



# Political Parties, Elections and Referendums Act 2000

## 2000 CHAPTER 41

### PART IV

CONTROL OF DONATIONS TO REGISTERED PARTIES AND THEIR MEMBERS ETC.

### CHAPTER II

RESTRICTIONS ON DONATIONS TO REGISTERED PARTIES

**Modifications etc. (not altering text)**

- C1** Pt. IV Chapters I-III excluded (*temp.* from 16.2.2001) by [S.I. 2001/446, art. 2](#)
- C2** Pt. 4 Chs. 1-3 disapplied (*temp.* from 16.2.2005) by [The Political Parties, Elections and Referendums Act 2000 \(Disapplication of Part IV for Northern Ireland Parties, etc\) Order 2005 \(S.I. 2005/299\), arts. 1\(2\), 2](#)

*Permissible donations*

**54 Permissible donors.**

- (1) A donation received by a registered party must not be accepted by the party if—
- the person by whom the donation would be made is not, at the time of its receipt by the party, a permissible donor; or
  - the party is (whether because the donation is given anonymously or by reason of any deception or concealment or otherwise) unable to ascertain the identity of that person.
- (2) For the purposes of this Part the following are permissible donors—
- an individual registered in an electoral register;

*Status: Point in time view as at 01/01/2010. This version of this chapter contains provisions that are prospective.*

*Changes to legislation: Political Parties, Elections and Referendums Act 2000, Chapter II is up to date with all changes known to be in force on or before 12 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. (See end of Document for details)*

- (b) a company—
  - (i) <sup>F1</sup>registered under the Companies Act 2006], and
  - (ii) incorporated within the United Kingdom or another member State, which carries on business in the United Kingdom;
- (c) a registered party<sup>F2</sup>, other than a Gibraltar party whose entry in the register includes a statement that it intends to contest one or more elections to the European Parliament in the combined region];
- (d) a trade union entered in the list kept under the <sup>M1</sup>Trade Union and Labour Relations (Consolidation) Act 1992 or the <sup>M2</sup>Industrial Relations (Northern Ireland) Order 1992;
- (e) a building society (within the meaning of the <sup>M3</sup>Building Societies Act 1986);
- (f) a limited liability partnership registered under the <sup>M4</sup>Limited Liability Partnerships Act 2000 <sup>F3</sup> . . . which carries on business in the United Kingdom;
- (g) 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; and
- (h) any unincorporated association of two or more persons which does not fall within any of the preceding paragraphs but which carries on business or other activities wholly or mainly in the United Kingdom and whose main office is there.

<sup>F4</sup>(2A) As respects a registered party whose entry in the register includes a statement that it intends to contest one or more elections to the European Parliament in the combined region, the following are also permissible donors for the purposes of this Part—

- (a) a Gibraltar elector;
- (b) a company—
  - (i) registered under the Companies <sup>F5</sup>Act]; and
  - (ii) incorporated within Gibraltar, the United Kingdom or another member State, which carries on business in Gibraltar;
- (c) a Gibraltar party whose entry in the register includes a statement that it intends to contest one or more elections to the European Parliament in the combined region;
- (d) a trade union within the meaning of the Trade Union and Trade Disputes <sup>F6</sup>Act];
- (e) a building society within the meaning of the Banking (Extension to Building Societies) <sup>F7</sup>Act];
- (f) a limited liability partnership registered under the Limited Partnerships Ordinance, which carries on business in Gibraltar; and
- (g) any unincorporated association of two or more persons which does not fall within any of the preceding paragraphs but which carries on business or other activities wholly or mainly in Gibraltar and whose main office is there,

but, in the case of a party other than a Gibraltar party, only where the donation is received by the party within the period of four months ending with the date of the poll for an election to the European Parliament in the combined region.]

- (3) In relation to a donation in the form of a bequest subsection (2)(a) shall be read as referring to an individual who was, at any time within the period of five years ending with the date of his death, registered in an electoral register.

*Status: Point in time view as at 01/01/2010. This version of this chapter contains provisions that are prospective.*

*Changes to legislation: Political Parties, Elections and Referendums Act 2000, Chapter II is up to date with all changes known to be in force on or before 12 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. (See end of Document for details)*

