

*Status: Point in time view as at 02/02/2022.*

**Changes to legislation:** *Political Parties, Elections and Referendums Act 2000 is up to date with all changes known to be in force on or before 19 May 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)*

## SCHEDULES

### SCHEDULE 1

Section 1.

#### THE ELECTORAL COMMISSION

##### *Status of Commission and their property*

- 1 (1) The Commission shall not be regarded—
  - (a) as the servant or agent of the Crown, or
  - (b) as enjoying any status, immunity or privilege of the Crown.
- (2) The property of the Commission shall not be regarded as property of, or property held on behalf of, the Crown.

##### *Powers*

- 2 The Commission may do anything (except borrow money) which is calculated to facilitate, or is incidental or conducive to, the carrying out of any of their functions.

##### *Term of office etc. of Electoral Commissioners*

- 3 (1) Subject to the provisions of this paragraph, an Electoral Commissioner shall hold office as such Commissioner—
  - (a) for the period for which he is appointed, and
  - (b) otherwise in accordance with the terms of his appointment.
- (2) The period for which an Electoral Commissioner is appointed shall be the period specified in relation to him in the address pursuant to which he is appointed.
- (3) [<sup>F1</sup>Subject to sub-paragraph (3A), an Electoral Commissioner] shall cease to hold office on the occurrence of any of the following events—
  - (a) he consents to being nominated as a candidate at a relevant election (within the meaning of Part II) or to being included in a registered party's list of candidates at such an election;
  - (b) he takes up any office or employment in or with—
    - (i) a registered party or any accounting unit of such a party,
    - (ii) a recognised third party (within the meaning of Part VI), <sup>F2</sup>...
    - (iii) a permitted participant (within the meaning of Part VII) [<sup>F3</sup>, or
    - (iv) an accredited campaigner within the meaning of Schedule 3 to the Recall of MPs Act 2015 (see Part 5 of that Schedule)]
  - (c) he is named as a donor in [<sup>F4</sup>—
    - (i) the register of donations reported under Chapter 3 or 5 of Part 4,
    - (ii) any quarterly or weekly report delivered to the Commission under section 95A or 95B, or

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- (iii) any statement of donations included in a return delivered to the Commission under section 98 or 122 [<sup>F5</sup>or in a recall petition return delivered to a petition officer under paragraph 6 of Schedule 5 to the Recall of MPs Act 2015] ;]
- [<sup>F6</sup>(ca) he is named as a participant in the register of recordable transactions reported under Part 4A;]
- (d) he becomes a member of a registered party.
- [<sup>F7</sup>(3A) Paragraph (d) of sub-paragraph (3) does not apply to a nominated Commissioner (within the meaning of section 3A).]
- (4) An Electoral Commissioner may be removed from office by Her Majesty in pursuance of an Address from the House of Commons.
- (5) No motion shall be made for such an Address unless the Speaker’s Committee have presented a report to the House of Commons stating that the Committee are satisfied that one or more of the following grounds is made out in the case of the Electoral Commissioner in question—
- (a) he has failed to discharge the functions of his office for a continuous period of at least 3 months;
- (b) he has failed to comply with the terms of his appointment;
- (c) he has been convicted of a criminal offence;
- (d) he is an undischarged bankrupt or his estate has been sequestrated in Scotland and he has not been discharged;
- [<sup>F8</sup>(da) a moratorium period under a debt relief order applies in relation to him (under Part 7A of the Insolvency Act 1986);]
- (e) he has made an arrangement or composition contract with, or has granted a trust deed for, his creditors;
- (f) he is otherwise unfit to hold his office or unable to carry out its functions.
- (6) A motion for such an Address shall not be made on the ground mentioned in sub-paragraph (5)(a) if more than 3 months have elapsed since the end of the period in question.
- (7) An Electoral Commissioner may be relieved of his office by Her Majesty at his own request.
- (8) In this paragraph “registered party” includes, in relation to times before the appointed day for the purposes of Part II of this Act, a party registered under the <sup>M1</sup>Registration of Political Parties Act 1998.
- <sup>F9</sup>(9) .....

#### Textual Amendments

- F1** Words in Sch. 1 para. 3(3) substituted (21.7.2009) by [Political Parties and Elections Act 2009 \(c. 12\)](#), ss. 39, 43(1)(5)(b), **Sch. 6 para. 27(2)(a)**
- F2** Word in Sch. 1 para. 3(3)(b)(ii) omitted (4.3.2016) by virtue of [Recall of MPs Act 2015 \(c. 25\)](#), s. 24(3), **Sch. 6 para. 3(9)(a)**; S.I. 2016/290, reg. 2
- F3** Sch. 1 para. 3(3)(b)(iv) and word inserted (4.3.2016) by [Recall of MPs Act 2015 \(c. 25\)](#), s. 24(3), **Sch. 6 para. 3(9)(a)**; S.I. 2016/290, reg. 2
- F4** Words in Sch. 1 para. 3(3)(c) substituted (30.1.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), ss. 33(5), 45(3)(b) (with s. 46(1)(2))

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- F5** Words in Sch. 1 para. 3(3)(c)(iii) inserted (4.3.2016) by [Recall of MPs Act 2015 \(c. 25\)](#), s. 24(3), [Sch. 6 para. 3\(9\)\(b\)](#); S.I. 2016/290, reg. 2
- F6** Sch. 1 para. 3(3)(ca) inserted (11.9.2006) by Electoral Administration Act 2006, (c. 22), ss. 74(1), 77(2), {Sch. 1 para. 152}; S.I. 2006/1972, [art. 3](#), Sch. 1 paras. 24, 25(j) (subject to art. 4, Sch. 2)
- F7** Sch. 1 para. 3(3A) inserted (21.7.2009) by [Political Parties and Elections Act 2009 \(c. 12\)](#), ss. 39, 43(1)(5)(b), [Sch. 6 para. 27\(2\)\(b\)](#)
- F8** Sch. 1 para. 3(5)(da) inserted (1.10.2012) by [The Tribunals, Courts and Enforcement Act 2007 \(Consequential Amendments\) Order 2012 \(S.I. 2012/2404\)](#), art. 1, [Sch. 2 para. 44\(a\)](#) (with art. 5)
- F9** Sch. 1 para. 3(9) repealed (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, [Sch. 1 Pt. 1](#) (as amended by S.I. 2019/1389, regs. 1, 2(2))

#### Marginal Citations

- M1** 1998 c. 48.

#### *Term of office etc. of Commission chairman*

- 4 (1) Subject to the provisions of this paragraph, the chairman of the Commission shall hold office as such chairman—
- (a) for the period for which he is appointed, and
  - (b) otherwise in accordance with the terms of his appointment.
- (2) The period for which a person is appointed as chairman of the Commission shall be the period specified in relation to him in the address pursuant to which he is appointed.
- (3) The chairman of the Commission may be relieved of his office of chairman by Her Majesty at his own request.
- (4) If the chairman of the Commission ceases to be an Electoral Commissioner, he also ceases to be chairman.

#### *Electoral Commissioners: salary etc.*

- 5 (1) There shall be paid to an Electoral Commissioner such remuneration, and any such allowances or expenses, as may be specified in a resolution of the House of Commons.
- (2) If a resolution of the House of Commons so provides in the case of any person who is an Electoral Commissioner or former Electoral Commissioner—
- (a) such amounts shall be paid towards the provision of superannuation benefits for or in respect of him as may be specified in the resolution;
  - (b) (in the case of a former Electoral Commissioner) such pension shall be paid to or in respect of him as may be so specified.
- (3) A resolution for the purposes of this paragraph may—
- (a) specify the amounts to be paid;
  - (b) provide that the amounts to be paid shall be the same as, or calculated on the same basis as, those payable to or in respect of a person employed in a specified office under, or in a specified capacity in the service of, the Crown;
  - (c) specify the amounts to be paid and provide for them to be increased by reference to such variables as may be specified in the resolution;

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- (d) have the effect of making different provision for different Electoral Commissioners or former Electoral Commissioners.
- (4) A resolution for the purposes of this paragraph may take effect from the date on which it is passed or from any earlier or later date specified in the resolution.
- (5) Any amount payable under this paragraph (other than by way of expenses) shall be charged on and issued out of the Consolidated Fund.
- (6) Any amount payable under this paragraph by way of expenses shall be paid by the Commission.
- (7) In this paragraph “pension” includes allowance and gratuity.

*Deputy Electoral Commissioners: term of office etc.*

<sup>F10</sup>6

**Textual Amendments**

**F10** Sch. 1 para. 6 repealed (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), ss. 146(3), 148(3), [Sch. 7 Pt. 3](#); S.I. 2009/3318, art. 4(hh)

*Assistant Electoral Commissioners*

- 7 (1) The Commission may appoint one or more Assistant Electoral Commissioners to inquire into, and report to the Commission <sup>F11</sup>... on, such matters as the Commission <sup>F11</sup>... think fit.
- (2) A person may not be appointed as an Assistant Electoral Commissioner if he is [<sup>F12</sup>prevented by section 3(4) (read without regard to section 3(4A)) from being appointed as an Electoral Commissioner].
- (3) An Assistant Electoral Commissioner shall—
- (a) be appointed either for a fixed term or for the purposes of a particular inquiry; and
  - (b) (subject to sub-paragraph (4)) hold and vacate office in accordance with the terms of his appointment.
- (4) An Assistant Electoral Commissioner shall cease to hold office on the occurrence of such an event as is mentioned in any of paragraphs (a) to (d) of paragraph 3(3).
- (5) The Commission shall pay an Assistant Electoral Commissioner such remuneration, and any such allowances or expenses, as may be provided for by or under the terms of his appointment.

**Textual Amendments**

**F11** Words in Sch. 1 para. 7(1) repealed (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), ss. 146(3), 148(3), [Sch. 7 Pt. 3](#); S.I. 2009/3318, art. 4(hh)

**F12** Words in Sch. 1 para. 7(2) substituted (21.7.2009) by [Political Parties and Elections Act 2009 \(c. 12\)](#), ss. 39, 43(1)(5)(b), [Sch. 6 para. 27\(3\)](#)

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### *Committees*

- 8 (1) The Commission may establish<sup>F13</sup> ... any committees which the Commission consider appropriate.
- (2) Any committee of the Commission established under sub-paragraph (1) may establish one or more sub-committees.
- (3) A person shall not be a member of a committee or sub-committee established under this paragraph unless he is an Electoral Commissioner.

#### **Textual Amendments**

**F13** Words in Sch. 1 para. 8(1) repealed (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), ss. 146(3), 148(3), [Sch. 7 Pt. 3](#); S.I. 2009/3318, art. 4(hh)

### *Delegation to committees*

- 9 (1) The Commission may delegate functions of the Commission (to such extent as the Commission may determine) to any committee of the Commission established under paragraph 8(1).
- <sup>F14</sup>(2) .....
- (3) A committee of the Commission established under paragraph 8(1) may delegate functions of the committee (to such extent as the committee may determine) to any sub-committee of the committee.

#### **Textual Amendments**

**F14** Sch. 1 para. 9(2) repealed (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), ss. 146(3), 148(3), [Sch. 7 Pt. 3](#); S.I. 2009/3318, art. 4(hh)

### *Procedure and proceedings*

- 10 (1) The Commission shall regulate their own procedure, and the procedure of their committees and sub-committees<sup>F15</sup> ..., including the quorum for meetings.
- (2) The validity of any proceedings of the Commission, or of any of their committees or sub-committees, shall not be affected by—
- (a) any vacancy among the members of the Commission, or of the committee or sub-committee, or
- (b) any defect in the appointments of any such member.

#### **Textual Amendments**

**F15** Words in Sch. 1 para. 10(1) repealed (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), ss. 146(3), 148(3), [Sch. 7 Pt. 3](#); S.I. 2009/3318, art. 4(hh)

### *Staff*

- 11 (1) The Commission—

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- (a) shall appoint a chief executive, and
  - (b) may appoint such other staff as the Commission consider necessary to assist them and their committees in the performance of their functions.
- (2) <sup>F16</sup> .....
- (3) Subject to [<sup>F17</sup>paragraph 11A(4)] , the staff of the Commission shall be appointed on such terms and conditions as the Commission may determine; and the Commission shall pay their staff such remuneration as may be provided for by or under their terms of appointment.
- (4) <sup>F16</sup> .....
- (5) In determining the terms and conditions of staff under sub-paragraph (3) above, the Commission shall have regard to the desirability of keeping the remuneration and other terms and conditions of employment of its staff broadly in line with those applying to persons employed in the civil service of the State.
- (6) Service as an officer or employee of the Commission shall be included in the kinds of employment to which a scheme under section 1 of the <sup>M2</sup>Superannuation Act 1972 can apply; and, accordingly, in Schedule 1 to that Act (which lists the kinds of employment to which a scheme can apply), the following entry shall be inserted at the end of the list of “ Royal Commissions and other Commissions ”
- “Electoral Commission”.
- (7) The Commission shall pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of any increase attributable to sub-paragraph (6) in the sums payable out of money provided by Parliament under the <sup>M3</sup>Superannuation Act 1972.
- (8) No member of the staff of the Commission shall be regarded—
- (a) as the servant or agent of the Crown, or
  - (b) as enjoying any status, immunity or privilege of the Crown.
- (9) The Secretary of State may appoint a person to be the Commission’s chief executive until such time as the first person to be appointed by the Commission as their chief executive takes up office; and until such time as the Commission have appointed their own staff the Secretary of State may appoint persons to serve as members of the Commission’s staff.
- (10) Until such time as the Commission may determine, the Commission’s chief executive appointed under sub-paragraph (9) may incur expenditure and do other things in the name and on behalf of the Commission, whether or not the membership of the Commission has yet to be constituted in accordance with section 1.
- (11) The power conferred by sub-paragraph (10) shall be exercisable by that person subject to and in accordance with any directions given to him by the Secretary of State.

#### Textual Amendments

**F16** Sch. 1 para. 11(2)(4) repealed (21.7.2009) by [Political Parties and Elections Act 2009 \(c. 12\)](#), ss. 39, 43(1)(5)(b), [Sch. 6 para. 27\(4\)\(a\)](#), [Sch. 7](#)

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**F17** Words in Sch. 1 para. 11(3) substituted (21.7.2009) by [Political Parties and Elections Act 2009 \(c. 12\)](#), ss. 39, 43(1)(5)(b), [Sch. 6 para. 27\(4\)\(b\)](#)

#### Marginal Citations

**M2** 1972 c. 11.

**M3** 1972 c. 11.

### *[<sup>F18</sup>Political restrictions on staff*

#### Textual Amendments

**F18** Sch. 1 paras. 11A, 11B inserted (21.7.2009) by [Political Parties and Elections Act 2009 \(c. 12\)](#), ss. 7(2), 43(1)(5)(b) (with s. 7(3))

- 11A (1) A person may not be appointed as a member of the staff of the Commission if the person—
- (a) is an officer or employee of a registered party or of any accounting unit of such a party;
  - (b) holds a relevant elective office (within the meaning of Schedule 7);
  - (c) has at any time within the relevant period (see sub-paragraph (2))—
    - (i) been such an officer or employee as is mentioned in paragraph (a), or
    - (ii) held such an office as is mentioned in paragraph (b), or
    - (iii) been named as a donor in the register of donations reported under Chapter 3 or 5 of Part 4, or
    - (iv) been named as a participant in the register of recordable transactions reported under Part 4A.
- (2) The relevant period is—
- (a) in relation to appointment as chief executive of the Commission, the last five years;
  - (b) in relation to appointment to a post on the staff of the Commission that is designated by a notice in force under paragraph 11B, the period (immediately preceding the appointment) specified by the notice;
  - (c) in relation to appointment as any other member of the staff of the Commission, the last 12 months.
- (3) A member of a registered party may not be appointed as chief executive of the Commission.
- (4) The appointment of any member of the staff of the Commission shall terminate—
- (a) in the case of the chief executive, on the occurrence of such an event as is mentioned in any of paragraphs (a) to (d) of paragraph 3(3);
  - (b) in any other case, on the occurrence of such an event as is mentioned in any of paragraphs (a) to (ca) of paragraph 3(3).
- 11B (1) The chief executive of the Commission may by giving notice to the Speaker's Committee—
- (a) designate a particular post on the staff of the Commission, and
  - (b) specify as the relevant period for that post, for the purposes of paragraph 11A(2)(b), a period of two years or more,

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if the chief executive reasonably believes that it is necessary to do so in order to maintain public confidence in the effectiveness of the Commission in carrying out any of its functions.

- (2) The period specified under sub-paragraph (1)(b) may not be more than five years.
- (3) In deciding what that period should be, the chief executive of the Commission shall take into account—
  - (a) the level of seniority of the post;
  - (b) how likely it is that any holder of the post will be required to deal with politically sensitive matters.
- (4) Each notice under sub-paragraph (1) must relate to only one post.
- (5) A notice under sub-paragraph (1)—
  - (a) has effect from the day on which it is received by the Speaker's Committee, and
  - (b) (subject to sub-paragraphs (6) and (7)) expires at the end of the period of three years beginning with that day.
- (6) Sub-paragraph (5)(b) does not prevent a further notice being given under sub-paragraph (1) in relation to the post in question, either—
  - (a) before the previous notice would have expired, or
  - (b) at any time after the expiry of the previous notice.

A further notice received by the Speaker's Committee before the previous notice would have expired supersedes the previous notice.
- (7) If the chief executive of the Commission gives notice (a “cancellation notice”) to the Speaker's Committee cancelling a notice under sub-paragraph (1), the notice under that sub-paragraph ceases to have effect—
  - (a) on the day on which the cancellation notice is received by the Speaker's Committee, or
  - (b) (if later) on such date as may be specified in the cancellation notice.
- (8) Before giving a notice under this paragraph the chief executive of the Commission shall consult the Speaker's Committee.
- (9) The Commission shall publish, in such manner as they consider appropriate, information setting out the effect of all notices under sub-paragraph (1) that are in force at any particular time.]

*Delegation to staff*

- 12 Each of the following—
- (a) the Commission,
  - (b) any committee of the Commission <sup>F19</sup> ...,
  - (c) any sub-committee of such a committee, and
  - (d) the Commission's chief executive,
- may delegate functions of theirs or his (to such extent as they or he may determine) to the Commission's staff (either generally or otherwise).



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### Textual Amendments

- F19** Words in Sch. 1 para. 12(b) repealed (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), ss. 146(3), 148(3), [Sch. 7 Pt. 3](#); S.I. 2009/3318, art. 4(hh)

### *Delegation and contracting-out of superannuation functions*

- 13 (1) Section 1(2) of the <sup>M4</sup>Superannuation Act 1972 (delegation of functions relating to civil service superannuation schemes by Minister for the Civil Service to another officer of the Crown etc.) shall have effect as if the reference to an officer of the Crown other than a Minister included the Commission's chief executive.
- (2) Any administration function conferred on the Commission's chief executive under section 1(2) of the <sup>M5</sup>Superannuation Act 1972 (as it has effect in accordance with sub-paragraph (1)) may be exercised by (or by employees of) such person as may be authorised in that behalf by the Commission's chief executive.
- (3) For the purposes of this paragraph an "administration function" is a function of administering schemes—
- (a) made under section 1 of the <sup>M6</sup>Superannuation Act 1972, and
  - (b) from time to time in force.
- (4) An authorisation given by virtue of sub-paragraph (2) may authorise the exercise of an administration function—
- (a) either wholly or to such extent as may be specified in the authorisation;
  - (b) either generally or in such cases as may be so specified; and
  - (c) either unconditionally or subject to the fulfilment of such conditions as may be so specified.
- (5) An authorisation given by virtue of sub-paragraph (2)—
- (a) shall be treated for all purposes as if it were given by virtue of an order under section 69 of the <sup>M7</sup>Deregulation and Contracting Out Act 1994 (contracting out of functions of Ministers and office-holders);
  - (b) may be revoked at any time by the Commission (as well as by the chief executive).

### Marginal Citations

- M4** 1972 c. 11.  
**M5** 1972 c. 11.  
**M6** 1972 c. 11.  
**M7** 1994 c. 40.

### *Financing of Commission*

- 14 (1) The expenditure of the Commission, so far as it cannot be met out of income received by the Commission, shall be met, in accordance with this paragraph, out of money provided by Parliament (except so far as it is—
- (a) reimbursed by the Secretary of State under section 18(9) or the Scottish Ministers in pursuance of section <sup>F20</sup>[<sup>F21</sup>13A], 19(11) or] 145(6); <sup>F22</sup> . . .

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- [<sup>F23</sup>(aa) met out of the Welsh Consolidated Fund under paragraph 16A;]
  - [<sup>F24</sup>(aa) met by the Scottish Parliamentary Corporate Body under paragraph 14A,]
  - [<sup>F25</sup>(b) met by the Welsh Ministers in pursuance of section 5(3) <sup>F26</sup>...; or
  - (c) met by the [<sup>F27</sup>Senedd] Commission under Schedule 2 paragraph 6 to the Government of Wales Act 2006.]
- (2) For each financial year (other than the Commission's first financial year) the Commission shall prepare, and submit to the Speaker's Committee, an estimate of the Commission's income and expenditure.
- (3) The Speaker's Committee shall—
- (a) examine each such estimate submitted to them; and
  - (b) decide whether they are satisfied that the estimated level of income and expenditure is consistent with the economical, efficient and effective discharge by the Commission of their functions; and
  - (c) if they are not so satisfied, shall make such modifications to the estimate as they consider appropriate for the purpose of achieving such consistency.
- (4) Before deciding whether they are so satisfied or making any such modifications, the Speaker's Committee shall—
- (a) have regard to the most recent report made to them by the Comptroller and Auditor General under paragraph 16 and to any recommendations contained in that report; and
  - (b) consult the Treasury and have regard to any advice which the Treasury may give.
- (5) The Speaker's Committee shall, after concluding their examination and making their modifications (if any) to the estimate, lay the estimate before the House of Commons.
- (6) If the Speaker's Committee, in the discharge of their functions under this paragraph—
- (a) do not follow any recommendation contained in the report of the Comptroller and Auditor General,
  - (b) do not follow any advice given to them by the Treasury, or
  - (c) make any modification to the estimate,
- they shall include in the next report which they make to the House of Commons under paragraph 1 of Schedule 2 a statement of their reasons for so doing.
- [<sup>F28</sup>(6A) An estimate prepared under this paragraph must not include income or expenditure that is attributable to the exercise of the Commission's functions in relation to devolved Welsh elections and devolved Welsh referendums (as to which, see paragraph 16A).]
- (7) The Secretary of State may by order provide for the transfer to the Commission of such property, rights and liabilities—
- (a) to which he is entitled or subject, and
  - (b) which are specified in the order,
- as he considers appropriate in connection with the establishment of the Commission.
- (8) Such an order may in particular provide for the order to have effect despite any provision (of whatever nature) which would prevent or restrict the transfer of any such property, rights or liabilities otherwise than by the order.

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### Textual Amendments

- F20** Words in Sch. 1 para. 14(1)(a) repealed (S.) (1.10.2020) by [Scottish Elections \(Reform\) Act 2020](#) (asp 12), [ss. 15\(2\)\(a\)](#), 35; S.S.I. 2020/278, reg. 2, sch.
- F21** Word in Sch. 1 para. 14(1)(a) substituted (S.) (29.6.2011) by [Local Electoral Administration \(Scotland\) Act 2011](#) (asp 10), [ss. 16\(4\)](#), 21(1); S.S.I. 2011/277, art. 2(b)
- F22** Word in Sch. 1 para. 14(1)(a) omitted by virtue of [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007](#) (S.I. 2007/1388), art. 3, [Sch. 1 para. 98\(2\)](#), the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) -- see [ss. 46](#), [161\(5\)](#) of the [Government of Wales Act 2006](#) (c. 32) and art. 1(2) of the amending S.I.
- F23** Sch. 1 para. 14(1)(aa) inserted (E.W.) (1.10.2020) by [Senedd and Elections \(Wales\) Act 2020](#) (anaw 1), s. 42(3)(b), [Sch. 2 para. 14\(2\)\(a\)\(i\)](#); S.I. 2020/1052, art. 2(b)
- F24** Sch. 1 para. 14(1)(aa) inserted (S.) (1.10.2020) by [Scottish Elections \(Reform\) Act 2020](#) (asp 12), [ss. 15\(2\)\(b\)](#), 35; S.S.I. 2020/278, reg. 2, sch.
- F25** Sch. 1 para. 14(1)(b)(c) substituted for Sch. 1 para. 14(1)(b) by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007](#) (S.I. 2007/1388), art. 3, [Sch. 1 para. 98\(3\)](#) (with [Sch. 1 para. 98\(4\)](#)), the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) -- see [ss. 46](#), [161\(5\)](#) of the [Government of Wales Act 2006](#) (c. 32) and art. 1(2) of the amending S.I.
- F26** Words in Sch. 1 para. 14(1)(b) omitted (E.W.) (1.10.2020) by virtue of [Senedd and Elections \(Wales\) Act 2020](#) (anaw 1), s. 42(3)(b), [Sch. 2 para. 14\(2\)\(a\)\(ii\)](#); S.I. 2020/1052, art. 2(b)
- F27** Word in Sch. 1 para. 14(1)(c) substituted (E.W.) (1.10.2020) by [Senedd and Elections \(Wales\) Act 2020](#) (anaw 1), s. 42(3)(b), [Sch. 2 para. 14\(2\)\(a\)\(iii\)](#); S.I. 2020/1052, art. 2(b)
- F28** Sch. 1 para. 14(6A) inserted (E.W.) (1.10.2020) by [Senedd and Elections \(Wales\) Act 2020](#) (anaw 1), s. 42(3)(b), [Sch. 2 para. 14\(2\)\(b\)](#); S.I. 2020/1052, art. 2(b)

### Modifications etc. (not altering text)

- C1** Sch. 1 para. 14(1) modified (S.) (18.12.2013) by [Scottish Independence Referendum Act 2013](#) (asp 14), [ss. 28\(2\)](#), 36
- C2** Sch. 1 para. 14(1) modified (S.) (30.1.2020) by [Referendums \(Scotland\) Act 2020](#) (asp 2), [ss. 30\(4\)](#), 41
- C3** Sch. 1 para. 14(2) excluded (S.) (18.12.2013) by [Scottish Independence Referendum Act 2013](#) (asp 14), [ss. 29\(5\)](#), 36
- C4** Sch. 1 para. 14(2) excluded (S.) (30.1.2020) by [Referendums \(Scotland\) Act 2020](#) (asp 2), [ss. 31\(5\)](#), 41

### *Financing of Commission: devolved Scottish elections*

[<sup>F29</sup>14A(1)] The Scottish Parliamentary Corporate Body (in this paragraph, the "SPCB") must reimburse the Commission for any expenditure properly incurred by the Commission (in so far as it cannot be met out of income received by the Commission) which is attributable to the exercise of the Commission's devolved Scottish functions.

- (2) Sub-paragraph (1) does not require the SPCB to reimburse any expenditure which exceeds or is otherwise not covered by an estimate or, as the case may be, a revised estimate approved under this paragraph.
- (3) However, the SPCB may reimburse that expenditure.
- (4) Before the start of each financial year, the Commission must prepare an estimate of the Commission's income and expenditure for the year in relation to the Commission's devolved Scottish functions and, by such date as the SPCB determines, send the estimate to the SPCB for approval.

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- (5) The Commission may, in the course of a financial year, prepare a revised estimate for the remainder of the year and send it to the SPCB for approval.
- (6) In preparing an estimate or a revised estimate, the Commission must ensure that the estimated level of income and expenditure is consistent with the economical, efficient and effective exercise by the Commission of their devolved Scottish functions.
- (7) An estimate or a revised estimate must contain a statement that the Commission have complied with the duty under sub-paragraph (6).
- (8) In this paragraph, “devolved Scottish functions”, in relation to the Commission, means the functions of the Commission under Part 1 in relation to—
  - (a) Scottish Parliamentary general elections,
  - (b) elections held under section 9 of the Scotland Act 1998 (constituency vacancies), and
  - (c) local government elections in Scotland,
 in so far as those functions do not relate to reserved matters (within the meaning of the Scotland Act 1998).]

#### Textual Amendments

**F29** Sch. 1 para. 14A inserted (S.) (1.10.2020) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), ss. **15(3)**, 35; S.S.I. 2020/278, reg. 2, sch.

#### *Five-year plan*

- 15 (1) When the Commission submit to the Speaker’s Committee such an estimate as is mentioned in paragraph 14 [<sup>F30</sup>in respect of the first financial year to begin after the day on which Parliament meets for the first time following a parliamentary general election,] the Commission shall also submit to the Committee a plan prepared by the Commission setting out the Commission’s—
  - (a) aims and objectives for the period of five years beginning with the financial year to which the estimate relates, and
  - (b) estimated requirements for resources during that five-year period.
- [<sup>F31</sup>(1A) The Speaker’s Committee may require the Commission to submit a plan under sub-paragraph (1) when the Commission submit such an estimate as is mentioned in paragraph 14 in respect of a financial year other than one mentioned in that sub-paragraph.]
- (2) The Speaker’s Committee shall—
  - (a) examine each plan submitted to them;
  - (b) decide whether they are satisfied that the plan is consistent with the economical, efficient and effective discharge by the Commission of their functions; and
  - (c) if they are not so satisfied, shall make such modifications to the plan as they consider appropriate for the purpose of achieving such consistency.
- (3) Before deciding whether they are so satisfied or making any such modifications, the Speaker’s Committee shall—

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- (a) have regard to the most recent report made to them by the Comptroller and Auditor General under paragraph 16 and to any recommendations contained in that report; and
  - (b) consult the Treasury and have regard to any advice which the Treasury may give.
- (4) The Speaker's Committee shall, after concluding their examination and making their modifications (if any) to the plan, lay the plan before the House of Commons.
- (5) If the Speaker's Committee, in the discharge of their functions under this paragraph—
- (a) do not follow any recommendation contained in the report of the Comptroller and Auditor General,
  - (b) do not follow any advice given to them by the Treasury, or
  - (c) make any modification to the plan,
- they shall include in the next report which they make to the House of Commons under paragraph 1 of Schedule 2 a statement of their reasons for so doing.
- [<sup>F32</sup>(6) A plan prepared under this paragraph must not include aims, objectives or estimated requirements for the exercise of the Commission's functions in relation to devolved Welsh elections and devolved Welsh referendums (as to which, see paragraph 16B).]

#### Textual Amendments

- F30** Words in Sch. 1 para. 15(1) inserted (1.1.2016) by [Deregulation Act 2015 \(c. 20\), ss. 94\(3\), 115\(7\); S.I. 2015/1732, art. 3\(b\)](#)
- F31** Sch. 1 para. 15(1A) inserted (1.1.2016) by [Deregulation Act 2015 \(c. 20\), ss. 94\(4\), 115\(7\); S.I. 2015/1732, art. 3\(b\)](#)
- F32** Sch. 1 para. 15(6) inserted (E.W.) (1.10.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\), s. 42\(3\)\(b\), Sch. 2 para. 14\(3\); S.I. 2020/1052, art. 2\(b\)](#)

#### *Five-year plan: devolved Scottish elections*

- [<sup>F33</sup>15A(1) At the same time as the Commission submit to the Speaker's Committee a plan under paragraph 15(1), the Commission must also submit the plan to the Scottish Parliamentary Corporate Body (in this paragraph, the "SPCB").
- (2) The SPCB—
- (a) must examine each plan submitted to it in so far as the plan relates to the Commission's devolved Scottish functions,
  - (b) must decide whether it is satisfied that the plan is consistent with the economical, efficient and effective discharge by the Commission of their devolved Scottish functions, and
  - (c) if it is not so satisfied, may recommend such modifications to the plan as it considers appropriate for the purpose of achieving such consistency.
- (3) The SPCB must, after concluding its examination and making its recommendations (if any) under sub-paragraph (2) in relation to a plan—
- (a) report to the Speaker's Committee on its findings and its recommendations (if any), and
  - (b) as soon as reasonably practicable after the plan is laid by the Speaker's Committee under paragraph 15(4)—

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- (i) lay the plan before the Scottish Parliament, and
- (ii) if the SPCB made any recommendations for modifications to the plan under sub-paragraph (2), lay before the Scottish Parliament a document describing its reasons for making the recommendations.]

#### Textual Amendments

**F33** Sch. 1 para. 15A inserted (S.) (1.10.2020) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), **ss. 17(2)**, **35**; [S.S.I. 2020/278](#), **reg. 2**, **sch.**

*[<sup>F34</sup>Examination] of Commission by Comptroller and Auditor General*

#### Textual Amendments

**F34** Word in Sch. 1 para. 16 cross-heading substituted (1.1.2016) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 94(6)**, **115(7)**; [S.I. 2015/1732](#), **art. 3(b)**

- 16 (1) For the purpose of assisting the Speaker’s Committee to discharge their functions under paragraphs 14 and 15 [<sup>F35</sup>in respect of any year when both an estimate under paragraph 14 and a five-year plan under paragraph 15 are submitted to them,] the Comptroller and Auditor General shall [<sup>F36</sup>before the Committee consider the estimate and plan] —
- (a) carry out an examination into the economy, efficiency or effectiveness (or, if he so determines, any combination thereof) with which the Commission have used their resources in discharging their functions (or, if he so determines, any particular functions of theirs);
  - (b) report to the Speaker’s Committee the results of the examination; and
  - (c) include in his report such recommendations as he considers appropriate in the light of the examination.
- (2) Section 8 of the <sup>M8</sup>National Audit Act 1983 (right to obtain documents and information) shall apply in relation to any examination under this paragraph as it applies in relation to an examination under section 6 of that Act.

#### Textual Amendments

**F35** Words in Sch. 1 para. 16(1) inserted (1.1.2016) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 94(5)(a)**, **115(7)**; [S.I. 2015/1732](#), **art. 3(b)**

**F36** Words in Sch. 1 para. 16(1) substituted (1.1.2016) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 94(5)(b)**, **115(7)**; [S.I. 2015/1732](#), **art. 3(b)**

#### Marginal Citations

**M8** 1983 c. 44.

*Financing of Commission: devolved Welsh elections and referendums*

- [<sup>F37</sup>16A(1) The expenditure of the Commission that is attributable to the exercise of the Commission's functions in relation to devolved Welsh elections and devolved Welsh

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referendums is (so far as it cannot be met out of income received by the Commission) to be payable out of the Welsh Consolidated Fund.

- (2) For each financial year, the Commission must prepare an estimate of the Commission's income and expenditure that is attributable to the exercise of the Commission's functions in relation to devolved Welsh elections and devolved Welsh referendums.
- (3) At least six months before the start of the financial year to which an estimate relates, the Commission must submit the estimate to the Llywydd's Committee.
- (4) During the financial year to which an estimate relates, the Commission may prepare a revised estimate and submit it to the Llywydd's Committee; and references in the rest of this paragraph to an estimate include a revised estimate.
- (5) The committees of Senedd Cymru must include one to be known as the Llywydd's Committee or Pwyllgor y Llywydd.
- (6) The committee must be chaired by the Presiding Officer or the Deputy Presiding Officer.
- (7) The Llywydd's Committee must—
  - (a) examine each estimate submitted to it,
  - (b) decide whether it is satisfied that the estimated level of income and expenditure is consistent with the economical, efficient and effective discharge by the Commission of their functions in relation to devolved Welsh elections and devolved Welsh referendums, and
  - (c) if it is not so satisfied, make such modifications to the estimate as it considers appropriate for the purpose of achieving such consistency.
- (8) Before deciding whether it is so satisfied or making any such modifications, the Llywydd's Committee must—
  - (a) have regard to the most recent report made to it by the Comptroller and Auditor General under paragraph 16C(2), to any later report made under paragraph 16C(4), and to any recommendations contained in the reports;
  - (b) consult the Welsh Ministers and have regard to any advice the Welsh Ministers may give.
- (9) The Llywydd's Committee must, after concluding its examination and making its modifications (if any) to the estimate, lay the estimate before Senedd Cymru.
- (10) If the Llywydd's Committee, in the discharge of its functions under this paragraph—
  - (a) does not follow any recommendation contained in a report of the Comptroller and Auditor General,
  - (b) does not follow any advice given to it by the Welsh Ministers, or
  - (c) makes any modification to the estimate,it must include in the next report which it makes to Senedd Cymru under paragraph 20B a statement of its reasons for so doing.

#### Textual Amendments

**F37** Sch. 1 paras. 16A-16C inserted (E.W.) (1.10.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), [ss. 28\(2\)](#), [42\(3\)\(b\)](#); S.I. 2020/1052, art. 2(a)



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*Five-year plan: devolved Welsh elections and referendums*

- 16B (1) This paragraph applies where paragraph 16A(3) requires the Commission to submit an estimate to the Llywydd's Committee and—
- (a) the estimate is the first estimate to be submitted under paragraph 16A(3),
  - (b) the estimate relates to the first financial year to begin after the day on which Senedd Cymru meets following an ordinary general election of Members of the Senedd, or
  - (c) the estimate relates to any other financial year and the Llywydd's Committee requires the Commission to submit a plan under this paragraph.
- (2) When the Commission submit the estimate, the Commission must at the same time submit to the Llywydd's Committee a plan setting out—
- (a) the Commission's aims and objectives for the exercise of the Commission's functions in relation to devolved Welsh elections and devolved Welsh referendums during the period of five years beginning with the financial year to which the estimate relates, and
  - (b) the Commission's estimated requirements for resources for the exercise of those functions during that five-year period.
- (3) The Llywydd's Committee must—
- (a) examine each plan submitted to it,
  - (b) decide whether it is satisfied that the plan is consistent with the economical, efficient and effective discharge by the Commission of their functions in relation to devolved Welsh elections and devolved Welsh referendums, and
  - (c) if it is not so satisfied, make such modifications to the plan as it considers appropriate for the purpose of achieving such consistency.
- (4) Before deciding whether it is so satisfied or making any such modifications, the Llywydd's Committee must—
- (a) have regard to the most recent report made to it by the Comptroller and Auditor General under paragraph 16C(2) and to any recommendations contained in the report;
  - (b) consult the Welsh Ministers and have regard to any advice the Welsh Ministers may give.
- (5) The Llywydd's Committee must, after concluding its examination and making its modifications (if any) to the plan, lay the plan before Senedd Cymru.
- (6) If the Llywydd's Committee, in the discharge of its functions under this paragraph—
- (a) does not follow any recommendation contained in the report of the Comptroller and Auditor General,
  - (b) does not follow any advice given to it by the Welsh Ministers, or
  - (c) makes any modification to the plan,
- it must include in the next report which it makes to Senedd Cymru under paragraph 20B a statement of its reasons for so doing.

**Textual Amendments**

**F37** Sch. 1 paras. 16A-16C inserted (E.W.) (1.10.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), ss. 28(2), 42(3)(b); S.I. 2020/1052, art. 2(a)



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*Examination of Commission: devolved Welsh elections and referendums*

- 16C (1) Sub-paragraph (2) applies where the Commission submit to the Llywydd's Committee both an estimate under paragraph 16A(3) and a plan under paragraph 16B(2).
- (2) For the purpose of assisting the Llywydd's Committee to discharge its functions under paragraphs 16A and 16B, the Comptroller and Auditor General must, before the Llywydd's Committee considers the estimate and plan—
- (a) carry out an examination into the economy, efficiency or effectiveness (or, if the Comptroller and Auditor General so determines, any combination of them) with which the Commission have used their resources in discharging their functions in relation to devolved Welsh elections and devolved Welsh referendums (or, if the Comptroller and Auditor General so determines, any of those functions),
  - (b) report to the Llywydd's Committee the results of the examination, and
  - (c) include in the report such recommendations as the Comptroller and Auditor General considers appropriate in the light of the examination.
- (3) Sub-paragraph (4) applies where the Commission—
- (a) submit an estimate to the Llywydd's Committee under paragraph 16A(3) but are not required to submit a plan under paragraph 16B(2), or
  - (b) submit a revised estimate to the Llywydd's Committee under paragraph 16A(4).
- (4) For the purpose of assisting the Llywydd's Committee to discharge its functions under paragraph 16A, the Comptroller and Auditor General may, before the Llywydd's Committee considers the estimate—
- (a) carry out a further examination into the matters mentioned in sub-paragraph (2)(a),
  - (b) report to the Llywydd's Committee the results of the examination, and
  - (c) include in the report such recommendations as the Comptroller and Auditor General considers appropriate in the light of the examination.
- (5) Section 8 of the National Audit Act 1983 (right to obtain documents and information) applies in relation to any examination under this paragraph as it applies in relation to an examination under section 6 of that Act.
- (6) See also section 19 of the Public Audit (Wales) Act 2013 (which enables the Wales Audit Office to make arrangements for any function of a public authority or office holder to be exercised by the Auditor General for Wales).]

**Textual Amendments**

**F37** Sch. 1 paras. 16A-16C inserted (E.W.) (1.10.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), ss. 28(2), 42(3)(b); S.I. 2020/1052, art. 2(a)

*Accounts*

- 17 (1) The Commission shall keep proper accounting records.
- (2) The Commission shall, for each financial year, prepare accounts in accordance with directions given to the Commission by the Treasury.

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- (3) The directions which the Treasury may give under sub-paragraph (2) include, in particular, directions as to—
- (a) the information to be contained in the accounts and the manner in which it is to be presented,
  - (b) the methods and principles in accordance with which the accounts are to be prepared, and
  - (c) the additional information (if any) that is to accompany the accounts.

#### *Audit*

- 18 (1) The accounts prepared by the Commission for any financial year shall be submitted by the Commission to—
- (a) the Comptroller and Auditor General, and
  - (b) the Speaker's Committee [<sup>F38</sup>and the Llywydd's Committee],
- as soon after the end of the financial year as may be practicable.
- (2) The Comptroller and Auditor General shall—
- (a) examine and certify any accounts submitted to him under this paragraph, and
  - (b) lay before each House of Parliament [<sup>F39</sup> and Senedd Cymru] a copy of the accounts as certified by him together with his report on them.
- [<sup>F40</sup>(3) As soon as is reasonably practicable after the Comptroller and Auditor General has certified the Commission's accounts and laid a copy of the accounts as so certified before each House of Parliament under sub-paragraph (2), the Commission must—
- (a) submit a copy of the accounts as so certified to the Scottish Parliamentary Corporate Body, and
  - (b) lay a copy of the accounts as so certified before the Scottish Parliament.]
- [<sup>F41</sup>(3) The Llywydd's Committee may submit to the Auditor General for Wales any accounts that have been certified and laid before Senedd Cymru under sub-paragraph (2).
- (4) The Auditor General for Wales must—
- (a) carry out a further examination of any accounts submitted under sub-paragraph (3), so far as they relate to the exercise of the Commission's functions in relation to devolved Welsh elections and devolved Welsh referendums, and
  - (b) prepare and lay before Senedd Cymru a report on the accounts so far as they relate to the exercise of those functions.]

