a reference by name to a particular part).]

### Textual Amendments

**F12** S. 40(3) inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), [Sch. para. 8](#)

### Commencement Information

**I18** S. 40 wholly in force at 16.2.2001; s. 40 not in force at Royal Assent and in force for specified purposes at 14.12.2000, see s. 163(2)(4); s. 40 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

### Marginal Citations

**M12** 1985 c. 6.

**Status:**

Point in time view as at 05/02/2004. This version of this part contains provisions that are not valid for this point in time.

**Changes to legislation:**

Political Parties, Elections and Referendums Act 2000, Part II is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.