- [<sup>F8</sup>(3A) In relation to a donation in the form of a bequest subsection (2A)(a) shall be read as referring to an individual who was, at any time within the period of five years ending with the date of his death, a Gibraltar elector.]
- (4) Where any person (“the principal donor”) causes an amount (“the principal donation”) to be received by a registered party by way of a donation—
- (a) on behalf of himself 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 [<sup>F9</sup>£500] shall be 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 party, the party 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 2 [<sup>F10</sup>or 2A] of Schedule 6 to be given in respect of the donor of a recordable donation; and
  - (b) (in any case) all such details in respect of the donation as are required by virtue of paragraph 4 of Schedule 6 to be given in respect of a recordable donation.
- (6) Where—
- (a) any person (“the agent”) causes an amount to be received by a registered party by way of a donation on behalf of another person (“the donor”), and
  - (b) the amount of that donation is more than [<sup>F11</sup>£500] ,
- the agent must ensure that, at the time when the donation is received by the party, the party is given all such details in respect of the donor as are required by virtue of paragraph 2 [<sup>F10</sup>or 2A] of Schedule 6 to be given in respect of the donor of a recordable donation.
- (7) A person commits an offence if, without reasonable excuse, he fails to comply with subsection (5) or (6).
- (8) In this section “electoral register” means any of the following—
- (a) a register of parliamentary or local government electors maintained under section 9 of the Representation of the <sup>M8</sup>People Act 1983;
  - (b) a register of relevant citizens of the European Union prepared under [<sup>F12</sup>the European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations 2001]; or
  - (c) a register of peers prepared under regulations under section 3 of the Representation of the <sup>M9</sup>People Act 1985.

#### Textual Amendments

- F1** Words in s. 24(2)(b)(i) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 2(1), [Sch. 1 para. 185\(a\)](#) (with arts. 3-5, 10)
- F2** Words in s. 54(2)(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. 12\(a\)](#)

---

*Status: Point in time view as at 01/01/2010. This version of this chapter contains provisions that are prospective.*  
**Changes to legislation:** *Political Parties, Elections and Referendums Act 2000, Chapter II is up to date with all changes known to be in force on or before 12 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. (See end of Document for details)*

---

- F3** Words in s. 54(2)(f) omitted (1.10.2009) by virtue of [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 2(1), **Sch. 1 para. 185(b)** (with arts. 3-5, 10)
- F4** S. 54(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. 12(b)**
- F5** Word in s. 54(2A)(b)(i) substituted (30.1.2009) by [The European Parliamentary Elections \(Loans and Related Transactions and Miscellaneous Provisions\) \(United Kingdom and Gibraltar\) Order 2009 \(S.I. 2009/185\)](#), arts. 1(2), 2(2), **Sch. para. 1(a)**
- F6** Word in s. 54(2A)(d) substituted (30.1.2009) by [The European Parliamentary Elections \(Loans and Related Transactions and Miscellaneous Provisions\) \(United Kingdom and Gibraltar\) Order 2009 \(S.I. 2009/185\)](#), arts. 1(2), 2(2), **Sch. para. 1(b)**
- F7** Words in s. 54(2A)(e) substituted (30.1.2009) by [The European Parliamentary Elections \(Loans and Related Transactions and Miscellaneous Provisions\) \(United Kingdom and Gibraltar\) Order 2009 \(S.I. 2009/185\)](#), arts. 1(2), 2(2), **Sch. para. 1(c)**
- F8** Words in s. 54(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. 12(c)**
- F9** Sum in s. 54(4)(b) substituted (1.1.2010) by virtue of [Political Parties and Elections Act 2009 \(c. 12\)](#), **ss. 20(1)**, 43; S.I. 2009/3084, **art. 4(h)**
- F10** Words in s. 54(5)(a)(6) inserted (1.11.2007) by [The Political Parties, Elections and Referendums Act 2000 \(Northern Ireland Political Parties\) Order 2007 \(S.I. 2007/2501\)](#), art. 6, **Sch. 2 para. 2**
- F11** Sum in s. 54(6)(b) substituted (1.1.2010) by [Political Parties and Elections Act 2009 \(c. 12\)](#), **ss. 20(1)**, 43; S.I. 2009/3084, **art. 4(h)**
- F12** Words in s. 54(8)(b) substituted (9.4.2001) by S.I. 2001/1184, **reg. 11(b)**

#### **Modifications etc. (not altering text)**

- C3** Ss. 50-69 excluded (temp. from 25.9.2006 until 31.10.2007) by [Northern Ireland \(Miscellaneous Provisions\) Act 2006 \(c. 33\)](#), **ss. 10(2)(a)**, **11(1)(2)**, 31(2)
- C4** S. 54(2)(c) modified (temp. from 25.9.2006 until 31.10.2007) by [Northern Ireland \(Miscellaneous Provisions\) Act 2006 \(c. 33\)](#), **ss. 10(2)(a)**, **11(2)(4)**, 31(2)

#### **Commencement Information**

- I1** S. 54 wholly in force at 16.2.2001; s. 54 not in force at Royal Assent, see s. 163(2); s. 54 in force at 16.2.2001 by S.I. 2001/222, art. 2, **Sch. 1 Pt. I** (with **Sch. 1 Pt. II para. 2**)

#### **Marginal Citations**

- M1** 1992 c. 52.  
**M2** S.I. 1992/807 (N.I.5).  
**M3** 1986 c. 53.  
**M4** 2000 c. 12.  
**M5** 1974 c. 46.  
**M6** 1965 c. 12.  
**M7** 1969 c. 24.  
**M8** 1983 c. 2.  
**M9** 1985 c. 50.