#### **Textual Amendments**

- F38** Words in Sch. 1 para. 18(1)(b) inserted (E.W.) (1.10.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), **ss. 28(3)(a)**, 42(3)(b); S.I. 2020/1052, art. 2(a)
- F39** Words in Sch. 1 para. 18(2)(b) inserted (E.W.) (1.10.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), **ss. 28(3)(b)**, 42(3)(b); S.I. 2020/1052, art. 2(a)
- F40** Sch. 1 para. 18(3) inserted (S.) (1.10.2020) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), **ss. 18(2)**, 35; S.S.I. 2020/278, reg. 2, sch.
- F41** Sch. 1 para. 18(3)(4) inserted (E.W.) (1.10.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), **ss. 28(3)(c)**, 42(3)(b); S.I. 2020/1052, art. 2(a)

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### *Accounting officer*

- 19 (1) The Speaker's Committee shall designate a member of the Commission's staff to be the Commission's accounting officer.
- (2) The Commission's accounting officer shall have, in relation to the Commission's accounts and finances, the responsibilities that are from time to time specified by the Speaker's Committee.
- (3) In this paragraph references to responsibilities include in particular—
- (a) responsibilities in relation to the signing of accounts;
  - (b) responsibilities for the propriety and regularity of the Commission's finances; and
  - (c) responsibilities for the economy, efficiency and effectiveness with which the Commission's resources are used.
- (4) The responsibilities which may be specified under this paragraph include responsibilities owed to the Commission, the Speaker's Committee<sup>F42</sup>, the Scottish Parliament, the Scottish Parliamentary Corporate Body <sup>F43</sup>, the Llywydd's Committee] or the House of Commons or its Committee of Public Accounts.
- (5) In this paragraph any reference to the Public Accounts Committee of the House of Commons shall, if—
- (a) the name of the Committee is changed, or
  - (b) the functions of the Committee at the passing of this Act (or functions substantially corresponding thereto) become functions of a different committee of the House of Commons,
- be taken to be references to the Committee by its new name or (as the case may be) to the committee by whom the functions are for the time being exercisable.
- (6) The Secretary of State may designate any member of the Commission's staff or other person to be the Commission's accounting officer until such time as the first designation made under sub-paragraph (1) takes effect.

#### **Textual Amendments**

**F42** Words in Sch. 1 para. 19(4) inserted (S.) (1.10.2020) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), ss. **18(3)**, 35; S.S.I. 2020/278, reg. 2, sch.

**F43** Words in Sch. 1 para. 19(4) inserted (E.W.) (1.10.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), ss. **28(4)**, 42(3)(b); S.I. 2020/1052, art. 2(a)

### *Reports*

- 20 (1) The Commission shall, as soon after the end of each financial year as may be practicable, prepare and lay before each House of Parliament a report about the performance of the Commission's functions during that financial year.
- <sup>F44</sup>(1A) The reference in sub-paragraph (1) to the Commission's functions does not include the Commission's functions in relation to devolved Welsh elections or devolved Welsh referendums.]
- (2) The Commission shall, on so laying such a report, publish the report in such manner as they determine.

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- (3) The functions referred to in sub-paragraph (1) do not include the Commission's [<sup>F45</sup>devolved Scottish functions].

#### Textual Amendments

- F44** Sch. 1 para. 20(1A) inserted (E.W.) (1.10.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(3)(b), [Sch. 2 para. 14\(4\)](#); S.I. 2020/1052, art. 2(b)
- F45** Words in Sch. 1 para. 20(3) substituted (S.) (1.10.2020) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), [ss. 19\(2\)](#), 35; S.S.I. 2020/278, reg. 2, sch.

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

- C5** Sch. 1 para. 20(1) restricted (S.) (18.12.2013) by [Scottish Independence Referendum Act 2013 \(asp 14\)](#), [ss. 27\(5\)](#), 36
- C6** Sch. 1 para. 20(1) restricted (S.) (30.1.2020) by [Referendums \(Scotland\) Act 2020 \(asp 2\)](#), [ss. 29\(6\)](#), 41

[<sup>F46</sup>20A(1) The Commission must, as soon after the end of each financial year as may be practicable, prepare and lay before the Scottish Parliament a report about the performance of the [<sup>F47</sup>Commission's devolved Scottish functions] during that financial year.

- (2) On laying the report, the Commission must publish the report in such manner as they may determine.]

<sup>F48</sup>(3) .....

#### Textual Amendments

- F46** Sch. 1 para. 20A inserted (S.) (29.6.2011) by [Local Electoral Administration \(Scotland\) Act 2011 \(asp 10\)](#), [ss. 17\(3\)](#), 21(1); S.S.I. 2011/277, art. 2(b)
- F47** Words in Sch. 1 para. 20A(1) substituted (S.) (1.10.2020) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), [ss. 19\(3\)\(a\)](#), 35; S.S.I. 2020/278, reg. 2, sch.
- F48** Sch. 1 para. 20A(3) repealed (S.) (1.10.2020) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), [ss. 19\(3\)\(b\)](#), 35; S.S.I. 2020/278, reg. 2, sch.

#### *Reports by Commission: devolved Welsh elections and referendums*

[<sup>F49</sup>20A(1) The Commission must, as soon as practicable after the end of each financial year—

(a) prepare a report about the performance of the Commission's functions in relation to devolved Welsh elections and devolved Welsh referendums during that financial year, and

(b) lay the report before Senedd Cymru.

- (2) On laying the report, the Commission must publish it in such manner as the Commission may determine.

#### Textual Amendments

- F49** Sch. 1 paras. 20A, 20B inserted (E.W.) (1.10.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), [ss. 28\(5\)](#), 42(3)(b); S.I. 2020/1052, art. 2(a)

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### *Reports by the Llywydd's Committee*

- 20B (1) The Llywydd's Committee must, at least once in each year—
- (a) prepare a report on the exercise by the Llywydd's Committee of its functions under this Schedule, and
  - (b) lay the report before Senedd Cymru.
- (2) For the purposes of the law of defamation, the publication of any matter by the Llywydd's Committee in such a report is absolutely privileged.]

#### **Textual Amendments**

- F49** Sch. 1 paras. 20A, 20B inserted (E.W.) (1.10.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), [ss. 28\(5\)](#), [42\(3\)\(b\)](#); S.I. 2020/1052, [art. 2\(a\)](#)

### *Notification of Commission regulations*

- 21 (1) If the Commission make any regulations, they must give a copy to the Secretary of State without delay.
- (2) If the Commission alter or revoke any regulations, they must give notice to the Secretary of State without delay.
- (3) Notice of an alteration must include details of the alteration.
- [<sup>F50</sup>21A(1) If the Commission make any regulations which relate to any elections mentioned in sub-paragraph (4), they must give a copy to the Scottish Ministers without delay.
- (2) If the Commission alter or revoke any regulations mentioned in sub-paragraph (1), they must give notice to the Scottish Ministers without delay.
- (3) Notice of an alteration must include details of the alteration.
- (4) The elections are—
- (a) Scottish Parliamentary general elections,
  - (b) elections held under section 9 of the Scotland Act 1998 (constituency vacancies),
  - (c) local government elections in Scotland.]

#### **Textual Amendments**

- F50** Sch. 1 para. 21A inserted (S.) (1.10.2020) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), [ss. 23](#), [35](#); S.S.I. 2020/278, [reg. 2](#), [sch.](#)

### *Regulation-making instruments*

- 22 (1) Any power conferred on the Commission to make regulations is exercisable in writing.
- (2) An instrument by which regulations are made by the Commission (“a regulation-making instrument”) must specify the provision under which the regulations are made.

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- (3) To the extent to which a regulation-making instrument does not comply with sub-paragraph (2), it is void.
- (4) Immediately after a regulation-making instrument is made, it must be printed and made available to the public.
- (5) The Commission may charge a reasonable fee for providing a person with a copy of a regulation-making instrument.
- (6) A person is not to be taken to have contravened any regulation made by the Commission if he shows that at the time of the alleged contravention the regulation-making instrument concerned had not been made available in accordance with this paragraph.
- (7) Any power of the Commission to make regulations includes power to make different provision for different cases.

#### *Verification of regulations*

- 23 (1) The production of a printed copy of a regulation-making instrument purporting to be made by the Commission—
- (a) on which is endorsed a certificate signed by a member of the Commission's staff authorised by the Commission for that purpose, and
  - (b) which contains the required statements,
- is evidence (or in Scotland sufficient evidence) of the facts stated in the certificate.
- (2) The required statements are—
- (a) that the instrument was made by the Commission;
  - (b) that the copy is a true copy of the instrument; and
  - (c) that on a specified date the instrument was made available to the public in accordance with paragraph 22(4).
- (3) A certificate purporting to be signed as mentioned in sub-paragraph (1) is to be taken to have been properly signed unless the contrary is shown.
- (4) A person who wishes in any legal proceedings to rely on a regulation-making instrument may require the Commission to endorse a copy of the instrument with a certificate of the kind mentioned in sub-paragraph (1).

#### *Documentary evidence*

- 24 A document purporting to be—
- (a) duly executed under the seal of the Commission, or
  - (b) signed on behalf of the Commission <sup>F51</sup> ...,
- shall be received in evidence and shall, unless the contrary is proved, be taken to be so executed or signed.

#### **Textual Amendments**

**F51** Words in Sch. 1 para. 24(b) repealed (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), ss. 146(3), 148(3), [Sch. 7 Pt. 3](#); S.I. 2009/3318, art. 4(hh)

*Status: Point in time view as at 02/02/2022.*

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### *Interpretation*

25<sup>[F52]</sup>(1) In this Schedule “delegate” includes further delegate.

<sup>[F53]</sup>(2) In this Schedule—

“devolved Welsh election” means—

- (a) a general election of members of Senedd Cymru;
- (b) an election held under section 10 of the Government of Wales Act 2006 (elections for Senedd constituency vacancies);
- (c) a local government election in Wales;

“devolved Welsh referendum” means a referendum held under Part 2 of the Local Government Act 2000 or Part 4 of the Local Government (Wales) Measure 2011 (referendums relating to local authority executive arrangements);

“the Llywydd’s Committee” means the Committee established in accordance with paragraph 16A(5).]

<sup>[F54]</sup>(2) In this schedule, “devolved Scottish functions”, in relation to the Commission, has the meaning given in paragraph 14A(8).]

#### **Textual Amendments**

- F52** Sch. 1 para. 25 renumbered as Sch. 1 para. 25(1) (1.10.2020): (E.W.) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), **ss. 28(6)(a)**, 42(3)(b); S.I. 2020/1052, art. 2(a); [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), **ss. 15(4)(a)**, 35; S.S.I. 2020/278, reg. 2, sch.
- F53** Sch. 1 para. 25(2) inserted (E.W.) (1.10.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), **ss. 28(6)(b)**, 42(3)(b); S.I. 2020/1052, art. 2(a)
- F54** Sch. 1 para. 25(2) inserted (S.) (1.10.2020) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), **ss. 15(4)(b)**, 35; S.S.I. 2020/278, reg. 2, sch.

## SCHEDULE 2

Section 2.

### THE SPEAKER’S COMMITTEE

#### *Reports*

- 1 (1) The Speaker’s Committee shall, at least once in each year, make to the House of Commons a report on the exercise by the Committee of their functions.
- (2) For the purposes of the law of defamation the publication of any matter by the Speaker’s Committee in making such a report shall be absolutely privileged.

#### *Term of office of Committee members*

- 2 (1) In this paragraph “appointed member” means a member of the Speaker’s Committee other than—
  - (a) the Speaker of the House of Commons;
  - (b) the member who is the Chairman of the Home Affairs Committee of the House of Commons; or



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- (c) the member who is the [<sup>F55</sup>Secretary of State for Levelling Up, Housing and Communities].
- (2) An appointed member shall cease to be a member of the Speaker’s Committee if—
- (a) he ceases to be a Member of the House of Commons; or
  - (b) another person is appointed to be a member of the Committee in his place.
- (3) An appointed member may resign from the Committee at any time by giving notice to the Speaker.
- (4) Subject to sub-paragraphs (2) and (3), an appointed member shall be a member of the Committee for the duration of the Parliament in which he is appointed.
- (5) An appointed member may be re-appointed (or further re-appointed) to membership of the Committee.

#### Textual Amendments

**F55** Words in Sch. 2 para. 2(1)(c) substituted (8.12.2021) by [The Transfer of Functions \(Secretary of State for Levelling Up, Housing and Communities\) Order 2021 \(S.I. 2021/1265\)](#), art. 1(2), **Sch. 2 para. 15(4)** (with art. 12)

#### Committee proceedings

- 3 (1) The Speaker’s Committee may determine their own procedure.
- (2) The validity of any proceedings of the Committee shall not be affected by—
- (a) any vacancy among, or
  - (b) any defect in the appointment of any of, the members of the Committee.
- (3) The Committee may appoint a member of the Committee to act as chairman at any meeting of the Committee in the absence of the Speaker.

PROSPECTIVE

## SCHEDULE 3

Section 16.

### TRANSFER OF FUNCTIONS OF BOUNDARY COMMISSIONS

#### <sup>F56</sup>PART I

### AMENDMENTS OF PARLIAMENTARY CONSTITUENCIES ACT 1986

#### Textual Amendments

**F56** Sch. 3 Pt. I repealed (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), ss. 61(3)(d), 148(3)(b), **Sch. 7 Pt. 3**; S.I. 2009/3318, art. 4(j)(hh)



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*F56 Preliminary*

F56<sub>1</sub> .....

*F56 Duty to keep under review, and report on, parliamentary representation*

F56<sub>2</sub> .....

*F56 Functions of Boundary Committees*

F56<sub>3</sub> .....

*F56 Implementation of Commission's reports*

F56<sub>4</sub> .....

*F56 Notices relating to proposed reports or recommendations*

F56<sub>5</sub> .....

*F56 Local inquiries*

F56<sub>6</sub> .....

*F56 Rules for redistribution of seats*

F56<sub>7</sub> .....

**PART II**

**AMENDMENTS OF OTHER ACTS**

*Government of Wales Act 1998 (c. 38)*

8 F57 .....

**Textual Amendments**

**F57** Sch. 3 paras. 8-16 repealed by [Government of Wales Act 2006 \(c. 32\)](#), s. 163, [Sch. 12](#) (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) -- see ss. 46, 161(1)(4)(5) of the amending Act.

9 F58 .....

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**Textual Amendments**

**F58** Sch. 3 paras. 8-16 repealed by [Government of Wales Act 2006 \(c. 32\), s. 163, Sch. 12](#) (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) -- see ss. 46, 161(1)(4)(5) of the amending Act.

10 **F59** .....

**Textual Amendments**

**F59** Sch. 3 paras. 8-16 repealed by [Government of Wales Act 2006 \(c. 32\), s. 163, Sch. 12](#) (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) -- see ss. 46, 161(1)(4)(5) of the amending Act.

11 **F60** .....

**Textual Amendments**

**F60** Sch. 3 paras. 8-16 repealed by [Government of Wales Act 2006 \(c. 32\), s. 163, Sch. 12](#) (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) -- see ss. 46, 161(1)(4)(5) of the amending Act.

12 **F61** .....

**Textual Amendments**

**F61** Sch. 3 paras. 8-16 repealed by [Government of Wales Act 2006 \(c. 32\), s. 163, Sch. 12](#) (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) -- see ss. 46, 161(1)(4)(5) of the amending Act.

13 **F62** .....

**Textual Amendments**

**F62** Sch. 3 paras. 8-16 repealed by [Government of Wales Act 2006 \(c. 32\), s. 163, Sch. 12](#) (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with

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the day of the first appointment of a First Minister on 25.5.2007) -- see ss. 46, 161(1)(4)(5) of the amending Act.

14 F63 .....

**Textual Amendments**

**F63** Sch. 3 paras. 8-16 repealed by [Government of Wales Act 2006 \(c. 32\)](#), s. 163, [Sch. 12](#) (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) -- see ss. 46, 161(1)(4)(5) of the amending Act.

15 F64 .....

**Textual Amendments**

**F64** Sch. 3 paras. 8-16 repealed by [Government of Wales Act 2006 \(c. 32\)](#), s. 163, [Sch. 12](#) (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) -- see ss. 46, 161(1)(4)(5) of the amending Act.

16 F65 .....

**Textual Amendments**

**F65** Sch. 3 paras. 8-16 repealed by [Government of Wales Act 2006 \(c. 32\)](#), s. 163, [Sch. 12](#) (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) -- see ss. 46, 161(1)(4)(5) of the amending Act.

*Scotland Act 1998 (c. 46)*

17 F66 .....

**Textual Amendments**

**F66** Sch. 3 paras. 17-24 repealed (22.7.2004) by [Scottish Parliament \(Constituencies\) Act 2004 \(c. 13\)](#), s. [1\(5\)](#)

18 F67 .....

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**Textual Amendments**

**F67** Sch. 3 paras. 17-24 repealed (22.7.2004) by [Scottish Parliament \(Constituencies\) Act 2004 \(c. 13\), s. 1\(5\)](#)

19 **F68** .....

**Textual Amendments**

**F68** Sch. 3 paras. 17-24 repealed (22.7.2004) by [Scottish Parliament \(Constituencies\) Act 2004 \(c. 13\), s. 1\(5\)](#)

20 **F69** .....

**Textual Amendments**

**F69** Sch. 3 paras. 17-24 repealed (22.7.2004) by [Scottish Parliament \(Constituencies\) Act 2004 \(c. 13\), s. 1\(5\)](#)

21 **F70** .....

**Textual Amendments**

**F70** Sch. 3 paras. 17-24 repealed (22.7.2004) by [Scottish Parliament \(Constituencies\) Act 2004 \(c. 13\), s. 1\(5\)](#)

22 **F71** .....

**Textual Amendments**

**F71** Sch. 3 paras. 17-24 repealed (22.7.2004) by [Scottish Parliament \(Constituencies\) Act 2004 \(c. 13\), s. 1\(5\)](#)

23 **F72** .....

**Textual Amendments**

**F72** Sch. 3 paras. 17-24 repealed (22.7.2004) by [Scottish Parliament \(Constituencies\) Act 2004 \(c. 13\), s. 1\(5\)](#)

24 **F73** .....

**Textual Amendments**

**F73** Sch. 3 paras. 17-24 repealed (22.7.2004) by [Scottish Parliament \(Constituencies\) Act 2004 \(c. 13\), s. 1\(5\)](#)

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## SCHEDULE 4

Sections 28, 30, 31 and 33.

### APPLICATIONS UNDER PART II

#### PART I

##### APPLICATION FOR REGISTRATION

###### *Introductory*

- 1 (1) Paragraphs 2 to 7 must be complied with in relation to an application under section 28.
- (2) Such an application must be accompanied by any fee prescribed by order made by the Secretary of State.
- (3) In the following provisions of this Part of this Schedule “an application” means an application under section 28.

###### **Commencement Information**

- II** Sch. 4 wholly in force at 16.2.2001; Sch. 4 partly in force at Royal Assent, see s. 163(3); Sch. 4 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](#))

###### *Names*

- 2 (1) An application for registration in the Great Britain register must specify either—
  - (a) a name to be the party’s registered name, or
  - (b) a name in Welsh and a name in English to be the party’s registered names.
- (2) If a name to be registered in that register is in a language other than English or Welsh, the application must include an English translation.
- (3) An application for registration in the Northern Ireland register must specify either—
  - (a) a name to be the party’s registered name, or
  - (b) a name in Irish and a name in English to be the party’s registered names.
- (4) If a name to be registered in that register is in a language other than English or Irish, the application must include an English translation.

###### **Commencement Information**

- II** Sch. 4 wholly in force at 16.2.2001; Sch. 4 partly in force at Royal Assent, see s. 163(3); Sch. 4 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](#))

###### *Headquarters*

- 3 (1) An application must specify—
  - (a) the address of the party’s headquarters, or
  - (b) if the party has no headquarters, an address to which communications to the party may be sent.

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- (2) Where the party is a party with accounting units, any reference to the party in subparagraph (1) above is to be read as a reference to the central organisation.

#### Commencement Information

- I3** Sch. 4 wholly in force at 16.2.2001; Sch. 4 partly in force at Royal Assent, see s. 163(3); Sch. 4 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](#))

#### Registered officers

- 4 (1) An application must give the name and home address of each of the following—
- a person to be registered as the party's leader;
  - a person to be registered as the party's nominating officer;
  - a person to be registered as the party's treasurer.
- (2) If the application is for the party to be registered as a party with a campaigns officer, the application must also give the name and home address of a person to be registered as the party's campaigns officer.
- (3) If the person to be registered as the party's leader is (as mentioned in section 24(2)) the leader of the party for some particular purpose, the application must specify that purpose.
- (4) If one person is named in an application as leader, nominating officer and treasurer, the application must also give the name and home address of the holder of some other specified office in the party.

#### Commencement Information

- I4** Sch. 4 wholly in force at 16.2.2001; Sch. 4 partly in force at Royal Assent, see s. 163(3); Sch. 4 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](#))

#### Party organisation

- 5 (1) An application must be accompanied by—
- a copy of the party's constitution (within the meaning of section 26); and
  - a draft of the scheme which the party proposes to adopt for the purposes of section 26 if approved by the Commission under that section.
- (2) Where the party is a party with accounting units, the application must state in relation to each accounting unit—
- the name of the accounting unit and of its treasurer and of the officer to be registered for the purposes of section 27(3), and
  - the address of its headquarters or, if it has no headquarters, an address to which communications to the accounting unit may be sent.

#### Commencement Information

- I5** Sch. 4 wholly in force at 16.2.2001; Sch. 4 partly in force at Royal Assent, see s. 163(3); Sch. 4 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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### *Additional information*

- 6 An application must include any other information prescribed by regulations made by the Commission.

#### **Commencement Information**

- 16** Sch. 4 wholly in force at 16.2.2001; Sch. 4 partly in force at Royal Assent, see s. 163(3); Sch. 4 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](#))

### *Signature*

- 7 (1) An application must be signed—
- (a) by the proposed registered leader or registered nominating officer,
  - (b) by the proposed registered treasurer, and
  - (c) (if the application is for the party to be registered as a party with a campaigns officer) by the proposed registered campaigns officer,
- and must include a declaration by each person signing the application that he is authorised to sign it on behalf of the party.
- (2) An application may be signed by the same person in his capacity as proposed registered leader or registered nominating officer and in his capacity as proposed registered treasurer or as proposed registered campaigns officer, but in that case it must be apparent from the application that he is signing it in both of those capacities.

#### **Commencement Information**

- 17** Sch. 4 wholly in force at 16.2.2001; Sch. 4 partly in force at Royal Assent, see s. 163(3); Sch. 4 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](#))

## **PART II**

### **APPLICATION FOR ALTERATION OF ENTRY**

#### *Introductory*

- 8 (1) Paragraph 9 and (if applicable) paragraph 10 must be complied with in relation to an application under section 30.
- (2) Such an application must be accompanied by any fee prescribed by order made by the Secretary of State.
- (3) In paragraphs 9 and 10 “an application” means an application under section 30.

#### **Commencement Information**

- 18** Sch. 4 wholly in force at 16.2.2001; Sch. 4 partly in force at Royal Assent, see s. 163(3); Sch. 4 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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### *Signature*

- 9 (1) Subject to sub-paragraph (3), an application must be signed by the responsible officers of the party.
- (2) For the purposes of this paragraph “the responsible officers” are—
- (a) the registered leader;
  - (b) the registered nominating officer;
  - (c) the registered treasurer;
  - (d) where the leader, the nominating officer and the treasurer are the same person, any other registered officer.
- (3) If any responsible officer is unable to sign an application—
- (a) the holder of some other office in the party may sign in his place, and
  - (b) the application must include a statement of the reason why the responsible officer is unable to sign and a declaration that the holder of the other office is authorised to sign in his place.

#### **Commencement Information**

**19** Sch. 4 wholly in force at 16.2.2001; Sch. 4 partly in force at Royal Assent, see s. 163(3); Sch. 4 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](#))

### *Details of campaigns officer*

- 10 If an application is for the addition of a statement that the party is registered as a party with a campaigns officer, the application must—
- (a) give the name and home address of the person who is to be registered as the party’s campaigns officer; and
  - (b) be accompanied by a declaration of acceptance of office signed by that person.

#### **Commencement Information**

**110** Sch. 4 wholly in force at 16.2.2001; Sch. 4 partly in force at Royal Assent, see s. 163(3); Sch. 4 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](#))

## **PART III**

### **APPLICATION FOR REGISTRATION OF REPLACEMENT OFFICER**

#### *Introductory*

- 11 (1) Paragraphs 12 and 13 must be complied with in relation to an application under section 31(3)(a).
- (2) In paragraphs 12 and 13 “an application” means an application under section 31(3)
- (a).



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#### Commencement Information

- II1** Sch. 4 wholly in force at 16.2.2001; Sch. 4 partly in force at Royal Assent, see s. 163(3); Sch. 4 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](#))

#### *Details of replacement etc. officers*

- 12 (1) If as a result of an application one person will be registered as leader, nominating officer and treasurer, the application must request the addition of the name of the holder of some other specified office in the party.
- (2) If an application requests—
- (a) the substitution of the name of a leader, nominating officer, treasurer or other officer, or
  - (b) an addition in accordance with sub-paragraph (1),
- the application must give the home address of the person whose name is to be substituted or added.

#### Commencement Information

- II2** Sch. 4 wholly in force at 16.2.2001; Sch. 4 partly in force at Royal Assent, see s. 163(3); Sch. 4 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](#))

#### *Signature*

- 13 (1) Subject to sub-paragraph (3), an application must be signed by—
- (a) each person (other than the person to be registered in pursuance of the application) who is one of the responsible officers of the party; and
  - (b) the person who is to be so registered.
- (2) For the purposes of this paragraph “the responsible officers” has the same meaning as in paragraph 9.
- (3) If any such person as is mentioned in sub-paragraph (1)(a) is unable to sign an application—
- (a) the holder of some other office in the party may sign in his place, and
  - (b) the application must include a statement of the reason why the person in question is unable to sign and a declaration that the holder of the other office is authorised to sign in his place.

#### Commencement Information

- II3** Sch. 4 wholly in force at 16.2.2001; Sch. 4 partly in force at Royal Assent, see s. 163(3); Sch. 4 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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## PART IV

### APPLICATION FOR REMOVAL OF ENTRY

#### *Signature*

- 14 Paragraph 9 above shall apply in relation to an application under section 33 as it applies in relation to an application under section 30.

#### **Commencement Information**

- I14** Sch. 4 wholly in force at 16.2.2001; Sch. 4 partly in force at Royal Assent, see s. 163(3); Sch. 4 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](#))

## SCHEDULE 5

Section 49.

### ACCOUNTING UNITS: APPLICATION OF ACCOUNTING REQUIREMENTS

#### *Introductory*

- 1 (1) This Schedule provides for the application of sections 41 to 48 in a case where a registered party is a party with accounting units.
- (2) For the purposes of this Schedule all or any of the following are financial matters relating to a party or (as the case may be) an accounting unit, namely—
- (a) its transactions and financial position; and
  - (b) its assets and liabilities.
- (3) For the purposes of this Schedule, and any provision as applied by this Schedule, an accounting unit's financial year is the same as that of the party.
- (4) In this Schedule "treasurer", in relation to an accounting unit, means the person specified in the Great Britain or Northern Ireland register as the unit's treasurer.
- (5) If any question arises under this Schedule as to whether, in relation to any matter, anything falls to be done by the treasurer of a party or by the treasurer of an accounting unit, it shall be determined by the Commission.

#### *Accounting records*

- 2 (1) Section 41—
- (a) shall not impose any duty on the treasurer of the party in relation to any financial matters relating to any accounting unit; but
  - (b) shall apply with any necessary modifications to the treasurer of each such unit so as to make provision for or in connection with requiring the keeping and preservation of proper accounting records with respect to financial matters relating to the unit.
- (2) In its application in relation to an accounting unit, section 41(5) shall be read as if the reference to the last treasurer of the party were to the last treasurer of the unit.

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### *Annual statements of accounts*

- 3 (1) Section 42—
- (a) shall not impose any duty on the treasurer of the party in relation to any financial matter relating to any accounting unit; but
  - (b) shall apply with any necessary modifications to the treasurer of each such unit so as to make provision for or in connection with requiring the preparation, in respect of each financial year, of a statement of accounts relating to financial matters relating to the unit.
- (2) In its application in relation to any such statement of accounts, section 42(2)(b) shall be read as requiring approval—
- (a) by the management committee of the unit, if there is one; and
  - (b) otherwise by an officer of the unit other than its treasurer.
- (3) In its application in relation to a party with accounting units or (as the case may be) to any accounting unit, section 42(4)(a) shall be read as if the reference to the gross income or total expenditure of the party were—
- (a) to the gross income or total expenditure of the party exclusive of any income or expenditure of any accounting unit, or
  - (b) to the gross income or total expenditure of the unit,
- as the case may be.

### *Annual audits*

- 4 (1) Section 43 shall apply in relation to any accounting unit and its treasurer as it applies in relation to the party and its treasurer.
- (2) In its application in relation to the party or (as the case may be) to any accounting unit, section 43(1) or (2) shall be read as if the reference to the gross income or total expenditure of the party were—
- (a) to the gross income or total expenditure of the party exclusive of any income or expenditure of any accounting unit, or
  - (b) to the gross income or total expenditure of the unit,
- as the case may be.

### *Supplementary provisions about auditors*

- 5 (1) Section 44 shall apply in relation to any accounting unit and the treasurer, or any other officer, of any such unit as it applies in relation to the party and the treasurer, or any other officer, of the party.
- (2) In sub-paragraph (1) any reference to a treasurer or other officer includes a former treasurer or other officer.

### *Submission of statements of accounts etc. to Commission*

- 6 (1) In the case of any accounting unit whose gross income or total expenditure in a financial year exceeds £25,000, section 45 shall (except so far as it relates to any notification under section 32) apply in relation to the accounting unit and the treasurer of the unit as it applies in relation to the party and the treasurer of the party.

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- (2) If the Commission in the case of any other accounting unit at any time so require by notice in relation to any financial year, the treasurer of the unit shall no later than the relevant date send the Commission—
- (a) the statement of accounts prepared for that year in accordance with paragraph 3, and
  - (b) if the unit’s accounts for that year have been audited in accordance with paragraph 4, a copy of the auditor’s report.
- (3) In sub-paragraph (2) “the relevant date” means—
- (a) if the unit’s accounts for the financial year are not required to be audited in accordance with paragraph 4, the end of the period of three months from the end of that year or (if later) the end of the period of 30 days beginning with the day when the requirement under sub-paragraph (2) is imposed;
  - (b) if the unit’s accounts for that year are required to be so audited, the end of the period of six months from the end of that year or (if later) the end of the period of three months beginning with the date when the requirement under sub-paragraph (2) is imposed.
- (4) If for any special reason the Commission think it fit to do so they may, on an application made to them before the end of the period otherwise allowed under this paragraph for sending a unit’s documents within sub-paragraph (2) for any financial year, by notice extend that period by a further period specified in the notice.
- (5) Any reference to section 45 in any of sections 46 to 48 (as they apply in accordance with this Schedule) shall be read as including a reference to sub-paragraph (2) above.

*Public inspection of parties’ statements of accounts*

- 7 Section 46 shall apply in relation to any statement of accounts received by the Commission from an accounting unit as it applies in relation to a statement of accounts received by them from the party.

*Criminal penalty for failure to submit proper statement of accounts etc.*

- 8 (1) Subject to sub-paragraph (2), section 47 shall apply in relation to any accounting unit and the treasurer of any such unit as it applies in relation to the party and the treasurer of the party.
- (2) In a case where paragraph 6(2) applies—
- (a) subsection (4) of section 47 shall not apply, and
  - (b) the relevant period for the purposes of that section (as it applies in accordance with sub-paragraph (1) above) shall instead be the period allowed by paragraph 6(2) and (3) for sending the statement of accounts or auditor’s report to the Commission or, if that period has been extended under paragraph 6(4), that period as so extended.

*Revision of statement of accounts*

- 9 (1) Subject to sub-paragraph (2), section 48 shall apply in relation to any accounting unit and the treasurer of any such unit as it applies in relation to the party and the treasurer of the party.
- (2) In its application in relation to any such unit—

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- (a) section 48(7) shall have effect with the omission of the reference to the registered leader of the party; and
- (b) section 48(8) shall accordingly have effect with the omission of paragraphs (a) and (b) and all references to the registered leader of the party.

## SCHEDULE 6

Sections 62 and 63.

### DETAILS TO BE GIVEN IN DONATION REPORTS

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

- C7** Sch. 6 disappplied (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
- C8** Sch. 6 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)

#### *Preliminary*

- 1 (1) In this Schedule—
- (a) “quarterly report” means a report required to be prepared by virtue of section 62;
  - (b) “weekly report” means a report required to be prepared by virtue of section 63;
- and “recordable donation”, in relation to a quarterly or weekly report, means a donation required to be recorded in that report.
- (2) References in this Schedule to a registered party shall, in the case of a party with accounting units, be read as references to the central organisation of the party.

#### Commencement Information

- I15** Sch. 6 wholly in force at 16.2.2001; Sch. 6 partly in force at Royal Assent, see s. 163(3); Sch. 6 in force in so far as not already 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](#))

PROSPECTIVE

*[<sup>F74</sup>Declarations as to source of donation [<sup>F75</sup>or as to whether residence etc condition satisfied ]*

#### Textual Amendments

- F74** Sch. 6 para. 1A and preceding cross-heading inserted (prosp.) by [Political Parties and Elections Act 2009 \(c. 12\)](#), ss. **9(5)**, 43
- F75** Words in heading before Sch. 6 para. 1A inserted (prosp.) by [Political Parties and Elections Act 2009 \(c. 12\)](#), ss. **10(6)(a)**, 43

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- 1A [ In relation to each recordable donation in the case of which a declaration under <sup>F76</sup>(1) section 54A has been given, a quarterly or weekly report must either—
- (a) state that no reason was found to think that the declaration was untruthful or inaccurate, or
  - (b) give details of any respects in which the declaration was found or suspected to be untruthful or inaccurate.
- [ In relation to each recordable donation in the case of which a declaration under <sup>F77</sup>(2) section 54B has been given, a quarterly report must either—
- (a) state that no reason was found for thinking that the declaration was incorrect, or
  - (b) give details of any respects in which the declaration was found or suspected to be incorrect.]]

#### Textual Amendments

- F76** Sch. 6 para. 1A renumbered (prosp.) as Sch. 6 para. 1A(1) by virtue of [Political Parties and Elections Act 2009 \(c. 12\)](#), [ss. 10\(6\)\(b\)](#), 43
- F77** Sch. 6 para. 1A(2) inserted (prosp.) by [Political Parties and Elections Act 2009 \(c. 12\)](#), [s. 10\(6\)\(b\)](#), 43

#### *Identity of donors: quarterly reports*

- 2 (1) In relation to each recordable donation (other than one to which paragraph [<sup>F78</sup>2A,] 6 or 7 applies) a quarterly report must give the following information about the donor—
- (a) the information required by any of sub-paragraphs (2) to (10), (12) and (13) below; and
  - (b) such other information as may be required by regulations made by the Secretary of State after consulting the Commission;
- or, in the case of a donation falling within sub-paragraph (11) below, the information required by that sub-paragraph.
- (2) In the case of an individual the report must give his full name and—
- (a) if his address is, at the date of receipt of the donation, shown in an electoral register (within the meaning of section 54) <sup>F79</sup>... , that address; and
  - (b) otherwise, his home address (whether in the United Kingdom or elsewhere).
- <sup>F80</sup>(2A) .....
- (3) Sub-paragraph (2) does not apply in the case of a donation in the form of a bequest, and in such a case the report must state that the donation was received in pursuance of a bequest and give—
- (a) the full name of the person who made the bequest; and
  - (b) his address at the time of his death or, if he was not then registered in an electoral register (within the meaning of section 54) <sup>F81</sup>... at that address, the last address at which he was so registered during the period of five years ending with the date of his death.
- <sup>F82</sup>(3A) .....
- [<sup>F83</sup>(3B) Sub-paragraph (2) applies in the case of a donation by a person who has an anonymous entry in an electoral register (within the meaning of the Representation

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of the People Act 1983), as if for paragraphs (a) and (b) there were substituted state that the registered party has seen evidence of such description as is prescribed by the Secretary of State in regulations that the individual has an anonymous entry in an electoral register (within the meaning of the Representation of the People Act 1983).

(3C) Sub-paragraph (3) applies in the case of a donation in the form of a bequest by a person who either—

- (a) at the time of his death, or
- (b) at any time in the period of five years ending with the date of his death,

had an anonymous entry in an electoral register (within the meaning of the Representation of the People Act 1983), as if for paragraph (b) there were substituted—

- (b) a statement that the registered party has seen evidence of such description as is prescribed by the Secretary of State in regulations that the individual had—
  - (i) at the time of his death, or
  - (ii) at any time in the period of five years ending with the date of his death,

an anonymous entry in an electoral register (within the meaning of the Representation of the People Act 1983).]

(4) In the case of a company falling within section 54(2)(b) <sup>F84</sup> ... the report must give—

- (a) the company's registered name;
- (b) the address of its registered office; and
- (c) the number with which it is registered.

(5) In the case of a registered party the report must give—

- (a) the party's registered name; and
- (b) the address of its registered headquarters.

(6) In the case of a trade union falling within section 54(2)(d) <sup>F85</sup> ... the report must give—

- (a) the name of the union, and
- (b) the address of its head or main office,

as shown in the list kept under the <sup>M9</sup>Trade Union and Labour Relations (Consolidation) Act 1992 or the <sup>M10</sup>Industrial Relations (Northern Ireland) Order 1992 <sup>F85</sup> ....

(7) In the case of a building society within the meaning of the <sup>M11</sup>Building Societies Act 1986, <sup>F86</sup> ... the report must give—

- (a) the name of the society; and
- (b) the address of its principal office.

(8) In the case of a <sup>F87</sup> ... partnership falling within section 54(2)(f) <sup>F88</sup> ... , the report must give—

- (a) the partnership's registered name; and
- (b) the address of its registered office.

(9) In the case of a friendly or other registered society falling within section 54(2)(g) the report must give—

- (a) the name of the society, and

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- (b) the address of its registered office.
- (10) In the case of an unincorporated association falling within section 54(2)(h) <sup>F89</sup> ... the report must give—
- (a) the name of the association; and
  - (b) the address of its main office in the United Kingdom <sup>F90</sup> ... .
- (11) In the case of a payment to which section 55(2) applies the report must give the statutory or other provision under which it was made.
- (12) In the case of a donation to which section 55(3) applies, the report must give the full name and address of the donor.
- (13) In the case of a donation to which section 55(5) <sup>F91</sup> ... applies, the report must state that the donation was received from a trustee, and—
- (a) in the case of a donation falling within section 162(2), give—
    - (i) the date on which the trust was created, and
    - (ii) the full name of the person who created the trust and of every other person by whom, or under whose will, property was transferred to the trust before 27th July 1999, and
  - (b) in the case of a donation falling within section 162(3) <sup>F92</sup> ... , give in respect of—
    - (i) the person who created the trust, and,
    - (ii) every other person by whom, or under whose will, property has been transferred to the trust,

the information which is required by any of sub-paragraphs (2) to (10) to be given in respect of the donor of a recordable donation.
- (14) In this Act or the Representation of the <sup>M12</sup>People Act 1983 any reference (however expressed) to information about the donor of a donation which is framed by reference to this paragraph is, in relation to such a donation as is mentioned in paragraph (a) or (b) of sub-paragraph (13), a reference to information about every person specified in paragraph (a) or (b) of that sub-paragraph.

#### Textual Amendments

- F78** Words in Sch. 6 para. 2(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. 5, **Sch. 1 para. 2**
- F79** Words in Sch. 6 para. 2(2)(a) repealed (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, **Sch. 1 Pt. 1** (as amended by S.I. 2019/1389, regs. 1, 2(2))
- F80** Sch. 6 para. 2(2A) omitted (8.12.2015) by virtue of [The European Parliamentary Elections \(Miscellaneous Provisions\) \(United Kingdom and Gibraltar\) Order 2015 \(S.I. 2015/1982\)](#), art. 1(2), **Sch. para. 9(a)** (with art. 3)
- F81** Words in Sch. 6 para. 2(3)(b) repealed (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, **Sch. 1 Pt. 1** (as amended by S.I. 2019/1389, regs. 1, 2(2))
- F82** Sch. 6 para. 2(3A) omitted (8.12.2015) by virtue of [The European Parliamentary Elections \(Miscellaneous Provisions\) \(United Kingdom and Gibraltar\) Order 2015 \(S.I. 2015/1982\)](#), art. 1(2), **Sch. para. 9(a)** (with art. 3)
- F83** Sch. 6 para. 2(3B)(3C) inserted (E.W.S.) (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 10(2), 77(2), **Sch. 1 para. 26**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 12(a) (subject to art. 6, Sch. 2)



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- F84** Words in Sch. 6 para. 2(4) repealed (31.12.2020) by The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018 (S.I. 2018/1310), reg. 1, **Sch. 1 Pt. 1** (as amended by S.I. 2019/1389, regs. 1, 2(2))
- F85** Words in Sch. 6 para. 2(6) repealed (31.12.2020) by virtue of The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018 (S.I. 2018/1310), reg. 1, **Sch. 1 Pt. 1** (as amended by S.I. 2019/1389, regs. 1, 2(2))
- F86** Words in Sch. 6 para. 2(7) omitted (8.12.2015) by virtue of The European Parliamentary Elections (Miscellaneous Provisions) (United Kingdom and Gibraltar) Order 2015 (S.I. 2015/1982), art. 1(2), **Sch. para. 9(b)** (with art. 3)
- F87** Words in Sch. 6 para. 2(8) omitted (8.12.2015) by virtue of The European Parliamentary Elections (Miscellaneous Provisions) (United Kingdom and Gibraltar) Order 2015 (S.I. 2015/1982), art. 1(2), **Sch. para. 9(c)** (with art. 3)
- F88** Words in Sch. 6 para. 2(8) repealed (31.12.2020) by The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018 (S.I. 2018/1310), reg. 1, **Sch. 1 Pt. 1** (as amended by S.I. 2019/1389, regs. 1, 2(2))
- F89** Words in Sch. 6 para. 2(10) repealed (31.12.2020) by The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018 (S.I. 2018/1310), reg. 1, **Sch. 1 Pt. 1** (as amended by S.I. 2019/1389, regs. 1, 2(2))
- F90** Words in Sch. 6 para. 2(10)(b) repealed (31.12.2020) by The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018 (S.I. 2018/1310), reg. 1, **Sch. 1 Pt. 1** (as amended by S.I. 2019/1389, regs. 1, 2(2))
- F91** Words in Sch. 6 para. 2(13) repealed (31.12.2020) by The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018 (S.I. 2018/1310), reg. 1, **Sch. 1 Pt. 1** (as amended by S.I. 2019/1389, regs. 1, 2(2))
- F92** Words in Sch. 6 para. 2(13)(b) repealed (31.12.2020) by The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018 (S.I. 2018/1310), reg. 1, **Sch. 1 Pt. 1** (as amended by S.I. 2019/1389, regs. 1, 2(2))

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

- C9** Sch. 6 para. 2 modified (1.2.2016) by European Union Referendum Act 2015 (c. 36), s. 13(2), **Sch. 1 para. 27**; S.I. 2016/69, reg. 2
- C10** Sch. 6 para. 2(3B)(3C) amendment by 2006 c. 22, Sch. 1 para. 26 extended to N.I. (15.9.2014) by The Anonymous Registration (Northern Ireland) Order 2014 (S.I. 2014/1116), arts. 1(1), **2(2)**

#### Commencement Information

- I16** Sch. 6 wholly in force at 16.2.2001; Sch. 6 partly in force at Royal Assent, see s. 163(3); Sch. 6 in force in so far as not already 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

- M9** 1992 c. 52.  
**M10** S.I. 1992/807 (N.I.5).  
**M11** 1986 c. 53.  
**M12** 1983 c. 2.

<sup>F93</sup>2A In relation to each recordable donation that is an Irish donation a quarterly report must comply with the following requirements of this paragraph.

- (2) “Irish donation” means a donation made in reliance on section 71B(1)(a) or (b) (extension of categories of permissible donors in relation to Northern Ireland recipients).
- (3) The report must record the fact that the donation is an Irish donation.

