



Political Parties, Elections and Referendums Act 2000

2000 CHAPTER 41

PART VII

REFERENDUMS

CHAPTER II

FINANCIAL CONTROLS

General restrictions relating to referendum expenses incurred by permitted participants

113 Restriction on incurring referendum expenses.

- (1) No amount of referendum expenses shall be incurred by or on behalf of a permitted participant unless it is incurred with the authority of—
 - (a) the responsible person; or
 - (b) a person authorised in writing by the responsible person.
- (2) A person commits an offence if, without reasonable excuse, he incurs any expenses in contravention of subsection (1).
- (3) Where, in the case of a permitted participant that is a registered party, any expenses are incurred in contravention of subsection (1), the expenses shall not count for the purposes of sections 117 to 123 or Schedule 14 as referendum expenses incurred by or on behalf of the permitted participant.

Modifications etc. (not altering text)

- C1** S. 113 applied (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 7(2), [Sch. 3 Pt. 2](#)

Status: Point in time view as at 01/02/2016.

Changes to legislation: *Political Parties, Elections and Referendums Act 2000, Cross Heading: General restrictions relating to referendum expenses incurred by permitted participants 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)*

C2 S. 113(3) applied (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\), s. 13\(2\), Sch. 1 para. 22\(7\)\(b\)](#); S.I. 2016/69, reg. 2

Commencement Information

I1 S. 113 wholly in force at 16.2.2001; s. 113 not in force at Royal Assent, see s. 163(2); s. 113 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](#))

114 Restriction on payments in respect of referendum expenses.

- (1) No payment (of whatever nature) may be made in respect of any referendum expenses incurred or to be incurred by or on behalf of a permitted participant unless it is made by—
 - (a) the responsible person, or
 - (b) a person authorised in writing by the responsible person.
- (2) Any payment made in respect of any such expenses by a person within paragraph (a) or (b) of subsection (1) must be supported by an invoice or a receipt unless it is not more than £200.
- (3) Where a person within paragraph (b) of subsection (1) makes a payment to which subsection (2) applies, he must deliver to the responsible person—
 - (a) notification that he has made the payment, and
 - (b) the supporting invoice or receipt,
 as soon as possible after making the payment.
- (4) A person commits an offence if, without reasonable excuse—
 - (a) he makes any payment in contravention of subsection (1), or
 - (b) he contravenes subsection (3).

Modifications etc. (not altering text)

C3 S. 114 applied (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\), art. 7\(2\), Sch. 3 Pt. 2](#)

Commencement Information

I2 S. 114 wholly in force at 16.2.2001; s. 114 not in force at Royal Assent, see s. 163(2); s. 114 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](#))

115 Restriction on making claims in respect of referendum expenses.

- (1) A claim for payment in respect of referendum expenses incurred by or on behalf of a permitted participant during a referendum period shall not be payable if the claim is not sent to—
 - (a) the responsible person, or
 - (b) any other person authorised under section 113 to incur the expenses, not later than [^{F1}30 days] after the end of the referendum period.
- (2) Any claim sent in accordance with subsection (1) shall be paid not later than [^{F2}60 days] after the end of the referendum period.
- (3) A person commits an offence if, without reasonable excuse—

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- (a) he pays any claim which by virtue of subsection (1) is not payable, or
 - (b) he makes any payment in respect of a claim after the end of the period allowed under subsection (2).
- (4) In the case of any claim to which subsection (1) applies—
- (a) the person making the claim, or
 - (b) the person with whose authority the expenses in question were incurred,
- may apply [^{F3}in England and Wales to the High Court or the county court or, in Northern Ireland,] to the High Court or a county court or, in Scotland, to the Court of Session or the sheriff for leave for the claim to be paid although sent in after the end of the period mentioned in that subsection; and the court, if satisfied that for any special reason it is appropriate to do so, may by order grant the leave.
- (5) Nothing in subsection (1) or (2) shall apply in relation to any sum paid in pursuance of the order of leave.
- (6) Subsection (2) is without prejudice to any rights of a creditor of a permitted participant to obtain payment before the end of the period allowed under that subsection.
- (7) Subsections (7) to (10) of section 77 shall apply for the purposes of this section as if—
- (a) any reference to subsection (1), (2) or (4) of that section were a reference to subsection (1), (2) or (4) above; and
 - (b) any reference to campaign expenditure were a reference to referendum expenses; and
 - (c) any reference to the treasurer or deputy treasurer of the registered party were a reference to the responsible person in relation to the permitted participant.

Textual Amendments

- F1** Words in s. 115(1) substituted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 65(3)(a)**, 77(2); S.I. 2006/1972, **art. 3**, **Sch. 1 para. 22** (subject to **art. 4**, **Sch. 2**)
- F2** Words in s. 115(2) substituted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 65(3)(b)**, 77(2); S.I. 2006/1972, **art. 3**, **Sch. 1 para. 22** (subject to **art. 4**, **Sch. 2**)
- F3** Words in s. 115(4) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 9 para. 121(b)**; S.I. 2014/954, **art. 2(c)** (with **art. 3**) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Modifications etc. (not altering text)

- C4** S. 115 applied (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), **art. 7(2)**, **Sch. 3 Pt. 2**
- C5** S. 115(7) modified (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\)](#), s. 13(2), **Sch. 1 para. 24**; S.I. 2016/69, **reg. 2**

Commencement Information

- I3** S. 115 wholly in force at 16.2.2001; s. 115 not in force at Royal Assent, see s. 163(2); s. 115 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**)

116 Disputed claims.

- (1) This section applies where—

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- (a) a claim for payment in respect of referendum expenses incurred by or on behalf of a permitted participant as mentioned in section 115(1) is sent to—
- (i) the responsible person, or
 - (ii) any other person with whose authority it is alleged that the expenditure was incurred,
- within the period allowed under that provision; and
- (b) the responsible person or other person to whom the claim is sent fails or refuses to pay the claim within the period allowed under section 115(2); and the claim is referred to in this section as “the disputed claim”.
- (2) The person by whom the disputed claim is made may bring an action for the disputed claim, and nothing in section 115(2) shall apply in relation to any sum paid in pursuance of any judgment or order made by a court in the proceedings.
- (3) For the purposes of this section—
- (a) subsections (4) and (5) of section 115 shall apply in relation to an application made by the person mentioned in subsection (1)(b) above for leave to pay the disputed claim as they apply in relation to an application for leave to pay a claim (whether it is disputed or otherwise) which is sent in after the period allowed under section 115(1); and
 - (b) subsections (7) and (8) of section 77 shall apply as if any reference to subsection (4) of that section were a reference to section 115(4) as applied by paragraph (a) above.

Modifications etc. (not altering text)

- C6** S. 116 applied (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 7(2), **Sch. 3 Pt. 2**

Commencement Information

- I4** S. 116 wholly in force at 16.2.2001; s. 116 not in force at Royal Assent, see s. 163(2); s. 116 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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