*Status: Point in time view as at 01/01/2010. This version of this chapter contains provisions that are prospective.*  
*Changes to legislation: Political Parties, Elections and Referendums Act 2000, Chapter II is up to date with all changes known to be in force on or before 12 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. (See end of Document for details)*

PROSPECTIVE

### [<sup>F13</sup>54A Declaration as to source of donation

- (1) Where a person (P) causes an amount exceeding £7,500 to be received by a registered party by way of a donation, a written declaration must be given to the party—
  - (a) by P, if P is an individual, or
  - (b) if not, by an individual authorised by P to make the declaration, stating, to the best of the individual's knowledge and belief, whether or not subsection (2) applies to the donation.
- (2) This subsection applies to the donation if—
  - (a) a person other than P has provided, or is expected to provide, money or any other benefit to P with a view to, or otherwise in connection with, the making of the donation, and
  - (b) the money, or the value of the benefit, is more than £7,500.
- (3) Where a declaration under this section contains a statement to the effect that subsection (2) applies to the donation, it must also—
  - (a) state whether or not, in the opinion of the person making the declaration—
    - (i) subsection (4) of section 54 applies to the donation;
    - (ii) subsection (6) of that section applies to it;
  - (b) if the person's opinion is that neither of those subsections applies to the donation, give the person's reasons for that opinion.
- (4) A declaration under this section must also state the full name and address of the person by whom it is made and, where subsection (1)(b) applies—
  - (a) state that the person is authorised by P to make the declaration;
  - (b) describe the person's role or position in relation to P.
- (5) A person who knowingly or recklessly makes a false declaration under this section commits an offence.
- (6) Regulations made by the Secretary of State may make provision as to how the value of a benefit is to be calculated for the purposes of subsection (2).]

#### Textual Amendments

**F13** S. 54A inserted (prosp.) by [Political Parties and Elections Act 2009 \(c. 12\)](#), [ss. 9\(2\)](#), 43

PROSPECTIVE

### [<sup>F14</sup>54B Declaration as to whether residence etc condition satisfied

- (1) An individual making to a registered party a donation in relation to which the condition set out in section 54(2ZA) applies must give to the party a written declaration stating whether or not the individual satisfies that condition.
- (2) A declaration under this section must also state the individual's full name and address.

---

*Status: Point in time view as at 01/01/2010. This version of this chapter contains provisions that are prospective.*  
**Changes to legislation:** *Political Parties, Elections and Referendums Act 2000, Chapter II is up to date with all changes known to be in force on or before 12 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. (See end of Document for details)*

---

- (3) A person who knowingly or recklessly makes a false declaration under this section commits an offence.
- (4) The Secretary of State may by regulations make provision requiring a declaration under this section to be retained for a specified period.
- (5) The requirement in subsection (1) does not apply where, by reason of section 71B(1)(a), the individual by whom the donation would be made is a permissible donor in relation to the donation at the time of its receipt by the party.]

#### Textual Amendments

**F14** S. 54B inserted (prosp.) by [Political Parties and Elections Act 2009 \(c. 12\), s. 10\(4\)](#), 43

### **55 Payments etc. which are (or are not) to be treated as donations by permissible donors.**

- (1) The following provisions have effect for the purposes of this Part.
  - (2) Any payment out of public funds received by a registered party shall (subject to <sup>F15</sup>section 52(1)(b)) be regarded as a donation received by the party from a permissible donor.
  - (3) Any donation received by a registered party shall (if it would not otherwise fall to be so regarded) be regarded as a donation received by the party from a permissible donor if and to the extent that—
    - (a) the purpose of the donation is to meet qualifying costs incurred or to be incurred in connection with a visit by any member or officer of the party to a country or territory outside the United Kingdom, and
    - (b) the amount of the donation does not exceed a reasonable amount in respect of such costs.
  - (4) In subsection (3) “qualifying costs”, in relation to any member or officer of the party, means costs relating to that person in respect of—
    - (a) travelling between the United Kingdom and the country or territory in question, or
    - (b) travelling, accommodation or subsistence while within that country or territory.
  - (5) Any exempt trust donation received by a registered party shall be regarded as a donation received by the party from a permissible donor.
- <sup>F16</sup>(5A) Any exempt Gibraltar trust donation received by a registered party shall be regarded as a donation received by the party from a permissible donor if—
- (a) at the time the donation is received by the party, its 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
  - (b) in the case of a party other than a Gibraltar party, the donation is received by the party within the period of four months ending with the date of the poll for an election to the European Parliament in the combined region.]