*Status: Point in time view as at 02/02/2022.*

*Changes to legislation: Political Parties, Elections and Referendums Act 2000 is up to date with all changes known to be in force on or before 19 May 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)*

- (4) In the case of a donation by an Irish citizen the report must also—
- (a) give the donor's full name, and
  - (b) be accompanied by one of the following documents—
    - (i) a copy of the donor's Irish passport certified by the Department of Foreign Affairs of Ireland;
    - (ii) a copy of the donor's certificate of nationality certified by the Department of Foreign Affairs of Ireland; or
    - (iii) a copy of the donor's certificate of naturalisation certified by the Department of Foreign Affairs of Ireland,
- but this sub-paragraph does not apply to a donation in the form of a bequest.
- (5) In the case of a donation in the form of a bequest the report must also—
- (a) state that the donation was received in pursuance of a bequest;
  - (b) give the full name of the person who made the bequest; and
  - (c) be accompanied by either one of the documents listed in sub-paragraph (4) (b)(i) to (iii) or a statement by the Department of Foreign Affairs of Ireland that documentation submitted to that Department following the death of the person who made the bequest would have been acceptable in support of an application for an Irish passport had it been submitted when he was alive.
- (6) In the case of a donation by a company the report must also give—
- (a) the company's registered name;
  - (b) the address of its registered office; and
  - (c) the number with which it is registered.
- (7) In the case of a donation by a political party the report must also give—
- (a) the party's registered name; and
  - (b) the address of its registered headquarters.
- (8) In the case of a donation by a trade union the report must also give—
- (a) the name of the trade union; and
  - (b) the address of its head or main office.
- (9) In the case of a donation by a building society the report must also give—
- (a) the name of the society; and
  - (b) the address of its principal office.
- (10) In the case of a donation by a limited liability partnership the report must also give—
- (a) the partnership's registered name; and
  - (b) the address of its registered office.
- (11) In the case of a donation by a friendly society [<sup>F94</sup>, a registered society within the meaning of the Co-operative and Community Benefit Societies Act 2014 or a society registered (or deemed to be registered) under the Industrial and Provident Societies Act (Northern Ireland) 1969,] the report must also give—
- (a) the name of the society; and
  - (b) the address of its registered office.
- (12) In the case of a donation by an unincorporated association the report must also—
- (a) give the name of the association;

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- (b) give the address of its main office in Ireland; and
  - (c) be accompanied by a statement made by a solicitor currently practising in Ireland confirming the name and address of the association and the fact that it is an unincorporated association.
- (13) In the case of a donation received in accordance with the terms of a trust the report must also—
- (a) state that the donation was received from a trustee;
  - (b) give the date on which the trust was created;
  - (c) give the address of the trust's office; and
  - (d) give, in relation to any settlor, the information that is required to be given under sub-paragraphs (4) to (12) of this paragraph.
- (14) “Settlor” means—
- (a) the person who created the trust; and
  - (b) every other person by whom, or under whose will, property has been transferred into the trust.
- (15) In the case of a trust created before 1st November 2007 sub-paragraph (13)(d)—
- (a) does not require the report to give any information in relation to the person who created the trust apart from his name;
  - (b) does not require the report to give any information in relation to any other person by whom, or under whose will, property has been transferred into the trust before 1st November 2007.]

#### Textual Amendments

- F93** Sch. 6 para. 2A inserted (1.11.2007) by [The Political Parties, Elections and Referendums Act 2000 \(Northern Ireland Political Parties\) Order 2007 \(S.I. 2007/2501\)](#), art. 5, [Sch. 1 para. 3](#)
- F94** Words in [Sch. 6 para. 2A\(11\)](#) substituted (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\)](#), s. 154, [Sch. 4 para. 77](#) (with [Sch. 5](#))

#### *Identity of donors: weekly reports*

- 3 <sup>F95</sup>(1) In relation to each recordable donation a weekly report must give all such details of the name and address of the donor as are for the time being known to the party.
- <sup>F96</sup>(2) In the case of a donation by a person who has an anonymous entry in an electoral register (within the meaning of the Representation of the People Act 1983), instead of giving details of the address of the donor the party must state that it has seen evidence of such description as is prescribed by the Secretary of State in regulations that the person has such an entry.
- (3) In the case of a donation in the form of a bequest by a person who either—
- (a) at the time of his death, or
  - (b) at any time in the period of five years ending at the date of his death,
- had such an entry, instead of giving details of the address of the donor, the party must state that it has seen evidence of such description as is prescribed by the Secretary of State in regulations that the person had, at that time, such an entry.]
- <sup>F97</sup>(4) This paragraph does not apply in relation to a recordable donation that is an Irish donation (within the meaning given by paragraph 2A(2)).]

*Status: Point in time view as at 02/02/2022.*

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#### Textual Amendments

- F95** Sch. 6 para. 3 renumbered (E.W.S.) (1.1.2007) as Sch. 6 para. 3(1) by [Electoral Administration Act 2006](#) (c. 22), ss. 10(2), 77(2), [Sch. 1 para. 27](#); S.I. 2006/3412, [art. 3](#), Sch. 1 para. 12(a) (subject to art. 6, Sch. 2)
- F96** Sch. 6 para. 3(2)(3) inserted (E.W.S.) (1.1.2007) by [Electoral Administration Act 2006](#) (c. 22), ss. 10(2), 77(2), [Sch. 1 para. 27](#); S.I. 2006/3412, [art. 3](#), Sch. 1 para. 12(a) (subject to art. 6, Sch. 2)
- F97** Sch. 6 para. 3(4) inserted (1.11.2007) by [The Political Parties, Elections and Referendums Act 2000](#) (Northern Ireland Political Parties) Order 2007 (S.I. 2007/2501), art. 5, [Sch. 1 para. 4\(1\)](#)

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

- C11** Sch. 6 para. 3(1) amendment by 2006 c. 22, Sch. 1 para. 27 extended to N.I. (15.9.2014) by [The Anonymous Registration \(Northern Ireland\) Order 2014](#) (S.I. 2014/1116), arts. 1(1), [2\(2\)](#)
- C12** Sch. 6 para. 3(2)(3) amendment by 2006 c. 22, Sch. 1 para. 27 extended to N.I. (15.9.2014) by [The Anonymous Registration \(Northern Ireland\) Order 2014](#) (S.I. 2014/1116), arts. 1(1), [2\(2\)](#)

#### Commencement Information

- I17** Sch. 6 wholly in force at 16.2.2001; Sch. 6 partly in force at Royal Assent, see s. 163(3); Sch. 6 in force in so far as not already 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](#))

[<sup>F98</sup>3A In relation to each recordable donation that is an Irish donation (within the meaning given by paragraph 2A(2)) a weekly report must—

- (a) record the fact that the donation is an Irish donation; and
- (b) give the name of the donor.]

#### Textual Amendments

- F98** Sch. 6 para. 3A inserted (1.11.2007) by [The Political Parties, Elections and Referendums Act 2000](#) (Northern Ireland Political Parties) Order 2007 (S.I. 2007/2501, [art. 5](#), [Sch. 1 para. 4\(2\)](#))

#### Textual Amendments

- F98** Sch. 6 para. 3A inserted (1.11.2007) by [The Political Parties, Elections and Referendums Act 2000](#) (Northern Ireland Political Parties) Order 2007 (S.I. 2007/2501, [art. 5](#), [Sch. 1 para. 4\(2\)](#))

#### *Value of donation*

- 4 (1) In relation to each recordable donation a quarterly or weekly report must give the following details about the donation.
  - (2) If the donation was a donation of money (in cash or otherwise) the report must give the amount of the donation.
  - (3) Otherwise the report must give details of the nature of the donation and its value as determined in accordance with section 53.

*Status: Point in time view as at 02/02/2022.*

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### Commencement Information

**118** Sch. 6 wholly in force at 16.2.2001; Sch. 6 partly in force at Royal Assent, see s. 163(3); Sch. 6 in force in so far as not already 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)

### *Circumstances in which donation made*

- 5 (1) In relation to each recordable donation a quarterly or weekly report must—
- (a) give the relevant date for the donation; and
  - (b) (in the case of a quarterly report)—
    - (i) state whether the donation was made to the registered party or any accounting unit of the party; or
    - (ii) in the case of a donation to which section 62(12) applies, indicate that it is a donation which falls to be treated as made to the party by virtue of that provision.
- (2) In the case of a donation to which section 55(3) applies, the report must in addition give—
- (a) the date or dates on or between which the visit to which the donation relates took place, and
  - (b) the destination and purpose of the visit.
- (3) For the purposes of this paragraph as it applies to a quarterly report, the relevant date for a donation is—
- (a) (if within section 62(4)(a) or (7)(a)) the date when the donation was accepted by the party or the accounting unit;
  - (b) (if within section 62(4)(b) or (7)(b)) the date when the donation was accepted by the party or the accounting unit which caused the aggregate amount in question to be more than the limit specified in that provision;
  - (c) (if within section 62(9)) the date when the donation was received.
- (4) For the purposes of this paragraph as it applies to a weekly report, the relevant date for a donation is the date when the donation was received by the party or its central organisation as mentioned in section 63(3).
- [<sup>F99</sup>(5) Where a quarterly report to which this sub-paragraph applies includes a donation which was received by a Northern Ireland recipient, or an accounting unit of a Northern Ireland recipient, before 1 July 2017, the report must give the date on which the donation was received.
- (6) Sub-paragraph (5) applies to a quarterly report in respect of a period beginning on or after 1 January 2018.
- (7) In this paragraph, “Northern Ireland recipient” means a party registered in the Northern Ireland register.]

### Textual Amendments

**F99** Sch. 6 para. 5(5)-(7) inserted (8.3.2018) by The Transparency of Donations and Loans etc. (Northern Ireland Political Parties) Order 2018 (S.I. 2018/328), arts. 1(2), 6(2)

*Status: Point in time view as at 02/02/2022.*

**Changes to legislation:** *Political Parties, Elections and Referendums Act 2000 is up to date with all changes known to be in force on or before 19 May 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

- I19** Sch. 6 wholly in force at 16.2.2001; Sch. 6 partly in force at Royal Assent, see s. 163(3); Sch. 6 in force in so far as not already 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](#))

### <sup>F100</sup> Application of reporting requirement

#### Textual Amendments

- F100** Sch. 6 para. 5A and preceding cross-heading inserted (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 74(1), 77(2), [Sch. 1 para 153](#); [S.I. 2006/1972](#), [art. 3](#), [Sch. 1 paras. 24, 25\(m\)\(ii\)](#) (subject to [art. 4](#), [Sch. 2](#)) (as amended by [S.I. 2006/2268](#), [art. 4](#)); [S.I. 2008/1656](#), [art. 2](#) (subject to [art. 3](#), [Sch. 1](#))

- 5A If the requirement to record the donation arises only because the value of the donation has, for the purposes of section 62(4) or (6), been aggregated with the value of any relevant transaction or transactions (within the meaning of section 71M), a quarterly report must contain a statement to that effect.]

### *Donations from impermissible donors*

- 6 In relation to each recordable donation to which section 54(1)(a) applies a quarterly report must—
- (a) give the name and address of the donor; and
  - (b) give the date when, and the manner in which, the donation was dealt with in accordance with section 56(2)(a).
  - <sup>F101</sup>(c) .....

#### Textual Amendments

- F101** Sch. 6 para. 6(c) repealed (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), [reg. 1](#), [Sch. 1 Pt. 1](#) (as amended by [S.I. 2019/1389](#), [regs. 1, 2\(2\)](#))

#### Commencement Information

- I20** Sch. 6 wholly in force at 16.2.2001; Sch. 6 partly in force at Royal Assent, see s. 163(3); Sch. 6 in force in so far as not already 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](#))

### *Donations from unidentifiable donors*

- 7 In relation to each recordable donation to which section 54(1)(b) applies a quarterly report must give—
- (a) details of the manner in which it was made,
  - (b) details of any element of deception or concealment employed by the donor of which the registered party or any accounting unit of the party became aware and the means by which it was revealed; and
  - (c) the date when, and the manner in which, the donation was dealt with in accordance with section 56(2)(b).

*Status: Point in time view as at 02/02/2022.*

*Changes to legislation: Political Parties, Elections and Referendums Act 2000 is up to date with all changes known to be in force on or before 19 May 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

- I21** Sch. 6 wholly in force at 16.2.2001; Sch. 6 partly in force at Royal Assent, see s. 163(3); Sch. 6 in force in so far as not already 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](#))

#### Other details

- 8 A quarterly or weekly report must give such other information (if any) as is required by regulations made by the Commission.

#### Commencement Information

- I22** Sch. 6 wholly in force at 16.2.2001; Sch. 6 partly in force at Royal Assent, see s. 163(3); Sch. 6 in force in so far as not already 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](#))

## [<sup>F102</sup>SCHEDULE 6A

### DETAILS TO BE GIVEN IN TRANSACTION REPORTS

#### Textual Amendments

- F102** Sch. 6A inserted (11.9.2006 for E.W.S. for specified purposes, 1.1.2007 for N.I. for specified purposes, 1.7.2008 for N.I. for specified purposes, 15.9.2014 for N.I. in so far as not already in force) by [Electoral Administration Act 2006 \(c. 22\), ss. 61\(5\), 77\(2\); S.I. 2006/1972, art. 3, Sch. 1 para. 20\(a\)](#) (subject to [art. 4, Sch. 2](#)) (as substituted by [S.I. 2006/2268, art. 3](#)); [S.I. 2006/3412, art. 4](#) (subject to [art. 6, Sch. 2](#)); [S.I. 2008/1656, art. 2](#) (subject to [art. 3, Sch.](#)); [S.I. 2014/1809, art. 2](#)

#### Preliminary

- 1 (1) In this Schedule—
- (a) “quarterly report” means a report required to be prepared by virtue of section 71M;
  - (b) “weekly report” means a report required to be prepared by virtue of section 71Q;
- and “recordable transaction”, in relation to a quarterly or weekly report, means a transaction required to be recorded in that report.
- (2) References in this Schedule to a registered party must, in the case of a party with accounting units, be read as references to the central organisation of the party.



*Status: Point in time view as at 02/02/2022.*

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PROSPECTIVE

*[<sup>F103</sup>Declaration as to whether residence etc condition satisfied*

**Textual Amendments**

**F103** Sch. 6A para. 1A and preceding cross-heading inserted (prosp.) by [Political Parties and Elections Act 2009 \(c. 12\), ss. 11\(3\), 43](#)

- 1A In relation to each recordable transaction in the case of which a declaration under section 71HZA has been given, a quarterly report must either—
- (a) state that no reason was found to think that the declaration was incorrect, or
  - (b) give details of any respects in which the declaration was found or suspected to be incorrect.]

*Identity of authorised participants: quarterly reports*

- 2 (1) In relation to each recordable transaction [<sup>F104</sup>(other than one to which paragraph 2A applies)], a quarterly report must give the following information about each authorised participant (other than the registered party deriving the benefit of the transaction) that is required by any of sub-paragraphs (2) to (10).
- (2) In the case of an individual the report must give his full name and—
- (a) if his address is, at the date the transaction is entered into, shown in an electoral register (within the meaning of section 54) <sup>F105</sup>..., that address, and
  - (b) otherwise, his home address (whether in the United Kingdom or elsewhere).
- (3) Sub-paragraph (2) applies in the case of an individual who has an anonymous entry in an electoral register (within the meaning of the Representation of the People Act 1983 <sup>F106</sup>...) as if for paragraphs (a) and (b) there were substituted “state that the registered party has seen evidence of such description as is prescribed by the Secretary of State in regulations that the individual has an anonymous entry in an electoral register (within the meaning of the Representation of the People Act 1983) ”.
- (4) In the case of a company falling within section 54(2)(b) <sup>F107</sup>... the report must give—
- (a) the company's registered name,
  - (b) the address of its registered office, and
  - (c) the number with which it is registered.
- (5) In the case of a registered party the report must give—
- (a) the party's registered name, and
  - (b) the address of its registered headquarters.
- (6) In the case of trade union falling within section 54(2)(d) <sup>F108</sup>... the report must give—
- (a) the name of the union, and
  - (b) the address of its head or main office,
- as shown in the list kept under the Trade Union and Labour Relations (Consolidation) Act 1992 or the Industrial Relations (Northern Ireland) Order 1992 <sup>F108</sup>....



*Status: Point in time view as at 02/02/2022.*

*Changes to legislation: Political Parties, Elections and Referendums Act 2000 is up to date with all changes known to be in force on or before 19 May 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)*

- (7) In the case of a building society within the meaning of the Building Societies Act 1986 <sup>F109</sup> ... the report must give—
- (a) the name of the society, and
  - (b) the address of its principal office.
- (8) In the case of a <sup>F110</sup> ... partnership falling within section 54(2)(f) <sup>F111</sup> ... the report must give—
- (a) the partnership's registered name, and
  - (b) the address of its registered office.
- (9) In the case of a friendly or other registered society falling within section 54(2)(g) the report must give—
- (a) the name of the society, and
  - (b) the address of its registered office.
- (10) In the case of an unincorporated association falling within section 54(2)(h) <sup>F112</sup> ... the report must give—
- (a) the name of the association, and
  - (b) the address of its main office in the United Kingdom <sup>F113</sup> ....

#### Textual Amendments

- F104** Words in Sch. 6A para. 2(1) inserted (1.7.2008) by [The Political Parties, Elections and Referendums Act 2000 \(Northern Ireland Political Parties\) Order 2008 \(S.I. 2008/1737\)](#), art. 5, **Sch. 1 para. 2**
- F105** Words in Sch. 6A para. 2(2)(a) repealed (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, **Sch. 1 Pt. 1** (as amended by S.I. 2019/1389, regs. 1, 2(2))
- F106** Words in Sch. 6A para. 2(3) repealed (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, **Sch. 1 Pt. 1** (as amended by S.I. 2019/1389, regs. 1, 2(2))
- F107** Words in Sch. 6A para. 2(4) repealed (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, **Sch. 1 Pt. 1** (as amended by S.I. 2019/1389, regs. 1, 2(2))
- F108** Words in Sch. 6A para. 2(6) repealed (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, **Sch. 1 Pt. 1** (as amended by S.I. 2019/1389, regs. 1, 2(2))
- F109** Words in Sch. 6A para. 2(7) omitted (8.12.2015) by virtue of [The European Parliamentary Elections \(Miscellaneous Provisions\) \(United Kingdom and Gibraltar\) Order 2015 \(S.I. 2015/1982\)](#), art. 1(2), **Sch. para. 10(a)** (with art. 3)
- F110** Words in Sch. 6A para. 2(8) omitted (8.12.2015) by virtue of [The European Parliamentary Elections \(Miscellaneous Provisions\) \(United Kingdom and Gibraltar\) Order 2015 \(S.I. 2015/1982\)](#), art. 1(2), **Sch. para. 10(b)** (with art. 3)
- F111** Words in Sch. 6A para. 2(8) repealed (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, **Sch. 1 Pt. 1** (as amended by S.I. 2019/1389, regs. 1, 2(2))
- F112** Words in Sch. 6A para. 2(10) repealed (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, **Sch. 1 Pt. 1** (as amended by S.I. 2019/1389, regs. 1, 2(2))
- F113** Words in Sch. 6A para. 2(10)(b) repealed (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, **Sch. 1 Pt. 1** (as amended by S.I. 2019/1389, regs. 1, 2(2))

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

**C13** Sch. 6A para. 2 modified (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\), s. 13\(2\), Sch. 2 para. 11](#); [S.I. 2016/69, reg. 2](#)

- [<sup>F114</sup>2A (1) In relation to each recordable transaction that is an Irish transaction a quarterly report must comply with the following requirements of this paragraph in relation to each authorised participant (other than the registered party deriving the benefit of the transaction).
- (2) “Irish transaction” means a transaction which is entered into in reliance on section 71Z1(1)(a) or (b) (extension of categories of authorised participants in relation to Northern Ireland participants).
- (3) The report must record the fact that the transaction is an Irish transaction.
- (4) In the case of a participant who is an Irish citizen the report must also—
- (a) give the participant's full name, and
  - (b) be accompanied by one of the following documents—
    - (i) a copy of the participant's Irish passport certified by the Department of Foreign Affairs of Ireland;
    - (ii) a copy of the participant's certificate of nationality certified by the Department of Foreign Affairs of Ireland; or
    - (iii) a copy of the participant's certificate of naturalisation certified by the Department of Foreign Affairs of Ireland.
- (5) In the case of a participant who is a company the report must also give—
- (a) the company's registered name;
  - (b) the address of its registered office; and
  - (c) the number with which it is registered.
- (6) In the case of a participant who is a political party the report must also give—
- (a) the party's registered name; and
  - (b) the address of its registered headquarters.
- (7) In the case of a participant who is a trade union the report must also give—
- (a) the name of the trade union; and
  - (b) the address of its head or main office.
- (8) In the case of a participant who is a building society the report must also give—
- (a) the name of the society; and
  - (b) the address of its principal office.
- (9) In the case of a participant who is a limited liability partnership the report must also give—
- (a) the partnership's registered name; and
  - (b) the address of its registered office.
- (10) In the case of a participant who is a friendly society [<sup>F115</sup>, a registered society within the meaning of the Co-operative and Community Benefit Societies Act 2014 or a society registered (or deemed to be registered) under the Industrial and Provident Societies Act (Northern Ireland) 1969,] the report must also give—
- (a) the name of the society; and

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- (b) the address of its registered office.
- (11) In the case of a participant who is an unincorporated association the report must also—
- (a) give the name of the association;
  - (b) give the address of its main office in Ireland; and
  - (c) be accompanied by a statement made by a firm of solicitors currently practising in Ireland confirming the name and address of the association and the fact that it is an unincorporated association.]

#### Textual Amendments

- F114** Sch. 6 para. 2A inserted (1.7.2008) by [The Political Parties, Elections and Referendums Act 2000 \(Northern Ireland Political Parties\) Order 2008 \(S.I. 2008/1737\)](#), art. 5, **Sch. 1 para. 3**
- F115** Words in Sch. 6A para. 2A(10) substituted (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\)](#), s. 154, **Sch. 4 para. 78** (with Sch. 5)

#### *Identity of authorised participants: weekly reports*

- 3 (1) In relation to each recordable transaction, a weekly report must give all such details of the name and address of each authorised participant (other than the registered party deriving the benefit from the transaction) as are for the time being known to the party.
- (2) In the case of a participant who is an individual having an anonymous entry in an electoral register (within the meaning of the Representation of the People Act 1983<sup>F116</sup>...) instead of giving details of the address of the individual the party must state that it has seen evidence of such description as is prescribed by the Secretary of State in regulations that the individual has such an entry.

[ This paragraph does not apply in relation to a recordable transaction that is an Irish<sup>F117</sup>(3) transaction (within the meaning given by paragraph 2A(2)).]

#### Textual Amendments

- F116** Words in [Sch. 6A para. 3\(2\)](#) repealed (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, **Sch. 1 Pt. 1** (as amended by S.I. 2019/1389, regs. 1, 2(2))
- F117** Sch. 6A para. 3(3) inserted (1.7.2008) by [The Political Parties, Elections and Referendums Act 2000 \(Northern Ireland Political Parties\) Order 2008 \(S.I. 2008/1737\)](#), art. 5, **Sch. 1 para. 4(1)**

[<sup>F118</sup>3A In relation to each recordable transaction that is an Irish transaction (within the meaning given by paragraph 2A(2)), a weekly report must—

- (a) give all such details of the name of each authorised participant who is a party to the transaction (other than the registered party deriving the benefit from the transaction) as are for the time being known to the registered party; and
- (b) record the fact that the transaction is an Irish transaction.]

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#### Textual Amendments

**F118** Sch. 6A para. 3A inserted (1.7.2008) by [The Political Parties, Elections and Referendums Act 2000 \(Northern Ireland Political Parties\) Order 2008 \(S.I. 2008/1737\)](#), art. 5, **Sch. 1 para. 4(2)**

#### Textual Amendments

**F118** Sch. 6A para. 3A inserted (1.7.2008) by [The Political Parties, Elections and Referendums Act 2000 \(Northern Ireland Political Parties\) Order 2008 \(S.I. 2008/1737\)](#), art. 5, **Sch. 1 para. 4(2)**

#### *Identity of unauthorised participants*

- 4 [ In relation to each recordable transaction to which a person who is not an authorised <sup>F119</sup>(1)] participant is a party, a quarterly or weekly report must give—
- (a) the name and address of the person;
  - (b) the date when, and the manner in which, the transaction was dealt with in accordance with subsections (3) to (5) of section 71I or those subsections as applied by section 71I(6) or 71J(2).

[ This paragraph does not apply in relation to a recordable transaction that is an Irish <sup>F120</sup>(2) transaction (within the meaning given by paragraph 2A(2)).]

#### Textual Amendments

**F119** Sch. 6A para. 4 renumbered (1.7.2008) as Sch. 6A para. 4(1) by [The Political Parties, Elections and Referendums Act 2000 \(Northern Ireland Political Parties\) Order 2008 \(S.I. 2008/1737\)](#), art. 5, **Sch. 1 para. 4(3)**

**F120** Sch. 6 para. 4(2) inserted (1.7.2008) by [The Political Parties, Elections and Referendums Act 2000 \(Northern Ireland Political Parties\) Order 2008 \(S.I. 2008/1737\)](#), art. 5, **Sch. 1 para. 4(3)**

[<sup>F121</sup>4A In relation to each recordable transaction that is an Irish transaction (within the meaning given by paragraph 2A(2)) to which a person who is not an authorised participant is a party, a quarterly or weekly report must—

- (a) give the name of the person;
- (b) record the fact that the transaction is an Irish transaction; and
- (c) give the date when, and the manner in which, the transaction was dealt with in accordance with subsections (3) to (5) of section 71I or those subsections as applied by section 71I(6) or 71J(2).]

#### Textual Amendments

**F121** Sch. 6A para. 4A inserted (1.7.2008) by [The Political Parties, Elections and Referendums Act 2000 \(Northern Ireland Political Parties\) Order 2008 \(S.I. 2008/1737\)](#), art. 5, **Sch. 1 para. 4(4)**

#### Textual Amendments

**F121** Sch. 6A para. 4A inserted (1.7.2008) by [The Political Parties, Elections and Referendums Act 2000 \(Northern Ireland Political Parties\) Order 2008 \(S.I. 2008/1737\)](#), art. 5, **Sch. 1 para. 4(4)**

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### *Details of transaction*

- 5
- (1) In relation to each recordable transaction a report must give the following details about the transaction.
  - (2) A quarterly or weekly report must give the nature of the transaction (that is to say, whether it is a loan, a credit facility or an arrangement by which any form of security is given).
  - (3) A quarterly or weekly report must give the value of the transaction (determined in accordance with section 71G) or, in the case of a credit facility or security to which no limit is specified, a statement to that effect.
  - (4) A quarterly or weekly report must give the relevant date for the transaction (determined in accordance with paragraph 8).
  - (5) If the requirement to record the transaction arises only because the value of the transaction has, for the purposes of section 71M(4) or (7), been aggregated with the value of any relevant donation or donations (within the meaning of section 62), a quarterly report must contain a statement to that effect.
  - (6) A quarterly report must—
    - (a) state whether the transaction was entered into by the registered party or any accounting unit of the party, or
    - (b) in the case of a transaction to which section 71M(12) applies, indicate that it is a transaction which falls to be treated as made to the party by virtue of that provision.

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

**C14** Sch. 6A para. 5 modified (S.) (30.1.2020) by [Referendums \(Scotland\) Act 2020 \(asp 2\)](#), s. 41, sch. 3 para. 58(2)(3)(a)(b)

- 6
- (1) In relation to each recordable transaction of a description mentioned in section 71F(2) or (3), a quarterly or weekly report must give the following details about the transaction.
  - (2) The report must give—
    - (a) the date when the loan is to be repaid or the facility is to end (or a statement that the loan or facility is indefinite), or
    - (b) where that date is to be determined under the agreement, a statement of how it is to be so determined.
  - (3) The report must give—
    - (a) the rate of interest payable on the loan or on sums advanced under the facility (or a statement that no interest is payable), or
    - (b) where that rate is to be determined under the agreement, a statement of how it is to be so determined.
  - (4) The report must state whether the agreement contains a provision which enables outstanding interest to be added to any sum for the time being owed in respect of the loan or credit facility.
  - (5) The report must state whether any form of security is given in respect of the loan or the sums advanced under the facility.

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- 7 (1) In relation to each recordable transaction of a description mentioned in section 71F(4)(b), a quarterly or weekly report must give the following details about the transaction.
- (2) The report must—
- (a) if the transaction mentioned in section 71F(4)(a) is a regulated transaction, identify that transaction by reference to the transaction report in which it is recorded;
  - (b) in any other case, give a description of the principal features of that transaction.
- (3) Where the security given consists in or includes rights over any property, the report must state the nature of that property.
- (4) The report must—
- (a) if the person giving the security receives from the registered party any consideration for giving the security, give a statement of that consideration;
  - (b) in any other case, state that no such consideration is received.
- 8 (1) For the purposes of paragraph 5(4) as it applies to a quarterly report, [<sup>F122</sup>but subject to sub-paragraphs (1A) and (1B),] the relevant date for a transaction is—
- (a) if the transaction is within section 71M(4)(a) or (7)(a), the date when the transaction was entered into by the party or the accounting unit;
  - (b) if the transaction is within section 71M(4)(b) or (7)(b), the date when the party or the accounting unit entered into the transaction which caused the aggregate amount in question to be more than the limit specified in that provision.
- [ For the purposes of paragraph 5(4) as it applies to a quarterly report in respect of a <sup>F123</sup>(1A) period beginning on or after 1 January 2018, the relevant date for a transaction to which this sub-paragraph applies is the date on which the transaction was entered into.
- (1B) Sub-paragraph (1A) applies to a transaction which—
- (a) is entered into by a Northern Ireland participant, or an accounting unit of a Northern Ireland participant, before 1 July 2017, and
  - (b) is within section 71M(9).
- (1C) In this Schedule, “Northern Ireland participant” means a party registered in the Northern Ireland register.]
- (2) For the purposes of paragraph 5(4) as it applies to a weekly report, the relevant date for a transaction is the date when the transaction was entered into by the party or its central organisation as mentioned in section 71Q(3).

#### Textual Amendments

**F122** Words in Sch. 6A para. 8(1) inserted (8.3.2018) by [The Transparency of Donations and Loans etc. \(Northern Ireland Political Parties\) Order 2018 \(S.I. 2018/328\)](#), arts. 1(2), **7(2)(a)**

**F123** Sch. 6A para. 8(1A)-(1C) inserted (8.3.2018) by [The Transparency of Donations and Loans etc. \(Northern Ireland Political Parties\) Order 2018 \(S.I. 2018/328\)](#), arts. 1(2), **7(2)(b)**



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

**C15** Sch. 6A para. 8(1) modified (S.) (30.1.2020) by [Referendums \(Scotland\) Act 2020 \(asp 2\)](#), s. 41, sch. 3 para. 58(2)(3)(c)

- [<sup>F124</sup>8A (1) This paragraph applies where information about a change of a kind mentioned in section 71Z4(A3)(a) to a transaction to which a Northern Ireland participant, or an accounting unit of a Northern Ireland participant, is a party is supplied in a quarterly report in respect of a period beginning on or after 1 January 2018.
- (2) The report must state the date on which the change took effect.
- (3) Where the transaction was entered into before 1 January 2014, the report must state that fact.]

#### Textual Amendments

**F124** Sch. 6A para. 8A inserted (8.3.2018) by [The Transparency of Donations and Loans etc. \(Northern Ireland Political Parties\) Order 2018 \(S.I. 2018/328\)](#), arts. 1(2), 7(3)

#### Other details

- 9 (1) The Secretary of State may by order amend paragraphs 2 to 7 so as to vary the details which a quarterly or weekly report must give about a transaction.
- (2) The Secretary of State must not make an order under sub-paragraph (1) unless he first consults the Commission.]

## SCHEDULE 7

Section 71.

### CONTROL OF DONATIONS TO INDIVIDUALS AND MEMBERS ASSOCIATIONS

#### PART I

##### INTRODUCTORY

#### *Operation and interpretation of Schedule*

- 1 (1) This Schedule has effect for controlling donations to—
- (a) members of registered parties;
  - (b) members associations; and
  - (c) holders of relevant elective offices.
- (2) The following provisions have effect for the purposes of this Schedule.
- (3) “Controlled donation”—
- (a) in relation to a member of a registered party, means a donation received by that person which is—
    - (i) offered to him, or
    - (ii) where it has been accepted, retained by him,

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- for his use or benefit in connection with any of his political activities as a member of the party;
- (b) in relation to a members association, means a donation received by the association which is—
- (i) offered to the association, or
- (ii) where it has been accepted, retained by the association,
- for its use or benefit in connection with any of its political activities;
- (c) in relation to a holder of a relevant elective office, means a donation received by that person which is—
- (i) offered to him, or
- (ii) where it has been accepted, retained by him,
- for his use or benefit (as the holder of such an office) in connection with any of his political activities.
- (4) For the purposes of this Schedule the political activities of a party member or (as the case may be) of a members association include, in particular—
- (a) promoting or procuring the election of any person to any position in, or to any committee of, the party in question;
- (b) promoting or procuring the selection of any person as the party’s candidate for election to a relevant elective office; and
- (c) promoting or developing policies with a view to their adoption by the party; and in the application of paragraph (a) or (b) to a party member the reference to any person includes that member.
- (5) “Donation” shall be construed in accordance with paragraphs 2 to 4; and (in the absence of any express indication) a donation shall be taken to have been offered to, or retained by, a person or organisation as mentioned in sub-paragraph (1)(a), (b) or (c) if, having regard to all the circumstances, it must reasonably be assumed to have been so offered or retained.
- (6) “Members association” means any organisation whose membership consists wholly or mainly of members of a registered party, other than—
- (a) a registered party falling within section 26(2)(a); or
- (b) an organisation falling within section 26(2)(b) (that is, the central organisation of a registered party or an accounting unit of such a party).
- (7) “Regulated donee” means—
- (a) a member of a registered party;
- (b) a members association; or
- (c) the holder of a relevant elective office, whether or not he is a member of a registered party.
- (8) “Relevant elective office” means the office of—
- (a) member of the House of Commons;
- F125 (b) . . . . .
- (c) member of the Scottish Parliament;
- (d) member of the National Assembly for Wales;
- (e) member of the Northern Ireland Assembly;
- F126 (ea) police and crime commissioner;]
- (f) member of—



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- (i) any local authority in any part of the United Kingdom, including the Common Council of the City of London but excluding a parish or community council, or
  - (ii) the Greater London Assembly; or
  - (g) Mayor of London or elected mayor within the meaning of Part II of the Local Government Act 2000.
- (9) “The responsible person”, in relation to a members association, means—
- (a) the treasurer, if there is one, and
  - <sup>F127</sup>(b) otherwise, the person who is the responsible person by virtue of a notice in force under paragraph 1A.]
- (10) <sup>F128</sup> .....
- (11) <sup>F128</sup> .....

#### Textual Amendments

- F125** Sch. 7 para. 1(8)(b) repealed (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, **Sch. 1 Pt. 1** (as amended by S.I. 2019/1389, regs. 1, 2(2))
- F126** Sch. 7 para. 1(8)(ea) inserted (25.7.2012) by [The Police and Crime Commissioner Elections Order 2012 \(S.I. 2012/1917\)](#), arts. 1(2), **24(4)(a)**
- F127** Sch. 7 para. 1(9)(b) substituted (1.1.2010) by [Political Parties and Elections Act 2009 \(c. 12\)](#), ss. **14(2)**, 43; S.I. 2009/3084, **art. 4(c)** (with art. 6)
- F128** Sch. 7 para. 1(10)(11) repealed (25.9.2006) by [Northern Ireland \(Miscellaneous Provisions\) Act 2006 \(c. 33\)](#), ss. 10(2)(a), 11(8)(a)(iv), 30(2), 31(2)(4), **Sch. 5**

#### Commencement Information

- I23** Sch. 7 wholly in force at 16.2.2001; Sch. 7 partly in force at Royal Assent, see s. 163(3); Sch. 7 in force in so far as not already 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](#))

<sup>F129</sup>*Appointment of responsible person by members association with no treasurer*

#### Textual Amendments

- F129** Sch. 7 paras. 1A, 1B and cross-headings inserted (1.1.2010) by [Political Parties and Elections Act 2009 \(c. 12\)](#), ss. **14(3)**, 43; S.I. 2009/3084, **art. 4(c)** (with art. 6)

- 1A (1) A members association which does not have a treasurer—
- (a) may appoint an individual to be the responsible person in relation to the association by giving notice to the Commission;
  - (b) shall do so within the period of 30 days beginning with the date on which the association—
    - (i) accepts a controlled donation which is a recordable donation for the purposes of paragraph 10, or
    - (ii) receives a controlled donation falling within paragraph 6(1)(a) or (b),if a notice under this sub-paragraph is not in force on that date.

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- (2) A notice under sub-paragraph (1)—
- (a) must be signed on behalf of the members association;
  - (b) must contain a statement signed by the individual to be appointed as the responsible person confirming that the individual is willing to be appointed.
- (3) A notice under sub-paragraph (1) must state—
- (a) the name and address of the members association;
  - (b) the full name of the individual to be appointed as the responsible person;
  - (c) the individual's home address in the United Kingdom, or (if there is no such home address) the individual's home address elsewhere.
- (4) Subject to the following provisions of this paragraph, a notice under sub-paragraph (1) (“the original notice”)—
- (a) shall be in force as from the date on which it is received by the Commission, but
  - (b) shall lapse at the end of the period of 12 months beginning with that date unless the members association or the responsible person gives the Commission a notice (a “renewal notice”) that they both wish the original notice to remain in force.
- (5) A renewal notice—
- (a) has the effect of extending the validity of the original notice for a further 12 months beginning with the time when it would otherwise have lapsed (whether under sub-paragraph (4)(b) or on the expiry of a previous extension under this sub-paragraph);
  - (b) must be received by the Commission during the period of one month ending at that time.
- (6) A renewal notice must either—
- (a) confirm that all the statements contained in the original notice, as it has effect for the time being, are accurate; or
  - (b) indicate that any statement contained in that notice, as it so has effect, is replaced by some other statement conforming with the relevant provision of sub-paragraph (3).

A renewal notice must be signed on behalf of the members association and by the responsible person.

- (7) The members association or the responsible person may, at any time after giving the original notice, give the Commission a notice (a “notice of alteration”) indicating that any statement contained in the original notice, as it has effect for the time being, is replaced by some other statement—
- (a) contained in the notice of alteration, and
  - (b) conforming with the relevant provision of sub-paragraph (3).

A notice of alteration takes effect on the day on which it is received by the Commission or (if later) on such date as may be specified in the notice.

- (8) A notice of alteration must be signed—
- (a) on behalf of the members association, and
  - (b) by the responsible person or, in the case of a notice substituting a different individual as the responsible person, by that individual.

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- (9) A notice under sub-paragraph (1) that has been in force for at least 12 months ceases to have effect on receipt by the Commission of a notice terminating it (a “notice of termination”)—
  - (a) given by and signed on behalf of the members association, or
  - (b) given and signed by the responsible person.
- (10) On receipt of a notice of termination given by the members association or by the responsible person, the Commission must inform the other party as soon as is reasonably practicable (unless the notice was signed both on behalf of the members association and by the responsible person).
- (11) A reference in this paragraph to a notice being signed on behalf of a members association is to the notice being signed by the secretary of the association or by a person who acts in a similar capacity in relation to the association.
- (12) A notice under the Schedule 7A version of this paragraph also has effect as a notice under this paragraph.

The “Schedule 7A version” of this paragraph means this paragraph as it applies, in relation to controlled transactions, by virtue of paragraph 1(7A) of Schedule 7A.

*Offence of failing to comply with paragraph 1A*

- 1B A members association commits an offence if—
  - (a) it is subject to the requirement in paragraph 1A(1)(b), and
  - (b) without reasonable excuse it fails to comply with the requirement.]

*Donations: general rules*

- 2 (1) “Donation”, in relation to a regulated donee, means (subject to paragraph 4)—
  - (a) any gift to the donee of money or other property;
  - (b) any sponsorship provided in relation to the donee (as defined by paragraph 3);
  - (c) any money spent (otherwise than by or on behalf of the donee) in paying any expenses incurred directly or indirectly by the donee;
  - (d) <sup>F130</sup> . . . . .
  - (e) the provision otherwise than on commercial terms of any property, services or facilities for the use or benefit of the donee (including the services of any person);
  - (f) (where the donee is a members association) any subscription or other fee paid for affiliation to, or membership of, the donee.
- (2) Where—
  - (a) any money or other property is transferred to a regulated donee pursuant to any transaction or arrangement involving the provision by or on behalf of the donee of any property, services or facilities or other consideration of monetary value, and
  - (b) the total value in monetary terms of the consideration so provided by or on behalf of the donee is less than the value of the money or (as the case may be) the market value of the property transferred,

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the transfer of the money or property shall (subject to sub-paragraph (4)) constitute a gift to the donee for the purposes of sub-paragraph (1)(a).

(3) In determining—

(a) <sup>F131</sup> .....

(b) for the purposes of sub-paragraph (1)(e) whether any property, services or facilities provided for the use or benefit of a regulated donee is or are so provided otherwise than on such terms,

regard shall be had to the total value in monetary terms of the consideration provided by or on behalf of the donee in respect of <sup>F132</sup> . . . the provision of the property, services or facilities.

(4) Where (apart from this sub-paragraph) anything would be a donation both by virtue of sub-paragraph (1)(b) and by virtue of any other provision of this paragraph, sub-paragraph (1)(b) (together with paragraph 3) shall apply in relation to it to the exclusion of the other provision of this paragraph.

(5) Anything given or transferred to any officer, member, trustee or agent of a members association in his capacity as such (and not for his own use or benefit) is to be regarded as given or transferred to the association (and references to donations received by a regulated donee accordingly include, in the case of a members association, donations so given or transferred).

(6) In this paragraph—

(a) any reference to anything being given or transferred to a regulated donee or any other person is a reference to its being so given or transferred either directly or indirectly through any third person;

(b) “gift” includes bequest.

#### **Textual Amendments**

**F130** Sch. 7 para. 2(1)(d) repealed (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 74, 77(2), [Sch. 1 para. 154\(2\)\(a\)](#), [Sch. 2](#); [S.I. 2006/1972](#), [art. 3](#), [Sch. 1 paras. 24, 25\(m\)\(ii\), 26\(3\)\(d\)\(ii\)](#) (subject to [art. 4](#), [Sch. 2](#)) (as amended by [S.I. 2006/2268](#), [art. 4](#)); [S.I. 2008/1656](#), [art. 2](#) (subject to [art. 3](#), [Sch. 1](#))

**F131** Sch. 7 para. 2(3)(a) repealed (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 74, 77(2), [Sch. 1 para. 154\(2\)\(b\)](#), [Sch. 2](#); [S.I. 2006/1972](#), [art. 3](#), [Sch. 1 paras. 24, 25\(m\)\(ii\), 26\(3\)\(d\)\(ii\)](#) (subject to [art. 4](#), [Sch. 2](#)) (as amended by [S.I. 2006/2268](#), [art. 4](#)); [S.I. 2008/1656](#), [art. 2](#) (subject to [art. 3](#), [Sch. 1](#))

**F132** Words in Sch. 7 para. 2(3) repealed (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 74, 77(2), [Sch. 1 para. 154\(2\)\(c\)](#), [Sch. 2](#); [S.I. 2006/1972](#), [art. 3](#), [Sch. 1 paras. 25\(m\)\(ii\), 26\(3\)\(d\)\(ii\)](#) (subject to [art. 4](#), [Sch. 2](#)) (as amended by [S.I. 2006/2268](#), [art. 4](#)); [S.I. 2008/1656](#), [art. 2](#) (subject to [art. 3](#), [Sch. 1](#))

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

**C16** Sch. 7 paras. 2-15 excluded (temp. from 16.2.2001) by [S.I. 2001/446](#), [art. 3](#)

**C17** Sch. 7 paras. 2-15 disappplied in part (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\(2\), 3](#)

**C18** Sch. 7 paras. 2-15 excluded (temp. from 25.9.2006 until 31.10.2007) by [Northern Ireland \(Miscellaneous Provisions\) Act 2006 \(c. 33\)](#), ss. 10(2)(a), [11\(2\)\(3\)](#), 31(2)

*Status: Point in time view as at 02/02/2022.*

*Changes to legislation: Political Parties, Elections and Referendums Act 2000 is up to date with all changes known to be in force on or before 19 May 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

- I24** Sch. 7 wholly in force at 16.2.2001; Sch. 7 partly in force at Royal Assent, see s. 163(3); Sch. 7 in force in so far as not already 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](#))

#### Sponsorship

- 3 (1) For the purposes of this Schedule sponsorship is provided in relation to a regulated donee if—
- (a) any money or other property is transferred to the donee or to any person for the benefit of the donee, and
  - (b) the purpose (or one of the purposes) of the transfer is (or must, having regard to all the circumstances, reasonably be assumed to be)—
    - (i) to help the donee with meeting, or to meet, to any extent any defined expenses incurred or to be incurred by or on behalf of the donee, or
    - (ii) to secure that to any extent any such expenses are not so incurred.
- (2) In sub-paragraph (1) “defined expenses” means expenses in connection with—
- (a) any conference, meeting or other event organised by or on behalf of the donee,
  - (b) the preparation, production or dissemination of any publication by or on behalf of the donee, or
  - (c) any study or research organised by or on behalf of the donee.
- (3) The following do not, however, constitute sponsorship by virtue of sub-paragraph (1) —
- (a) the making of any payment in respect of—
    - (i) any charge for admission to any conference, meeting or other event, or
    - (ii) the purchase price of, or any other charge for access to, any publication;
  - (b) the making of any payment in respect of the inclusion of an advertisement in any publication where the payment is made at the commercial rate payable for the inclusion of such an advertisement in any such publication.
- (4) The Secretary of State may by order made on the recommendation of the Commission amend sub-paragraph (2) or (3).
- (5) In this paragraph “publication” means a publication made available in whatever form and by whatever means (whether or not to the public at large or any section of the public).