**Status:** Point in time view as at 01/01/2010. This version of this chapter contains provisions that are prospective.  
**Changes to legislation:** Political Parties, Elections and Referendums Act 2000, Chapter II is up to date with all changes known to be in force on or before 12 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. (See end of Document for details)

- (6) But any donation received by a registered party from a trustee of any property (in his capacity as such) which is not—
- (a) an exempt trust donation, or
  - [<sup>F17</sup>(aa) an exempt Gibraltar trust donation regarded by virtue of subsection (5A) as received from a permissible donor, or.]
  - (b) a donation transmitted by the trustee to the party on behalf of beneficiaries under the trust who are—
    - (i) persons who at the time of its receipt by the party are permissible donors, or
    - (ii) the members of an unincorporated association which at that time is a permissible donor,
- shall be regarded as a donation received by the party from a person who is not a permissible donor.

#### Textual Amendments

- F15** Words in s. 55(2) substituted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 74(1), 77(2), [Sch. 1 para. 147](#); [S.I. 2006/1972](#), [art. 3](#), [Sch. 1 paras. 24, 25\(i\)](#) (subject to [art. 4](#), [Sch. 2](#))
- F16** S. 55(5A) 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. 13\(a\)](#)
- F17** S. 55(6)(aa) 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. 13\(b\)](#)

#### Modifications etc. (not altering text)

- C5** Ss. 50-69 excluded (temp. from 25.9.2006 until 31.10.2007) by [Northern Ireland \(Miscellaneous Provisions\) Act 2006 \(c. 33\)](#), ss. 10(2)(a), [11\(1\)\(2\)](#), 31(2)

#### Commencement Information

- I2** S. 55 wholly in force at 16.2.2001; s. 55 not in force at Royal Assent, see s. 163(2); s. 55 in force at 16.2.2001 by [S.I. 2001/222](#), [art. 2](#), [Sch. 1 Pt. I](#) (with [Sch. 1 Pt. II para. 2](#))

## 56 Acceptance or return of donations: general.

- (1) Where—
- (a) a donation is received by a registered party, and
  - (b) it is not immediately decided that the party should (for whatever reason) refuse the donation,
- all reasonable steps must be taken forthwith by or on behalf of the party to verify (or, so far as any of the following is not apparent, ascertain) the identity of the donor, whether he is a permissible donor, and (if that appears to be the case) all such details in respect of him as are required by virtue of paragraph 2 [<sup>F18</sup>or 2A] of Schedule 6 to be given in respect of the donor of a recordable donation.
- (2) If a registered party receives a donation which it is prohibited from accepting by virtue of section 54(1), or which it is decided that the party should for any other reason refuse, then—

*Status: Point in time view as at 01/01/2010. This version of this chapter contains provisions that are prospective.*

*Changes to legislation: Political Parties, Elections and Referendums Act 2000, Chapter II is up to date with all changes known to be in force on or before 12 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. (See end of Document for details)*

- (a) unless the donation falls within section 54(1)(b), the donation, or a payment of an equivalent amount, must be sent back to the person who made the donation or any person appearing to be acting on his behalf,
  - (b) if the donation falls within that provision, the required steps (as defined by section 57(1)) must be taken in relation to the donation,
- within the period of 30 days beginning with the date when the donation is received by the party.
- (3) Where—
- (a) subsection (2)(a) applies in relation to a donation, and
  - (b) the donation is not dealt with in accordance with that provision,
- the party and the treasurer of the party are each guilty of an offence.
- [<sup>F19</sup>(3A) Where a party or its treasurer is charged with an offence under subsection (3), it shall be a defence to prove that—
- (a) all reasonable steps were taken by or on behalf of the party to verify (or ascertain) whether the donor was a permissible donor, and
  - (b) as a result, the treasurer believed the donor to be a permissible donor.]
- (4) Where—
- (a) subsection (2)(b) applies in relation to a donation, and
  - (b) the donation is not dealt with in accordance with that provision,
- the treasurer of the party is guilty of an offence.
- (5) For the purposes of this Part a donation received by a registered party shall be taken to have been accepted by the party unless—
- (a) the steps mentioned in paragraph (a) or (b) of subsection (2) are taken in relation to the donation within the period of 30 days mentioned in that subsection; and
  - (b) a record can be produced of the receipt of the donation and—
    - (i) of the return of the donation, or the equivalent amount, as mentioned in subsection (2)(a), or
    - (ii) of the required steps being taken in relation to the donation as mentioned in subsection (2)(b),
 as the case may be.
- (6) Where a donation is received by a registered party in the form of an amount paid into any account held by the party with a financial institution, it shall be taken for the purposes of this Part to have been received by the party at the time when the party is notified in the usual way of the payment into the account.

#### Textual Amendments

- F18** Words in s. 56(1) inserted (1.11.2007) by [The Political Parties, Elections and Referendums Act 2000 \(Northern Ireland Political Parties\) Order 2007 \(S.I. 2007/2501\)](#), art. 6, **Sch. 2 para. 2**
- F19** S. 56(3A) inserted (1.1.2010) by [Political Parties and Elections Act 2009 \(c. 12\)](#), **ss. 12, 43**; S.I. 2009/3084, **art. 4(a)**



*Status: Point in time view as at 01/01/2010. This version of this chapter contains provisions that are prospective.*  
*Changes to legislation: Political Parties, Elections and Referendums Act 2000, Chapter II is up to date with all changes known to be in force on or before 12 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. (See end of Document for details)*

#### **Modifications etc. (not altering text)**

- C6** Ss. 56-60 applied (with modifications) by 1983 c. 2, **Sch. 2A para. 7** (as inserted (1.7.2001) by 2000 c. 41, ss. 130(3)(4), 163(2)-(4), **Sch. 16** (with s. 156(6)); S.I. 2001/222, art. 4, Sch. 2 (with **Sch. 2 Pt. II para. 1**))
- C7** Ss. 56-60 applied (with modifications) (E.W.S. and Gibraltar) (23.3.2004) by [The European Parliamentary Elections Regulations 2004](#) (S.I. 2004/293), reg. 42(4), **Sch. 6 para. 7(1)** (with regs. 3-5)
- C8** Ss. 56-60 applied (with modifications) (N.I.) (30.4.2004) by [The European Parliamentary Elections \(Northern Ireland\) Regulations 2004](#) (S.I. 2004/1267), reg. 38(4), **Sch. 4 para. 7**
- C9** Ss. 50-69 excluded (temp. from 25.9.2006 until 31.10.2007) by [Northern Ireland \(Miscellaneous Provisions\) Act 2006](#) (c. 33), ss. 10(2)(a), **11(1)(2)**, 31(2)
- C10** Ss. 56-60 applied (with modifications) (1.2.2007) by [The National Assembly for Wales \(Representation of the People\) Order 2007](#) (S.I. 2007/236), arts. 1(1), 41(4), **Sch. 6 para. 7**

#### **Commencement Information**

- I3** S. 56 wholly in force at 16.2.2001; s. 56 not in force at Royal Assent, see s. 163(2); s. 56 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, **Sch. 1 Pt. I** (with [Sch. 1 Pt. II para. 2](#))

### **57 Return of donations where donor unidentifiable.**

- (1) For the purposes of section 56(2)(b) the required steps are as follows—
- if the donation mentioned in that provision was transmitted by a person other than the donor, and the identity of that person is apparent, to return the donation to that person;
  - if paragraph (a) does not apply but it is apparent that the donor has, in connection with the donation, used any facility provided by an identifiable financial institution, to return the donation to that institution; and
  - in any other case, to send the donation to the Commission.
- (2) In subsection (1) any reference to returning or sending a donation to any person or body includes a reference to sending a payment of an equivalent amount to that person or body.
- (3) Any amount sent to the Commission in pursuance of subsection (1)(c) shall be paid by them into the Consolidated Fund.

#### **Modifications etc. (not altering text)**

- C11** Ss. 56-60 applied (with modifications) by 1983 c. 2, **Sch. 2A para. 7** (as inserted (1.7.2001) by 2000 c. 41, ss. 130(3)(4), 163(2)-(4), **Sch. 16** (with s. 156(6)); S.I. 2001/222, art. 4, Sch. 2 (with **Sch. 2 Pt. II para. 1**))
- C12** Ss. 56-60 applied (with modifications) (E.W.S. and Gibraltar) (23.3.2004) by [The European Parliamentary Elections Regulations 2004](#) (S.I. 2004/293), reg. 42(4), **Sch. 6 para. 7(1)** (with regs. 3-5)
- C13** Ss. 56-60 applied (with modifications) (N.I.) (30.4.2004) by [The European Parliamentary Elections \(Northern Ireland\) Regulations 2004](#) (S.I. 2004/1267), reg. 38(4), **Sch. 4 para. 7**
- C14** Ss. 50-69 excluded (temp. from 25.9.2006 until 31.10.2007) by [Northern Ireland \(Miscellaneous Provisions\) Act 2006](#) (c. 33), ss. 10(2)(a), **11(1)(2)**, 31(2)
- C15** Ss. 56-60 applied (with modifications) (1.2.2007) by [The National Assembly for Wales \(Representation of the People\) Order 2007](#) (S.I. 2007/236), arts. 1(1), 41(4), **Sch. 6 para. 7**