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

- C19** Sch. 7 paras. 2-15 excluded (temp. from 16.2.2001) by [S.I. 2001/446](#), [art. 3](#)
- C20** Sch. 7 paras. 2-15 disappplied in part (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\(2\), 3](#)
- C21** Sch. 7 paras. 2-15 excluded (temp. from 25.9.2006 until 31.10.2007) by [Northern Ireland \(Miscellaneous Provisions\) Act 2006 \(c. 33\)](#), [ss. 10\(2\)\(a\), 11\(2\)\(3\), 31\(2\)](#)

*Status: Point in time view as at 02/02/2022.*

*Changes to legislation: Political Parties, Elections and Referendums Act 2000 is up to date with all changes known to be in force on or before 19 May 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

**I25** Sch. 7 wholly in force at 16.2.2001; Sch. 7 partly in force at Royal Assent, see s. 163(3); Sch. 7 in force in so far as not already 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](#))

### *Payments etc. not to be regarded as donations*

- 4 (1) None of the following shall be regarded as a donation—
- (a) any facility provided in pursuance of any right conferred on candidates at an election by any enactment;
  - [<sup>F133</sup>(aa) remuneration allowed to an employee by his employer if the employee is a member of a local authority and the remuneration is in respect of time the employer permits the employee to take off during the employee's working hours for qualifying business—
    - (i) of the authority,
    - (ii) of any other body to which the employee is appointed by, or is appointed following nomination by, the authority or a group of bodies that includes the authority, or
    - (iii) of any other body if it is a public body;]
  - [<sup>F134</sup>(aa) remuneration allowed to an employee by his employer if the employee is a member of a local authority and the remuneration is in respect of time the employer permits the employee to take off during the employee's working hours for qualifying business—
    - (i) of the authority,
    - (ii) of any body to which the employee is appointed by, or is appointed following nomination by, the authority or a group of bodies that includes the authority, or
    - (iii) of any other body if it is a public body;]
  - (b) the provision of assistance by a person appointed under section 9 of the <sup>M13</sup>Local Government and Housing Act 1989;
  - (c) the provision by any individual of his own services which he provides voluntarily and in his own time;
  - (d) any interest accruing to a regulated donee in respect of any donation which is dealt with by the donee in accordance with section 56(2)(a) or (b) (as applied by paragraph 8);
  - (e) any money or other property, or any services or facilities, provided out of public funds for the personal security of a regulated donee who is an individual.
- (2) For the avoidance of doubt no remuneration or allowances paid to the holder of a relevant elective office in his capacity as such shall be regarded as a donation.
- (3) There shall also be disregarded—
- (a) any donation which (in accordance with any enactment) falls to be included in a return as to election expenses in respect of a candidate or candidates at a particular election; and
  - (b) <sup>F135</sup>. . . any donation whose value (as determined in accordance with paragraph 5) is not more than [<sup>F136</sup>£500].
- [<sup>F137</sup>(4) In sub-paragraph (1)(aa)—

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“employee” and “employer” have the same meaning as in the Employment Rights Act 1996 (c. 18);

“local authority” means a local authority in any part of the United Kingdom, including the Common Council of the City of London but excluding a parish or community council;

“working hours” of an employee has the same meaning as in section 50 of the Employment Rights Act 1996; and

“qualifying business”, in relation to a body, means—

- (a) the doing of anything for the discharge of the functions of the body or of any of its committees or sub-committees, and
- (b) where the body is a local authority operating executive arrangements within the meaning of Part 2 of the Local Government Act 2000 (c. 22) and arrangements exist for functions of any other body to be discharged by the authority’s executive or any committee or member of the executive, the doing of any other thing for the purpose of the discharge of the functions.]

[<sup>F138</sup>(4) In sub-paragraph (1)(aa)—

“employee” and “employer”—

- (a) in relation to England and Wales, and Scotland, have the same meaning as in the Employment Rights Act 1996, and
- (b) in relation to Northern Ireland, have the same meaning as in the Employment Rights (Northern Ireland) Order 1996;

“local authority” means a local authority in any part of the United Kingdom, including the Common Council of the City of London but excluding a parish or community council;

“working hours” of an employee—

- (a) in relation to England and Wales, and Scotland, has the same meaning as in section 50 of the Employment Rights Act 1996, and
- (b) in relation to Northern Ireland, has the same meaning as in Article 78 of the Employment Rights (Northern Ireland) Order 1996;

“qualifying business”, in relation to a body, means—

- (a) the doing of anything for the purpose of the discharge of the functions of the body or of any of its committees or sub-committees, and
- (b) where the body is a local authority operating executive arrangements within the meaning of Part 2 of the Local Government Act 2000 and arrangements exist for functions of any other body to be discharged by the authority’s executive or any committee or member of the executive, the doing of anything for the purpose of the discharge of those functions.]

#### Textual Amendments

**F133** Sch. 7 para. 4(1)(aa) inserted (S.) (retrosp. to 16.2.2001) by Local Government in [Scotland Act 2003 \(asp 1\)](#), **ss. 42(1)(a)(2)(3)**, 62(2)

**F134** Sch. 7 para. 4(1)(aa) inserted (E.W.N.I. and S. only so far as mentioned in s. 129(5)(a) of the amending Act) (retrosp. to 16.2.2001) by [Local Government Act 2003 \(c. 26\)](#), **ss. 114(1)(3)(4)**, 128(1)(a), 129(2)(5)(7)(8)



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- F135** Words in Sch. 7 para. 4(3)(b) repealed (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 74, 77(2), Sch. 1 para. 154(3), **Sch. 2**; S.I. 2006/1972, **art. 3**, Sch. 1 paras. 24, 25(k), 26(3)(b) (subject to art. 4, Sch. 2)
- F136** Sum in Sch. 7 para. 4(3)(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)**
- F137** Sch. 7 para. 4(4) inserted (S.) (retrosp. to 16.2.2001) by [Local Government in Scotland Act 2003 \(asp 1\)](#), ss. **42(1)(b)(2)(3)**, 62(2)
- F138** Sch. 7 para. 4(4) inserted (E.W.N.I. and S. only so far as mentioned in s. 129(5)(a) of the amending Act) (retrosp. to 16.2.2001) by [Local Government Act 2003 \(c. 26\)](#), ss. **114(2)-(4)**, 128(1)(a), 129(2)(5)(7)(8)

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

- C22** Sch. 7 paras. 2-15 excluded (temp. from 16.2.2001) by S.I. 2001/446, **art. 3**
- C23** Sch. 7 paras. 2-15 disappplied in part (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), **3**
- C24** Sch. 7 paras. 2-15 excluded (temp. from 25.9.2006 until 31.10.2007) by [Northern Ireland \(Miscellaneous Provisions\) Act 2006 \(c. 33\)](#), ss. 10(2)(a), **11(2)(3)**, 31(2)
- C25** Sch. 7 para. 4(3)(a) modified (E.) (22.9.2020) by [The Postponed Elections and Referendums \(Coronavirus\) and Policy Development Grants \(Amendment\) Regulations 2020 \(S.I. 2020/926\)](#), regs. 1(2), **8(4)(5)** (with reg. 8(9)(10))
- C26** Sch. 7 para. 4(3)(a) modified (W.) (4.12.2020) by [The Local Government \(Coronavirus\) \(Postponement of Elections\) \(Wales\) \(No. 2\) Regulations 2020 \(S.I. 2020/1399\)](#), regs. 2, **7(4)** (with reg. 7(8))

#### **Commencement Information**

- I26** Sch. 7 wholly in force at 16.2.2001; Sch. 7 partly in force at Royal Assent, see s. 163(3); Sch. 7 in force in so far as not already 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**

- M13** 1989 c. 42.

### *Value of donations*

- 5 (1) The value of any donation falling within paragraph 2(1)(a) (other than money) shall be taken to be the market value of the property in question.
- (2) Where, however, paragraph 2(1)(a) applies by virtue of paragraph 2(2) the value of the donation shall be taken to be the difference between—
- (a) the value of the money, or the market value of the property, in question, and
  - (b) the total value in monetary terms of the consideration provided by or on behalf of the donee.
- (3) The value of any donation falling within paragraph 2(1)(b) shall be taken to be the value of the money, or (as the case may be) the market value of the property, transferred as mentioned in paragraph 3(1); and accordingly any value in monetary terms of any benefit conferred on the person providing the sponsorship in question shall be disregarded.
- (4) The value of any donation falling within paragraph [<sup>F139</sup>2(1)(e)] shall be taken to be the amount representing the difference between—



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- (a) the total value in monetary terms of the consideration that would have had to be provided by or on behalf of the donee in respect of <sup>F140</sup> . . . the provision of the property, services or facilities if—
    - (i) <sup>F141</sup> . . . . .
    - (ii) the property, services or facilities had been provided, on commercial terms, and
  - (b) the total value in monetary terms of the consideration (if any) actually so provided by or on behalf of the donee
- (5) Where a donation such as is mentioned in sub-paragraph (4) confers an enduring benefit on the donee over a particular period, the value of the donation—
- (a) shall be determined at the time when it is made, but
  - (b) shall be so determined by reference to the total benefit accruing to the donee over that period.

#### Textual Amendments

- F139** Words in Sch. 7 para. 5(4) substituted (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by [Electoral Administration Act 2006 \(c. 22\), ss. 74\(1\), 77\(2\), Sch. 1 para. 154\(4\)\(a\)](#); [S.I. 2006/1972, art. 3, Sch. 1 paras. 24, 25\(m\)\(ii\)](#) (subject to [art. 4, Sch. 2](#)) (as amended by [S.I. 2006/2268, art. 4](#)); [S.I. 2008/1656, arts. 2](#) (subject to [art. 3, Sch. 1](#))
- F140** Words in Sch. 7 para. 5(4)(a) repealed (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by [Electoral Administration Act 2006 \(c. 22\), ss. 74, 77\(2\), Sch. 1 para. 154\(4\)\(b\), Sch. 2](#); [S.I. 2006/1972, art. 3, Sch. 1 paras. 24, 25\(m\)\(ii\), 26\(3\)\(d\)\(ii\)](#) (subject to [art. 4, Sch. 2](#)) (as amended by [S.I. 2006/2268, art. 4](#)); [S.I. 2008/1656, art. 2](#) (subject to [art. 3, Sch. 1](#))
- F141** Sch. 7 para. 5(4)(a)(i) and following word repealed (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by [Electoral Administration Act 2006 \(c. 22\), ss. 74, 77\(2\), Sch. 1 para. 154\(4\)\(c\), Sch. 2](#); [S.I. 2006/1972, art. 3, Sch. 1 paras. 24, 25\(m\)\(ii\), 26\(3\)\(d\)\(ii\)](#) (subject to [art. 4, Sch. 2](#)) (as amended by [S.I. 2006/2268, art. 4](#)); [S.I. 2008/1656, art. 2](#) (subject to [art. 3, Sch. 1](#))

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

- C27** Sch. 7 paras. 2-15 excluded (temp. from 16.2.2001) by [S.I. 2001/446, art. 3](#)
- C28** Sch. 7 paras. 2-15 disappplied in part (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\(2\), 3](#)
- C29** Sch. 7 paras. 2-15 excluded (temp. from 25.9.2006 until 31.10.2007) by [Northern Ireland \(Miscellaneous Provisions\) Act 2006 \(c. 33\), ss. 10\(2\)\(a\), 11\(2\)\(3\), 31\(2\)](#)

#### Commencement Information

- I27** Sch. 7 wholly in force at 16.2.2001; Sch. 7 partly in force at Royal Assent, see s. 163(3); Sch. 7 in force in so far as not already 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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## PART II

### CONTROLS ON DONATIONS

#### *Prohibition on accepting donations from impermissible donors*

- 6 (1) A controlled donation received by a regulated donee must not be accepted by the donee if—
- (a) the person by whom the donation would be made is not, at the time of its receipt by the donee, a permissible donor, or
  - (b) the donee 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) Where any person (“the principal donor”) causes an amount (“the principal donation”) to be received by a regulated donee 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 Schedule each individual contribution by a person falling within paragraph (a) or (b) of more than [<sup>F142</sup>£500] shall be treated as if it were a separate donation received from that person.
- (3) In relation to each such separate donation, the principal donor must ensure that, at the time when the principal donation is received by the regulated donee, the responsible person 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>F143</sup>or 2A] of Schedule 6 to be given in respect of the donor of a recordable donation to a registered party; 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 to a registered party.
- (4) Where—
- (a) any person (“the agent”) causes an amount to be received by a regulated donee by way of a donation on behalf of another person (“the donor”), and
  - (b) the amount of the donation is more than [<sup>F142</sup>£500] ,
- the agent must ensure that, at the time when the donation is received by the regulated donee, the responsible person is given all such details in respect of the donor as are required by virtue of paragraph 2 [<sup>F144</sup>or 2A] of Schedule 6 to be given in respect of the donor of a recordable donation to a registered party.
- (5) A person commits an offence if, without reasonable excuse, he fails to comply with sub-paragraph (3) or (4).

#### **Textual Amendments**

**F142** Sums in Sch. 7 para. 6(2)(4)(b) substituted (1.1.2010) by [Political Parties and Elections Act 2009 \(c. 12\)](#), [ss. 20\(1\)](#), 43; [S.I. 2009/3084](#), [art. 4\(h\)](#)

*Status: Point in time view as at 02/02/2022.*

*Changes to legislation: Political Parties, Elections and Referendums Act 2000 is up to date with all changes known to be in force on or before 19 May 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)*

**F143** Words in Sch. 7 para. 6(3)(a) 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**

**F144** Words in Sch. 7 para. 6(4) 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**

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

**C30** Sch. 7 paras. 2-15 excluded (temp. from 16.2.2001) by [S.I. 2001/446](#), **art. 3**

**C31** Sch. 7 paras. 2-15 disappplied in part (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), **3**

**C32** Sch. 7 paras. 2-15 excluded (temp. from 25.9.2006 until 31.10.2007) by [Northern Ireland \(Miscellaneous Provisions\) Act 2006 \(c. 33\)](#), ss. 10(2)(a), **11(2)(3)**, 31(2)

#### Commencement Information

**I28** Sch. 7 wholly in force at 16.2.2001; Sch. 7 partly in force at Royal Assent, see s. 163(3); Sch. 7 in force in so far as not already 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](#))

PROSPECTIVE

### *<sup>F145</sup>Declaration as to source of donation*

#### Textual Amendments

**F145** Sch. 7 para. 6A and preceding cross-heading inserted (prosp.) by [Political Parties and Elections Act 2009 \(c. 12\)](#) ss. 9(8), 43, {[Sch. 3 para. 1\(2\)](#)}

- 6A (1) Where a person (P) causes an amount exceeding £7,500 to be received by a regulated donee by way of a donation, a written declaration must be given to the donee—
- (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 sub-paragraph (2) applies to the donation.
- (2) This sub-paragraph 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 paragraph contains a statement to the effect that sub-paragraph (2) applies to the donation, it must also—
- (a) state whether or not, in the opinion of the person making the declaration—
    - (i) sub-paragraph (2) of paragraph 6 applies to the donation;
    - (ii) sub-paragraph (4) of that paragraph applies to it;
  - (b) if the person's opinion is that neither of those sub-paragraphs applies to the donation, give the person's reasons for that opinion.
- (4) The declaration must also state the full name and address of the person by whom it is made and, where sub-paragraph (1)(b) applies—

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- (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 paragraph 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 sub-paragraph (2).]

PROSPECTIVE

*[<sup>F146</sup>Declaration as to whether residence etc condition satisfied*

**Textual Amendments**

**F146** Sch. 7 para. 6B and preceding cross-heading inserted (prosp.) by [Political Parties and Elections Act 2009 \(c. 12\)](#), ss. 10(8), 43, [Sch. 4 para. 1\(2\)](#)

- 6B (1) An individual making to a regulated donee a donation in relation to which the condition set out in section 54(2ZA) applies must give to the donee a written declaration stating whether or not the individual satisfies that condition.
- (2) A declaration under this paragraph must also state the individual's full name and address.
- (3) A person who knowingly or recklessly makes a false declaration under this paragraph commits an offence.
- (4) The Secretary of State may by regulations make provision requiring a declaration under this paragraph to be retained for a specified period.
- (5) The requirement in sub-paragraph (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 donee.]

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

- 7 (1) The following provisions have effect for the purposes of this Schedule.

<sup>F147</sup>(1A) . . . . .

- (2) Any payment out of public funds received by a regulated donee which is a members association, for its use and benefit in connection with any of its political activities, shall be regarded as a controlled donation received by the association from a permissible donor.
- (3) Any donation received by a regulated donee shall (if it would not otherwise fall to be so regarded) be regarded as a controlled donation received by the donee 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 any visit—

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- (i) by the donee in connection with any of the donee’s political activities, or
  - (ii) in the case of a members association, by any member or officer of the association in connection with any of its political activities, 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 sub-paragraph (3) “qualifying costs”, in relation to the donee or (as the case may be) any member or officer of the donee, 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 controlled donation received by a regulated donee which is an exempt trust donation shall be regarded as a controlled donation received by the donee from a permissible donor.

<sup>F148</sup>(5A) .....

- (6) But any controlled donation received by a regulated donee from a trustee of any property (in his capacity as such) which is not—
- (a) an exempt trust donation, or
  - <sup>F149</sup>(aa) .....
  - (b) a controlled donation transmitted by the trustee to the donee on behalf of beneficiaries under the trust who are—
    - (i) persons who at the time of its receipt by the donee are permissible donors falling within section 54(2) <sup>F150</sup>..., or
    - (ii) the members of an unincorporated association which at that time is a permissible donor,
- shall be regarded as a controlled donation received by the donee from a person who is not a permissible donor.

#### Textual Amendments

- F147** Sch. 7 para. 7(1A) repealed (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, **Sch. 1 Pt. 1** (as amended by [S.I. 2019/1389](#), regs. 1, 2(2))
- F148** Sch. 7 para. 7(5A) repealed (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, **Sch. 1 Pt. 1** (as amended by [S.I. 2019/1389](#), regs. 1, 2(2))
- F149** Sch. 7 para. 7(6)(aa) repealed (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, **Sch. 1 Pt. 1** (as amended by [S.I. 2019/1389](#), regs. 1, 2(2))
- F150** Words in Sch. 7 para. 7(6)(b)(i) repealed (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, **Sch. 1 Pt. 1** (as amended by [S.I. 2019/1389](#), regs. 1, 2(2))

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

- C33** Sch. 7 paras. 2-15 excluded (temp. from 16.2.2001) by [S.I. 2001/446, art. 3](#)
- C34** Sch. 7 paras. 2-15 disapplied in part (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), 3
- C35** Sch. 7 paras. 2-15 excluded (temp. from 25.9.2006 until 31.10.2007) by [Northern Ireland \(Miscellaneous Provisions\) Act 2006 \(c. 33\)](#), ss. 10(2)(a), **11(2)(3)**, 31(2)

**Commencement Information**

- I29** Sch. 7 wholly in force in 16.2.2001; Sch. 7 partly in force at Royal Assent, see s. 163(3); Sch. 7 in force in so far as not already 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](#))

*Acceptance or return of donations*

- 8 (1) Sections 56 to 60 shall apply for the purposes of this Schedule in relation to a regulated donee and any controlled donation received by a regulated donee as they apply for the purposes of this Part in relation to a registered party and any donation received by a registered party.
- (2) In its application in accordance with sub-paragraph (1), section 56(3) and (4) shall each have effect as if the reference to the treasurer of the party were construed—
- (a) in relation to a regulated donee other than a members association, as a reference to the donee; and
  - (b) in relation to a members association, as a reference to the responsible person.

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

- C36** Sch. 7 paras. 2-15 excluded (temp. from 16.2.2001) by [S.I. 2001/446, art. 3](#)
- C37** Sch. 7 paras. 2-15 disapplied in part (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), 3
- C38** Sch. 7 paras. 2-15 excluded (temp. from 25.9.2006 until 31.10.2007) by [Northern Ireland \(Miscellaneous Provisions\) Act 2006 \(c. 33\)](#), ss. 10(2)(a), **11(2)(3)**, 31(2)
- C39** Sch. 7 para. 8 modified (W.) (4.12.2020) by [The Local Government \(Coronavirus\) \(Postponement of Elections\) \(Wales\) \(No. 2\) Regulations 2020 \(S.I. 2020/1399\)](#), regs. 2, **7(5)** (with reg. 7(7)(8))

**Commencement Information**

- I30** Sch. 7 wholly in force at 16.2.2001; Sch. 7 partly in force at Royal Assent, see s. 163(3); Sch. 7 in force in so far as not already 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](#))

*Evasion of restrictions on donations*

- 9 Section 61 shall apply for the purposes of this Schedule as if—
- (a) any reference to donations were to controlled donations;
  - (b) any reference to a registered party were to a regulated donee; and
  - (c) any reference to the treasurer of such a party were construed as mentioned in paragraph 8(2)(a) or (b).



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

- C40** Sch. 7 paras. 2-15 excluded (temp. from 16.2.2001) by [S.I. 2001/446, art. 3](#)
- C41** Sch. 7 paras. 2-15 disappplied in part (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), 3
- C42** Sch. 7 paras. 2-15 excluded (temp. from 25.9.2006 until 31.10.2007) by [Northern Ireland \(Miscellaneous Provisions\) Act 2006 \(c. 33\)](#), ss. 10(2)(a), [11\(2\)\(3\)](#), 31(2)

#### Commencement Information

- I31** Sch. 7 wholly in force at 16.2.2001; Sch. 7 partly in force at Royal Assent, see s. 163(3); Sch. 7 in force in so far as not already 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](#))

### PART III

#### REPORTING OF DONATIONS BY REGULATED DONEES

##### *Donation reports: donations from permissible donors*

- 10<sup>[F151]</sup>(1) A regulated donee must prepare a report under this paragraph in respect of each controlled donation accepted by the donee which is a recordable donation.
- (1A) For the purposes of this paragraph a controlled donation is a recordable donation—
- if it is a donation of more than <sup>[F152]</sup>£7,500] where the donee is a members association) or <sup>[F153]</sup>£1,500] (in any other case);
  - if, when it is added to any other controlled benefit or benefits accruing to the donee—
    - from the same person and in the same calendar year, and
    - in respect of which no report has been previously made under this paragraph,the aggregate amount of the benefits is more than <sup>[F152]</sup>£7,500] where the donee is a members association) or <sup>[F153]</sup>£1,500] (in any other case).
- (1B) A controlled benefit is—
- a controlled donation;
  - a controlled transaction within the meaning of paragraph 2 of Schedule 7A.
- (1C) A controlled benefit which is a controlled donation accrues—
- from the permissible donor who made it, and
  - when it is accepted by the donee.
- (1D) A controlled benefit which is a controlled transaction accrues—
- from any authorised participant (within the meaning of paragraph 4(3) of Schedule 7A) who is a party to it, and
  - when it is entered into;
- and paragraph 9(6) of Schedule 7A applies for the purposes of paragraph (b) above.

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- (2) A regulated donee must deliver the report prepared by virtue of sub-paragraph (1) to the Commission within the period of 30 days beginning with—
- (a) if sub-paragraph (1A)(a) applies, the date of acceptance of the donation;
  - (b) if sub-paragraph (1A)(b) applies, the date on which the benefit which causes the aggregate amount to exceed [<sup>F152</sup>£7,500] or (as the case may be) [<sup>F153</sup>£1,500] accrues.]
- (3) Each report prepared by virtue of sub-paragraph (1) must—
- (a) give the name and address of the donee; and
  - (b) if he is the holder of a relevant elective office, specify the office in question.
- (4) Each such report must also give—
- (a) such information as is required to be given, in the case of a report prepared by virtue of section 62 by virtue of paragraphs 2 [<sup>F154</sup>, 2A] and 4 of Schedule 6;
  - (b) the date when the donation was accepted by the donee, and
  - (c) such other information as is required by regulations made by the Commission.
- [<sup>F155</sup>(4ZA) Where such a report is one to which this sub-paragraph applies and includes a donation which was received by a Northern Ireland recipient before 1 July 2017, the report must give the date when the donation was received by the donee.
- (4ZB) Sub-paragraph (4ZA) applies to a report which is delivered to the Commission on or after the date on which Article 8 of the Transparency of Donations and Loans etc. (Northern Ireland Political Parties) Order 2018 comes into force.]
- [<sup>F156</sup>(4A) In the case of a donation made by an individual who has an anonymous entry in an electoral register (within the meaning of the Representation of the People Act 1983), if the report states that the donee has seen evidence of such description as is prescribed by the Secretary of State in regulations that the individual has such an anonymous entry, the report must be accompanied by a copy of the evidence.]
- (5) In the application of paragraphs 2 [<sup>F154</sup>, 2A] and 4 of Schedule 6 in accordance with sub-paragraph (4) above—
- (a) any reference to a recordable donation within the meaning of that Schedule shall be construed as a reference to a recordable donation within the meaning of this paragraph;
  - (b) any reference to section 55(2) or to section 55(3) shall be construed as a reference to paragraph 7(2) above or to paragraph 7(3) above respectively; and
  - (c) any reference to section 53 shall be construed as a reference to paragraph 5 above.
- (6) In the case of [<sup>F157</sup>a controlled benefit which is] a donation to which paragraph 7(2) applies, [<sup>F158</sup>sub-paragraph (1A)(b)] above shall have effect as if for [<sup>F159</sup>“from the same person”] there were substituted “ in circumstances falling within paragraph 7(2) ”.
- (7) In the case of [<sup>F157</sup>a controlled benefit which is] a donation to which paragraph 7(3) applies—



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- (a) [<sup>F158</sup>sub-paragraph (1A)(b)] above shall have effect as if for [<sup>F159</sup>“ from the same person”] there were substituted “ in circumstances falling within paragraph 7(3) by the same donor ”; and
- (b) any report prepared by virtue of sub-paragraph (1) above in respect of the donation must give—
- (i) the date or dates on or between which the visit to which the donation relates took place, and
  - (ii) the destination and purpose of the visit.
- [<sup>F160</sup>(8) This paragraph does not apply to a donation received by a holder of a relevant elective office unless he is not a member of a registered party and is <sup>F161</sup>...a member of a local authority in Scotland.
- (9) For the purposes of sub-paragraph (8), it is immaterial whether the donation is made to the holder of the relevant elective office in that capacity or in his capacity as a member of a registered party.]
- [<sup>F162</sup>(10) In this paragraph, “Northern Ireland recipient” means a regulated donee who is—
- (a) an individual ordinarily resident in Northern Ireland, or
  - (b) a members association wholly or mainly consisting of members of a party registered in the Northern Ireland register.]

#### Textual Amendments

- F151** Sch. 7 para. 10(1)(1A)-(1D)(2) substituted (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) for Sch. 7 para. 10(1)(2) by [Electoral Administration Act 2006 \(c. 22\), ss. 74\(1\), 77\(2\), Sch. 1 para. 154\(5\)](#); S.I. 2006/1972, [art. 3](#), Sch. 1 paras. 24, 25(m)(ii) (subject to art. 4, Sch. 2) (as amended by S.I. 2006/2268, [art. 4](#)); S.I. 2008/1656, [art. 2](#) (subject to art. 3, Sch. 1)
- F152** Sums in Sch. 7 para. 10(1A)(a)(b)(2)(b) substituted (1.1.2010) by [Political Parties and Elections Act 2009 \(c. 12\), ss. 20\(3\), 43](#); S.I. 2009/3084, [art. 4\(h\)](#)
- F153** Sums in Sch. 7 para. 10(1A)(a)(b)(2)(b) substituted (1.1.2010) by [Political Parties and Elections Act 2009 \(c. 12\), ss. 20\(2\), 43](#); S.I. 2009/3084, [art. 4\(h\)](#)
- F154** Words in Sch. 7 para. 10(4)(a)(5) 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. 4](#)
- F155** Sch. 7 para. 10(4ZA)(4ZB) inserted (28.3.2018) by [The Transparency of Donations and Loans etc. \(Northern Ireland Political Parties\) Order 2018 \(S.I. 2018/328\)](#), [arts. 1\(3\), 8\(2\)](#)
- F156** Sch 7 para. 10(4A) inserted (E.W.S.) (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\), ss. 10\(2\), 77\(2\), Sch. 1 para. 28](#); S.I. 2006/3412, [art. 3](#), Sch. 1 para. 12(a) (subject to art. 6, Sch. 2)
- F157** Words in Sch. 7 para. 10(6)(7) inserted (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by [Electoral Administration Act 2006 \(c. 22\), ss. 74\(1\), 77\(2\), Sch. 1 para. 154\(6\)\(a\)](#); S.I. 2006/1972, [art. 3](#), Sch. 1 paras. 24, 25(m)(ii) (subject to art. 4, Sch. 2) (as amended by S.I. 2006/2268, [art. 4](#)); S.I. 2008/1656, [art. 2](#) (subject to art. 3, Sch. 1)
- F158** Words in Sch. 7 para. 10(6)(7) substituted (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by [Electoral Administration Act 2006 \(c. 22\), ss. 74\(1\), 77\(2\), Sch. 1 para. 154\(6\)\(b\)](#); S.I. 2006/1972, [art. 3](#), Sch. 1 paras. 24, 25(m)(ii) (subject to art. 4, Sch. 2) (as amended by S.I. 2006/2268, [art. 4](#)); S.I. 2008/1656, [art. 2](#) (subject to art. 3, Sch. 1)
- F159** Words in Sch. 7 para. 10(6)(7) substituted (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by [Electoral Administration Act 2006 \(c. 22\), ss. 74\(1\), 77\(2\), Sch. 1 para. 154\(6\)\(c\)](#); S.I. 2006/1972, [art. 3](#), Sch. 1 paras. 24, 25(m)(ii) (subject to art. 4, Sch. 2) (as amended by S.I. 2006/2268, [art. 4](#)); S.I. 2008/1656, [art. 2](#) (subject to art. 3, Sch. 1)

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- F160** Sch. 7 para. 10(8)(9) inserted (1.7.2009 for certain purposes, 4.5.2016 for specified purposes) by Electoral Administration Act 2006 (c. 22), **ss. 59(2)**, 77(2); S.I. 2009/1509, **art. 2** (with art. 3); S.I. 2016/551, art. 2(a) (with art. 3)
- F161** Words in Sch. 7 para. 10(8) repealed (S.) (22.1.2016) by Interests of Members of the Scottish Parliament (Amendment) Act 2016 (asp 4), **ss. 15(a)**, 16(4)
- F162** Sch. 7 para. 10(10) inserted (28.3.2018) by The Transparency of Donations and Loans etc. (Northern Ireland Political Parties) Order 2018 (S.I. 2018/328), arts. 1(3), **8(3)**

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

- C43** Sch. 7 paras. 2-15 excluded (temp. from 16.2.2001) by S.I. 2001/446, **art. 3**
- C44** Sch. 7 paras. 2-15 disappplied in part (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), **3**
- C45** Sch. 7 paras. 2-15 excluded (temp. from 25.9.2006 until 31.10.2007) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 10(2)(a), **11(2)(3)**, 31(2)
- C46** Sch. 7 para. 10(2) modified (E.) (22.9.2020) by The Postponed Elections and Referendums (Coronavirus) and Policy Development Grants (Amendment) Regulations 2020 (S.I. 2020/926), regs. 1(2), **8(4)(7)** (with reg. 8(8)-(10))
- C47** Sch. 7 para. 10(2) modified (W.) (4.12.2020) by The Local Government (Coronavirus) (Postponement of Elections) (Wales) (No. 2) Regulations 2020 (S.I. 2020/1399), regs. 2, **7(6)** (with reg. 7(7)(8))
- C48** Sch. 7 para. 10(4A) amendment by 2006 c. 22, Sch. 1 para. 28 extended to N.I. (15.9.2014) by The Anonymous Registration (Northern Ireland) Order 2014 (S.I. 2014/1116), arts. 1(1), **2(2)**

#### **Commencement Information**

- I32** Sch. 7 wholly in force at 16.2.2001; Sch. 7 partly in force at Royal Assent, see s. 163(3); Sch. 7 in force in so far as not already in force at 16.2.2001 by S.I. 2001/222, art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in **Sch. 1Pt. II**)

#### *Donation reports: donations from impermissible or unidentifiable donors*

- 11 (1) A regulated donee shall—
- (a) prepare a report under this paragraph in respect of each controlled donation received by the donee and falling within paragraph 6(1)(a) or (b); and
  - (b) deliver the report to the Commission within the period of 30 days beginning with the date when the donation was dealt with in accordance with section 56(2)(a) or (b).
- (2) Each such report must—
- (a) give the name and address of the donee; and
  - (b) if he is the holder of a relevant elective office, specify the office in question.
- (3) Each such report in respect of a donation falling within paragraph 6(1)(a) must also give—
- (a) the name and address of the donor;
  - (b) the amount of the donation (if a donation of money, in cash or otherwise) or (in any other case) the nature of the donation and its value as determined in accordance with paragraph 5;
  - (c) the date when the donation was received and the date when, and the manner in which, it was dealt with in accordance with section 56(2)(a); and
  - (d) such other information as is required by regulations made by the Commission.

*Status: Point in time view as at 02/02/2022.*

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- (4) Each such report in respect of a donation falling within paragraph 6(1)(b) must also give—
- (a) details of the manner in which it was made;
  - (b) the amount of the donation (if a donation of money, in cash or otherwise) or (in any other case) the nature of the donation and its value as determined in accordance with paragraph 5;
  - (c) the date when the donation was received, and the date when, and the manner in which, it was dealt with in accordance with section 56(2)(b); and
  - (d) such other information as is required by regulations made by the Commission.
- (5) In this paragraph any reference to any provision of section 56 is a reference to that provision as applied by paragraph 8.

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

- C49** Sch. 7 paras. 2-15 excluded (temp. from 16.2.2001) by [S.I. 2001/446, art. 3](#)
- C50** Sch. 7 paras. 2-15 disappplied in part (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), 3
- C51** Sch. 7 paras. 2-15 excluded (temp. from 25.9.2006 until 31.10.2007) by [Northern Ireland \(Miscellaneous Provisions\) Act 2006 \(c. 33\)](#), ss. 10(2)(a), **11(2)(3)**, 31(2)
- C52** Sch. 7 para. 11(1)(b) modified (E.) (22.9.2020) by [The Postponed Elections and Referendums \(Coronavirus\) and Policy Development Grants \(Amendment\) Regulations 2020 \(S.I. 2020/926\)](#), regs. 1(2), **8(4)(7)** (with reg. 8(8)-(10))
- C53** Sch. 7 para. 11(1)(b) modified (W.) (4.12.2020) by [The Local Government \(Coronavirus\) \(Postponement of Elections\) \(Wales\) \(No. 2\) Regulations 2020 \(S.I. 2020/1399\)](#), regs. 2, **7(6)** (with reg. 7(7)(8))

**Commencement Information**

- I33** Sch. 7 wholly in force at 16.2.2001; Sch. 7 partly in force at Royal Assent, see s. 163(3); Sch. 7 in force in so far as not already 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](#))

*Offence of failing to deliver donation report*

- 12 (1) Where a report required to be delivered to the Commission under paragraph 10(1) or 11(1) is [<sup>F163</sup>, without reasonable excuse] not delivered by the end of the period of 30 days mentioned in [<sup>F164</sup> paragraph 10(2) or 11(1)]—
- [<sup>F165</sup>(a) in the case of a regulated donee other than a members association, the regulated donee is guilty of an offence;
  - (b) in the case of a members association, the association and the responsible person are guilty of an offence.]
- (2) If such a report is delivered to the Commission which [<sup>F166</sup>, without reasonable excuse,] does not comply with any requirements of paragraph 10 or 11 as regards the information to be given in such a report—
- [<sup>F165</sup>(a) in the case of a regulated donee other than a members association, the regulated donee is guilty of an offence;
  - (b) in the case of a members association, the association and the responsible person are guilty of an offence.]

*Status: Point in time view as at 02/02/2022.*

*Changes to legislation: Political Parties, Elections and Referendums Act 2000 is up to date with all changes known to be in force on or before 19 May 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) <sup>F167</sup> .....
- (4) Where the court is satisfied, on an application made by the Commission, that any failure to comply with any such requirements in relation to any donation to the regulated donee was attributable to an intention on the part of any person to conceal the existence or true amount of the donation, the court may order the forfeiture by the donee of an amount equal to the value of the donation.
- (5) The following provisions, namely—
- (a) subsections (3) to (5) of section 58, and
  - (b) sections 59 and 60,
- shall apply for the purposes, or in connection with the operation, of sub-paragraph (4) in relation to a regulated donee as they apply for the purposes, or in connection with the operation, of section 58 in relation to a registered party.

#### Textual Amendments

- F163** Words in Sch. 7 para. 12(1) inserted (1.1.2010) by [Political Parties and Elections Act 2009 \(c. 12\)](#), [ss. 13\(5\)\(a\)](#), 43; [S.I. 2009/3084](#), [art. 4\(b\)](#) (with [art. 5](#))
- F164** Words in Sch. 7 para. 12(1) substituted (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by [Electoral Administration Act 2006 \(c. 22\)](#), [ss. 74\(1\)](#), [77\(2\)](#), [Sch. 1 para. 154\(7\)](#); [S.I. 2006/1972](#), [art. 3](#), [Sch. 1 paras. 24](#), [25\(m\)\(ii\)](#) (subject to [art. 4](#), [Sch. 2](#)) (as amended by [S.I. 2006/2268](#), [art. 4](#); [S.I. 2008/1656](#), [art. 2](#) (subject to [art. 3](#), [Sch. 1](#)))
- F165** Sch. 7 para. 12(1)(a)(b)(2)(a)(b) substituted (1.1.2010) for Sch. 7 para. 12(1)(a)(b)(2)(a)(b) and words by [Political Parties and Elections Act 2009 \(c. 12\)](#), [ss. 14\(4\)](#), 43; [S.I. 2009/3084](#), [art. 4\(c\)](#) (with [art. 6](#))
- F166** Words in Sch. 7 para. 12(2) inserted (1.1.2010) by [Political Parties and Elections Act 2009 \(c. 12\)](#), [ss. 13\(5\)\(b\)](#), 43; [S.I. 2009/3084](#), [art. 4\(b\)](#) (with [art. 5](#))
- F167** Sch. 7 para. 12(3) repealed (1.1.2010) by [Political Parties and Elections Act 2009 \(c. 12\)](#), [ss. 13\(5\)\(c\)](#), 39, 43, [Sch. 7](#); [S.I. 2009/3084](#), [art. 4\(b\)\(k\)](#) (with [art. 5](#))

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

- C54** Sch. 7 paras. 2-15 excluded (temp. from 16.2.2001) by [S.I. 2001/446](#), [art. 3](#)
- C55** Sch. 7 paras. 2-15 disappplied in part (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\(2\)](#), [3](#)
- C56** Sch. 7 paras. 2-15 excluded (temp. from 25.9.2006 until 31.10.2007) by [Northern Ireland \(Miscellaneous Provisions\) Act 2006 \(c. 33\)](#), [ss. 10\(2\)\(a\)](#), [11\(2\)\(3\)](#), 31(2)

#### Commencement Information

- I34** Sch. 7 wholly in force at 16.2.2001; Sch. 7 partly in force at Royal Assent, see s. 163(3); Sch. 7 in force in so far as not already 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](#))

#### *Declaration in donation report*

- 13 (1) Each report under paragraph 10 or 11 must, when delivered to the Commission, be accompanied by a declaration made by—
- (a) the regulated donee, or
  - (b) (if a members association) the responsible person,
- which complies with sub-paragraph (2) or (3).

*Status: Point in time view as at 02/02/2022.*

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- (2) In the case of a report under paragraph 10, the declaration must state that, to the best of the declarant's knowledge and belief, any donation recorded in the report as having been accepted by the donee was from a permissible donor.
- (3) In the case of a report under paragraph 11, the declaration must state that, to the best of the declarant's knowledge and belief, the donation recorded in the report as having been received by the donee, or a payment of an equivalent amount, has been returned to the donor or otherwise dealt with in accordance with the provisions of Chapter II of Part IV of this Act.
- (4) A person commits an offence if he knowingly or recklessly makes a false declaration under this paragraph.

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

- C57** Sch. 7 paras. 2-15 excluded (temp. from 16.2.2001) by [S.I. 2001/446, art. 3](#)
- C58** Sch. 7 paras. 2-15 disapplied in part (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), 3
- C59** Sch. 7 paras. 2-15 excluded (temp. from 25.9.2006 until 31.10.2007) by [Northern Ireland \(Miscellaneous Provisions\) Act 2006 \(c. 33\)](#), ss. 10(2)(a), **11(2)(3)**, 31(2)

#### Commencement Information

- I35** Sch. 7 wholly in force at 16.2.2001; Sch. 7 partly in force at Royal Assent, see s. 163(3); Sch. 7 in force in so far as not already 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](#))

## **F168F168** PART IV

### REPORTING OF DONATIONS BY DONORS

.....

#### Textual Amendments

- F168** Sch. 7 Pt. 4 repealed (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 74, 77(2), [Sch. 1 para. 154\(8\)](#), **Sch. 2**; [S.I. 2006/1972, art. 3](#), [Sch. 1 paras. 24, 25\(k\), 26\(3\)\(b\)](#) (with art. 4, [Sch. 2](#))

## PART V

### REGISTER OF DONATIONS

#### *Register of recordable donations*

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

- C64** Sch. 7 paras. 2-15 disapplied in part (temp) (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), 3

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*Changes to legislation: Political Parties, Elections and Referendums Act 2000 is up to date with all changes known to be in force on or before 19 May 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)*

- 15 (1) Section 69 shall apply in relation to donations reported to the Commission under this Schedule (“relevant donations”) as it applies to donations reported to them under Chapter III of Part IV of this Act.
- (2) But in its application in accordance with sub-paragraph (1), section 69 shall have effect with the modifications set out in sub-paragraph (3).
- (3) Those modifications are as follows—
- (a) subsection (2) shall have effect in relation to a relevant donation as if (instead of requiring the register to contain the details mentioned in paragraphs (a) to (c) of that subsection) it required the register to contain such details as have been given in relation to the donation in pursuance of paragraph 10(3), 10(4), 11(2), 11(3) or 11(4); and
- (b) <sup>F169</sup> .....