*Status: Point in time view as at 01/01/2010. This version of this chapter contains provisions that are prospective.*  
*Changes to legislation: Political Parties, Elections and Referendums Act 2000, Chapter II is up to date with all changes known to be in force on or before 12 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. (See end of Document for details)*

#### Commencement Information

- I4** S. 57 wholly in force at 16.2.2001; s. 57 not in force at Royal Assent, see s. 163(2); s. 57 in force at 16.2.2001 by [S.I. 2001/222, art. 2](#), [Sch. 1 Pt. I](#) (with [Sch. 1 Pt. II para. 2](#))

### [<sup>F20</sup>57A Additional limit on Gibraltar donations to UK parties

<sup>F21</sup> .....

#### Textual Amendments

- F20** S. 57A 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. 14](#)
- F21** S. 57A omitted (30.1.2009) by virtue of [The European Parliamentary Elections \(Loans and Related Transactions and Miscellaneous Provisions\) \(United Kingdom and Gibraltar\) Order 2009 \(S.I. 2009/185\)](#), arts. 1(2), 2(2), [Sch. para. 2](#)

#### *Forfeiture of certain donations*

### 58 Forfeiture of donations made by impermissible or unidentifiable donors.

- (1) This section applies to any donation received by a registered party—
  - (a) which, by virtue of section 54(1)(a) or (b), the party are prohibited from accepting, but
  - (b) which has been accepted by the party.
- (2) The court may, on an application made by the Commission, order the forfeiture by the party of an amount equal to the value of the donation.
- (3) The standard of proof in proceedings on an application under this section shall be that applicable to civil proceedings.
- (4) An order may be made under this section whether or not proceedings are brought against any person for an offence connected with the donation.
- (5) In this section “the court” means—
  - (a) in relation to England and Wales, a magistrates’ court;
  - (b) in relation to Scotland, the sheriff; and
  - (c) in relation to Northern Ireland, a court of summary jurisdiction;
  - [<sup>F22</sup>(d) in relation to Gibraltar, the Gibraltar court;]
 and proceedings on an application under this section to the sheriff shall be civil proceedings.

#### Textual Amendments

- F22** S. 58(5)(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. 15](#)

*Status: Point in time view as at 01/01/2010. This version of this chapter contains provisions that are prospective.*

*Changes to legislation: Political Parties, Elections and Referendums Act 2000, Chapter II is up to date with all changes known to be in force on or before 12 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. (See end of Document for details)*

#### Modifications etc. (not altering text)

- C16** Ss. 56-60 applied (with modifications) by 1983 c. 2, **Sch. 2A para. 7** (as inserted (1.7.2001) by 2000 c. 41, ss. 130(3)(4), 163(2)-(4), **Sch. 16** (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2** (with **Sch. 2 Pt. II para. 1**))
- C17** Ss. 56-60 applied (with modifications) (E.W.S. and Gibraltar) (23.3.2004) by [The European Parliamentary Elections Regulations 2004](#) (S.I. 2004/293), reg. 42(4), **Sch. 6 para. 7(1)** (with regs. 3-5)
- C18** Ss. 56-60 applied (with modifications) (N.I.) (30.4.2004) by [The European Parliamentary Elections \(Northern Ireland\) Regulations 2004](#) (S.I. 2004/1267), reg. 38(4), **Sch. 4 para. 7**
- C19** Ss. 50-69 excluded (temp. from 25.9.2006 until 31.10.2007) by [Northern Ireland \(Miscellaneous Provisions\) Act 2006](#) (c. 33), ss. 10(2)(a), **11(1)(2)**, 31(2)
- C20** Ss. 56-60 applied (with modifications) (1.2.2007) by [The National Assembly for Wales \(Representation of the People\) Order 2007](#) (S.I. 2007/236), arts. 1(1), 41(4), **Sch. 6 para. 7**

#### Commencement Information

- I5** S. 58 wholly in force at 16.2.2001; s. 58 not in force at Royal Assent, see s. 163(2); s. 58 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, **Sch. 1 Pt. I** (with [Sch. 1 Pt. II para. 2](#))

### 59 Appeal against order under section 58.

- (1) Subsection (2) applies where an order (“the forfeiture order”) is made under section 58 by a magistrates’ court or a court of summary jurisdiction in Northern Ireland.
- (2) The registered party may, before the end of the period of 30 days beginning with the date on which the forfeiture order is made, appeal to the Crown Court or, in Northern Ireland, to a county court.

[<sup>F23</sup>(2A) In the application of subsections (1) and (2) to Gibraltar, the references to a magistrates’ court and the Crown court shall have effect as if they were references to the Gibraltar court.]

- (3) An appeal under subsection (2) shall be by way of a rehearing; and the court hearing such an appeal may make such order as it considers appropriate.
- (4) Subsections (3) and (4) of section 58 apply in relation to a rehearing on an appeal under subsection (2) as they apply in relation to proceedings under that section.
- (5) Where an order is made under section 58 by the sheriff, the registered party may appeal against the order to the Court of Session.

#### Textual Amendments

- F23** S. 59(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. 16**

#### Modifications etc. (not altering text)

- C21** Ss. 56-60 applied (with modifications) by 1983 c. 2, **Sch. 2A para. 7** (as inserted (1.7.2001) by 2000 c. 41, ss. 130(3)(4), 163(2)-(4), **Sch. 16** (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2** (with **Sch. 2 Pt. II para. 1**))
- C22** Ss. 56-60 applied (with modifications) (E.W.S. and Gibraltar) (23.3.2004) by [The European Parliamentary Elections Regulations 2004](#) (S.I. 2004/293), reg. 42(4), **Sch. 6 para. 7(1)** (with regs. 3-5)

*Status: Point in time view as at 01/01/2010. This version of this chapter contains provisions that are prospective.*  
**Changes to legislation:** *Political Parties, Elections and Referendums Act 2000, Chapter II is up to date with all changes known to be in force on or before 12 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. (See end of Document for details)*

- C23** Ss. 56-60 applied (with modifications) (N.I.) (30.4.2004) by [The European Parliamentary Elections \(Northern Ireland\) Regulations 2004 \(S.I. 2004/1267\)](#), reg. 38(4), **Sch. 4 para. 7**
- C24** Ss. 50-69 excluded (temp. from 25.9.2006 until 31.10.2007) by [Northern Ireland \(Miscellaneous Provisions\) Act 2006 \(c. 33\)](#), ss. 10(2)(a), **11(1)(2)**, 31(2)
- C25** Ss. 56-60 applied (with modifications) (1.2.2007) by [The National Assembly for Wales \(Representation of the People\) Order 2007 \(S.I. 2007/236\)](#), arts. 1(1), 41(4), **Sch. 6 para. 7**

#### **Commencement Information**

- I6** S. 59 wholly in force at 16.2.2001; s. 59 not in force at Royal Assent, see s. 163(2); s. 59 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, **Sch. 1 Pt. I** (with [Sch. 1 Pt. II para. 2](#))

## **60 Supplementary provisions about orders under section 58.**

- (1) [<sup>F24</sup>In relation to courts in any part of the United Kingdom, provision] may be made by rules of court—
- (a) with respect to applications or appeals to any court under section 58 or 59,
  - (b) for the giving of notice of such applications or appeals to persons affected,
  - (c) for the joinder, or in Scotland sisting, of such persons as parties,
- and generally with respect to the procedure under those sections before any court.
- (2) Subsection (1) is without prejudice to the generality of any existing power to make rules.
- (3) Any amount forfeited by an order under section 58 or 59 shall be paid into the Consolidated Fund.
- (4) Subsection (3) does not apply—
- (a) where an appeal is made under section 59(2) or (5), before the appeal is determined or otherwise disposed of; and
  - (b) in any other case—
    - (i) where the forfeiture was ordered by a magistrates' court or a court of summary jurisdiction in Northern Ireland [<sup>F25</sup>or the Gibraltar court], before the end of the period of 30 days mentioned in section 59(2); or
    - (ii) where the forfeiture was ordered by the sheriff, before the end of any period within which, in accordance with rules of court, an appeal under section 59(5) must be made.
- (5) In the case of a registered party which is not a body corporate—
- (a) proceedings under section 58 or 59 shall be brought against or by the party in its own name (and not in that of any of its members);
  - (b) for the purposes of any such proceedings any rules of court relating to the service of documents apply as if the party were a body corporate; and
  - (c) any amount forfeited by an order under section 58 or 59 shall be paid out of the funds of the party.

#### **Textual Amendments**

- F24** Words in s. 60(1) substituted (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. 17(a)**

*Status:* Point in time view as at 01/01/2010. This version of this chapter contains provisions that are prospective.