#### Textual Amendments

**F169** Sch. 7 para. 15(3)(b) repealed (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 74, 77(2), Sch. 1 para. 154(9), [Sch. 2](#); [S.I. 2006/1972](#), [art. 3](#), Sch. 1 paras. 24, 25(k), 26(3)(b) (subject to [art. 4](#), [Sch. 2](#))

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

**C65** Sch. 7 paras. 2-15 excluded (temp. from 16.2.2001) by [S.I. 2001/446](#), [art. 3](#)

**C66** Sch. 7 paras. 2-15 disappplied in part (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), 3

**C67** Sch. 7 paras. 2-15 excluded (temp. from 25.9.2006 until 31.10.2007) by [Northern Ireland \(Miscellaneous Provisions\) Act 2006 \(c. 33\)](#), ss. 10(2)(a), [11\(2\)\(3\)](#), 31(2)

#### Commencement Information

**I37** Sch. 7 wholly in force at 16.2.2001; Sch. 7 partly in force at Royal Assent, see s. 163(3); Sch. 7 in force in so far as not already 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](#))

### *[<sup>F170</sup>Donations to holders of certain elective offices*

#### Textual Amendments

**F170** Sch. 7 para. 15A and preceding cross-heading inserted (1.7.2009 for certain purposes, 4.5.2016 for specified purposes) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. [59\(3\)](#), 77(2); [S.I. 2009/1509](#), [art. 2](#) (with [art. 3](#)); [S.I. 2016/551](#), [art. 2\(a\)](#) (with [art. 3](#))

- 15A (1) This paragraph applies in relation to donations received by a holder of a relevant elective office<sup>F171</sup>, other than a police and crime commissioner] if—
- (a) the relevant body has in place arrangements requiring the holder of the office to report such donations, and
- (b) the Commission think that the arrangements correspond to the requirements of paragraph 10.



*Status: Point in time view as at 02/02/2022.*

*Changes to legislation: Political Parties, Elections and Referendums Act 2000 is up to date with all changes known to be in force on or before 19 May 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)*

- (2) The Commission must make such arrangements as they think appropriate corresponding to section 69 as modified in pursuance of paragraph 15(3) to maintain a register of such information as they receive relating to such donations.
- (3) In sub-paragraph (1)(a) a relevant body is—
- (a) if the holder of a relevant elective office is a member of a body mentioned in paragraphs (a) to (f) of paragraph 1(8), that body;
  - (b) if the holder of a relevant elective office is the Mayor of London, the London Assembly;
  - (c) if the holder of a relevant elective office is an elected mayor within the meaning of Part 2 of the Local Government Act 2000, the local authority of which he is the mayor.]

**Textual Amendments**

**F171** Words in Sch. 7 para. 15A(1) inserted (25.7.2012) by [The Police and Crime Commissioner Elections Order 2012 \(S.I. 2012/1917\)](#), arts. 1(2), **24(4)(b)**

**PART VI**

POWER TO MAKE SPECIAL PROVISION

*Exemption from disclosure*

16 <sup>F172</sup> .....

**Textual Amendments**

**F172** Sch. 7 para. 16 repealed (25.9.2006) by [Northern Ireland \(Miscellaneous Provisions\) Act 2006 \(c. 33\)](#), ss. 10(2)(a), 11(8)(a)(iv), 30(2), 31(2)(4), **Sch. 5**

<sup>F173</sup>**PART 7**

COMPLIANCE OFFICERS

**Textual Amendments**

**F173** Sch. 7 Pt. 7 inserted (1.1.2010) by [Political Parties and Elections Act 2009 \(c. 12\)](#), ss. **15(1)**, 43; S.I. 2009/3084, **art. 4(d)**

*Functions and liabilities of compliance officers*

- 17 (1) A regulated donee who is the holder of a relevant elective office (the “office-holder”) may, by giving a notice to the Commission which complies with paragraph 18(1), appoint an individual as compliance officer for the office-holder.
- (2) Where a notice under this paragraph is for the time being in force—



*Status: Point in time view as at 02/02/2022.*

**Changes to legislation:** *Political Parties, Elections and Referendums Act 2000 is up to date with all changes known to be in force on or before 19 May 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) any duty imposed on the office-holder by virtue of paragraph 8, or under paragraph 10, 11 or 13, may be discharged either by the office-holder or by the compliance officer;
  - (b) section 56(3), (3B) and (4) as applied by paragraph 8, and paragraph 12(1) and (2), apply to the compliance officer as well as the office-holder (so that either or both of them may be charged with any offence under those provisions);
  - (c) if the compliance officer makes a declaration under paragraph 13, paragraph 13(4) applies to the compliance officer instead of the office-holder.
- (3) The compliance officer for an office-holder cannot be guilty of an offence under paragraph 12(1) or (2) in respect of any controlled donation received by the office-holder at a time when the notice under this paragraph was not in force.
- (4) A person commits an offence if, at a time when a notice under this paragraph is in force in relation to an office-holder, the person knowingly gives the compliance officer any information relating to—
- (a) the amount of any controlled donation made to the office-holder, or
  - (b) the person or body making such a donation,
- which is false in a material particular.

*Notices of appointment, renewal, alteration and termination*

- 18 (1) A notice under paragraph 17—
- (a) must be signed by the office-holder, and
  - (b) must contain a statement signed by the individual to be appointed as compliance officer confirming that the individual is willing to be appointed.
- (2) A notice under paragraph 17 must state—
- (a) the full name of the office-holder,
  - (b) the relevant elected office that the person holds,
  - (c) the office-holder's home address in the United Kingdom, or (if there is no such home address) the office-holder's home address elsewhere, and
  - (d) if the office-holder is a member of a registered party, the party's registered name and the address of its registered headquarters.
- (3) A notice under paragraph 17 must also state—
- (a) the full name of the individual to be appointed as compliance officer,
  - (b) if the individual holds a relevant elected office, what that office is,
  - (c) the individual's home address in the United Kingdom, or (if there is no such home address) the individual's home address elsewhere, and
  - (d) if the individual is a member of a registered party, the party's registered name and the address of its registered headquarters.
- (4) Subject to the following provisions of this paragraph, a notice under paragraph 17 (“the original notice”)—
- (a) shall be in force as from the date on which it is received by the Commission, but
  - (b) shall lapse at the end of the period of 12 months beginning with that date unless the office-holder or the compliance officer gives the Commission a

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notice (a “renewal notice”) that they both wish the original notice to remain in force.

- (5) A renewal notice—
- (a) has the effect of extending the validity of the original notice for a further 12 months beginning with the time when it would otherwise have lapsed (whether under sub-paragraph (4)(b) or on the expiry of a previous extension under this sub-paragraph);
  - (b) must be received by the Commission during the period of one month ending at that time.
- (6) A renewal notice must either—
- (a) confirm that all the statements contained in the original notice, as it has effect for the time being, are accurate; or
  - (b) indicate that any statement contained in that notice, as it so has effect, is replaced by some other statement conforming with the relevant provision of sub-paragraph (2) or (3).

A renewal notice must be signed by the office-holder and the compliance officer.

- (7) The office-holder or the compliance officer may, at any time after giving the original notice, give the Commission a notice (a “notice of alteration”) indicating that any statement contained in the original notice, as it has effect for the time being, is replaced by some other statement—
- (a) contained in the notice of alteration, and
  - (b) conforming with the relevant provision of sub-paragraph (2) or (3).

A notice of alteration takes effect on the day on which it is received by the Commission or (if later) on such date as may be specified in the notice.

- (8) A notice of alteration must be signed—
- (a) by the office-holder, and
  - (b) by the compliance officer or, in the case of a notice substituting a different individual as the compliance officer, by that individual.
- (9) A notice under paragraph 17 ceases to have effect on receipt by the Commission of a notice terminating it (a “notice of termination”) given and signed by the office-holder or by the compliance officer.
- (10) On receipt of a notice of termination given by the office-holder or by the compliance officer, the Commission must inform the other party as soon as is reasonably practicable (unless the notice was signed both by the office-holder and by the compliance officer).

#### *Register of compliance officers*

- 19 (1) The Commission shall maintain a register of all notices given to them under paragraph 17 which are for the time being in force.
- (2) The register shall be maintained by the Commission in such form as they may determine and shall contain, in the case of each such notice, all the information contained in the notice as it has effect for the time being in accordance with paragraph 18.

*Status: Point in time view as at 02/02/2022.*

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- (3) Where any notice is given to the Commission under paragraph 17 or subparagraph (4)(b) or (7) of paragraph 18, they shall cause all the information contained in the notice, or (as the case may be) any new information contained in it, to be entered in the register as soon as is reasonably practicable.
- (4) The information to be entered in the register in respect of any individual shall, however, not include the individual's home address.]

## [<sup>F174</sup>SCHEDULE 7A

### CONTROL OF LOANS ETC TO INDIVIDUALS AND MEMBERS ASSOCIATIONS

#### **Textual Amendments**

**F174** Sch. 7A inserted (11.9.2006 for E.W.S. for specified purposes except for the insertion of Sch. 7A para. 16, 1.7.2008 for N.I. for specified purposes, 1.7.2009 for the insertion of Sch. 7A para. 16 for specified purposes, 4.5.2016 for the insertion of Sch. 7A para. 16 for specified purposes) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 61(7), 77(2), **Sch. 1 para 99**; S.I. 2006/1972, **art. 3**, Sch. 1 paras. 20(a), 25(m)(i) (subject to art. 4, Sch. 2) (as amended by S.I. 2006/2268, art. 4); S.I. 2008/1656, **arts. 2** (subject to art. 3, Sch. 1); S.I. 2009/1509, **art. 2(b)** (with art. 3); S.I. 2016/551, art. 2(b) (with art. 3)

#### *Operation and construction of Schedule*

- 1 (1) This Schedule has effect for controlling loans and certain other transactions where one of the parties to the transaction is—
  - (a) a member of a registered party,
  - (b) a members association, or
  - (c) the holder of a relevant elective office.
- (2) The following provisions have effect for the purposes of this Schedule.
- (3) References to a controlled transaction must be construed in accordance with paragraph 2.
- (4) A reference to a connected transaction is a reference to a controlled transaction falling within paragraph 2(3)(b).
- (5) A regulated participant is—
  - (a) a member of a registered party;
  - (b) a members association;
  - (c) the holder of a relevant elective office, whether or not he is a member of a registered party.
- (6) A credit facility is an agreement whereby a regulated participant is enabled to receive from time to time from another party to the agreement a loan of money not exceeding such amount (taking account of any repayments made by the regulated participant) as is specified in or determined in accordance with the agreement.
- (7) References to each of the following must be construed in accordance with Schedule 7—

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- (a) the political activities of a party member or a members association;
- (b) members association;
- (c) relevant elective office;
- (d) the responsible person (in relation to a members association)<sup>F175</sup> . . . .

[ Paragraphs 1A and 1B of Schedule 7 apply for the purposes of this Schedule, in <sup>F176</sup>(7A) relation to controlled transactions, as they apply for the purposes of that Schedule in relation to controlled donations.

(7B) Paragraph 1A(1)(b) of Schedule 7, as it applies by virtue of sub-paragraph (7A) above, has effect as if for sub-paragraphs (i) and (ii) there were substituted—

- (i) enters into a controlled transaction which is a recordable transaction for the purposes of paragraph 9 of Schedule 7A, or
- (ii) enters into a controlled transaction falling within paragraph 5 or 6(1)(b) of that Schedule,

(7C) A notice under paragraph 1A of Schedule 7 also has effect as a notice under the Schedule 7A version of that paragraph.

The “Schedule 7A version” of paragraph 1A of Schedule 7 means that paragraph as it applies, in relation to controlled transactions, by virtue of sub-paragraph (7A) above.]

- (8) This Schedule does not have effect in relation to—
  - (a) a member of the Scottish Parliament, or
  - (b) a member of a local authority in Scotland,if he is not also a member of a registered party.

#### Textual Amendments

**F175** Words in Sch. 7A para. 1(7)(d) repealed (1.1.2010) by [Political Parties and Elections Act 2009 \(c. 12\)](#), ss. 16(2)(a), 39, 43, [Sch. 7](#); S.I. 2009/3084, [arts. 4\(e\)\(k\)](#) (with [art. 6](#))

**F176** Sch. 7A para. 1(7A)-(7C) inserted (1.1.2010) by [Political Parties and Elections Act 2009 \(c. 12\)](#), ss. 16(2)(b), 43; S.I. 2009/3084, [art. 4\(e\)](#) (with [art. 6](#))

#### *Controlled transaction*

- 2 (1) An agreement between a regulated participant and another person by which the other person makes a loan of money to the regulated participant is a controlled transaction if the use condition is satisfied.
- (2) An agreement between a regulated participant and another person by which the other person provides a credit facility to the regulated participant is a controlled transaction if the use condition is satisfied.
- (3) Where—
  - (a) a regulated participant and another person (A) enter into a controlled transaction of a description mentioned in sub-paragraph (1) or (2) or a transaction under which any property, services or facilities are provided for the use or benefit of the regulated participant (including the services of any person),

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- (b) A also enters into an arrangement where a third person gives any form of security (whether real or personal) for a sum owed to A by the regulated participant under the transaction mentioned in paragraph (a), and
  - (c) the use condition is satisfied,
- the arrangement is a controlled transaction.
- (4) An agreement or arrangement is not a controlled transaction—
- (a) to the extent that in accordance with any enactment a payment made in pursuance of the agreement or arrangement falls to be included in a return as to election expenses in respect of a candidate or candidates at a particular election, or
  - (b) if its value is not more than [<sup>F177</sup>£500].
- (5) Anything given or transferred to an officer, member, trustee or agent of a members association in his capacity as such (and not for his own use or benefit) is to be regarded as given or transferred to the association (and references to money or any other benefit received by a regulated participant accordingly include, in the case of a members association, money or any other benefit so given or transferred).
- (6) The use condition is that the regulated participant intends at the time he enters into a transaction mentioned in sub-paragraph (1), (2) or (3)(a) to use any money or benefit obtained in consequence of the transaction in connection with relevant political activities.
- (7) For the purposes of sub-paragraph (6), it is immaterial that only part of the money or benefit is intended to be used in connection with relevant political activities.
- (8) Relevant political activities are—
- (a) if the regulated participant is a member of a registered party, any of his political activities as a member of the party;
  - (b) if the regulated participant is a members association, any of its political activities;
  - (c) if the regulated participant is a holder of a relevant elective office, any of his political activities.
- (9) The Secretary of State may, by order, specify circumstances or any description of circumstances in which an agreement or arrangement falling within any of sub-paragraphs (1) to (3) is not a controlled transaction.

#### **Textual Amendments**

**F177** Sum in Sch. 7A para. 2(4)(b) substituted (1.1.2010) by [Political Parties and Elections Act 2009 \(c. 12\)](#), [ss. 20\(1\)](#), 43; [S.I. 2009/3084](#), [art. 4\(h\)](#)

#### *Valuation of controlled transactions*

- 3
- (1) The value of a controlled transaction which is a loan is the value of the total amount to be lent under the loan agreement.
  - (2) The value of a controlled transaction which is a credit facility is the maximum amount which may be borrowed under the agreement for the facility.

*Status: Point in time view as at 02/02/2022.*

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- (3) The value of a controlled transaction which is an arrangement by which any form of security is given is the contingent liability under the security provided.
- (4) For the purposes of sub-paragraphs (1) and (2), no account is to be taken of the effect of any provision contained in a loan agreement or an agreement for a credit facility at the time it is entered into which enables outstanding interest to be added to any sum for the time being owed in respect of the loan or credit facility, whether or not any such interest has been so added.

#### *Authorised participants*

- 4 (1) A regulated participant must not—
    - (a) be a party to a controlled transaction to which any of the other parties is not an authorised participant;
    - (b) derive a benefit in consequence of a connected transaction if any of the parties to that transaction is not an authorised participant.
  - (2) This paragraph does not apply to a controlled transaction if it was entered into before the commencement of section 61 of the Electoral Administration Act 2006.
  - (3) In this Schedule, an authorised participant is a person who is a permissible donor within the meaning of section 54(2).
- <sup>F178</sup>(3A) . . . . .
- <sup>F178</sup>(3B) . . . . .
- (4) The Secretary of State may, by order, specify circumstances or any description of circumstances in which a person who is not a permissible donor is to be treated as an authorised participant.

#### **Textual Amendments**

**F178** Sch. 7A para. 4(3A)(3B) repealed (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, **Sch. 1 Pt. 1** (as amended by S.I. 2019/1389, regs. 1, 2(2))

PROSPECTIVE

#### *<sup>F179</sup>Declaration that residence etc condition satisfied*

#### **Textual Amendments**

**F179** Sch. 7A para. 4A and preceding cross-heading inserted (prosp.) by [Political Parties and Elections Act 2009 \(c. 12\)](#), **ss. 11(4), 43**

- 4A (1) A regulated participant must not be a party to a controlled transaction to which this paragraph applies unless the regulated participant has received a written declaration from each of the other parties to the transaction who is an individual stating that the individual satisfies the condition set out in section 54(2ZA).

*Status: Point in time view as at 02/02/2022.*

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- (2) This paragraph applies to a controlled transaction—
  - (a) if the value of the transaction is more than £7,500, or
  - (b) if the aggregate amount of it and any other relevant benefit or benefits accruing in the same calendar year as the transaction is more than £7,500.
- (3) For the purposes of sub-paragraph (2) “relevant benefit” and “accruing” have the meaning given by section 71M(3).
- (4) A declaration under this paragraph must also state the full name and address of the person by whom it is made.
- (5) A person who knowingly or recklessly makes a false declaration under this paragraph commits an offence.
- (6) The Secretary of State may by regulations make provision requiring a declaration under this paragraph to be retained for a specified period.
- (7) The reference in sub-paragraph (1) to each of the other parties to the transaction does not include any individual who, at the time the transaction is entered into, is an authorised participant in relation to it by reason of section 71Z1(1)(a).]

*Controlled transaction involving unauthorised participant*

- 5 (1) This paragraph applies if a regulated participant is a party to a controlled transaction in which another participant is not an authorised participant.
- (2) The transaction is void.
- (3) Despite sub-paragraph (2)—
  - (a) any money received by the regulated participant by virtue of the transaction must be repaid by the regulated participant to the person from whom it was received, along with interest at such rate as is determined in accordance with an order made by the Secretary of State;
  - (b) that person is entitled to recover the money, along with such interest.
- (4) If—
  - (a) the money is not (for whatever reason) repaid as mentioned in sub-paragraph (3)(a), or
  - (b) the person entitled to recover the money refuses or fails to do so,
 the Commission may apply to the court to make such order as it thinks fit to restore (so far as is possible) the parties to the transaction to the position they would have been in if the transaction had not been entered into.
- (5) In the case of a controlled transaction where a party other than a regulated participant—
  - (a) at the time the regulated participant enters into the transaction, is an authorised participant, but
  - (b) subsequently, for whatever reason, ceases to be an authorised participant,
 the transaction is void and sub-paragraphs (3) and (4) apply with effect from the time when the other party ceased to be an authorised participant.
- (6) This paragraph does not apply to a controlled transaction if it was entered into before the commencement of section 61 of the Electoral Administration Act 2006.



*Status: Point in time view as at 02/02/2022.*

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*Guarantees and securities: unauthorised participants*

- 6 (1) This paragraph applies if—
- (a) a regulated participant and another person (A) enter into a transaction of a description mentioned in paragraph 2(3)(a),
  - (b) A is party to a controlled transaction of a description mentioned in paragraph 2(3)(b) (“the connected transaction”) with another person (B), and
  - (c) B is not an authorised participant.
- (2) Paragraph 5(2) to (4) applies to the transaction mentioned in sub-paragraph (1)(a).
- (3) The connected transaction is void.
- (4) Sub-paragraph (5) applies if (but only if) A is unable to recover from the regulated participant the whole of the money mentioned in paragraph 5(3)(a) (as applied by sub-paragraph (2) above), along with such interest as is there mentioned.
- (5) Despite sub-paragraph (3), A is entitled to recover from B any part of that money (and such interest) that is not recovered from the regulated participant.
- (6) Sub-paragraph (5) does not entitle A to recover more than the contingent liability under the security provided by virtue of the connected transaction.
- (7) In the case of a connected transaction where B—
- (a) at the time A enters into the transaction, is an authorised participant, but
  - (b) subsequently, for whatever reason, ceases to be an authorised participant,
- sub-paragraphs (2) to (6) apply with effect from the time when B ceased to be an authorised participant.
- (8) This paragraph does not apply to a regulated transaction if it was entered into before the commencement of section 61 of the Electoral Administration Act 2006.
- (9) If the transaction mentioned in paragraph 2(3)(a) is not a controlled transaction of a description mentioned in paragraph 2(1) or (2), references in this paragraph and paragraph 5(2) to (4) (as applied by sub-paragraph (2) above) to the repayment or recovery of money must be construed as references to (as the case may be)—
- (a) the return or recovery of any property provided under the transaction,
  - (b) to the extent that such is incapable of being returned or recovered or its market value has diminished since the time the transaction was entered into, the repayment or recovery of the market value at that time, or
  - (c) the market value (at that time) of any facilities or services provided under the transaction.

*Transfer to unauthorised participant invalid*

- 7 If an authorised participant purports to transfer his interest in a controlled transaction to a person who is not an authorised participant the purported transfer is of no effect.

*Offences*

- 8 (1) An individual who is a regulated participant commits an offence if—

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- (a) he enters into a controlled transaction of a description mentioned in paragraph 2(1) or (2) in which another participant is not an authorised participant, and
  - (b) he knew or ought reasonably to have known that the other participant was not an authorised participant.
- (2) A responsible person of a members association commits an offence if—
- (a) the association enters into a controlled transaction of a description mentioned in paragraph 2(1) or (2) in which another participant is not an authorised participant, and
  - (b) he knew or ought reasonably to have known of the matters mentioned in paragraph (a).
- (3) An individual who is a regulated participant commits an offence if—
- (a) he enters into a controlled transaction of a description mentioned in paragraph 2(1) or (2) in which another participant is not an authorised participant,
  - (b) sub-paragraph (1)(b) does not apply to him, and
  - (c) as soon as practicable after knowledge that the other participant is not an authorised participant comes to him he fails to take all reasonable steps to repay any money which he has received by virtue of the transaction.
- (4) A responsible person of a members association commits an offence if—
- (a) the association enters into a controlled transaction of a description mentioned in paragraph 2(1) or (2) in which another participant is not an authorised participant,
  - (b) sub-paragraph (2)(b) does not apply to him, and
  - (c) as soon as practicable after knowledge of the matters mentioned in paragraph (a) comes to him he fails to take all reasonable steps to repay any money which the association has received by virtue of the transaction.
- (5) An individual who is a regulated participant commits an offence if—
- (a) he benefits from or falls to benefit in consequence of a connected transaction to which any of the parties is not an authorised participant, and
  - (b) he knew or ought reasonably to have known that one of the other parties was not an authorised participant.
- (6) A responsible person of a members association commits an offence if—
- (a) the association benefits from or falls to benefit in consequence of a connected transaction to which any of the parties is not an authorised participant, and
  - (b) he knew or ought reasonably to have known of the matters mentioned in paragraph (a).
- (7) An individual who is a regulated participant commits an offence if—
- (a) he is a party to a transaction of a description mentioned in paragraph 2(3)(a),
  - (b) he benefits from or falls to benefit in consequence of a connected transaction to which any of the parties is not an authorised participant,
  - (c) sub-paragraph (5)(b) does not apply to him, and
  - (d) as soon as practicable after knowledge comes to him that one of the parties to the connected transaction is not an authorised participant he fails to take all reasonable steps to repay to any person who has provided him with any benefit in consequence of the connected transaction the value of the benefit.

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- (8) A responsible person of a members association commits an offence if—
- (a) the association is a party to a transaction of a description mentioned in paragraph 2(3)(a),
  - (b) the association benefits from or falls to benefit in consequence of a connected transaction to which any of the parties is not an authorised participant,
  - (c) sub-paragraph (6)(b) does not apply to him, and
  - (d) as soon as practicable after knowledge comes to him that one of the parties to the connected transaction is not an authorised participant he fails to take all reasonable steps to repay to any person who has provided the association with any benefit in consequence of the connected transaction the value of the benefit.
- (9) A person commits an offence if he—
- (a) knowingly enters into, or
  - (b) knowingly does any act in furtherance of,
- any arrangement which facilitates or is likely to facilitate, whether by means of concealment or disguise or otherwise, the participation by a regulated participant in a controlled transaction with a person other than an authorised participant.
- (10) It is a defence for a person charged with an offence under sub-paragraph (2) to prove that he took all reasonable steps to prevent the members association entering into the transaction.
- (11) It is a defence for a person charged with an offence under sub-paragraph (6) to prove that he took all reasonable steps to prevent the members association benefiting in consequence of the connected transaction.
- (12) A reference to a regulated participant entering into a controlled transaction includes a reference to any circumstances in which the terms of a controlled transaction are varied so as to increase the amount of money to which the regulated participant is entitled in consequence of the transaction.
- (13) A reference to a regulated participant entering into a transaction in which another participant is not an authorised participant includes a reference to any circumstances in which another party to the transaction who is an authorised participant ceases (for whatever reason) to be an authorised participant.
- (14) This paragraph does not apply to a transaction which is entered into before the commencement of section 61 of the Electoral Administration Act 2006.

*Transaction reports: transactions with authorised participants*

- 9 (1) A regulated participant must prepare a report under this paragraph in respect of each controlled transaction entered into by him which is a recordable transaction.
- (2) For the purposes of this paragraph a controlled transaction is a recordable transaction—
- (a) if the value of the transaction is more than [<sup>F180</sup>£7,500] (where the regulated participant is a members association) or [<sup>F181</sup>£1,500] (in any other case), or
  - (b) if the aggregate value of it and any other controlled benefit or benefits accruing to the regulated participant—
    - (i) from the same person and in the same calendar year, and

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- (ii) in respect of which no report has been previously made under this paragraph,  
is more than [<sup>F180</sup>£7,500] (where the regulated participant is a members association) or [<sup>F181</sup>£1,500] (in any other case).
- (3) A controlled benefit is—
- (a) a controlled donation within the meaning of paragraph 1(3) of Schedule 7;
  - (b) a controlled transaction.
- (4) A controlled benefit which is a controlled donation accrues—
- (a) from the permissible donor (within the meaning of section 54(2) <sup>F182</sup>...) who made it, and
  - (b) when it is accepted by the donee.
- (5) A controlled benefit which is a controlled transaction accrues—
- (a) from any authorised participant who is a party to it, and
  - (b) when it is entered into.
- (6) For the purposes of this paragraph [<sup>F183</sup>(other than sub-paragraphs (6A) to (6C)) and section 71Z4 (duty not to disclose contents of transaction reports)] , if—
- (a) the value of a controlled transaction as first entered into is such that it is not a recordable transaction, but
  - (b) the terms of the transaction are subsequently varied in such a way that it becomes a recordable transaction,
- the regulated participant must be treated as having entered into a recordable transaction on the date when the variation takes effect.
- [ But if sub-paragraph (6) would otherwise have the effect that a person who is or has
- <sup>F184</sup>(6A) been a member or employee of the Commission could make available to the public information to which this sub-paragraph applies, it does not have that effect.
- (6B) Sub-paragraph (6A) applies to information—
- (a) which has been obtained by the Commission in the exercise of their functions under Part 4A, and
  - (b) which relates to a controlled transaction to which a Northern Ireland participant is a party and which was entered into before 1 January 2014.
- (6C) Information to which sub-paragraph (6A) applies is to be treated for the purposes of sections 71Z4 and 149A (inspection of Commission’s registers etc.: Northern Ireland) as information relating to a transaction to which section 71Z4 applies.]
- (7) A regulated participant must deliver the report prepared in accordance with sub-paragraph (1) to the Commission within the period of 30 days beginning with—
- (a) if sub-paragraph (2)(a) applies, the date on which the transaction is entered into;
  - (b) if sub-paragraph (2)(b) applies, the date on which the benefit which causes the aggregate amount to exceed [<sup>F180</sup>£7,500] or (as the case may be) [<sup>F181</sup>£1,500].
- (8) Each report prepared in accordance with sub-paragraph (1) must—
- (a) give the name and address of the regulated participant, and
  - (b) if he is the holder of a relevant elective office, specify the office in question.

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- (9) Each such report must also give—
- (a) such information as is required to be given, in the case of a report prepared in accordance with section 71M, by virtue of paragraphs 2 [<sup>F185</sup>, 2A] and 5(2) and (3) of Schedule 6A;
  - (b) in relation to a controlled transaction of a description mentioned in paragraph 2(1) or (2) above, such information as is required to be given, in the case of a report prepared in accordance with that section, by virtue of paragraph 6 of that Schedule;
  - (c) in relation to a controlled transaction of a description mentioned in paragraph 2(3)(b) above, such information as is required to be given, in the case of a report prepared in accordance with that section, by virtue of paragraph 7 of that Schedule;
  - (d) the date on which the transaction is entered into;
  - (e) such other information as is required by regulations made by the Commission.

[ Sub-paragraph (9B) applies in relation to a transaction which—

- <sup>F186</sup>(9A) (a) is entered into by a Northern Ireland participant before 1 July 2017, and  
(b) is included in a report under sub-paragraph (1) to which this sub-paragraph applies because it has been varied as described in sub-paragraph (6).

(9B) For the purposes of sub-paragraph (9)(d), the report on the transaction must give—

- (a) the date on which the transaction was first entered into, and
- (b) the date on which the variation took effect.

(9C) Sub-paragraph (9A) applies to a report which is delivered to the Commission on or after the date on which Article 9 of the Transparency of Donations and Loans etc. (Northern Ireland Political Parties) Order 2018 comes into force.]

(10) In the application of paragraphs 2, [<sup>F185</sup>2A] 5(2) and (3), 6 and 7 of Schedule 6A in accordance with sub-paragraph (9) above—

- (a) any reference to a recordable transaction within the meaning of that Schedule must be construed as a reference to a recordable transaction within the meaning of this paragraph;
- (b) any reference to section 71G or section 71F(4)(a) must be construed as a reference to paragraph 3 above or paragraph 2(3)(a) above;
- (c) any reference to a regulated transaction or a registered party within the meaning of that Schedule must be construed as a reference to a controlled transaction or a regulated participant within the meaning of this paragraph;
- (d) any reference to a transaction report within the meaning of that Schedule must be construed as a reference to a report under this paragraph.

[ In this Schedule, “Northern Ireland participant” means a regulated participant who

<sup>F187</sup>(11) is—

- (a) an individual ordinarily resident in Northern Ireland, or
- (b) a members association wholly or mainly consisting of members of a party registered in the Northern Ireland register.]

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### Textual Amendments

- F180** Sums in Sch. 7A para. 9(2)(a)(b)(7)(b) substituted (1.1.2010) by [Political Parties and Elections Act 2009 \(c. 12\), ss. 20\(3\), 43; S.I. 2009/3084, art. 4\(h\)](#)
- F181** Sums in Sch. 7A para. 9(2)(a)(b)(7)(b) substituted (1.1.2010) by [Political Parties and Elections Act 2009 \(c. 12\), ss. 20\(2\), 43; S.I. 2009/3084, art. 4\(h\)](#)
- F182** Words in Sch. 7A para. 9(4)(a) repealed (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\), reg. 1, Sch. 1 Pt. 1](#) (as amended by [S.I. 2019/1389, regs. 1, 2\(2\)](#))
- F183** Words in Sch. 7A para. 9(6) inserted (28.3.2018) by [The Transparency of Donations and Loans etc. \(Northern Ireland Political Parties\) Order 2018 \(S.I. 2018/328\), arts. 1\(3\), 9\(2\)\(a\)](#)
- F184** Sch. 7A para. 9(6A)-(6C) inserted (28.3.2018) by [The Transparency of Donations and Loans etc. \(Northern Ireland Political Parties\) Order 2018 \(S.I. 2018/328\), arts. 1\(3\), 9\(2\)\(b\)](#)
- F185** Words in Sch. 7A para. 9(9)(a)(10) inserted (1.7.2008) by [The Political Parties, Elections and Referendums Act 2000 \(Northern Ireland Political Parties\) Order 2008 \(S.I. 2008/1737\), art. 6, Sch. 2 para. 2](#)
- F186** Sch. 7A para. 9(9A)-(9C) inserted (28.3.2018) by [The Transparency of Donations and Loans etc. \(Northern Ireland Political Parties\) Order 2018 \(S.I. 2018/328\), arts. 1\(3\), 9\(2\)\(c\)](#)
- F187** Sch. 7A para. 9(11) inserted (28.3.2018) by [The Transparency of Donations and Loans etc. \(Northern Ireland Political Parties\) Order 2018 \(S.I. 2018/328\), arts. 1\(3\), 9\(2\)\(d\)](#)

### *Transaction reports: transactions with unauthorised participants*

- 10 (1) A regulated participant must—
- (a) prepare a report under this paragraph in respect of each controlled transaction entered into by him and falling within paragraph 5 or 6(1)(b), and
  - (b) deliver the report to the Commission within the period of 30 days beginning with the date when the transaction was dealt with in accordance with that paragraph.
- (2) Each such report must—
- (a) give the name and address of the regulated participant;
  - (b) if he is the holder of a relevant elective office, specify the office in question.
- (3) [<sup>F188</sup>Subject to sub-paragraph (5),] each such report in respect of a transaction falling within paragraph 5 must also give—
- (a) the name and address of the unauthorised participant;
  - (b) the nature of the transaction (that is to say, whether it is a loan or a credit facility);
  - (c) the value of the transaction or, in the case of a credit facility to which no limit is specified, a statement to that effect;
  - (d) the date on which the transaction was entered into and the date when, and manner in which, it was dealt with in accordance with paragraph 5;
  - (e) such other information as is required by regulations made by the Commission.
- (4) [<sup>F189</sup>Subject to sub-paragraph (5),] each such report in respect of a transaction falling within paragraph 6(1)(b) must also give—
- (a) the name and address of the unauthorised participant;
  - (b) the value of the transaction or, in the case of a security to which no limit is specified, a statement to that effect;

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- (c) a description of the principal features of the transaction mentioned in paragraph 6(1)(a);
- (d) where the security given consists in or includes rights over any property, the nature of that property;
- (e) the date on which the transaction was entered into and the date when, and manner in which, it was dealt with in accordance with paragraph 6;
- (f) such other information as is required by regulations made by the Commission.

[ In relation to a transaction falling within paragraph 5 or 6(1)(b) which is an Irish <sup>F190</sup>(5) transaction within the meaning of paragraph 2A(2) of Schedule 6A, each such report must record the fact that the transaction is an Irish transaction.]

#### Textual Amendments

- F188** Words in Sch. 7A para. 10(3) inserted (1.7.2008) by [The Political Parties, Elections and Referendums Act 2000 \(Northern Ireland Political Parties\) Order 2008 \(S.I. 2008/1737\)](#), art. 6, **Sch. 2 para. 3**
- F189** Words in Sch. 7A para. 10(4) inserted (1.7.2008) by [The Political Parties, Elections and Referendums Act 2000 \(Northern Ireland Political Parties\) Order 2008 \(S.I. 2008/1737\)](#), art. 6, **Sch. 2 para. 4**
- F190** Sch. 7A para. 10(5) inserted (1.7.2008) by [The Political Parties, Elections and Referendums Act 2000 \(Northern Ireland Political Parties\) Order 2008 \(S.I. 2008/1737\)](#), art. 6, **Sch. 2 para. 5**

#### *Transaction reports: changes to recorded transactions*

- 11 (1) A regulated participant must—
- (a) prepare a report under this paragraph in respect of each change to a recorded transaction; and
  - (b) deliver the report to the Commission within the period of 30 days beginning with the date on which the change takes effect.
- (2) A recorded transaction is a transaction recorded in a report under paragraph 9.
- (3) There is a change to a recorded transaction if—
- (a) another authorised participant becomes party to the transaction (whether in place of or in addition to any existing participant),
  - (b) there is any change in the details given in relation to the transaction in pursuance of paragraph 9(9), or
  - (c) the transaction comes to an end.
- (4) For the purposes of sub-paragraph (3)(c), a loan comes to an end if—
- (a) the whole debt (or all the remaining debt) is repaid;
  - (b) the creditor releases the whole debt (or all the remaining debt).
- (5) There is also a change to a recorded transaction if a person who is not an authorised participant becomes party to the transaction (whether in place of or in addition to any existing participant).
- (6) Each report prepared in accordance with sub-paragraph (1) must—
- (a) give the name and address of the regulated participant; and
  - (b) if he is the holder of a relevant elective office, specify the office in question.
- (7) Each such report must also give—



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- (a) details of the change;
- (b) the date on which the change takes effect;
- (c) in the case of a change falling within sub-paragraph (5), the date when and the manner in which the transaction was dealt with in accordance with paragraph 5 or 6;
- (d) such other information as is required by regulations made by the Commission.

[ Where information about a change of the kind mentioned in section 71Z4(A3)(b) to <sup>F191</sup>(8) a transaction to which a Northern Ireland participant is a party is supplied in a report under this paragraph to which this sub-paragraph applies, and the transaction was entered into before 1 January 2014, the report must state that fact.

- (9) Sub-paragraph (8) applies to a report which is delivered to the Commission on or after the date on which Article 9 of the Transparency of Donations and Loans etc. (Northern Ireland Political Parties) Order 2018 comes into force.]

#### **Textual Amendments**

**F191** Sch. 7A para. 11(8)(9) inserted (28.3.2018) by [The Transparency of Donations and Loans etc. \(Northern Ireland Political Parties\) Order 2018 \(S.I. 2018/328\)](#), arts. 1(3), **9(3)**

#### *Offence of failing to deliver transaction report*

- 12 (1) Where a report required to be delivered to the Commission under paragraph 9(1), 10(1) or 11(1) is [<sup>F192</sup>, without reasonable excuse,] not delivered by the end of the period of 30 days mentioned in paragraph 9(7), 10(1) or 11(1)—
- [<sup>F193</sup>(a) in the case of a regulated participant other than a members association, the regulated participant is guilty of an offence;
  - (b) in the case of a members association, the association and the responsible person are guilty of an offence.]
- (2) If such a report is delivered to the Commission which [<sup>F194</sup>, without reasonable excuse,] does not comply with any requirements of paragraph 9, 10 or 11 as regards the information to be given in such a report—
- [<sup>F193</sup>(a) in the case of a regulated participant other than a members association, the regulated participant is guilty of an offence;
  - (b) in the case of a members association, the association and the responsible person are guilty of an offence.]
- (3) <sup>F195</sup> .....
- (4) Where the court is satisfied, on an application made by the Commission, that any failure to comply with any such requirements in relation to any transaction entered into by a regulated participant was attributable to an intention on the part of any person to conceal the existence or true value of the transaction, the court may make such order as it thinks fit to restore (so far as is possible) the parties to the transaction to the position they would have been in if the transaction had not been entered into.
- (5) An order under sub-paragraph (4) may in particular—

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- (a) where the transaction is a loan or credit facility, require that any amount owed by the regulated participant be repaid (and that no further sums be advanced under it);
- (b) where any form of security is given for a sum owed under the transaction, or the transaction is an arrangement by which any form of security is given, require that the security be discharged.

#### Textual Amendments

- F192** Words in Sch. 7A para. 12(1) inserted (1.1.2010) by [Political Parties and Elections Act 2009 \(c. 12\)](#), [ss. 13\(6\)\(a\)](#), 43; [S.I. 2009/3084](#), [art. 4\(b\)](#) (with art. 5)
- F193** Sch. 7A para. 12(1)(a)(b)(2)(a)(b) substituted (1.1.2010) for Sch 7A para. 12(1)(a)(b)(2)(a)(b) and words by [Political Parties and Elections Act 2009 \(c. 12\)](#), [ss. 16\(3\)](#), 43; [S.I. 2009/3084](#), [art. 4\(e\)](#) (with art. 6)
- F194** Words in Sch. 7A para. 12(2) inserted (1.1.2010) by [Political Parties and Elections Act 2009 \(c. 12\)](#), [ss. 13\(6\)\(b\)](#), 43; [S.I. 2009/3084](#), [art. 4\(b\)](#) (with art. 5)
- F195** Sch. 7A para. 12(3) repealed (1.1.2010) by [Political Parties and Elections Act 2009 \(c. 12\)](#), [ss. 13\(6\)\(c\)](#), 39, 43, [Sch. 7](#); [S.I. 2009/3084](#), [art. 4\(b\)\(k\)](#) (with art. 5)

#### *Declaration in transaction report*

- 13 (1) Each report under paragraph 9 or 10 must, when delivered to the Commission, be accompanied by a declaration made by—
- (a) the regulated participant, or
  - (b) (if a members association) the responsible person,
- which complies with sub-paragraph (2) or (3).
- (2) In the case of a report under paragraph 9, the declaration must state that, to the best of the declarant's knowledge and belief, any transaction recorded in the report as having been entered into by the regulated participant was entered into with an authorised participant.
- (3) In the case of a report under paragraph 10, the declaration must state that, to the best of the declarant's knowledge and belief, the transaction recorded in the report as having been entered into by the regulated participant has been dealt with in accordance with paragraph 5 or 6.
- (4) A person commits an offence if he knowingly or recklessly makes a false declaration under this paragraph.

#### *Existing transactions*

- 14 (1) Paragraphs 9 to 11 have effect in relation to existing transactions as they have effect in relation to transactions entered into after the date on which those paragraphs come into force, except that—
- (a) references in paragraph 9 to a controlled benefit do not include references to a controlled donation;
  - (b) in paragraph 9(2)(b)(i) the words “and in the same calendar year” are omitted;
  - (c) the requirement in paragraph 9(7), 10(1)(b) or 11(1)(b) is a requirement to deliver the report within the period of 60 days beginning with the date on which that provision comes into force.

*Status: Point in time view as at 02/02/2022.*

*Changes to legislation: Political Parties, Elections and Referendums Act 2000 is up to date with all changes known to be in force on or before 19 May 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)*

- (2) An existing transaction is a controlled transaction which, at the date on which paragraphs 9 to 11 come into force, has not come to an end for the purposes of paragraph 11(3)(c).

*Register of recordable transactions*

- 15 (1) Section 71V applies in relation to transactions reported to the Commission under this Schedule (“relevant transactions”) as it applies to transactions reported to them under Part 4A of this Act.
- (2) But in its application in accordance with sub-paragraph (1), section 71V(2) has effect in relation to a relevant transaction as if (instead of requiring the register to contain the details mentioned in paragraphs (a) to (c) of that subsection) it required the register to contain such details as have been given in relation to the transaction in pursuance of paragraph 9(8) and (9), [<sup>F196</sup>10(2) to (5)] or 11(6) and (7).

**Textual Amendments**

**F196** Words in Sch. 7A para. 15(2) substituted (1.7.2008) by [The Political Parties, Elections and Referendums Act 2000 \(Northern Ireland Political Parties\) Order 2008 \(S.I. 2008/1737\)](#), art. 6, **Sch. 2 para. 6**

*Proceedings under paragraphs 5 and 12*

- 17 (1) This paragraph has effect in relation to proceedings on applications under paragraphs 5(4) and 12(4).
- (2) The court is—
- (a) in England and Wales, the county court;
  - (b) in Scotland, the sheriff, and the proceedings are civil proceedings;
  - (c) in Northern Ireland, the county court.
  - <sup>F197</sup>(d) .....
- (3) The standard of proof is that applicable to civil proceedings.
- (4) An order may be made whether or not proceedings are brought against any person for an offence under paragraph 8 or 12(1) or (2).
- (5) An appeal against an order made by the sheriff may be made to the Court of Session.
- (6) Rules of court <sup>F198</sup>... may make provision—
- (a) with respect to applications or appeals from proceedings on such applications;
  - (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;
  - (d) generally with respect to procedure in such applications or appeals.
- (7) Sub-paragraph (6) does not affect any existing power to make rules.

*Status: Point in time view as at 02/02/2022.*

*Changes to legislation: Political Parties, Elections and Referendums Act 2000 is up to date with all changes known to be in force on or before 19 May 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)*

#### Textual Amendments

- F197** Sch. 7A para. 17(2)(d) repealed (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, **Sch. 1 Pt. 1** (as amended by [S.I. 2019/1389](#), regs. 1, 2(2))
- F198** Words in Sch. 7A para. 17(6) repealed (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, **Sch. 1 Pt. 1** (as amended by [S.I. 2019/1389](#), regs. 1, 2(2))

### *[<sup>F199</sup>Compliance officers*

#### Textual Amendments

- F199** Sch. 7A para. 18 and preceding cross-heading inserted (1.1.2010) by [Political Parties and Elections Act 2009 \(c. 12\)](#), **ss. 17, 43**; [S.I. 2009/3084](#), **art 4(f)**

- 18 (1) This paragraph applies where a regulated participant who is the holder of a relevant elective office (the “office-holder”) has given a notice to the Commission under paragraph 17 of Schedule 7 appointing an individual as compliance officer for the office-holder.
- (2) Where the notice is for the time being in force—
- (a) any duty imposed on the office-holder under paragraph 9, 10, 11 or 13 may be discharged either by the office-holder or by the compliance officer;
  - (b) paragraph 12(1) and (2) applies to the compliance officer as well as the office-holder (so that either or both of them may be charged with an offence under paragraph 12(1) or (2));
  - (c) if the compliance officer makes a declaration under paragraph 13, paragraph 13(4) applies to the compliance officer instead of the office-holder.
- (3) The compliance officer for an office-holder cannot be guilty of an offence under paragraph 12(1) or (2) in respect of any controlled transaction entered into by the office-holder at a time when the notice was not in force.]]

## SCHEDULE 8

Section 72.

### CAMPAIGN EXPENDITURE: QUALIFYING EXPENSES

#### PART I

#### QUALIFYING EXPENSES

##### *Expenses qualifying where incurred for election purposes*

- 1 For the purposes of section 72(2) the expenses falling within this Part of this Schedule are expenses incurred in respect of any of the matters set out in the following list.

*Status: Point in time view as at 02/02/2022.*

*Changes to legislation: Political Parties, Elections and Referendums Act 2000 is up to date with all changes known to be in force on or before 19 May 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)*

## LIST OF MATTERS

### (1) Party political broadcasts.

Expenses in respect of such broadcasts include agency fees, design costs and other costs in connection with preparing or producing such broadcasts.

### (2) Advertising of any nature (whatever the medium used).

Expenses in respect of such advertising include agency fees, design costs and other costs in connection with preparing, producing, distributing or otherwise disseminating such advertising or anything incorporating such advertising and intended to be distributed for the purpose of disseminating it.

### (3) Unsolicited material addressed to electors (whether addressed to them by name or intended for delivery to households within any particular area or areas).

Expenses in respect of such material include design costs and other costs in connection with preparing, producing or distributing such material (including the cost of postage).

### (4) Any manifesto or other document setting out the party's policies.

Expenses in respect of such a document include design costs and other costs in connection with preparing or producing or distributing or otherwise disseminating any such document.

### (5) Market research or canvassing conducted for the purpose of ascertaining polling intentions.

### (6) The provision of any services or facilities in connection with press conferences or other dealings with the media.

### (7) Transport (by any means) of persons to any place or places with a view to obtaining publicity in connection with an election campaign.

Expenses in respect of the transport of such persons include the costs of hiring a particular means of transport for the whole or part of the period during which the election campaign is being conducted.

### (8) Rallies and other events, including public meetings (but not annual or other party conferences) organised so as to obtain publicity in connection with an election campaign or for other purposes connected with an election campaign.

Expenses in respect of such events include costs incurred in connection with the attendance of persons at such events, the hire of premises for the purposes of such events or the provision of goods, services or facilities at them.

#### Commencement Information

**I38** Sch. 8 wholly in force at 16.2.2001; Sch. 8 partly in force at Royal Assent, see s. 163(3); Sch. 8 in force in so far as not already 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**)

*Status: Point in time view as at 02/02/2022.*

*Changes to legislation: Political Parties, Elections and Referendums Act 2000 is up to date with all changes known to be in force on or before 19 May 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)*

### Exclusions

- 2 <sup>F200</sup>(1) Nothing in paragraph 1 shall be taken as extending to—
- (a) any expenses in respect of newsletters or similar publications issued by or on behalf of the party with a view to giving electors in a particular electoral area information about the opinions or activities of, or other personal information relating to, their elected representatives or existing or prospective candidates;
  - (b) any expenses incurred in respect of unsolicited material addressed to party members;
  - (c) any expenses in respect of any property, services or facilities so far as those expenses fall to be met out of public funds;
  - (d) any expenses incurred in respect of the remuneration or allowances payable to any member of the staff (whether permanent or otherwise) of the party; <sup>F201</sup>or]
  - (e) any expenses incurred in respect of an individual by way of travelling expenses (by any means of transport) or in providing for his accommodation or other personal needs to the extent that the expenses are paid by the individual from his own resources and are not reimbursed to <sup>F202</sup>him.]<sup>F202</sup>him; or]
  - <sup>F203</sup>(f) any expenses incurred in respect of a Senedd Cymru election or a local government election in Wales:
    - (i) relating to any matter that is reasonably attributable to the candidate’s disability, to the extent that the expenses in respect of the matter are reasonably incurred; and
    - (ii) in respect of, or in consequence of, the translation of anything from Welsh into English or from English into Welsh.]
- <sup>F204</sup>(2) .....
- <sup>F205</sup>(3) In relation to sub-paragraph 2(1)(f)(i) “disability”, has the same meaning as in section 6 of the Equality Act 2010.]
- <sup>F206</sup>(3) In relation to polls at elections for membership of the Scottish Parliament, nothing in paragraph 1 is to be taken as extending to—
- (a) reasonable expenses incurred that are reasonably attributable to individuals’ disability,
  - (b) reasonable expenses incurred in providing for the protection of persons of property at rallies or other public events, or
  - (c) reasonable expenses incurred that are reasonably attributable to the translation of anything into languages other than English.
- (4) In sub-paragraph (3)(a), “disability” has the same meaning as in the Equality Act 2010 (see section 6 of that Act).]

#### Textual Amendments

**F200** Sch. 8 para. 2 renumbered (5.2.2004) as Sch. 8 para. 2(1) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), **7(a)**

*Status: Point in time view as at 02/02/2022.*

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- F201** Word in Sch. 8 para. 2(1)(d) omitted (W.) (with effect in accordance with art. 1(2)(c) of the amending S.I.) by virtue of [The Representation of the People \(Election Expenses Exclusion\) \(Wales\) \(Amendment\) Order 2020 \(S.I. 2020/1320\)](#), arts. 1(2), **7(a)**
- F202** Word in Sch. 8 para. 2(1)(e) substituted (W.) (with effect in accordance with art. 1(2)(c) of the amending S.I.) by [The Representation of the People \(Election Expenses Exclusion\) \(Wales\) \(Amendment\) Order 2020 \(S.I. 2020/1320\)](#), arts. 1(2), **7(b)**
- F203** Sch. 8 para. 2(1)(f) inserted (W.) (with effect in accordance with art. 1(2)(c) of the amending S.I.) by [The Representation of the People \(Election Expenses Exclusion\) \(Wales\) \(Amendment\) Order 2020 \(S.I. 2020/1320\)](#), arts. 1(2), **7(c)**
- F204** Sch. 8 para. 2(2) repealed (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, **Sch. 1 Pt. 1** (as amended by S.I. 2019/1389, regs. 1, 2(2))
- F205** Sch. 8 para. 2(3) inserted (W.) (with effect in accordance with art. 1(2)(c) of the amending S.I.) by [The Representation of the People \(Election Expenses Exclusion\) \(Wales\) \(Amendment\) Order 2020 \(S.I. 2020/1320\)](#), arts. 1(2), **7(d)**
- F206** Sch. 8 para. 2(3)(4) inserted (S.) (11.12.2020) by [The Scottish Parliament \(Elections etc.\) \(Miscellaneous Amendments\) Order 2020 \(S.S.I. 2020/426\)](#), arts. 1(1), **21** (with art. 1(2))

#### Commencement Information

- I39** Sch. 8 wholly in force at 16.2.2001; Sch. 8 partly in force at Royal Assent, see s. 163(3); Sch. 8 in force in so far as not already 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](#))

## PART II

### SUPPLEMENTAL

#### *Guidance by Commission*

- 3 (1) The Commission may prepare, and from time to time revise, a code of practice giving guidance as to the kinds of expenses which do, or do not, fall within Part I of this Schedule.
- (2) Once the Commission have prepared a draft code under this paragraph, they shall submit it to the Secretary of State for his approval.
- (3) The Secretary of State may approve a draft code either without modification or with such modifications as he may determine.
- (4) Once the Secretary of State has approved a draft code he shall lay a copy of the draft, whether—
- (a) in its original form, or
  - (b) in a form which incorporates any modifications determined under subparagraph (3),
- before each House of Parliament.
- (5) If the draft incorporates any such modifications, the Secretary of State shall at the same time lay before each House a statement of his reasons for making them.
- (6) If, within the 40-day period, either House resolves not to approve the draft, the Secretary of State shall take no further steps in relation to the draft code.
- (7) If no such resolution is made within the 40-day period—



*Status: Point in time view as at 02/02/2022.*

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- (a) the Secretary of State shall issue the code in the form of the draft laid before Parliament, and
  - (b) the code shall come into force on such date as the Secretary of State may by order appoint;
- and the Commission shall arrange for it to be published in such manner as they consider appropriate.
- (8) Sub-paragraph (6) does not prevent a new draft code from being laid before Parliament.
- (9) In this paragraph “40-day period”, in relation to a draft code, means—
- (a) if the draft is laid before one House on a day later than the day on which it is laid before the other House, the period of 40 days beginning with the later of the two days, and
  - (b) in any other case, the period of 40 days beginning with the day on which the draft is laid before each House,
- no account being taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.
- (10) In this paragraph references to a draft code include a draft revised code.

#### Commencement Information

**I40** Sch. 8 wholly in force at 16.2.2001; Sch. 8 partly in force at Royal Assent, see s. 163(3); Sch. 8 in force in so far as not already 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](#))

#### *Power to amend Part I*

- 4 (1) The Secretary of State may by order make such amendments of Part I of this Schedule as he considers appropriate.
- (2) The Secretary of State may make such an order either—
- (a) where the order gives effect to a recommendation of the Commission; or
  - (b) after consultation with the Commission.

#### Commencement Information

**I41** Sch. 8 wholly in force at 16.2.2001; Sch. 8 partly in force at Royal Assent, see s. 163(3); Sch. 8 in force in so far as not already 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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## [<sup>F207</sup>SCHEDULE 8A

Section 85

### CONTROLLED EXPENDITURE: QUALIFYING EXPENSES

#### Textual Amendments

**F207** Sch. 8A inserted (30.1.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), s. 45(3)(b), **Sch. 3** (with s. 46(1)(2))

### PART 1

#### QUALIFYING EXPENSES

- 1 For the purposes of section 85(2) the expenses falling within this Part of this Schedule are expenses incurred in respect of any of the matters set out in the following list.

#### List of matters

- (1) The production or publication of material which is made available to the public at large or any section of the public (in whatever form and by whatever means).
- (2) Canvassing, or market research seeking views or information from, members of the public.
- (3) Press conferences, or other media events, organised by or on behalf of the third party.
- (4) Transport (by any means) of persons to any place or places with a view to obtaining publicity.
- (5) Public rallies or other public events, other than—
  - (a) annual conferences of the third party, or
  - (b) any public procession or protest meeting, within the meaning of the Public Processions (Northern Ireland) Act 1998, in respect of which notice is given in accordance with section 6 or 7 of that Act (advance notice of public processions or related protest meetings).

Expenses in respect of such events include costs incurred in connection with the attendance of persons at such events, the hire of premises for the purposes of such events or the provision of goods, services or facilities at them.

But expenses in respect of such events do not include costs incurred in providing for the protection of persons or property.

- 2 (1) Nothing in paragraph 1 extends to—
- (a) expenses incurred in respect of the publication of any matter relating to an election, other than an advertisement, in—
    - (i) a newspaper or periodical,
    - [<sup>F208</sup>(ii) a broadcast made by the British Broadcasting Corporation or by Sianel Pedwar Cymru, or]
    - (iii) a programme included in any service licensed under Part 1 or 3 of the Broadcasting Act 1990 or Part 1 or 2 of the Broadcasting Act 1996;
  - (b) expenses incurred in respect of, or in consequence of, the translation of anything from English into Welsh or from Welsh into English;

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- (c) reasonable personal expenses incurred by an individual in travelling or in providing for the individual's accommodation or other personal needs;
  - (d) reasonable expenses incurred that are reasonably attributable to an individual's disability;
  - (e) expenses incurred in respect of the provision by any individual of the individual's own services which the individual provides voluntarily in the individual's own time and free of charge.
- (2) In sub-paragraph (1)(d), “disability” has the same meaning as in the Equality Act 2010 (see section 6 of that Act).
- [<sup>F209</sup>(3) In relation to polls at elections for membership of the Scottish Parliament, nothing in paragraph 1 is to be taken as extending to reasonable expenses incurred that are reasonably attributable to the translation of anything into languages other than English.]

#### Textual Amendments

- F208** Sch. 8A para. 2(1)(a)(ii) substituted (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, [Sch. 2 para. 4\(7\)](#) (as amended by [S.I. 2019/1389](#), regs. 1, 2(2))
- F209** Sch. 8A para. 2(3) inserted (S.) (11.12.2020) by [The Scottish Parliament \(Elections etc.\) \(Miscellaneous Amendments\) Order 2020 \(S.S.I. 2020/426\)](#), arts. 1(1), [22](#) (with art. 1(2))

## PART 2

### SUPPLEMENTAL

#### *Guidance by the Commission*

- 3 (1) The Commission may prepare, and from time to time revise, a code of practice giving guidance as to the kinds of expenses which do, or do not, fall within Part 1 of this Schedule.
- (2) Once the Commission have prepared a draft code under this paragraph, they shall submit it to the Secretary of State for his approval.
- (3) The Secretary of State may approve a draft code either without modification or with such modifications as he may determine.
- (4) Once the Secretary of State has approved a draft code he shall lay a copy of the draft, whether—
- (a) in its original form, or
  - (b) in a form which incorporates any modifications determined under sub-paragraph (3),
- before each House of Parliament.
- (5) If the draft incorporates any such modifications, the Secretary of State shall at the same time lay before each House a statement of his reasons for making them.
- (6) If, within the 40-day period, either House resolves not to approve the draft, the Secretary of State shall take no further steps in relation to the draft code.

*Status: Point in time view as at 02/02/2022.*

**Changes to legislation:** Political Parties, Elections and Referendums Act 2000 is up to date with all changes known to be in force on or before 19 May 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)

- (7) If no such resolution is made within the 40-day period—
- (a) the Secretary of State shall issue the code in the form of the draft laid before Parliament, and
  - (b) the code shall come into force on such date as the Secretary of State may by order appoint,
- and the Commission shall arrange for it to be published in such manner as they consider appropriate.
- (8) Sub-paragraph (6) does not prevent a new draft code from being laid before Parliament.
- (9) In this paragraph “40-day period”, in relation to a draft code, means—
- (a) if the draft is laid before one House on a day later than the day on which it is laid before the other House, the period of 40 days beginning with the later of the two days, and
  - (b) in any other case, the period of 40 days beginning with the day on which the draft is laid before each House,
- no account being taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.
- (10) In this paragraph references to a draft code include a draft revised code.

#### *Power to amend Part 1*

- 4 (1) The Secretary of State may by order make such amendments of Part 1 of this Schedule as he considers appropriate.
- (2) The Secretary of State may make such an order either—
- (a) where the order gives effect to a recommendation of the Commission, or
  - (b) after consultation with the Commission.]

## SCHEDULE 9

Section 79.

### LIMITS ON CAMPAIGN EXPENDITURE

#### **PART I**

#### INTRODUCTORY

#### *Interpretation*

- 1 (1) In this Schedule—
- (a) “an ordinary general election to the Scottish Parliament” means an election held under section 2 of the <sup>M14</sup>Scotland Act 1998;
  - (b) “an extraordinary general election to the Scottish Parliament” means an election held under section 3 of the <sup>M15</sup>Scotland Act 1998;
  - <sup>F210</sup>(c) “an ordinary general election to the National Assembly for Wales” means an election held under section 3 of the Government of Wales Act 2006;

*Status: Point in time view as at 02/02/2022.*

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- (ca) “an extraordinary general election to the National Assembly for Wales” means an election held under section 5 of the Government of Wales Act 2006;]
  - (d) “an ordinary general election to the Northern Ireland Assembly” means an election held under section 31 of the <sup>M16</sup>Northern Ireland Act 1998; and
  - (e) “an extraordinary general election to the Northern Ireland Assembly” means an election held under section 32 of the <sup>M17</sup>Northern Ireland Act 1998.
- (2) For the purposes of this Schedule a registered party—
- (a) contests a constituency if any candidate stands for election for that constituency in the name of the party; and
  - (b) contests any region if the party is included in the statement of parties and candidates nominated for that region.
- (3) For the purposes of this Schedule a parliamentary general election is pending during the period—
- (a) beginning with the date on which [<sup>F211</sup>Parliament is dissolved by section 3(1) of the Fixed-term Parliaments Act 2011 for a] parliamentary general election, and
  - (b) ending with the date of the poll for that election.

#### Textual Amendments

**F210** Sch. 9 para. 1(1)(c)(ca) substituted for Sch. 9 para. 1(1)(c) by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 99(2)**, the amending provision coming into force immediately after the ordinary election under s. 3 of the [Government of Wales Act 1998 \(c. 38\)](#) held on 3.5.2007, see art. 1(2) of the amending S.I.

**F211** Words in Sch. 9 para. 1(3)(a) substituted (15.9.2011) by [Fixed-term Parliaments Act 2011 \(c. 14\)](#), s. 7(2), **Sch. para. 21(2)** (with s. 6)

#### Commencement Information

**I42** Sch. 9 wholly in force at 16.2.2001; Sch. 9 not in force at Royal Assent, see s. 163(2); Sch. 9 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

**M14** 1998 c. 46.

**M15** 1998 c. 46.

**M16** 1998 c. 47.

**M17** 1998 c. 47.

#### *Attribution of expenditure to different parts of the United Kingdom*

- 2 (1) For the purposes of this Schedule—
- (a) campaign expenditure incurred by or on behalf of a party registered in the Great Britain register shall (subject to the following provisions of this paragraph) be attributed to each of England, Scotland and Wales in proportion to the number of parliamentary constituencies for the time being situated in that part of Great Britain; and
  - (b) campaign expenditure incurred by or on behalf of a party registered in the Northern Ireland register shall be attributed solely to Northern Ireland.

*Status: Point in time view as at 02/02/2022.*

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- (2) Campaign expenditure whose effects are wholly or substantially confined to any particular parts or part of Great Britain—
- (a) shall be attributed to those parts in proportion to the number of parliamentary constituencies for the time being situated in those parts, or
  - (b) shall be attributed solely to that part,
- as the case may be.
- (3) For the purposes of sub-paragraph (2) the effects of campaign expenditure are wholly or substantially confined to any particular parts or part of Great Britain if they have no significant effects in any other part or parts (so that, for example, expenditure on an advertisement in a newspaper circulating in Wales is to be attributed solely to Wales if the newspaper does not circulate to any significant extent in any other part of Great Britain).
- <sup>F212</sup>(3A) .....
- (4) References in this Schedule to campaign expenditure “in” a particular part of the United Kingdom are accordingly to campaign expenditure which is to be attributed to that part in accordance with this paragraph.

#### Textual Amendments

**F212** Sch. 9 para. 2(3A) repealed (31.12.2020) by The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018 (S.I. 2018/1310), reg. 1, Sch. 1 Pt. 1 (as amended by S.I. 2019/1389, regs. 1, 2(2))

#### Commencement Information

**I43** Sch. 9 wholly in force at 16.2.2001; Sch. 9 not in force at Royal Assent, see s. 163(2); Sch. 9 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)

## PART II

### GENERAL LIMITS

#### *Parliamentary general elections*

- 3 (1) This paragraph imposes limits in relation to campaign expenditure incurred by or on behalf of a registered party which contests one or more constituencies at a parliamentary general election.
- (2) Where a registered party contests one or more constituencies in England, Scotland or Wales, the limit applying to campaign expenditure which is incurred by or on behalf of the party in the relevant period in that part of Great Britain is—
- (a) £30,000 multiplied by the number of constituencies contested by the party in that part of Great Britain; or
  - (b) if greater, the appropriate amount specified in sub-paragraph (3).
- (3) The appropriate amount is—
- (a) in relation to England, £810,000;
  - (b) in relation to Scotland, £120,000; and

*Status: Point in time view as at 02/02/2022.*

*Changes to legislation: Political Parties, Elections and Referendums Act 2000 is up to date with all changes known to be in force on or before 19 May 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)*

- (c) in relation to Wales, £60,000.
- (4) Where a registered party contests one or more constituencies in Northern Ireland, the limit applying to campaign expenditure which is incurred by or on behalf of the party in the relevant period in Northern Ireland is £30,000 multiplied by the number of constituencies contested by the party there.
- (5) Sub-paragraph (6) applies to a registered party in a case where at the election a candidate stands for election in any constituency in the name of that party and one or more other registered parties.
- (6) In such a case, the amount applying to the party in respect of the constituency under sub-paragraph (2)(a) or (4) (as the case may be) shall, instead of being the amount specified in that provision, be that amount divided by the number of registered parties in whose name the candidate stands for election as mentioned in sub-paragraph (5).
- (7) For the purposes of this paragraph the relevant period is—
- (a) (subject to paragraph (b)) the period of 365 days ending with the date of the poll for the election;
  - (b) where the election (“the election in question”) follows another parliamentary general election held less than 365 days previously, the period—
    - (i) beginning with the day after the date of the poll for the earlier election, and
    - (ii) ending with the date of the poll for the election in question.

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

- C68** Sch. 9 para. 3 modified (cond.) (30.1.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), ss. 45(3)(d), **46(3)(b)(4)** (with s. 46(7))
- C69** Sch. 9 para. 3(2)(a) amended (with application if the date of the poll for the next parliamentary general election after 29.1.2001 is before 16.2.2002) by [S.I. 2001/222](#), art. 2, **Sch. 1 Pt. II para. 5(3)**
- C70** Sch. 9 para. 3(7)(a) amended (with application if the date of the poll for the next parliamentary general election after 29.1.2001 is before 16.2.2002) by [S.I. 2001/222](#), art. 2, **Sch. 1 Pt. II para. 5(2)**
- C71** Sch. 9 para. 3(4) amended (with application if the date of the poll for the next parliamentary general election after 29.1.2001 is before 16.2.2002) by [S.I. 2001/222](#), art. 2, **Sch. 1 Pt. II para. 5(3)**

#### Commencement Information

- I44** Sch. 9 wholly in force at 16.2.2001; Sch. 9 not in force at Royal Assent, see s. 163(2); Sch. 9 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](#))

F213 ...

#### Textual Amendments

- F213** [Sch. 9 para. 4 and cross-heading](#) repealed (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, **Sch. 1 Pt. 1** (as amended by [S.I. 2019/1389](#), regs. 1, 2(2))

F213<sup>4</sup>



*Status: Point in time view as at 02/02/2022.*

*Changes to legislation: Political Parties, Elections and Referendums Act 2000 is up to date with all changes known to be in force on or before 19 May 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)*

### *General elections to Scottish Parliament*

- 5 (1) This paragraph imposes limits in relation to campaign expenditure incurred by or on behalf of a registered party which contests one or more constituencies or regions at an ordinary or extraordinary general election to the Scottish Parliament.
- (2) The limit applying to campaign expenditure which is incurred by or on behalf of a registered party in the relevant period in Scotland is—
- (a) £12,000 for each constituency contested by the party; plus
  - (b) £80,000 for each region contested by the party.
- [<sup>F214</sup>(2A) Sub-paragraph (2B) applies to a registered party in a case where at the election a candidate stands for election in any constituency in the name of that party and one or more other registered parties.
- (2B) In such a case, the amount applying to the party in respect of the constituency under sub-paragraph (2)(a) shall, instead of being the amount specified in that sub-paragraph, be that amount divided by the number of registered parties in whose name the candidate stands for election as mentioned in sub-paragraph (2A).]
- (3) In the case of an ordinary general election, “the relevant period” for the purposes of this paragraph is the period beginning with the appropriate date (as defined by sub-paragraph (4)) and ending with the date of the poll.
- (4) In sub-paragraph (3) “the appropriate date” means the date which falls four months before the date of the poll where—
- (a) the date of the poll is that determined by section 2(2) of the <sup>M18</sup>Scotland Act 1998; or
  - (b) no less than five months before the day on which the poll would have taken place under section 2(2) of that Act, the date of the poll is brought forward under section 2(5) of that Act; or
  - (c) no less than four months before the day on which the poll would have taken place under section 2(2) of that Act, the date of the poll is postponed under section 2(5) of that Act;
- but where the date of the poll is brought forward or postponed otherwise than as mentioned in paragraph (b) or (c) above “the appropriate date” means the date which falls four months before the date when the poll would have taken place under section 2(2) of the Act.
- (5) In the case of an extraordinary general election, “the relevant period” for the purposes of this paragraph is the period beginning with the date when the Presiding Officer proposes a day for the poll for the election under section 3(1) of the <sup>M19</sup>Scotland Act 1998 and ending with the date of the poll for the election.

#### **Textual Amendments**

**F214** Sch. 9 para. 5(2A)(2B) inserted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\)](#), [ss. 64\(2\), 77\(2\)](#); [S.I. 2006/1972](#), [art. 3](#), [Sch. 1 para. 21](#) (subject to [art. 4](#), [Sch. 2](#))

#### **Commencement Information**

**I45** Sch. 9 wholly in force at 16.2.2001; Sch. 9 not in force at Royal Assent, see s. 163(2); Sch. 9 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](#))

*Status: Point in time view as at 02/02/2022.*

*Changes to legislation: Political Parties, Elections and Referendums Act 2000 is up to date with all changes known to be in force on or before 19 May 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)*

### Marginal Citations

M18 1998 c. 46.

M19 1998 c. 46.

[<sup>F215</sup>General elections to the National Assembly for Wales]

### Textual Amendments

**F215** Sch. 9 para. 6 cross-heading substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 99(3)**, the amending provision coming into force immediately after the ordinary election under s. 3 of the [Government of Wales Act 1998 \(c. 38\)](#) held on 3.5.2007, see art. 1(2) of the amending S.I.

- 6 (1) This paragraph imposes limits in relation to campaign expenditure incurred by or on behalf of a registered party which contests one or more constituencies or regions at [<sup>F216</sup>an ordinary or extra ordinary general election to the National Assembly for Wales].
- (2) The limit applying to campaign expenditure which is incurred by or on behalf of a registered party in the relevant period in Wales is—
- (a) £10,000 for each constituency contested by the party; plus
  - (b) £40,000 for each region contested by the party.
- [<sup>F217</sup>(2A) Sub-paragraph (2B) applies to a registered party in a case where at the election a candidate stands for election in any constituency in the name of that party and one or more other registered parties.
- (2B) In such a case, the amount applying to the party in respect of the constituency under sub-paragraph (2)(a) shall, instead of being the amount specified in that sub-paragraph, be that amount divided by the number of registered parties in whose name the candidate stands for election as mentioned in sub-paragraph (2A).]
- (3) [<sup>F218</sup>In the case of an ordinary general election]“the relevant period” is the period beginning with the appropriate date (as defined by sub-paragraph (4)) and ending with the date of the poll.
- (4) In sub-paragraph (3) “the appropriate date” is the date which falls four months before the date of the poll where—
- (a) the date of the poll is that determined by [<sup>F219</sup>section 3(1) of the Government of Wales Act 2006];
  - (b) no less than five months before the day on which the poll would have taken place under [<sup>F220</sup>section 3(1) of that Act], the date of the poll is brought forward under [<sup>F221</sup>section 4(1) of that Act]; or
  - (c) no less than four months before the day on which the poll would have taken place under [<sup>F220</sup>section 3(1) of that Act], the date of the poll is postponed under [<sup>F221</sup>section 4(1) of that Act];
- but where the date of the poll is brought forward or postponed otherwise than as mentioned in paragraph (b) or (c) above “the appropriate date” means the date which falls four months before the date when the poll would have taken place under [<sup>F222</sup>section 3(1) of that Act].

*Status: Point in time view as at 02/02/2022.*

*Changes to legislation: Political Parties, Elections and Referendums Act 2000 is up to date with all changes known to be in force on or before 19 May 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>F223</sup>(5) In the case of an extraordinary general election, “the relevant period” for the purposes of this paragraph is the period beginning with the date when the Secretary of State proposes a date for the poll for the election under section 5(1) of the Government of Wales Act 2006 and ending with the date of the poll for the election.]

#### Textual Amendments

- F216** Words in Sch. 9 para. 6(1) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 99(4)(a)**, the amending provision coming into force immediately after the ordinary election under s. 3 of the [Government of Wales Act 1998 \(c. 38\)](#) held on 3.5.2007, see art. 1(2) of the amending S.I.
- F217** Sch. 9 para. 6(2A)(2B) inserted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 64(3), 77(2)**; S.I. 2006/1972, **art. 3, Sch. 1 para. 21** (subject to art. 4, Sch. 2)
- F218** Words in Sch. 9 para. 6(3) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 99(4)(b)**, the amending provision coming into force immediately after the ordinary election under s. 3 of the [Government of Wales Act 1998 \(c. 38\)](#) held on 3.5.2007, see art. 1(2) of the amending S.I.
- F219** Words in Sch. 9 para. 6(4)(a) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 99(4)(c)**, the amending provision coming into force immediately after the ordinary election under s. 3 of the [Government of Wales Act 1998 \(c. 38\)](#) held on 3.5.2007, see art. 1(2) of the amending S.I.
- F220** Words in Sch. 9 para. 6(4)(b)(c) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 99(4)(d)(i)**, the amending provision coming into force immediately after the ordinary election under s. 3 of the [Government of Wales Act 1998 \(c. 38\)](#) held on 3.5.2007, see art. 1(2) of the amending S.I.
- F221** Words in Sch. 9 para. 6(4)(b)(c) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 99(4)(d)(ii)**, the amending provision coming into force immediately after the ordinary election under s. 3 of the [Government of Wales Act 1998 \(c. 38\)](#) held on 3.5.2007, see art. 1(2) of the amending S.I.
- F222** Words in Sch. 9 para. 6 substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 99(4)(e)**, the amending provision coming into force immediately after the ordinary election under s. 3 of the [Government of Wales Act 1998 \(c. 38\)](#) held on 3.5.2007, see art. 1(2) of the amending S.I.
- F223** Sch. 9 para. 6(5) added by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 99(4)(f)**, the amending provision coming into force immediately after the ordinary election under s. 3 of the [Government of Wales Act 1998 \(c. 38\)](#) held on 3.5.2007, see art. 1(2) of the amending S.I.

#### Commencement Information

- I46** Sch. 9 wholly in force at 16.2.2001; Sch. 9 not in force at Royal Assent, see s. 163(2); Sch. 9 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](#))

#### *General elections to Northern Ireland Assembly*

- 7 (1) This paragraph imposes limits in relation to campaign expenditure incurred by or on behalf of a registered party which contests one or more constituencies at an ordinary or extraordinary general election to the Northern Ireland Assembly.
- (2) The limit applying to campaign expenditure which is incurred by or on behalf of a registered party in the relevant period in Northern Ireland is £17,000 for each constituency contested by the party.

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*Changes to legislation: Political Parties, Elections and Referendums Act 2000 is up to date with all changes known to be in force on or before 19 May 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>F224</sup>(2A) Sub-paragraph (2B) applies to a registered party in a case where at the election a candidate stands for election in any constituency in the name of that party and one or more other registered parties.

(2B) In such a case, the amount applying to the party in respect of the constituency under sub-paragraph (2) shall, instead of being the amount specified in that sub-paragraph, be that amount divided by the number of registered parties in whose name the candidate stands for election as mentioned in sub-paragraph (2A).]

(3) In the case of an ordinary general election, “the relevant period” for the purposes of this paragraph is the period beginning with the appropriate date (as defined by sub-paragraph (4)) and ending with the date of the poll.

(4) In sub-paragraph (3) “the appropriate date” means the date which falls four months before the date of the poll where—

- (a) the date of the poll is that determined by section 31(1) and (2) of the <sup>M20</sup>Northern Ireland Act 1998;
- (b) no less than five months before the day on which the poll would have taken place under section 31(1) and (2) of that Act, the date of the poll is brought forward under section 31(3) of that Act; or
- (c) no less than four months before the day on which the poll would have taken place under section 31(1) and (2) of that Act, the date of the poll is postponed under section 31(3) of that Act;

but where the date of the poll is brought forward or postponed otherwise than as mentioned in paragraph (b) or (c) above “the appropriate date” means the date which falls four months before the date when the poll would have taken place under section 31(1) and (2) of that Act.

(5) In the case of an extraordinary general election, “the relevant period” for the purposes of this paragraph is the period beginning with the date when the Secretary of State proposes a date for the poll for the election under section 32(1) or (3) of the <sup>M21</sup>Northern Ireland Act 1998 and ending with the date of the poll for the election.

#### Textual Amendments

**F224** Sch. 9 para. 7(2A)(2B) inserted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 64(4), 77(2)**; [S.I. 2006/1972](#), **art. 3**, [Sch. 1 para. 21](#) (subject to [art. 4](#), [Sch. 2](#))

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

**C72** Sch. 9 para. 7 amended (20.3.2003) by [Northern Ireland Assembly Elections Act 2003 \(c. 3\)](#), **s. 1(4)**

**C73** Sch. 9 para. 7 modified (15.5.2003) by [Northern Ireland Assembly \(Elections and Periods of Suspension\) Act 2003 \(c. 12\)](#), **s. 1(4)(b)**

#### Commencement Information

**I47** Sch. 9 wholly in force at 16.2.2001; Sch. 9 not in force at Royal Assent, see [s. 163\(2\)](#); Sch. 9 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

**M20** 1998 c. 47.

**M21** 1998 c. 47.

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*Changes to legislation: Political Parties, Elections and Referendums Act 2000 is up to date with all changes known to be in force on or before 19 May 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)*

### PART III

#### LIMITS APPLYING IN SPECIAL CIRCUMSTANCES

F225 ...

#### Textual Amendments

**F225** Sch. 9 para. 8 and cross-heading repealed (31.12.2020) by The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018 (S.I. 2018/1310), reg. 1, **Sch. 1 Pt. 1** (as amended by S.I. 2019/1389, regs. 1, 2(2))

F225g .....

#### *Combined limits where parliamentary election pending*

- 9 (1) This paragraph applies where—
- (a) separate limits would (apart from this paragraph) apply as follows to campaign expenditure incurred by or on behalf of a registered party in England, Scotland, Wales or Northern Ireland (as the case may be), namely—
    - (i) under paragraph 3 in relation to a parliamentary general election; and
    - (ii) under paragraph [F226]5, 6 or 7] in relation to an election or elections within that paragraph; and
  - (b) the parliamentary general election is pending during any part of the period in relation to which the limit imposed by paragraph [F227]5, 6 or 7] would (apart from this paragraph) apply.
- (2) In such a case—
- (a) neither paragraph 3, nor paragraph [F228]5, 6 or 7] (as the case may be) shall apply to the expenditure mentioned in sub-paragraph (1)(a); and
  - (b) the limit or limits imposed by this paragraph shall apply to it instead.
- (3) Subject to sub-paragraphs (5) to (7), the limit applying to campaign expenditure which is incurred by or on behalf of the registered party in the relevant period for the purposes of this sub-paragraph in England, Scotland, Wales or Northern Ireland (as the case may be) is the aggregate of—
- (a) the limit which by virtue of paragraph 3 would (apart from this paragraph) apply to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph; and
  - (b) the limit which by virtue of paragraph [F229]5, 6 or 7] would (apart from this paragraph) apply to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph.
- (4) For the purposes of sub-paragraph (3) “the relevant period” is—
- (a) where the parliamentary general election takes place at the same time as, or later than—
    - (i) the election in relation to which paragraph F230 ... 5, 6 or 7 would otherwise apply, F231 ...

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- <sup>F231</sup>(ii) . . . . .
- the period which for the purposes of paragraph 3 is the relevant period in relation to the parliamentary general election;
- (b) where the parliamentary general election takes place earlier than the election mentioned in paragraph (a)(i) <sup>F232</sup> . . . , the period which—
- (i) begins at the beginning of the period mentioned in paragraph (a), and
- (ii) ends with the date of the poll for the later <sup>F233</sup> . . . of the elections.
- (5) Where sub-paragraph (1)(a)(i) is applicable in the case of each of two parliamentary general elections which are pending during different parts of any such period as is mentioned in sub-paragraph (1)(b), the limits applying to campaign expenditure which is incurred by or on behalf of the registered party in the relevant periods in England, Scotland, Wales or Northern Ireland (as the case may be) are as follows—
- (a) in the case of expenditure incurred in the first relevant period, the limit is the aggregate of—
- (i) the limit which by virtue of paragraph 3 would (apart from this paragraph) apply, in connection with the first of the parliamentary general elections to take place, to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph, and
- (ii) the limit mentioned in sub-paragraph (3)(b) above; and
- (b) in the case of expenditure incurred in the second relevant period, the limit is the limit which by virtue of paragraph 3 would (apart from this paragraph) apply, in connection with the second parliamentary general election to take place, to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph.
- (6) For the purposes of sub-paragraph (5) “the first relevant period” is the period which—
- (a) begins at the beginning of the period which would, apart from this paragraph, apply for the purposes of paragraph 3 to the first of the parliamentary general elections to take place; and
- (b) ends with the date on which <sup>F234</sup>Parliament is dissolved by section 3(1) of the Fixed-term Parliaments Act 2011 for] the second of the parliamentary general elections to take place.
- (7) For the purposes of sub-paragraph (5) “the second relevant period” is the period which—
- (a) begins on the day after the date mentioned in sub-paragraph (6)(b) above; and
- (b) ends with whichever is the later of the following, namely—
- (i) the date of the poll for the second parliamentary general election to take place; and
- (ii) the date of the poll for the election in relation to which paragraph <sup>F235</sup> . . . 5, 6 or 7 would otherwise apply <sup>F236</sup> . . . .

#### Textual Amendments

**F226** Words in Sch. 9 para. 9(1)(a)(ii) substituted (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU](#)



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*Changes to legislation: Political Parties, Elections and Referendums Act 2000 is up to date with all changes known to be in force on or before 19 May 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)*

- Exit) Regulations 2018 (S.I. 2018/1310), reg. 1, **Sch. 2 para. 4(8)(a)** (as amended by S.I. 2019/1389, regs. 1, 2(2))
- F227** Words in Sch. 9 para. 9(1)(b) substituted (31.12.2020) by The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018 (S.I. 2018/1310), reg. 1, **Sch. 2 para. 4(8)(a)** (as amended by S.I. 2019/1389, regs. 1, 2(2))
- F228** Words in Sch. 9 para. 9(2)(a) substituted (31.12.2020) by The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018 (S.I. 2018/1310), reg. 1, **Sch. 2 para. 4(8)(b)** (as amended by S.I. 2019/1389, regs. 1, 2(2))
- F229** Words in Sch. 9 para. 9(3)(b) substituted (31.12.2020) by The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018 (S.I. 2018/1310), reg. 1, **Sch. 2 para. 4(8)(c)** (as amended by S.I. 2019/1389, regs. 1, 2(2))
- F230** Word in Sch. 9 para. 9(4)(a)(i) repealed (31.12.2020) by The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018 (S.I. 2018/1310), reg. 1, **Sch. 1 Pt. 1** (as amended by S.I. 2019/1389, regs. 1, 2(2))
- F231** Sch. 9 para. 9(4)(a)(ii) repealed (31.12.2020) by The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018 (S.I. 2018/1310), reg. 1, **Sch. 1 Pt. 1** (as amended by S.I. 2019/1389, regs. 1, 2(2))
- F232** Words in Sch. 9 para. 9(4)(b) repealed (31.12.2020) by The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018 (S.I. 2018/1310), reg. 1, **Sch. 1 Pt. 1** (as amended by S.I. 2019/1389, regs. 1, 2(2))
- F233** Words in Sch. 9 para. 9(4)(b)(ii) repealed (31.12.2020) by The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018 (S.I. 2018/1310), reg. 1, **Sch. 1 Pt. 1** (as amended by S.I. 2019/1389, regs. 1, 2(2))
- F234** Words in Sch. 9 para. 9(6)(b) substituted (15.9.2011) by Fixed-term Parliaments Act 2011 (c. 14), s. 7(2), **Sch. para. 21(3)** (with s. 6)
- F235** Word in Sch. 9 para. 9(7)(b)(ii) repealed (31.12.2020) by The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018 (S.I. 2018/1310), reg. 1, **Sch. 1 Pt. 1** (as amended by S.I. 2019/1389, regs. 1, 2(2))
- F236** Words in Sch. 9 para. 9(7)(b)(ii) repealed (31.12.2020) by The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018 (S.I. 2018/1310), reg. 1, **Sch. 1 Pt. 1** (as amended by S.I. 2019/1389, regs. 1, 2(2))

#### Commencement Information

- I48** Sch. 9 wholly in force at 16.2.2001; Sch. 9 not in force at Royal Assent, see s. 163(2); Sch. 9 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)

#### *Combination of limit under paragraph 9 and other limit*

- 10 (1) This paragraph applies where—
- (a) a limit under paragraph 9 would (apart from this paragraph) apply to campaign expenditure incurred by or on behalf of a registered party in England, Scotland, Wales or Northern Ireland (as the case may be) in relation to a period that would either be—
    - (i) a relevant period for the purposes of paragraph 9(3), or
    - (ii) a first relevant period for the purposes of paragraph 9(5); and
  - (b) another limit under paragraph [F237 5, 6 or 7] applies to campaign expenditure incurred by or on behalf of the party in that part of the United Kingdom in relation to a period (“the other campaign period”) which is not a period



*Status: Point in time view as at 02/02/2022.*

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- during which the parliamentary general election is pending but which either—
- (i) falls wholly within, or
  - (ii) ends at any time falling within,
- the period mentioned in paragraph (a).
- (2) In such a case—
- (a) the limit imposed by paragraph 9 shall not apply in relation to the period mentioned in sub-paragraph (1)(a); and
  - (b) instead the limit imposed by this paragraph shall apply in relation to the period which is the combined period for the purposes of this paragraph.
- (3) The limit applying to campaign expenditure which is incurred by or on behalf of the party during the combined period in England, Scotland, Wales or Northern Ireland (as the case may be) is the aggregate of—
- (a) the limit which by virtue of paragraph 9 would (apart from this paragraph) apply to such expenditure incurred in that part of the United Kingdom during the period mentioned in sub-paragraph (1)(a); and
  - (b) the limit applying, by virtue of paragraph [F2385, 6 or 7] (as the case may be), to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph.
- (4) For the purposes of this paragraph “the combined period” is the period which begins with whichever is the earlier of the following, namely—
- (a) the beginning of the period which is the relevant period for the purposes of paragraph [F2395, 6 or 7] (as the case may be), and
  - (b) the beginning of the period mentioned in sub-paragraph (1)(a),
- and ends at the end of the period mentioned in sub-paragraph (1)(a).
- (5) Nothing in this paragraph affects the application of any limit imposed by virtue of paragraph [F2405, 6 or 7] in relation to any period which is a relevant period for the purposes of that paragraph.