**Changes to legislation:** Political Parties, Elections and Referendums Act 2000, Chapter II is up to date with all changes known to be in force on or before 12 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. (See end of Document for details)

**F25** Words in s. 60(4)(b)(i) 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. 17(b)**

#### Modifications etc. (not altering text)

**C26** Ss. 56-60 applied (with modifications) by 1983 c. 2, **Sch. 2A para. 7** (as inserted (1.7.2001) by 2000 c. 41, ss. 130(3)(4), 163(2)-(4), **Sch. 16** (with s. 156(6)); S.I. 2001/222, art. 4, Sch. 2 (with **Sch. 2 Pt. II para. 1**))

**C27** Ss. 56-60 applied (with modifications) (E.W.S. and Gibraltar) (23.3.2004) by [The European Parliamentary Elections Regulations 2004 \(S.I. 2004/293\)](#), reg. 42(4), **Sch. 6 para. 7(1)** (with regs. 3-5)

**C28** Ss. 56-60 applied (with modifications) (N.I.) (30.4.2004) by [The European Parliamentary Elections \(Northern Ireland\) Regulations 2004 \(S.I. 2004/1267\)](#), reg. 38(4), **Sch. 4 para. 7**

**C29** Ss. 50-69 excluded (temp. from 25.9.2006 until 31.10.2007) by [Northern Ireland \(Miscellaneous Provisions\) Act 2006 \(c. 33\)](#), ss. 10(2)(a), **11(1)(2)**, 31(2)

**C30** Ss. 56-60 applied (with modifications) (1.2.2007) by [The National Assembly for Wales \(Representation of the People\) Order 2007 \(S.I. 2007/236\)](#), arts. 1(1), 41(4), **Sch. 6 para. 7**

#### Commencement Information

**I7** S. 60 wholly in force at 16.2.2001; s. 60 not in force at Royal Assent, see s. 163(2); s. 60 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, **Sch. 1 Pt. I** (with [Sch. 1 Pt. II para. 2](#))

### *Evasion of restrictions on donations*

#### **61 Offences concerned with evasion of restrictions on donations.**

- (1) A person commits an offence if he—
- knowingly enters into, or
  - knowingly does any act in furtherance of,  
any arrangement which facilitates or is likely to facilitate, whether by means of any concealment or disguise or otherwise, the making of donations to a registered party by any person or body other than a permissible donor.
- (2) A person commits an offence if—
- he knowingly gives the treasurer of a registered party any information relating to—
    - the amount of any donation made to the party, or
    - the person or body making such a donation,which is false in a material particular; or
  - with intent to deceive, he withholds from the treasurer of a registered party any material information relating to a matter within paragraph (a)(i) or (ii).

#### Modifications etc. (not altering text)

**C31** S. 61 applied (with modifications) by 1983 c. 2, **Sch. 2A para. 9** (as inserted (1.7.2001) by 2000 c. 41, ss. 130(3)(4), **Sch. 16** (with s. 156(6)); S.I. 2001/222, art. 4, Sch. 2 (with **Sch. 2 Pt. II para. 1**))

**C32** S. 61 applied (E.W.S. and Gibraltar) (23.3.2004) by [The European Parliamentary Elections Regulations 2004 \(S.I. 2004/293\)](#), reg. 42(4), **Sch. 6 para. 9** (with regs. 3-5)

**C33** S. 61 applied (N.I.) (30.4.2004) by [The European Parliamentary Elections \(Northern Ireland\) Regulations 2004 \(S.I. 2004/1267\)](#), reg. 38(4), **Sch. 4 para. 9**

---

**Status:** Point in time view as at 01/01/2010. This version of this chapter contains provisions that are prospective.

**Changes to legislation:** Political Parties, Elections and Referendums Act 2000, Chapter II is up to date with all changes known to be in force on or before 12 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. (See end of Document for details)

---

- C34** Ss. 50-69 excluded (temp. from 25.9.2006 until 31.10.2007) by [Northern Ireland \(Miscellaneous Provisions\) Act 2006 \(c. 33\)](#), ss. 10(2)(a), **11(1)(2)**, 31(2)
- C35** S. 61 applied (with modifications) (1.2.2007) by [The National Assembly for Wales \(Representation of the People\) Order 2007 \(S.I. 2007/236\)](#), arts. 1(1), 41(4), **Sch. 6 para. 9**

---

**Commencement Information**

- I8** S. 61 wholly in force at 16.2.2001; s. 61 not in force at Royal Assent, see s. 163(2); s. 61 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, **Sch. 1 Pt. I** (with [Sch. 1 Pt. II para. 2](#))

**Status:**

Point in time view as at 01/01/2010. This version of this chapter contains provisions that are prospective.

**Changes to legislation:**

Political Parties, Elections and Referendums Act 2000, Chapter II is up to date with all changes known to be in force on or before 12 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.