#### Textual Amendments

- F237** Words in Sch. 9 para. 10(1)(b) substituted (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018](#) (S.I. 2018/1310), reg. 1, [Sch. 2 para. 4\(8\)\(d\)](#) (as amended by S.I. 2019/1389, regs. 1, 2(2))
- F238** Words in Sch. 9 para. 10(3)(b) substituted (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018](#) (S.I. 2018/1310), reg. 1, [Sch. 2 para. 4\(8\)\(e\)](#) (as amended by S.I. 2019/1389, regs. 1, 2(2))
- F239** Words in Sch. 9 para. 10(4)(a) substituted (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018](#) (S.I. 2018/1310), reg. 1, [Sch. 2 para. 4\(8\)\(f\)](#) (as amended by S.I. 2019/1389, regs. 1, 2(2))
- F240** Words in Sch. 9 para. 10(5) substituted (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018](#) (S.I. 2018/1310), reg. 1, [Sch. 2 para. 4\(8\)\(g\)](#) (as amended by S.I. 2019/1389, regs. 1, 2(2))

*Status: Point in time view as at 02/02/2022.*

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### Commencement Information

**I49** Sch. 9 wholly in force at 16.2.2001; Sch. 9 not in force at Royal Assent, see s. 163(2); Sch. 9 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](#))

*Combination of parliamentary general election and other election, or elections, falling within <sup>F241</sup>paragraphs 5 to 7*

### Textual Amendments

**F241** Words in [Sch. 9 para. 11 heading](#) substituted (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\), reg. 1, Sch. 2 para. 4\(9\)](#) (as amended by [S.I. 2019/1389, regs. 1, 2\(2\)](#))

- 11 (1) This paragraph applies where—
- (a) a limit under paragraph 3 would (apart from this paragraph) apply to campaign expenditure incurred by or on behalf of a registered party in England, Scotland, Wales or Northern Ireland (as the case may be);
  - (b) another limit under paragraph <sup>F242</sup>5, 6 or 7] applies to campaign expenditure incurred by or on behalf of the party in that part of the United Kingdom in relation to any period (“the other campaign period”) which either—
    - (i) falls wholly within, or
    - (ii) ends at any time falling within,
 the period which would (apart from this paragraph) be the relevant period for the purposes of paragraph 3 in relation to the parliamentary general election; and
  - (c) paragraph 9 does not apply in connection with that expenditure.
- (2) In such a case—
- (a) the limit imposed by paragraph 3 shall not apply in relation to the relevant period for the purposes of that paragraph, and
  - (b) instead the limit imposed by this paragraph shall apply in relation to the period which is the combined period for the purposes of this paragraph.
- (3) The limit applying to campaign expenditure which is incurred by or on behalf of the party in the combined period in England, Scotland, Wales or Northern Ireland, as the case may be, is the aggregate of—
- (a) the limit which by virtue of paragraph 3 would (apart from this paragraph) apply to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph; and
  - (b) the limit applying by virtue of paragraph <sup>F243</sup>5, 6 or 7] (as the case may be) to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph.
- (4) Where two or more periods (“the other campaign periods”) which are relevant periods for the purposes of any of paragraphs <sup>F244</sup>5 or 7] —
- (a) fall wholly within, or
  - (b) end at any time falling within,

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the period which would (apart from this paragraph) be the relevant period for the purposes of paragraph 3 in relation to the parliamentary general election, sub-paragraph (3)(b) shall operate in relation to each of the limits applying in relation to those periods so as to produce two or more amounts to be added to the amount referred to in sub-paragraph (3)(a).

(5) For the purposes of this paragraph “the combined period” is the period which begins with whichever is the earlier of the following, namely—

(a) the beginning of—

(i) the period which is the relevant period for the purposes of paragraph [F245 5, 6 or 7] (as the case may be), or

(ii) where sub-paragraph (4) applies, whichever of the relevant periods for the purposes of any of paragraphs [F246 5 or 7] is the first to begin, and

(b) the beginning of the period which would (apart from this paragraph) be the relevant period for the purposes of paragraph 3 in relation to the parliamentary general election,

and ends with the date of the poll for the parliamentary general election.

(6) Nothing in this paragraph affects the application of any limit imposed by virtue of paragraph [F247 5, 6 or 7] in relation to any period which is a relevant period for the purposes of that paragraph.

#### Textual Amendments

**F242** Words in Sch. 9 para. 11(1)(b) substituted (31.12.2020) by The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018 (S.I. 2018/1310), reg. 1, **Sch. 2 para. 4(8)(h)** (as amended by S.I. 2019/1389, regs. 1, 2(2))

**F243** Words in Sch. 9 para. 11(3)(b) substituted (31.12.2020) by The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018 (S.I. 2018/1310), reg. 1, **Sch. 2 para. 4(8)(i)** (as amended by S.I. 2019/1389, regs. 1, 2(2))

**F244** Words in Sch. 9 para. 11(4) substituted (31.12.2020) by The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018 (S.I. 2018/1310), reg. 1, **Sch. 2 para. 4(10)(a)** (as amended by S.I. 2019/1389, regs. 1, 2(2))

**F245** Words in Sch. 9 para. 11(5)(a)(i) substituted (31.12.2020) by The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018 (S.I. 2018/1310), reg. 1, **Sch. 2 para. 4(8)(j)** (as amended by S.I. 2019/1389, regs. 1, 2(2))

**F246** Words in Sch. 9 para. 11(5)(a)(ii) substituted (31.12.2020) by The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018 (S.I. 2018/1310), reg. 1, **Sch. 2 para. 4(10)(b)** (as amended by S.I. 2019/1389, regs. 1, 2(2))

**F247** Words in Sch. 9 para. 11(6) substituted (31.12.2020) by The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018 (S.I. 2018/1310), reg. 1, **Sch. 2 para. 4(8)(k)** (as amended by S.I. 2019/1389, regs. 1, 2(2))

*Status: Point in time view as at 02/02/2022.*

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

**C74** Sch. 9 para. 11(2) disapplied (cond.) (retrospectively) (30.1.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), ss. 45(3)(d), **46(3)(a)** (with s. 46(7))

**Commencement Information**

**I50** Sch. 9 wholly in force at 16.2.2001; Sch. 9 not in force at Royal Assent, see s. 163(2); Sch. 9 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](#))

SCHEDULE 10

Section 94.

LIMITS ON CONTROLLED EXPENDITURE

**PART I**

INTRODUCTORY

*Interpretation*

- 1 (1) In this Schedule—
  - (a) “an ordinary general election to the Scottish Parliament” means an election held under section 2 of the <sup>M22</sup>Scotland Act 1998;
  - (b) “an extraordinary general election to the Scottish Parliament” means an election held under section 3 of the <sup>M23</sup>Scotland Act 1998;
  - <sup>F248</sup>(c) “an ordinary general election to the National Assembly for Wales” means an election under section 3 of the Government of Wales Act 2006;
  - (ca) “an extraordinary general election to the National Assembly for Wales” means an election under section 5 of the Government of Wales Act 2006;]
  - (d) “an ordinary general election to the Northern Ireland Assembly” means an election held under section 31 of the <sup>M24</sup>Northern Ireland Act 1998; and
  - (e) “an extraordinary general election to the Northern Ireland Assembly” means an election held under section 32 of the <sup>M25</sup>Northern Ireland Act 1998.
- (2) For the purposes of this Schedule a parliamentary general election is pending during the period—
  - (a) beginning with the date on which <sup>F249</sup>Parliament is dissolved by section 3(1) of the Fixed-term Parliaments Act 2011 for a] parliamentary general election, and
  - (b) ending with the date of the poll for that election.

<sup>F250</sup>(3) .....

**Textual Amendments**

**F248** Sch. 10 para. 1(1)(c)(ca) substituted for Sch. 10 para. 1(c) by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 100(2)**, the amending provision coming into force immediately after the ordinary election under s. 3 of the [Government of Wales Act 1998 \(c. 38\)](#) held on 3.5.2007, see art. 1(2) of the amending S.I.

*Status: Point in time view as at 02/02/2022.*

*Changes to legislation: Political Parties, Elections and Referendums Act 2000 is up to date with all changes known to be in force on or before 19 May 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)*

**F249** Words in Sch. 10 para. 1(2)(a) substituted (15.9.2011) by [Fixed-term Parliaments Act 2011 \(c. 14\)](#), s. 7(2), [Sch. para. 22\(2\)](#) (with s. 6)

**F250** Sch. 10 para. 1(3) repealed (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, [Sch. 1 Pt. 1](#) (as amended by [S.I. 2019/1389](#), regs. 1, 2(2))

#### Commencement Information

**I51** Sch. 10 wholly in force at 16.2.2001; Sch. 10 not in force at Royal Assent, see s. 163(2); Sch. 10 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

**M22** 1998 c. 46.

**M23** 1998 c. 46.

**M24** 1998 c. 47.

**M25** 1998 c. 47.

#### *Attribution of expenditure to different parts of the United Kingdom*

- 2 (1) For the purposes of this Schedule controlled expenditure incurred by or on behalf of any recognised third party shall (subject to the following provisions of this paragraph) be attributed to each of England, Scotland, Wales and Northern Ireland in proportion to the number of parliamentary constituencies for the time being situated in that part of the United Kingdom.
- (2) Controlled expenditure whose effects are wholly or substantially confined to any particular parts or part of the United Kingdom—
- (a) shall be attributed to those parts in proportion to the number of parliamentary constituencies for the time being situated in those parts, or
  - (b) shall be attributed solely to that part,
- as the case may be.
- (3) For the purposes of sub-paragraph (2) the effects of controlled expenditure are wholly or substantially confined to any particular parts or part of the United Kingdom if they have no significant effects in any other part or parts (so that, for example, expenditure on an advertisement in a newspaper circulating in Wales is to be attributed solely to Wales if the newspaper does not circulate to any significant extent in any other part of the United Kingdom).

<sup>F251</sup>(3A) .....

- (4) References in this Schedule to controlled expenditure “in” a particular part of the United Kingdom are accordingly to controlled expenditure which is to be attributed to that part in accordance with this paragraph.

#### Textual Amendments

**F251** Sch. 10 para. 2(3A) repealed (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, [Sch. 1 Pt. 1](#) (as amended by [S.I. 2019/1389](#), regs. 1, 2(2))

*Status: Point in time view as at 02/02/2022.*

*Changes to legislation: Political Parties, Elections and Referendums Act 2000 is up to date with all changes known to be in force on or before 19 May 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

**I52** Sch. 10 wholly in force at 16.2.2001; Sch. 10 not in force at Royal Assent, see s. 163(2); Sch. 10 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](#))

### <sup>F252</sup> Attribution of expenditure to different parliamentary constituencies

### Textual Amendments

**F252** Sch. 10 para. 2A and cross-heading inserted (30.1.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), [ss. 29\(5\)](#), [45\(3\)\(b\)](#) (with [s. 46\(1\)\(2\)](#))

- 2A (1) For the purposes of this Schedule controlled expenditure incurred by or on behalf of any recognised third party shall (subject to the following provisions of this paragraph) be attributed to each parliamentary constituency in equal proportions.
- (2) Controlled expenditure whose effects are wholly or substantially confined to any particular constituencies or constituency—
- (a) shall be attributed to those constituencies in equal proportions, or
  - (b) shall be attributed solely to that constituency,
- as the case may be.
- (3) For the purposes of sub-paragraph (2), the effects of controlled expenditure are wholly or substantially confined to any particular constituencies or constituency if they have no significant effects in any other constituency or constituencies.
- (4) References in this Schedule to controlled expenditure “in” a particular constituency are accordingly to controlled expenditure which is to be attributed to that constituency in accordance with this paragraph.]

## PART II

### GENERAL LIMITS

#### *Parliamentary general elections*

- 3 (1) This paragraph imposes limits in relation to a parliamentary general election.
- (2) The limit applying to controlled expenditure which is incurred by or on behalf of a recognised third party in the relevant period in each of England, Scotland, Wales and Northern Ireland is—
- <sup>F253</sup>(a) in relation to England, 2% of the maximum campaign expenditure limit in England;
  - (b) in relation to Scotland, £20,000 plus 2% of the maximum campaign expenditure limit in Scotland;
  - (c) in relation to Wales, £20,000 plus 2% of the maximum campaign expenditure limit in Wales;
  - (d) in relation to Northern Ireland, £20,000 plus 2% of the maximum campaign expenditure limit in Northern Ireland.]



*Status: Point in time view as at 02/02/2022.*

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[<sup>F254</sup>(2A) The limit applying to controlled expenditure which is incurred by or on behalf of a recognised third party in the relevant period in any particular parliamentary constituency is 0.05% of the total of the maximum campaign expenditure limits in England, Scotland, Wales and Northern Ireland.]

- (3) For the purposes of this paragraph the relevant period is—
- (a) (subject to paragraph (b)) the period of 365 days ending with the date of the poll for the election;
  - (b) where the election (“the election in question”) follows another parliamentary general election held less than 365 days previously, the period—
    - (i) beginning with the day after the date of the poll for the earlier election, and
    - (ii) ending with the date of the poll for the election in question.

#### Textual Amendments

**F253** Sch. 10 para. 3(2)(a)-(d) substituted (30.1.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), ss. **28(7)**, **45(3)(b)** (with s. 46(1)(2))

**F254** Sch. 10 para. 3(2A) inserted (30.1.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), ss. **29(6)**, **45(3)(b)** (with s. 46(1)(2))

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

**C75** Sch. 10 para. 3 modified (cond.) (30.1.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), ss. **45(3)(d)**, **46(5)(6)** (with s. 46(7))

**C76** Sch. 10 para. 3(3)(a) amended (with application if the date of the poll for the next parliamentary general election after 29.1.2001 is before 16.2.2002) by [S.I. 2001/222](#), art. 2, **Sch. 1 Pt. II para. 5(2)**

#### Commencement Information

**I53** Sch. 10 wholly in force at 16.2.2001; Sch. 10 not in force at Royal Assent, see s. 163(2); Sch. 10 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](#))

F255 ...

#### Textual Amendments

**F255** Sch. 10 para. 4 and cross-heading repealed (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, **Sch. 1 Pt. 1** (as amended by [S.I. 2019/1389](#), regs. 1, 2(2))

<sup>F255</sup>4 .....

#### *General elections to Scottish Parliament*

- 5 (1) This paragraph imposes limits in relation to an ordinary or extraordinary general election to the Scottish Parliament.
- (2) The limit applying to controlled expenditure which is incurred by or on behalf of a recognised third party in the relevant period in Scotland is £75,800.



*Status: Point in time view as at 02/02/2022.*

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- (3) In the case of an ordinary general election, “the relevant period” for the purposes of this paragraph is the period beginning with the appropriate date (as defined by sub-paragraph (4)) and ending with the date of the poll.
- (4) In sub-paragraph (3) “the appropriate date” means the date which falls four months before the date of the poll where—
- the date of the poll is that determined by section 2(2) of the <sup>M26</sup>Scotland Act 1998; or
  - no less than five months before the day on which the poll would have taken place under section 2(2) of that Act, the date of the poll is brought forward under section 2(5) of that Act; or
  - no less than four months before the day on which the poll would have taken place under section 2(2) of that Act, the date of the poll is postponed under section 2(5) of that Act;
- but where the date of the poll is brought forward or postponed otherwise than as mentioned in paragraph (b) or (c) above “the appropriate date” means the date which falls four months before the date when the poll would have taken place under section 2(2) of the Act.
- (5) In the case of an extraordinary general election, “the relevant period” for the purposes of this paragraph is the period beginning with the date when the Presiding Officer proposes a day for the poll for the election under section 3(1) of the <sup>M27</sup>Scotland Act 1998 and ending with the date of the poll for the election.

#### Commencement Information

**I54** Sch. 10 wholly in force at 16.2.2001; Sch. 10 not in force at Royal Assent, see s. 163(2); Sch. 10 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

**M26** 1998 c. 46.

**M27** 1998 c. 46.

<sup>F256</sup>*General elections to the National Assembly for Wales*

#### Textual Amendments

**F256** Sch. 10 para. 6 cross-heading substituted by **The Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388), art. 3, Sch. 1 para. 100(3)**, the amending provision coming into force immediately after the ordinary election under s. 3 of the **Government of Wales Act 1998 (c. 38)** held on 3.5.2007, see art. 1(2) of the amending S.I.

- 6 (1) This paragraph imposes limits in relation to <sup>F257</sup>an ordinary general election to the National Assembly for Wales].
- (2) The limit applying to controlled expenditure which is incurred by or on behalf of a recognised third party in the relevant period in Wales is £30,000.

*Status: Point in time view as at 02/02/2022.*

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- (3) [<sup>F258</sup>In the case of an ordinary general election]“the relevant period” is the period beginning with the appropriate date (as defined by sub-paragraph (4)) and ending with the date of the poll.
- (4) In sub-paragraph (3) “the appropriate date” is the date which falls four months before the date of the poll where—
- (a) the date of the poll is that determined by [<sup>F259</sup>section 3(1) of the Government of Wales Act 2006];
  - (b) no less than five months before the day on which the poll would have taken place under [<sup>F260</sup>section 3(1) of that Act], the date of the poll is brought forward under [<sup>F261</sup>section 4(1) of that Act]; or
  - (c) no less than four months before the day on which the poll would have taken place under [<sup>F260</sup>section 3(1) of that Act], the date of the poll is postponed under [<sup>F261</sup>section 4(1) of that Act];
- but where the date of the poll is brought forward or postponed otherwise than as mentioned in paragraph (b) or (c) above “the appropriate date” means the date which falls four months before the date when the poll would have taken place under [<sup>F262</sup>section 3(1) of that Act].
- [<sup>F263</sup>(5) In the case of an extraordinary general election, “the relevant period” for the purposes of this paragraph is the period beginning with the date when the Secretary of State proposes a date for the poll for the election under section 5(1) of the Government of Wales Act 2006 and ending with the date of the poll for the election.]

#### Textual Amendments

- F257** Words in Sch. 10 para. 6(1) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 100(4)(a)**, the amending provision coming into force immediately after the ordinary election under s. 3 of the [Government of Wales Act 1998 \(c. 38\)](#) held on 3.5.2007, see art. 1(2) of the amending S.I.
- F258** Words in Sch. 10 para. 6(3) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 100(4)(b)**, the amending provision coming into force immediately after the ordinary election under s. 3 of the [Government of Wales Act 1998 \(c. 38\)](#) held on 3.5.2007, see art. 1(2) of the amending S.I.
- F259** Words in Sch. 10 para. 6(4)(a) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 100(4)(c)**, the amending provision coming into force immediately after the ordinary election under s. 3 of the [Government of Wales Act 1998 \(c. 38\)](#) held on 3.5.2007, see art. 1(2) of the amending S.I.
- F260** Words in Sch. 10 para. 6(4)(b)(c) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 100(4)(d)(i)**, the amending provision coming into force immediately after the ordinary election under s. 3 of the [Government of Wales Act 1998 \(c. 38\)](#) held on 3.5.2007, see art. 1(2) of the amending S.I.
- F261** Words in Sch. 10 para. 6(4)(b)(c) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 100(4)(d)(ii)**, the amending provision coming into force immediately after the ordinary election under s. 3 of the [Government of Wales Act 1998 \(c. 38\)](#) held on 3.5.2007, see art. 1(2) of the amending S.I.
- F262** Words in Sch. 10 para. 6 substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 100(4)(e)**, the amending provision coming into force immediately after the ordinary election under s. 3 of the [Government of Wales Act 1998 \(c. 38\)](#) held on 3.5.2007, see art. 1(2) of the amending S.I.

*Status: Point in time view as at 02/02/2022.*

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**F263** Sch. 10 para. 6(5) added by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, [Sch. 1 para. 100\(4\)\(f\)](#), the amending provision coming into force immediately after the ordinary election under s. 3 of the [Government of Wales Act 1998 \(c. 38\)](#) held on 3.5.2007, see art. 1(2) of the amending S.I.

#### Commencement Information

**I55** Sch. 10 wholly in force at 16.2.2001; Sch. 10 not in force at Royal Assent, see s. 163(2); Sch. 10 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](#))

#### General elections to Northern Ireland Assembly

- 7 (1) This paragraph imposes limits in relation to an ordinary or extraordinary general election to the Northern Ireland Assembly.
- (2) The limit applying to controlled expenditure which is incurred by or on behalf of a recognised third party in the relevant period in Northern Ireland is £15,300.
- (3) In the case of an ordinary general election, “the relevant period” for the purposes of this paragraph is the period beginning with the appropriate date (as defined by sub-paragraph (4)) and ending with the date of the poll.
- (4) In sub-paragraph (3) “the appropriate date” means the date which falls four months before the date of the poll where—
- the date of the poll is that determined by section 31(1) and (2) of the <sup>M28</sup>Northern Ireland Act 1998; or
  - no less than five months before the day on which the poll would have taken place under section 31(1) and (2) of that Act, the date of the poll is brought forward under section 31(3) of that Act; or
  - no less than four months before the day on which the poll would have taken place under section 31(1) and (2) of that Act, the date of the poll is postponed under section 31(3) of that Act;
- but where the date of the poll is brought forward or postponed otherwise than as mentioned in paragraph (b) or (c) above “the appropriate date” means the date which falls four months before the date when the poll would have taken place under section 31(1) and (2) of that Act.
- (5) In the case of an extraordinary general election, “the relevant period” for the purposes of this paragraph is the period beginning with the date when the Secretary of State proposes a date for the poll for the election under section 32(1) or (3) of the <sup>M29</sup>Northern Ireland Act 1998 and ending with the date of the poll for the election.

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

**C77** Sch. 10 para. 7 amended (20.3.2003) by [Northern Ireland Assembly Elections Act 2003 \(c. 3\)](#), s. [1\(4\)](#)

**C78** Sch. 10 para. 7 modified (15.5.2003) by [Northern Ireland Assembly \(Elections and Periods of Suspension\) Act 2003 \(c. 12\)](#), s. [1\(4\)\(b\)](#)

#### Commencement Information

**I56** Sch. 10 wholly in force at 16.2.2001; Sch. 10 not in force at Royal Assent, see s. 163(2); Sch. 10 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](#))

*Status: Point in time view as at 02/02/2022.*

*Changes to legislation: Political Parties, Elections and Referendums Act 2000 is up to date with all changes known to be in force on or before 19 May 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)*

#### Marginal Citations

M28 1998 c. 47.

M29 1998 c. 47.

### PART III

#### LIMITS APPLYING IN SPECIAL CIRCUMSTANCES

F264 ...

#### Textual Amendments

**F264** Sch. 10 para. 8 and cross-heading repealed (31.12.2020) by The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018 (S.I. 2018/1310), reg. 1, **Sch. 1 Pt. 1** (as amended by S.I. 2019/1389, regs. 1, 2(2))

F264g .....

#### *Combined limits where parliamentary election pending*

- 9 (1) This paragraph imposes—
- (a) in the circumstances mentioned in sub-paragraph (2), [F265]limits] in relation to—
    - (i) such a pending parliamentary general election as is mentioned in that sub-paragraph, and
    - (ii) an election, or elections, in relation to which the limit imposed by any of paragraphs [F266]5 to 7] would otherwise apply as mentioned in that sub-paragraph; and
  - (b) in the circumstances mentioned in sub-paragraph (5), limits in relation to—
    - (i) two such pending parliamentary elections as are mentioned in that sub-paragraph, and
    - (ii) an election, or elections, in relation to which the limit imposed by any of paragraphs [F267]5 to 7] would otherwise apply as mentioned in sub-paragraph (2).
- (2) Where a parliamentary general election is pending during any part of the period in relation to which a limit imposed by any of paragraphs [F268]5 to 7] would otherwise apply to controlled expenditure incurred by or on behalf of a recognised third party in a particular part of the United Kingdom—
- (a) neither that paragraph, nor paragraph 3, shall apply in relation to such expenditure; and
  - (b) the [F269]limits] imposed by this paragraph shall apply to it instead.
- (3) Subject to sub-paragraphs (5) to (7), the limit applying to controlled expenditure which is incurred by or on behalf of the recognised third party in the relevant period for the purposes of this sub-paragraph in England, Scotland, Wales or Northern Ireland (as the case may be) is the aggregate of—

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- (a) the limit which by virtue of paragraph 3 would (apart from this paragraph) apply to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph; and
  - (b) the limit which by virtue of paragraph [<sup>F270</sup>5, 6 or 7] would (apart from this paragraph) apply to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph.
- [<sup>F271</sup>(3A) Subject to sub-paragraphs (5) to (7), the limit applying to controlled expenditure which is incurred by or on behalf of the recognised third party in the relevant period in any particular parliamentary constituency is the relevant proportion of the limit mentioned in paragraph 3(2A).
- (3B) For this purpose “the relevant proportion” means—
- A B
- where—
- A is the number of days in the relevant period;
- B is the number of days in the period which is the relevant period for the purposes of paragraph 3.]
- (4) For the purposes of [<sup>F272</sup>sub-paragraphs (3) to (3B)] “the relevant period” is—
- (a) where the parliamentary general election takes place at the same time as, or later than—
    - (i) the election in relation to which paragraph <sup>F273</sup>... 5, 6 or 7 would otherwise apply, <sup>F274</sup>...
    - <sup>F274</sup>(ii) .....

the period which for the purposes of paragraph 3 is the relevant period in relation to the parliamentary general election;
  - (b) where the parliamentary general election takes place earlier than the election mentioned in paragraph (a)(i) <sup>F275</sup>..., the period which—
    - (i) begins at the beginning of the period mentioned in paragraph (a), and
    - (ii) ends with the date of the poll for the later <sup>F276</sup>... of the elections.
- (5) Where two parliamentary general elections are pending during different parts of any such period as is mentioned in sub-paragraph (2), the limits applying to controlled expenditure which is incurred by or on behalf of the recognised third party in the relevant periods in England, Scotland, Wales or Northern Ireland (as the case may be) are as follows—
- (a) in the case of expenditure incurred in the first relevant period, the limit is the aggregate of—
    - (i) the limit which by virtue of paragraph 3 would (apart from this paragraph) apply, in connection with the first of the parliamentary general elections to take place, to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph, and
    - (ii) the limit mentioned in sub-paragraph (3)(b) above; and
  - (b) in the case of expenditure incurred in the second relevant period, the limit is the limit which by virtue of paragraph 3 would (apart from this paragraph) apply, in connection with the second parliamentary general election to take

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place, to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph.

[<sup>F277</sup>(5A) Where two parliamentary general elections are pending during different parts of any such period as is mentioned in sub-paragraph (2)—

- (a) the limit applying to controlled expenditure which is incurred by or on behalf of the recognised third party in the first relevant period in any particular parliamentary constituency is the relevant proportion of the limit mentioned in paragraph 3(2A), and
- (b) the limit applying to controlled expenditure which is incurred by or on behalf of the recognised third party in the second relevant period in any particular parliamentary constituency is the relevant proportion of the limit mentioned in paragraph 3(2A).

(5B) For these purposes “the relevant proportion” means—

A B

where—

A is the number of days in the first relevant period or (as the case may be) the second relevant period;

B is the number of days in the period which is the relevant period for the purposes of paragraph 3.]

(6) For the purposes of [<sup>F278</sup>sub-paragraphs (5) to (5B)] “the first relevant period” is the period which—

- (a) begins at the beginning of the period which would, apart from this paragraph, apply for the purposes of paragraph 3 to the first of the parliamentary general elections to take place; and
- (b) ends with the date on which [<sup>F279</sup>Parliament is dissolved by section 3(1) of the Fixed-term Parliaments Act 2011 for] the second of the parliamentary general elections to take place.

(7) For the purposes of [<sup>F280</sup>sub-paragraphs (5) to (5B)] “the second relevant period” is the period which—

- (a) begins on the day after the date mentioned in sub-paragraph (6)(b) above; and
- (b) ends with whichever is the later of the following, namely—
  - (i) the date of the poll for the second parliamentary general election to take place; and
  - (ii) the date of the poll for the election in relation to which paragraph <sup>F281</sup>... 5, 6 or 7 would otherwise apply <sup>F282</sup>....

#### Textual Amendments

**F265** Word in Sch. 10 para. 9(1)(a) substituted (30.1.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), ss. **29(7)(a)**, 45(3)(b) (with s. 46(1)(2))

**F266** Words in Sch. 10 para. 9(1)(a)(ii) substituted (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, **Sch. 2 para. 4(11)(a)** (as amended by S.I. 2019/1389, regs. 1, 2(2))



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- F267** Words in Sch. 10 para. 9(1)(b)(ii) substituted (31.12.2020) by The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018 (S.I. 2018/1310), reg. 1, **Sch. 2 para. 4(11)(a)** (as amended by S.I. 2019/1389, regs. 1, 2(2))
- F268** Words in Sch. 10 para. 9(2) substituted (31.12.2020) by The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018 (S.I. 2018/1310), reg. 1, **Sch. 2 para. 4(11)(b)** (as amended by S.I. 2019/1389, regs. 1, 2(2))
- F269** Word in Sch. 10 para. 9(2)(b) substituted (30.1.2014) by Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (c. 4), **ss. 29(7)(b)**, 45(3)(b) (with s. 46(1)(2))
- F270** Words in Sch. 10 para. 9(3)(b) substituted (31.12.2020) by The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018 (S.I. 2018/1310), reg. 1, **Sch. 2 para. 4(12)(a)** (as amended by S.I. 2019/1389, regs. 1, 2(2))
- F271** Sch. 10 para. 9(3A)(3B) inserted (30.1.2014) by Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (c. 4), **ss. 29(7)(c)**, 45(3)(b) (with s. 46(1)(2))
- F272** Words in Sch. 10 para. 9(4) substituted (30.1.2014) by Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (c. 4), **ss. 29(7)(d)**, 45(3)(b) (with s. 46(1)(2))
- F273** Word in Sch. 10 para. 9(4)(a)(i) repealed (31.12.2020) by The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018 (S.I. 2018/1310), reg. 1, **Sch. 1 Pt. 1** (as amended by S.I. 2019/1389, regs. 1, 2(2))
- F274** Sch. 10 para. 9(4)(a)(ii) repealed (31.12.2020) by The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018 (S.I. 2018/1310), reg. 1, **Sch. 1 Pt. 1** (as amended by S.I. 2019/1389, regs. 1, 2(2))
- F275** Words in Sch. 10 para. 9(4)(b) repealed (31.12.2020) by The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018 (S.I. 2018/1310), reg. 1, **Sch. 1 Pt. 1** (as amended by S.I. 2019/1389, regs. 1, 2(2))
- F276** Words in Sch. 10 para. 9(4)(b)(ii) repealed (31.12.2020) by The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018 (S.I. 2018/1310), reg. 1, **Sch. 1 Pt. 1** (as amended by S.I. 2019/1389, regs. 1, 2(2))
- F277** Sch. 10 para. 9(5A)(5B) inserted (30.1.2014) by Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (c. 4), **ss. 29(7)(e)**, 45(3)(b) (with s. 46(1)(2))
- F278** Words in Sch. 10 para. 9(6) substituted (30.1.2014) by Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (c. 4), **ss. 29(7)(f)**, 45(3)(b) (with s. 46(1)(2))
- F279** Words in Sch. 10 para. 9(6)(b) substituted (15.9.2011) by Fixed-term Parliaments Act 2011 (c. 14), s. 7(2), **Sch. para. 22(3)** (with s. 6)
- F280** Words in Sch. 10 para. 9(7) substituted (30.1.2014) by Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (c. 4), **ss. 29(7)(f)**, 45(3)(b) (with s. 46(1)(2))
- F281** Word in Sch. 10 para. 9(7)(b)(ii) repealed (31.12.2020) by The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018 (S.I. 2018/1310), reg. 1, **Sch. 1 Pt. 1** (as amended by S.I. 2019/1389, regs. 1, 2(2))
- F282** Words in Sch. 10 para. 9(7)(b)(ii) repealed (31.12.2020) by The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018 (S.I. 2018/1310), reg. 1, **Sch. 1 Pt. 1** (as amended by S.I. 2019/1389, regs. 1, 2(2))

#### Commencement Information

- I57** Sch. 10 wholly in force at 16.2.2001; Sch. 10 not in force at Royal Assent, see s. 163(2); Sch. 10 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)

#### Combination of limit under paragraph 9 and other limit

- 10 (1) This paragraph imposes [<sup>F283</sup>limits] where—



*Status: Point in time view as at 02/02/2022.*

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- (a) paragraph 9 would (apart from this paragraph) impose [<sup>F283</sup>limits] on controlled expenditure in relation to a period that would either be—
    - (i) a relevant period for the purposes of paragraph 9(3) [<sup>F284</sup>to (3B)] , or
    - (ii) a first relevant period for the purposes of paragraph 9(5) [<sup>F285</sup>to (5B)] ; and
  - (b) any period (“the other controlled period”) which is the relevant period for the purposes of any of paragraphs [<sup>F286</sup>5 to 7], but is not a period during which the parliamentary general election is pending, either—
    - (i) falls wholly within, or
    - (ii) ends at any time falling within,the period mentioned in paragraph (a).
- (2) In such a case—
- (a) the [<sup>F287</sup>limits] imposed by paragraph 9 shall not apply in relation to the period mentioned in sub-paragraph (1)(a); and
  - (b) instead the [<sup>F287</sup>limits] imposed by this paragraph shall apply in relation to the period which is the combined period for the purposes of this paragraph.
- (3) The limit applying to controlled expenditure which is incurred by or on behalf of a recognised third party during the combined period in England, Scotland, Wales or Northern Ireland (as the case may be) is the aggregate of—
- (a) the limit which by virtue of paragraph 9 would (apart from this paragraph) apply to such expenditure incurred in that part of the United Kingdom during the period mentioned in sub-paragraph (1)(a); and
  - (b) the limit applying, by virtue of paragraph [<sup>F288</sup>5, 6 or 7] (as the case may be), to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph.
- [<sup>F289</sup>(3A) The limit applying to controlled expenditure which is incurred by or on behalf of the recognised third party during the combined period in any particular parliamentary constituency is the relevant proportion of the limit mentioned in paragraph 3(2A).
- (3B) For this purpose “the relevant proportion” means—
- A B
- where—
- A is the number of days in the combined period;
- B is the number of days in the period which is the relevant period for the purposes of paragraph 3.]
- (4) For the purposes of this paragraph “the combined period” is the period which begins with whichever is the earlier of the following, namely—
- (a) the beginning of the period which is the relevant period for the purposes of paragraph [<sup>F290</sup>5, 6 or 7] (as the case may be), and
  - (b) the beginning of the period mentioned in sub-paragraph (1)(a),
- and ends at the end of the period mentioned in sub-paragraph (1)(a).
- (5) Nothing in this paragraph affects the application of any limit imposed by virtue of paragraph [<sup>F291</sup>5, 6 or 7] in relation to any period which is a relevant period for the purposes of that paragraph.

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### Textual Amendments

- F283** Word in Sch. 10 para. 10(1) substituted (30.1.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\), ss. 29\(8\)\(a\)\(i\)](#), 45(3)(b) (with s. 46(1)(2))
- F284** Words in Sch. 10 para. 10(1) inserted (30.1.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\), ss. 29\(8\)\(a\)\(ii\)](#), 45(3)(b) (with s. 46(1)(2))
- F285** Words in Sch. 10 para. 10(1) inserted (30.1.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\), ss. 29\(8\)\(a\)\(iii\)](#), 45(3)(b) (with s. 46(1)(2))
- F286** Words in Sch. 10 para. 10(1)(b) substituted (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\), reg. 1, Sch. 2 para. 4\(11\)\(c\)](#) (as amended by S.I. 2019/1389, regs. 1, 2(2))
- F287** Word in Sch. 10 para. 10(2) substituted (30.1.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\), ss. 29\(8\)\(b\)](#), 45(3)(b) (with s. 46(1)(2))
- F288** Words in Sch. 10 para. 10(3)(b) substituted (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\), reg. 1, Sch. 2 para. 4\(12\)\(b\)](#) (as amended by S.I. 2019/1389, regs. 1, 2(2))
- F289** Sch. 10 para. 10(3A)(3B) inserted (30.1.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\), ss. 29\(8\)\(c\)](#), 45(3)(b) (with s. 46(1)(2))
- F290** Words in Sch. 10 para. 10(4)(a) substituted (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\), reg. 1, Sch. 2 para. 4\(12\)\(c\)](#) (as amended by S.I. 2019/1389, regs. 1, 2(2))
- F291** Words in Sch. 10 para. 10(5) substituted (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\), reg. 1, Sch. 2 para. 4\(12\)\(d\)](#) (as amended by S.I. 2019/1389, regs. 1, 2(2))

### Commencement Information

- I58** Sch. 10 wholly in force at 16.2.2001; Sch. 10 not in force at Royal Assent, see s. 163(2); Sch. 10 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](#))

*Combination of parliamentary general election and other election, or elections, falling within [F292] paragraphs 5 to 7]*

### Textual Amendments

- F292** Words in Sch. 10 para. 11 heading substituted (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\), reg. 1, Sch. 2 para. 4\(13\)](#) (as amended by S.I. 2019/1389, regs. 1, 2(2))

- 11 (1) This paragraph imposes [F293]limits] where—
- (a) any period (“the other controlled period”) which is the relevant period for the purposes of any of paragraphs [F294]5 to 7] either—
- (i) falls wholly within, or
- (ii) ends at any time falling within,

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the period which would (apart from this paragraph) be the relevant period for the purposes of paragraph 3 in relation to a parliamentary general election; and

(b) paragraph 9 does not apply in connection with those elections.

(2) In such a case—

(a) the [<sup>F295</sup>limits] imposed by paragraph 3 shall not apply in relation to the relevant period for the purposes of that paragraph, and

(b) instead the [<sup>F295</sup>limits] imposed by this paragraph shall apply in relation to the period which is the combined period for the purposes of this paragraph.

(3) The limit applying to controlled expenditure which is incurred by or on behalf of a recognised third party in the combined period in England, Scotland, Wales or Northern Ireland, as the case may be, is the aggregate of—

(a) the limit which by virtue of paragraph 3 would (apart from this paragraph) apply to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph; and

(b) the limit applying by virtue of paragraph [<sup>F296</sup>5, 6 or 7] (as the case may be) to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph.

(4) Where two or more periods (“the other controlled periods”) which are relevant periods for the purposes of any of paragraphs [<sup>F297</sup>5 or 7]—

(a) fall wholly within, or

(b) end at any time falling within,

the period which would (apart from this paragraph) be the relevant period for the purposes of paragraph 3 in relation to the parliamentary general election, sub-paragraph (3)(b) shall operate in relation to each of the limits applying in relation to those periods so as to produce two or more amounts to be added to the amount referred to in sub-paragraph (3)(a).

[<sup>F298</sup>(4A) The limit applying to controlled expenditure which is incurred by or on behalf of the recognised third party during the combined period in any particular parliamentary constituency is the relevant proportion of the limit mentioned in paragraph 3(2A).

(4B) For this purpose “the relevant proportion” means—

A B

where—

A is the number of days in the combined period;

B is the number of days in the period which is the relevant period for the purposes of paragraph 3.]

(5) For the purposes of this paragraph “the combined period” is the period which begins with whichever is the earlier of the following, namely—

(a) the beginning of—

(i) the period which is the relevant period for the purposes of paragraph [<sup>F299</sup>5, 6 or 7] (as the case may be), or

(ii) where sub-paragraph (4) applies, whichever of the relevant periods for the purposes of paragraph [<sup>F300</sup>5 or 7] is the first to begin, and

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- (b) the beginning of the period which would (apart from this paragraph) be the relevant period for the purposes of paragraph 3 in relation to the parliamentary general election,  
and ends with the date of the poll for the parliamentary general election.
- (6) Nothing in this paragraph affects the application of any limit imposed by virtue of paragraph [F3015, 6 or 7] in relation to any period which is a relevant period for the purposes of that paragraph.

#### Textual Amendments

- F293** Word in Sch. 10 para. 11(1) substituted (30.1.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), ss. **29(9)(a)**, 45(3)(b) (with s. 46(1)(2))
- F294** Words in Sch. 10 para. 11(1)(a) substituted (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, **Sch. 2 para. 4(11)(d)** (as amended by S.I. 2019/1389, regs. 1, 2(2))
- F295** Word in Sch. 10 para. 11(2) substituted (30.1.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), ss. **29(9)(b)**, 45(3)(b) (with s. 46(1)(2))
- F296** Words in Sch. 10 para. 11(3)(b) substituted (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, **Sch. 2 para. 4(12)(e)** (as amended by S.I. 2019/1389, regs. 1, 2(2))
- F297** Words in Sch. 10 para. 11(4) substituted (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, **Sch. 2 para. 4(14)(a)** (as amended by S.I. 2019/1389, regs. 1, 2(2))
- F298** Sch. 10 para. 11(4A)(4B) inserted (30.1.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), ss. **29(9)(c)**, 45(3)(b) (with s. 46(1)(2))
- F299** Words in Sch. 10 para. 11(5)(a)(i) substituted (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, **Sch. 2 para. 4(12)(f)** (as amended by S.I. 2019/1389, regs. 1, 2(2))
- F300** Words in Sch. 10 para. 11(5)(a)(ii) substituted (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, **Sch. 2 para. 4(14)(b)** (as amended by S.I. 2019/1389, regs. 1, 2(2))
- F301** Words in Sch. 10 para. 11(6) substituted (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, **Sch. 2 para. 4(12)(g)** (as amended by S.I. 2019/1389, regs. 1, 2(2))

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

- C79** Sch. 10 para. 11(2) disapplied (cond.) (retrospectively) (30.1.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), ss. 45(3)(d), **46(5)(a)** (with s. 46(7))

#### Commencement Information

- I59** Sch. 10 wholly in force at 16.2.2001; Sch. 10 not in force at Royal Assent, see s. 163(2); Sch. 10 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](#))

*Status: Point in time view as at 02/02/2022.*

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## SCHEDULE 11

Section 95.

### CONTROL OF DONATIONS TO RECOGNISED THIRD PARTIES

#### PART I

##### INTRODUCTORY

###### *Operation and interpretation of Schedule*

- 1 (1) This Schedule has effect for controlling donations to recognised third parties which either are not registered parties or are minor parties.
- (2) The following provisions have effect for the purposes of this Schedule.
- (3) In accordance with sub-paragraph (1), “recognised third party” does not include a recognised third party which is a registered party other than a minor party.
- (4) “Relevant donation”, in relation to a recognised third party, means a donation to the recognised third party for the purpose of meeting controlled expenditure incurred by or on behalf of that third party.
- (5) “Donation” shall be construed in accordance with paragraphs 2 to 4.
- (6) References to a permissible donor falling within section 54(2) do not include a registered party.

##### **Commencement Information**

**I60** Sch. 11 wholly in force at 16.2.2001; Sch. 11 partly in force at Royal Assent, see s. 163(3); Sch. 11 in force in so far as not already 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](#))

###### *Donations: general rules*

- 2 (1) “Donation”, in relation to a recognised third party, means (subject to paragraph 4)—
- (a) any gift to the recognised third party of money or other property;
  - (b) any sponsorship provided in relation to the recognised third party (as defined by paragraph 3);
  - (c) any money spent (otherwise than by or on behalf of the recognised third party) in paying any controlled expenditure incurred by or on behalf of the recognised third party;
  - (d) any money lent to the recognised third party otherwise than on commercial terms;
  - (e) the provision otherwise than on commercial terms of any property, services or facilities for the use or benefit of the recognised third party (including the services of any person); and
  - (f) in the case of a recognised third party, other than an individual, any subscription or other fee paid for affiliation to, or membership of, the third party.
- (2) Where—

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- (a) any money or other property is transferred to a recognised third party pursuant to any transaction or arrangement involving the provision by or on behalf of the recognised third party of any property, services or facilities or other consideration of monetary value, and
  - (b) the total value in monetary terms of the consideration so provided by or on behalf of the recognised third party is less than the value of the money or (as the case may be) the market value of the property transferred,
- the transfer of the money or property shall (subject to sub-paragraph (4)) constitute a gift to the recognised third party for the purposes of sub-paragraph (1)(a).
- (3) In determining—
- (a) for the purposes of sub-paragraph (1)(d) whether any money lent to a recognised third party is so lent otherwise than on commercial terms, or
  - (b) for the purposes of sub-paragraph (1)(e) whether any property, services or facilities provided for the use or benefit of a recognised third party is or are so provided otherwise than on such terms,
- regard shall be had to the total value in monetary terms of the consideration provided by or on behalf of the recognised third party in respect of the loan or the provision of the property, services or facilities.
- (4) Where (apart from this sub-paragraph) anything would be a donation both by virtue of sub-paragraph (1)(b) and by virtue of any other provision of this paragraph, sub-paragraph (1)(b) (together with paragraph 3) shall apply in relation to it to the exclusion of the other provision of this paragraph.
- (5) Anything given or transferred to any officer, member, trustee or agent of a recognised third party in his capacity as such (and not for his own use or benefit) is to be regarded as given or transferred to the recognised third party (and references to donations received by a recognised third party accordingly include donations so given or transferred).
- (6) In this paragraph—
- (a) any reference to anything being given or transferred to a recognised third party includes a reference to its being given or transferred either directly or indirectly through any third person;
  - (b) “gift” includes bequest.

#### **Commencement Information**

**I61** Sch. 11 wholly in force at 16.2.2001; Sch. 11 partly in force at Royal Assent, see s. 163(3); Sch. 11 in force in so far as not already 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](#))

#### *Sponsorship*

- 3 (1) For the purposes of this Schedule sponsorship is provided in relation to a recognised third party if—
- (a) any money or other property is transferred to the recognised third party or to any person for the benefit of the recognised third party, and
  - (b) the purpose (or one of the purposes) of the transfer is (or must, having regard to all the circumstances, reasonably be assumed to be)—

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- (i) to help the recognised third party with meeting, or to meet, to any extent any defined expenses incurred or to be incurred by or on behalf of the recognised third party, or
  - (ii) to secure that to any extent any such expenses are not so incurred.
- (2) In sub-paragraph (1) “defined expenses” means expenses in connection with—
  - (a) any conference, meeting or other event organised by or on behalf of the recognised third party,
  - (b) the preparation, production or dissemination of any publication by or on behalf of the recognised third party, or
  - (c) any study or research organised by or on behalf of the recognised third party.
- (3) The following do not, however, constitute sponsorship by virtue of sub-paragraph (1)—
  - (a) the making of any payment in respect of—
    - (i) any charge for admission to any conference, meeting or other event, or
    - (ii) the purchase price of, or any other charge for access to, any publication;
  - (b) the making of any payment in respect of the inclusion of an advertisement in any publication where the payment is made at the commercial rate payable for the inclusion of such an advertisement in any such publication.
- (4) The Secretary of State may by order made on the recommendation of the Commission amend sub-paragraph (2) or (3).
- (5) In this paragraph “publication” means a publication made available in whatever form and by whatever means (whether or not to the public at large or any section of the public).

#### **Commencement Information**

**I62** Sch. 11 wholly in force at 16.2.2001; Sch. 11 partly in force at Royal Assent, see s. 163(3); Sch. 11 in force in so far as not already 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](#))

#### *Payments etc not to be regarded as donations*

- 4 (1) None of the following shall be regarded as a donation—
- (a) the provision by an individual of his own services which he provides voluntarily in his own time and free of charge;
  - (b) any interest accruing to a recognised third party in respect of any donation which is dealt with by the responsible person in accordance with section 56(2)(a) or (b) (as applied by paragraph 7).
- (2) Any donation whose value (as determined in accordance with paragraph 5) is not more than [<sup>F302</sup>£500] shall be disregarded.



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### Textual Amendments

**F302** Sum in Sch. 11 para. 4(2) substituted (1.1.2010) by Political Parties and Elections Act 2009 {ss. 20(1)}, 43; [S.I. 2009/3084](#), [art. 4\(h\)](#)

### Commencement Information

**I63** Sch. 11 wholly in force at 16.2.2001; Sch. 11 partly in force at Royal Assent, see s. 163(3); Sch. 11 in force in so far as not already 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](#))

### *Value of donations*

- 5 (1) The value of any donation falling within paragraph 2(1)(a) (other than money) shall be taken to be the market value of the property in question.
- (2) Where, however, paragraph 2(1)(a) applies by virtue of paragraph 2(2), the value of the donation shall be taken to be the difference between—
- (a) the value of the money, or the market value of the property, in question, and
  - (b) the total value in monetary terms of the consideration provided by or on behalf of the recognised third party.
- (3) The value of any donation falling within paragraph 2(1)(b) shall be taken to be the value of the money, or (as the case may be) the market value of the property, transferred as mentioned in paragraph 3(1); and accordingly any value in monetary terms of any benefit conferred on the person providing the sponsorship in question shall be disregarded.
- (4) The value of any donation falling within paragraph 2(1)(d) or (e) shall be taken to be the amount representing the difference between—
- (a) the total value in monetary terms of the consideration that would have had to be provided by or on behalf of the recognised third party in respect of the loan or the provision of the property, services or facilities if—
    - (i) the loan had been made, or
    - (ii) the property, services or facilities had been provided, on commercial terms, and
  - (b) the total value in monetary terms of the consideration (if any) actually so provided by or on behalf of the recognised third party.
- (5) Where a donation such as is mentioned in sub-paragraph (4) confers an enduring benefit on the donee over a particular period, the value of the donation—
- (a) shall be determined at the time when it is made, but
  - (b) shall be so determined by reference to the total benefit accruing to the donee over that period.

### Commencement Information

**I64** Sch. 11 wholly in force at 16.2.2001; Sch. 11 partly in force at Royal Assent, see s. 163(3); Sch. 11 in force in so far as not already 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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## PART II

### CONTROLS ON DONATIONS

#### *Prohibition on accepting donations from impermissible donors*

- 6 (1) A relevant donation received by a recognised third party must not be accepted if—
- (a) the person by whom the donation would be made is not, at the time of its receipt by the recognised third party, a permissible donor falling within section 54(2); or
  - (b) the recognised third 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 the person offering the donation.

<sup>F303</sup>(1A) .....

- (2) For the purposes of this Schedule, any relevant donation received by a recognised third party which is an exempt trust donation shall be regarded as a relevant donation received by the recognised third party from a permissible donor.

<sup>F304</sup>(2A) .....

- (3) But, for the purposes of this Schedule, any relevant donation received by a recognised third party from a trustee of any property (in his capacity as such) which is not—
- (a) an exempt trust donation, or
  - (b) a relevant donation transmitted by the trustee to the recognised third party on behalf of beneficiaries under the trust who are—
    - (i) persons who at the time of its receipt by the recognised third party are permissible donors falling within section 54(2), or
    - (ii) the members of an unincorporated association which at that time is such a permissible donor,
- shall be regarded as a relevant donation received by the recognised third party from a person who is not such a permissible donor.

<sup>F305</sup>(3A) .....

- (4) Where any person (“the principal donor”) causes an amount (“the principal donation”) to be received by a recognised third party by way of a relevant 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 Schedule each individual contribution by a person falling within paragraph (a) or (b) of more than [<sup>F306</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 recognised third party, the responsible person 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 10(1)(c) to be given in respect of the donor of a donation to which that paragraph applies; and

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- (b) (in any case) all such details in respect of the donation as are required by virtue of paragraph 10(1)(a).
- (6) Where—
- (a) any person (“the agent”) causes an amount to be received by a recognised third party by way of a donation on behalf of another person (“the donor”), and
- (b) the amount of the donation is more than [<sup>F306</sup>£500],
- the agent must ensure that, at the time when the donation is received by the recognised third party, the responsible person is given all such details in respect of the donor as are required by virtue of paragraph 10(1)(c) to be given in respect of the donor of a donation to which that paragraph applies.
- (7) A person commits an offence if, without reasonable excuse, he fails to comply with sub-paragraph (5) or (6).

#### Textual Amendments

- F303** Sch. 11 para. 6(1A) repealed (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, [Sch. 1 Pt. 1](#) (as amended by S.I. 2019/1389, regs. 1, 2(2))
- F304** Sch. 11 para. 6(2A) repealed (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, [Sch. 1 Pt. 1](#) (as amended by S.I. 2019/1389, regs. 1, 2(2))
- F305** Sch. 11 para. 6(3A) repealed (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, [Sch. 1 Pt. 1](#) (as amended by S.I. 2019/1389, regs. 1, 2(2))
- F306** Sums in Sch. 11 para. 6(4)(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\(h\)](#)

#### Commencement Information

- I65** Sch. 11 wholly in force at 16.2.2001; Sch. 11 partly in force at Royal Assent, see s. 163(3); Sch. 11 in force in so far as not already 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](#))

PROSPECTIVE

#### <sup>F307</sup>Declaration as to source of donation

#### Textual Amendments

- F307** Sch. 11 para. 6A and preceding cross-heading inserted (prosp.) by [Political Parties and Elections Act 2009 \(c. 12\)](#), [ss. 9\(8\)](#), 43, [Sch. 3 para. 4\(2\)](#)

- 6A (1) Where a person (P) causes an amount exceeding £7,500 to be received by a recognised third party by way of a donation, a written declaration must be given to the recognised third party—
- (a) by P, if P is an individual, or
- (b) if not, by an individual authorised by P to make the declaration,

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stating, to the best of the individual's knowledge and belief, whether or not sub-paragraph (2) applies to the donation.

- (2) This sub-paragraph 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 paragraph contains a statement to the effect that sub-paragraph (2) applies to the donation, it must also—
  - (a) state whether or not, in the opinion of the person making the declaration—
    - (i) sub-paragraph (4) of paragraph 6 applies to the donation;
    - (ii) sub-paragraph (6) of that paragraph applies to it;
  - (b) if the person's opinion is that neither of those sub-paragraphs applies to the donation, give the person's reasons for that opinion.
- (4) The declaration must also state the full name and address of the person by whom it is made and, where sub-paragraph (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 paragraph 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 sub-paragraph (2).]

PROSPECTIVE

*[<sup>F308</sup>Declaration as to whether residence etc condition satisfied*

#### Textual Amendments

**F308** Sch. 11 para. 6B and preceding cross-heading inserted (prosp.) by [Political Parties and Elections Act 2009 \(c. 12\), ss. 10\(8\), 43, Sch. 4 para. 4\(2\)](#)

- 6B
- (1) An individual making to a recognised third party a donation in relation to which the condition set out in section 54(2ZA) applies must give to the recognised third party a written declaration stating whether or not the individual satisfies that condition.
  - (2) A declaration under this paragraph must also state the full name and address of the person by whom it is made.
  - (3) A person who knowingly or recklessly makes a false declaration under this paragraph commits an offence.
  - (4) The Secretary of State may by regulations make provision requiring a declaration under this paragraph to be retained for a specified period.]

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### *Acceptance or return of donations*

- 7 (1) Sections 56 to 60 shall apply for the purposes of this Schedule in relation to a recognised third party and any relevant donation received by a recognised third party as they apply in relation to a registered party and any donation received by a registered party.
- (2) In the application of sections 56 to 60 in accordance with sub-paragraph (1)—
- (a) section 56(1) shall have effect as if the reference to the particulars relating to a donor which would be required to be included in a donation report by virtue of paragraph 2 of Schedule 6 (if the donation were a recordable donation within the meaning of that Schedule) were construed as a reference to the particulars which are required to be included in a return by virtue of paragraph 10(1)(c) (in relation to a donation to which that paragraph applies); and
  - (b) section 56(3) and (4) shall each have effect as if any reference to the treasurer of the party were construed as a reference to the responsible person.

#### **Commencement Information**

**I66** Sch. 11 wholly in force at 16.2.2001; Sch. 11 partly in force at Royal Assent, see s. 163(3); Sch. 11 in force in so far as not already 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](#))

### *Evasion of restrictions on donations*

- 8 Section 61 shall apply for the purposes of this Schedule as if—
- (a) any reference to donations were to relevant donations;
  - (b) any reference to a registered party were a reference to a recognised third party; and
  - (c) any reference to the treasurer of a registered party were, in relation to a recognised third party, a reference to the responsible person.

#### **Commencement Information**

**I67** Sch. 11 wholly in force at 16.2.2001; Sch. 11 partly in force at Royal Assent, see s. 163(3); Sch. 11 in force in so far as not already 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](#))

## PART III

### REPORTING OF DONATIONS [<sup>F309</sup>IN SECTION 96 RETURN]

#### **Textual Amendments**

**F309** Words in Sch. 11 Pt. 3 inserted (30.1.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), ss. **33(6)**, 45(3)(b) (with s. 46(1)(2))

*Status: Point in time view as at 02/02/2022.*

*Changes to legislation: Political Parties, Elections and Referendums Act 2000 is up to date with all changes known to be in force on or before 19 May 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)*

### *Statement of relevant donations*

- 9 The recognised third party must include in any return required to be prepared under section 96 a statement of relevant donations received in respect of the relevant election or elections (within the meaning of that section) which complies with paragraphs 10 and 11.

#### **Commencement Information**

- I68** Sch. 11 wholly in force at 16.2.2001; Sch. 11 partly in force at Royal Assent, see s. 163(3); Sch. 11 in force in so far as not already 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](#))

PROSPECTIVE

### *[<sup>F310</sup>Declarations under paragraph 6A [<sup>F311</sup>or 6B ]*

#### **Textual Amendments**

- F310** Sch. 11 para. 9A and preceding cross-heading inserted (prosp.) by [Political Parties and Elections Act 2009 \(c. 12\)](#), ss. 9(8), 43, [Sch. 3 para. 5\(2\)](#)
- F311** Words in heading before Sch. 11 para. 9A inserted (prosp.) by [Political Parties and Elections Act 2009 \(c. 12\)](#), ss. 10(8), 43, [Sch. 4 para. 6\(a\)](#)

- 9A [ In relation to each relevant donation falling within paragraph 10(2) in the case of <sup>F312</sup>(1)] which a declaration under paragraph 6A has been given, the statement must either—
- (a) state that no reason was found to think that the declaration was untruthful or inaccurate, or
  - (b) give details of any respects in which the declaration was found or suspected to be untruthful or inaccurate.

- [ In relation to each relevant donation falling with paragraph 10(2) in the case of which <sup>F313</sup>(2) a declaration under paragraph 6B has been given, the statement must either—
- (a) state that no reason was found for thinking that the declaration was incorrect, or
  - (b) give details of any respects in which the declaration was found or suspected to be incorrect.]]

#### **Textual Amendments**

- F312** Sch. 11 para. 9A renumbered (prosp.) as Sch. 11 para. 9A(1) by [Political Parties and Elections Act 2009 \(c. 12\)](#), ss. 10(8), 43, [Sch. 4 para. 6\(b\)](#)
- F313** Sch. 11 para. 9A(2) inserted (prosp.) by [Political Parties and Elections Act 2009 \(c. 12\)](#), ss. 10(8), 43, [Sch. 4 para. 6\(b\)](#)

### *Donations from permissible donors*

- 10 (1) The statement must record, in relation to each relevant donation falling within subparagraph (2) which is accepted by the recognised third party—

*Status: Point in time view as at 02/02/2022.*

*Changes to legislation: Political Parties, Elections and Referendums Act 2000 is up to date with all changes known to be in force on or before 19 May 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) the amount of the donation (if a donation of money, in cash or otherwise) or (in any other case) the nature of the donation and its value as determined in accordance with paragraph 5;
  - (b) the date when the donation was accepted by the recognised third party; and
  - (c) the information about the donor which is, in connection with recordable donations to registered parties, required to be recorded in donation reports by virtue of paragraph 2 of Schedule 6.
- (2) Sub-paragraph (1) applies to a relevant donation where—
- (a) the value of the donation is more than [<sup>F314</sup>£7,500], or
  - (b) the value of the donation, when added to the value of any other donation or donations made by the same donor (whether or not falling within paragraph (a)), is more than that amount.
- (3) The statement must also record—
- (a) the total value of any relevant donations, other than those falling within sub-paragraph (2), which are accepted by the recognised third party; and
  - (b) such other information as may be required by regulations made by the Commission.
- [<sup>F315</sup>(4) In the case of a donation made by an individual who has an anonymous entry in an electoral register (within the meaning of the Representation of the People Act 1983) if the statement states that the recognised third party has seen evidence of such description as is prescribed by the Secretary of State in regulations that the individual has such an anonymous entry, the statement must be accompanied by a copy of the evidence.]

#### **Textual Amendments**

**F314** Sum in Sch. 11 para. 10(2)(a) substituted (1.1.2010) by [Political Parties and Elections Act 2009 \(c. 12\), ss. 20\(3\), 43; S.I. 2009/3084, art. 4\(h\)](#)

**F315** Sch. 11 para. 10(4) inserted (E.W.S.) (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\), ss. 10\(2\), 77\(2\), Sch. 1 para. 29; S.I. 2006/3412, art. 3, Sch. 1 para. 12\(a\)](#) (subject to art. 6, Sch. 2)

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

**C80** [Sch. 11 para. 10\(4\)](#) amendment by 2006 c. 22, Sch. 1 para. 29 extended to N.I. (15.9.2014) by [The Anonymous Registration \(Northern Ireland\) Order 2014 \(S.I. 2014/1116\), arts. 1\(1\), 2\(2\)](#)

#### **Commencement Information**

**I69** Sch. 11 wholly in force at 16.2.2001; Sch. 11 partly in force at Royal Assent, see s. 163(3); Sch. 11 in force in so far as not already 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](#))

#### *Donations from impermissible donors*

- 11 (1) This paragraph applies to relevant donations falling within paragraph 6(1)(a) or (b).
- (2) Where paragraph 6(1)(a) applies, the statement must record—
- (a) the name and address of the donor;
  - (b) the amount of the donation (if a donation of money, in cash or otherwise) or (in any other case) the nature of the donation and its value as determined in accordance with paragraph 5;



*Status: Point in time view as at 02/02/2022.*

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- (c) the date when the donation was received, and the date when, and the manner in which, it was dealt with in accordance with section 56(2)(a); and
  - (d) such other information as is required by regulations made by the Commission.
- (3) Where paragraph 6(1)(b) applies, the statement must record—
- (a) details of the manner in which the donation was made;
  - (b) the amount of the donation (if a donation of money, in cash or otherwise) or (in any other case) the nature of the donation and its value as determined in accordance with paragraph 5;
  - (c) the date when the donation was received, and the date when, and the manner in which, it was dealt with in accordance with section 56(2)(b); and
  - (d) such other information as is required by regulations made by the Commission.
- (4) In this paragraph any reference to any provision of section 56 is a reference to that provision as applied by paragraph 7.

#### Commencement Information

**I70** Sch. 11 wholly in force at 16.2.2001; Sch. 11 partly in force at Royal Assent, see s. 163(3); Sch. 11 in force in so far as not already 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](#))

## <sup>F316</sup>SCHEDULE 11A

Sections 95A and 95B

### REQUIREMENTS OF QUARTERLY AND WEEKLY DONATION REPORTS

#### Textual Amendments

**F316** [Sch. 11A](#) inserted (30.1.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), s. 45(3)(b), [Sch. 4](#) (with s. 46(1)(2))

## PART 1

### PRELIMINARY

- 1 (1) In this Schedule—
- (a) “quarterly report” means a report required to be prepared under section 95A;
  - (b) “reportable donation”, in relation to a quarterly report, has the same meaning as in that section;
  - (c) “weekly report” means a report required to be prepared under section 95B;
  - (d) “substantial donation”, in relation to a weekly report, has the same meaning as in that section;
  - (e) “reporting period”, in relation to a report, means the reporting period within the meaning of section 95A or 95B in respect of which the report is made.

*Status: Point in time view as at 02/02/2022.*

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- (2) References in this Schedule to the value of a donation are to its value as determined in accordance with paragraph 5 of Schedule 11.
- (3) References in this Schedule to section 56 are to that section as applied by paragraph 7 of Schedule 11.

## PART 2

### QUARTERLY REPORTS

#### *Requirements of quarterly reports*

- 2 (1) A quarterly report in respect of a reporting period—
  - (a) must contain the statement mentioned in paragraph 3 (reportable donations accepted during reporting period), and
  - (b) must contain the statement mentioned in paragraph 5 (reportable donations from impermissible or unidentifiable donors dealt with during reporting period).
- (2) Where, because of the application of paragraph 2(3B) of Schedule 6 by virtue of paragraph 3(2)(a), the information required in the statement mentioned in paragraph 3 is a statement that the recognised third party has seen certain evidence that an individual has an anonymous entry in an electoral register (within the meaning of the Representation of the People Act 1983), the quarterly report must be accompanied by that evidence.

#### *Statement relating to reportable donations accepted during reporting period*

- 3 (1) The statement required by paragraph 2(1)(a) to be contained in a quarterly report is a statement recording—
  - (a) the appropriate details in relation to each reportable donation accepted by the recognised third party during the reporting period which is of a substantial value in the context of that period,
  - (b) the total value of all other reportable donations which are accepted by the recognised third party during the reporting period, and
  - (c) such other information as may be required by regulations made by the Commission.
- (2) In relation to a reportable donation of the kind mentioned in sub-paragraph (1)(a), the “appropriate details” means—
  - (a) the information about the donor which is, in connection with recordable donations to registered parties, required to be recorded in donation reports by virtue of paragraph 2 of Schedule 6,
  - (b) where the donation is of money, the amount of the donation,
  - (c) where the donation is not of money, the nature of the donation and its value,
  - (d) the date the donation was accepted by the recognised third party, and
  - (e) such other information as may be required by regulations made by the Commission.
- 4 (1) For the purposes of paragraph 3(1)(a), a reportable donation is of a substantial value in the context of a reporting period (“the reporting period”) if—

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- (a) in a case where there are no reportable donations made by the donor which have been recordable in any previous relevant quarterly report, condition A is met;
  - (b) in any other case, condition B is met.
- (2) Condition A is met if—
- (a) the value of the donation is more than £7,500, or
  - (b) its value, when added to the value of all other reportable donations (if any) made by the same donor which are accepted by the recognised third party in the relevant pre-dissolution period, is more than £7,500.
- (3) Condition B is met if—
- (a) the value of the donation is more than £1,500, or
  - (b) its value, when added to the value of all other reportable donations (if any) made by the same donor which fall within sub-paragraph (4), is more than £1,500.
- (4) A reportable donation falls within this sub-paragraph if—
- (a) it is accepted by the recognised third party in the relevant pre-dissolution period, and
  - (b) it was not recordable in any previous relevant quarterly report.
- (5) If a reportable donation which is aggregated under sub-paragraph (2)(b) or (3)(b) was accepted by the recognised third party in a previous reporting period, the donation is to be treated for the purposes of paragraph 3(1)(a) as accepted by the third party during the reporting period.
- (6) For the purposes of this paragraph a donation is “recordable in any previous relevant quarterly report” if details of the donation were required to be recorded under paragraph 3(1)(a) in any previous quarterly report in relation to the recognised third party in the case of the relevant pre-dissolution period.
- (7) In this paragraph, “the relevant pre-dissolution period” means the pre-dissolution period (within the meaning of section 95A) within which the reporting period falls.

*Statement of reportable donations dealt with during reporting period*

- 5 (1) The statement required by paragraph 2(1)(b) to be contained in a quarterly report is a statement recording the appropriate details in relation to each reportable donation which—
- (a) the recognised third party is prohibited from accepting by virtue of—
    - (i) paragraph 6(1)(a) of Schedule 11, or
    - (ii) paragraph 6(1)(b) of that Schedule, and
  - (b) is dealt with by the recognised third party during the reporting period in accordance with section 56(2).
- (2) In relation to a reportable donation of the kind mentioned in sub-paragraph (1)(a)(i), the “appropriate details” means—
- (a) the name and address of the donor,
  - (b) where the donation is of money, the amount of the donation,
  - (c) where the donation is not of money, the nature of the donation and its value,
  - (d) the date the donation was received by the recognised third party,

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- (e) the date and manner in which the donation was dealt with in accordance with section 56(2)(a), and
  - (f) such other information as may be required by regulations made by the Commission.
- (3) In relation to a reportable donation of the kind mentioned in sub-paragraph (1)(a)(ii), the “appropriate details” means—
- (a) details of the manner in which the donation was made,
  - (b) where the donation is of money, the amount of the donation,
  - (c) where the donation is not of money, the nature of the donation and its value,
  - (d) the date the donation was received by the recognised third party,
  - (e) the date and manner in which the donation was dealt with in accordance with section 56(2)(b), and
  - (f) such other information as may be required by regulations made by the Commission.

### *Supplementary*

- 6 Where reference is made in this Part to a donation being accepted, or dealt with in accordance with section 56(2), by a recognised third party during a reporting period, it is irrelevant whether the donation was also received by that party in that period.

## PART 3

### WEEKLY REPORTS

- 7 (1) A weekly report in respect of a reporting period must contain a statement recording the appropriate details in relation to each substantial donation received by the recognised third party during that period.
- (2) The “appropriate details” means—
- (a) the information about the donor which is, in connection with recordable donations to registered parties, required to be recorded in donation reports by virtue of paragraph 3 of Schedule 6,
  - (b) where the donation is of money, the amount of the donation,
  - (c) where the donation is not of money, the nature of the donation and its value,
  - (d) the date the donation was received by the recognised third party, and
  - (e) such other information as may be required by regulations made by the Commission.]

## SCHEDULE 12

Section 110.

### ASSISTANCE AVAILABLE TO DESIGNATED ORGANISATIONS

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

**C81** Sch. 12 power to apply (with modifications) conferred (17.2.2015) by [Wales Act 2014 \(c. 29\), s. 29\(2\)\(b\)\(3\)](#), [Sch. 1 para. 8](#)

*Status: Point in time view as at 02/02/2022.*

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**C82** Sch. 12 modified (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\), s. 13\(2\)](#), [Sch. 1 para. 14](#); [S.I. 2016/69, reg. 2](#)

*Right to send referendum address post free*

- 1 (1) A designated organisation is, subject to such reasonable terms and conditions as the universal service provider concerned may specify, entitled to send free of any charge for postage which would otherwise be made by a universal service provider either—
- (a) one unaddressed postal communication, containing matter relating to the referendum only and not exceeding 60 grammes in weight, to each place in the referendum area which, in accordance with those terms and conditions, constitutes a delivery point for the purposes of this sub-paragraph; or
  - (b) one such postal communication addressed to each person entitled to vote at the referendum.
- (2) A designated organisation is also, subject to any such terms and conditions, entitled to send free of any such charge for postage to each person entered in the list of proxies for the referendum one such postal communication for each appointment in respect of which that person is so entered.
- (3) Section 200A of the <sup>M30</sup>Representation of the People Act 1983 (remuneration of universal service provider for free postal services rendered in relation to parliamentary elections) shall apply in relation to a postal service rendered by a universal service provider in pursuance of this paragraph as it applies in relation to a postal service rendered by such a provider in pursuance of that Act.
- (4) In this paragraph—
- “the referendum area” means the area throughout which the referendum is being held;
  - “universal service provider” has the same meaning as in <sup>F317</sup>Part 3 of the Postal Services Act 2011].
- (5) If this paragraph comes into force at a time when the amendments made to section 91 of the Representation of the People Act 1983 by the Postal Services Act 2000 have not come into force, then until such time as those amendments come into force, this paragraph shall have effect subject to such modifications as may be specified in the order under section 163 of this Act which brings this paragraph into force.

**Textual Amendments**

**F317** Words in Sch. 12 para. 1(4) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\)](#), [Sch. 12 para. 158](#); [S.I. 2011/2329, art. 3](#)

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

- C83** Sch. 12 para. 1 applied (with modifications) (16.12.2010) by [The National Assembly for Wales Referendum \(Assembly Act Provisions\) \(Referendum Question, Date of Referendum Etc.\) Order 2010 \(S.I. 2010/2837\)](#), art. 1(2), [Sch. 5 Table](#)
- C84** Sch. 12 para. 1 applied (with modifications) (13.2.2013) by [The Scotland Act 1998 \(Modification of Schedule 5\) Order 2013 \(S.I. 2013/242\)](#), arts. 2, [4\(1\)\(b\)\(2\)](#)
- C85** Sch. 12 para. 1 restricted (18.12.2013) by [Scottish Independence Referendum Act 2013 \(asp 14\)](#), s. 36, [sch. 4 para. 32\(1\)\(b\)\(ii\)](#)

*Status: Point in time view as at 02/02/2022.*

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#### **Commencement Information**

**I71** Sch. 12 wholly in force at 16.2.2001; Sch. 12 not in force at Royal Assent, see s. 163(2); Sch. 12 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**

**M30** 1983 c. 2.

### *Right to use rooms for holding public meetings*

- 2 (1) Subject to the provisions of this paragraph, persons authorised by a designated organisation are entitled for the purpose of holding public meetings in furtherance of the organisation’s referendum campaign to the use free of charge, at reasonable times during the relevant period, of—
- (a) a suitable room in the premises of a school to which this paragraph applies in accordance with sub-paragraph (2);
  - (b) any meeting room to which this paragraph applies in accordance with sub-paragraph (3).
- For this purpose “the relevant period” means the period of 28 days ending with the day before the date of the poll.
- (2) This paragraph applies—
- (a) in England and Wales, to community, foundation and voluntary schools whose premises are situated in the referendum area, and
  - (b) in Scotland, to any school whose premises are so situated, other than an independent school within the meaning of the <sup>M31</sup>Education (Scotland) Act 1980.
- (3) This paragraph applies to meeting rooms situated in the referendum area the expense of maintaining which is payable wholly or mainly out of public funds or by any local authority, or by a body whose expenses are so payable.
- (4) Where a room is used for a meeting in pursuance of the rights conferred by this paragraph, the person by whom or on whose behalf the meeting is convened—
- (a) shall defray any expenses incurred in preparing, warming, lighting and cleaning the room and providing attendance for the meeting and restoring the room to its usual condition after the meeting; and
  - (b) shall defray any damage done to the room or the premises in which it is situated, or to the furniture, fittings or apparatus in the room or premises.
- (5) A person is not entitled to exercise the rights conferred by this paragraph except on reasonable notice; and this paragraph does not authorise any interference with the hours during which a room in school premises is used for educational purposes, or any interference with the use of a meeting room either for the purposes of the person maintaining it or under a prior agreement for its letting for any purpose.
- (6) For the purposes of this paragraph (except those of paragraph (b) of sub-paragraph (4)), the premises of a school shall not be taken to include any private dwelling, and in this paragraph—
- “dwelling” includes any part of a building where that part is occupied separately as a dwelling;
- “meeting room” means any room which it is the practice to let for public meetings; and

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“room” includes a hall, gallery or gymnasium.

(7) In this paragraph “the referendum area” means the area throughout which the referendum is being held.

(8) Neither this paragraph, nor paragraph 3, applies to Northern Ireland.

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

**C86** Sch. 12 para. 2(3) modified (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, **Sch. 2 para. 6**

#### Commencement Information

**I72** Sch. 12 wholly in force at 16.2.2001; Sch. 12 not in force at Royal Assent, see s. 163(2); Sch. 12 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

**M31** [1980 c. 44.](#)

#### *Supplementary provisions about use of rooms for public meetings*

- 3 (1) This paragraph has effect with respect to the rights conferred by paragraph 2 and the arrangements to be made for their exercise.
- (2) Any arrangements for the use of a room in school premises shall be made—
- (a) with the [<sup>F318</sup>local authority] (or, in Scotland, education authority) maintaining the school, or
  - (b) in the case of a room in the premises of a foundation or voluntary aided school, with the governing body of the school.
- (3) Any question as to the rooms in school premises which a person authorised by a designated organisation is entitled to use, or as to the times at which he is entitled to use them, or as to the notice which is reasonable, shall be determined by the Secretary of State.
- (4) Any person authorised by a designated organisation is entitled at all reasonable hours to inspect—
- (a) any lists prepared in pursuance of paragraph 4 or 6 of Schedule 5 to the Representation of the <sup>M32</sup>People Act 1983 (use of rooms for parliamentary election meetings), or
  - (b) a copy of any such lists,
- in connection with exercising the rights conferred by paragraph 2.
- [<sup>F319</sup>(5) In this paragraph “local authority” has the meaning given by section 579(1) of the Education Act 1996.]

#### Textual Amendments

**F318** Words in Sch. 12 para. 3(2)(a) substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 48(2)**

**F319** Sch. 12 para. 3(5) inserted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 48(3)**



*Status: Point in time view as at 02/02/2022.*

*Changes to legislation: Political Parties, Elections and Referendums Act 2000 is up to date with all changes known to be in force on or before 19 May 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

**I73** Sch. 12 wholly in force at 16.2.2001; Sch. 12 not in force at Royal Assent, see s. 163(2); Sch. 12 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

**M32** [1983 c. 2](#).

### *Referendum campaign broadcasts*

- 4 (1) <sup>F320</sup> .....
- (2) <sup>F320</sup> .....
- (3) <sup>F320</sup> .....
- (4) <sup>F320</sup> .....
- (5) <sup>F320</sup> .....
- (6) The British Broadcasting Corporation [<sup>F321</sup> shall have regard, in determining its policy with respect to referendum campaign broadcasts by designated organisations,] to any views expressed by the Electoral Commission for the purposes of this sub-paragraph.
- (7) In this paragraph—
- <sup>F322</sup> .....
- <sup>F322</sup> .....
- <sup>F322</sup> .....
- <sup>F322</sup> .....
- <sup>F322</sup> .....
- “referendum campaign broadcast” has the same meaning as in section 127.

### Textual Amendments

**F320** Sch. 12 para. 4(1)-(5) repealed (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), ss. 406, 408, 411(2), [Sch. 19\(1\)](#) (with [Sch. 18](#), [Sch. 19\(1\) Note 1](#)); [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (subject to [art. 3\(3\)](#) and with [art. 11](#))

**F321** Words in Sch. 12 para. 4(6) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), ss. 406, 408, 411(2), [Sch. 17 para. 167\(3\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (subject to [art. 3\(3\)](#) and with [art. 11](#))

**F322** Sch. 12 para. 4(7): definitions of "the 1990 Act", "licence", "licensed" and "the licensing body" repealed (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), ss. 406, 408, 411(2), [Sch. 19\(1\)](#) (with [Sch. 18](#), [Sch. 19\(1\) Note 1](#)); [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (subject to [art. 3\(3\)](#) and with [art. 11](#))

### Commencement Information

**I74** Sch. 12 wholly in force at 16.2.2001; Sch. 12 not in force at Royal Assent, see s. 163(2); Sch. 12 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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## SCHEDULE 13

Section 111.

### REFERENDUM EXPENSES: QUALIFYING EXPENSES

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

- C87** Sch. 13 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**
- C88** Sch. 13 modified (16.12.2010 with application in accordance with art. 1(3) of the amending S.I.) by [The National Assembly for Wales Referendum \(Assembly Act Provisions\) \(Limit on Referendum Expenses Etc.\) Order 2010 \(S.I. 2010/2985\)](#), arts. 1(2), **5** (with art. 1(3))

### PART I

#### QUALIFYING EXPENSES

##### *Expenses qualifying where incurred for referendum purposes*

- 1 For the purposes of section 111(2) the expenses falling within this Part of this Schedule are expenses incurred in respect of any of the matters set out in the following list.

#### LIST OF MATTERS

- (1) Referendum campaign broadcasts.  
Expenses in respect of such broadcasts include agency fees, design costs and other costs in connection with preparing or producing such broadcasts.
- (2) Advertising of any nature (whatever the medium used).  
Expenses in respect of such advertising include agency fees, design costs and other costs in connection with preparing, producing, distributing or otherwise disseminating such advertising or anything incorporating such advertising and intended to be distributed for the purpose of disseminating it.
- (3) Unsolicited material addressed to electors (whether addressed to them by name or intended for delivery to households within any particular area or areas).  
Expenses in respect of such material include design costs and other costs in connection with preparing, producing or distributing such material (including the cost of postage).
- (4) Any material to which section 125 applies.  
Expenses in respect of such material include design costs and other costs in connection with preparing or producing or distributing or otherwise disseminating such material.
- (5) Market research or canvassing conducted for the purpose of ascertaining polling intentions.
- (6) The provision of any services or facilities in connection with press conferences or other dealings with the media.

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- (7) Transport (by any means) of persons to any place or places with a view to obtaining publicity in connection with a referendum campaign.

Expenses in respect of the transport of such persons include the costs of hiring a particular means of transport for the whole or part of the period during which the campaign is being conducted.

- (8) Rallies and other events, including public meetings (but not annual or other party conferences) organised so as to obtain publicity in connection with a referendum campaign or for other purposes connected with a referendum campaign.

Expenses in respect of such events include costs incurred in connection with the attendance of persons at such events, the hire of premises for the purposes of such events or the provision of goods, services or facilities at them.

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

**C89** Sch. 13 para. 1 excluded (13.2.2013) by [The Scotland Act 1998 \(Modification of Schedule 5\) Order 2013 \(S.I. 2013/242\)](#), arts. 2, **4(3)(b)**

**Commencement Information**

**I75** Sch. 13 wholly in force at 16.2.2001; Sch. 13 partly in force at Royal Assent, see s. 163(3); Sch. 13 in force in so far as not already 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](#))

*Exclusions*

- 2 Nothing in paragraph 1 shall be taken as extending to—
- (a) any expenses in respect of any property, services or facilities so far as those expenses fall to be met out of public funds;
  - (b) any expenses incurred in respect of the remuneration or allowances payable to any member of the staff (whether permanent or otherwise) of the campaign organiser; or
  - (c) any expenses incurred in respect of an individual by way of travelling expenses (by any means of transport) or in providing for his accommodation or other personal needs to the extent that the expenses are paid by the individual from his own resources and are not reimbursed to him.

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

**C90** Sch. 13 para. 2 modified (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\)](#), s. 13(2), **Sch. 1 para. 18**; [S.I. 2016/69](#), reg. 2

**Commencement Information**

**I76** Sch. 13 wholly in force at 16.2.2001; Sch. 13 partly in force at Royal Assent, see s. 163(3); Sch. 13 in force in so far as not already 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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## PART II

### SUPPLEMENTAL

#### *Guidance by Commission*

- 3
- (1) The Commission may prepare, and from time to time revise, a code of practice giving guidance as to the kinds of expenses which do, or do not, fall within Part I of this Schedule.
  - (2) Once the Commission have prepared a draft code under this paragraph, they shall submit it to the Secretary of State for his approval.
  - (3) The Secretary of State may approve a draft code either without modification or with such modifications as he may determine.
  - (4) Once the Secretary of State has approved a draft code he shall lay a copy of the draft, whether—
    - (a) in its original form, or
    - (b) in a form which incorporates any modifications determined under sub-paragraph (3),before each House of Parliament.
  - (5) If the draft incorporates any such modifications, the Secretary of State shall at the same time lay before each House a statement of his reasons for making them.
  - (6) If, within the 40-day period, either House resolves not to approve the draft, the Secretary of State shall take no further steps in relation to the draft code.
  - (7) If no such resolution is made within the 40-day period—
    - (a) the Secretary of State shall issue the code in the form of the draft laid before Parliament, and
    - (b) the code shall come into force on such date as the Secretary of State may by order appoint;and the Commission shall arrange for it to be published in such manner as they consider appropriate.
  - (8) Sub-paragraph (6) does not prevent a new draft code from being laid before Parliament.
  - (9) In this paragraph “40-day period”, in relation to a draft code, means—
    - (a) if the draft is laid before one House on a day later than the day on which it is laid before the other House, the period of 40 days beginning with the later of the two days, and
    - (b) in any other case, the period of 40 days beginning with the day on which the draft is laid before each House,no account being taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.
  - (10) In this paragraph references to a draft code include a draft revised code.

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#### Commencement Information

- I77** Sch. 13 wholly in force at 16.2.2001; Sch. 13 partly in force at Royal Assent, see s. 163(3); Sch. 13 in force in so far as not already 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](#))

#### *Power to amend Part I*

- 4 (1) The Secretary of State may by order make such amendments of Part I of this Schedule as he considers appropriate.
- (2) The Secretary of State may make such an order either—
- (a) where the order gives effect to a recommendation of the Commission; or
  - (b) after consultation with the Commission.

#### Commencement Information

- I78** Sch. 13 wholly in force at 16.2.2001; Sch. 13 partly in force at Royal Assent, see s. 163(3); Sch. 13 in force in so far as not already 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](#))

### SCHEDULE 14

Section 118.

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

- C91** Sch. 14 modified (16.2.2011) by [Parliamentary Voting System and Constituencies Act 2011 \(c. 1\)](#), s. 19(1), [Sch. 1 para. 17\(3\)\(b\)](#)
- C92** Sch. 14 modified (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\)](#), s. 13(2), [Sch. 1 para. 25](#); [S.I. 2016/69](#), [reg. 2](#)
- C93** Sch. 14 modified (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\)](#), s. 13(2), [Sch. 1 para. 22](#); [S.I. 2016/69](#), [reg. 2](#)

### LIMITS ON REFERENDUM EXPENSES BY PERMITTED PARTICIPANTS

#### *Limits in relation to referendums held throughout United Kingdom*

- 1 (1) This paragraph imposes limits in relation to a referendum falling within section 101(1)(a).
- (2) The limit on referendum expenses incurred by or on behalf of a permitted participant during the referendum period in the case of such a referendum is—
- (a) £5 million in the case of a person or body designated under section 108;
  - (b) in the case of a registered party falling within section 105(1)(a) but not designated under section 108—
    - (i) £5 million, if the party's relevant percentage exceeds 30 per cent,

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- (ii) £4 million, if the party's relevant percentage is more than 20 per cent. but not more than 30 per cent,
  - (iii) £3 million, if the party's relevant percentage is more than 10 per cent. but not more than 20 per cent,
  - (iv) £2 million, if the party's relevant percentage is more than 5 per cent. but not more than 10 per cent,
  - (v) £500,000, if the party's relevant percentage is not more than 5 per cent. or if it has no relevant percentage; and
- (c) £500,000 in the case of a person or body falling within section 105(1)(b) but not designated under section 108.
- (3) For the purposes of this paragraph—
- (a) a registered party has a relevant percentage in relation to a referendum to which this paragraph applies if, at the last parliamentary general election taking place before the referendum, votes were cast for one or more candidates at the election authorised to use the party's registered name; and
  - (b) the amount of its relevant percentage is equal to the percentage of the total number of votes cast for all candidates at that election which is represented by the total number of votes cast for the candidate or candidates mentioned in paragraph (a).
- (4) Where at any such general election a candidate was authorised to use the registered name of more than one registered party, then for the purposes of sub-paragraph (3) (b) as it applies in relation to each of those parties, the number of votes cast for the candidate shall be taken to be the total number cast for him divided by the number of parties.
- (5) In this paragraph any reference to a parliamentary general election is to one taking place after the passing of this Act.

#### **Commencement Information**

**179** Sch. 14 wholly in force at 16.2.2001; Sch. 14 partly in force at Royal Assent, see s. 163(3); Sch. 14 in force in so far as not already 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](#))

#### *Limits in relation to referendums held in particular parts of United Kingdom*

- 2
- (1) This paragraph imposes limits in relation to a referendum to which this Part applies, other than one falling within section 101(1)(a).
  - (2) The limit on referendum expenses incurred by or on behalf of a permitted participant during the referendum period in the case of such a referendum is such amount as the Secretary of State may by order prescribe.
  - (3) Different amounts may be so prescribed for different referendums or different categories of permitted participants.
  - (4) Before making an order under this paragraph the Secretary of State shall seek, and have regard to, the views of the Commission.
  - (5) Where the Secretary of State proposes to make such an order otherwise than in accordance with the views of the Commission, he shall on laying a draft of a statutory

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instrument containing the order before each House of Parliament also lay before each House a statement of his reasons for departing from the views of the Commission.

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

**C94** Sch. 14(2) applied (with modifications) (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**

**I80** Sch. 14 wholly in force at 16.2.2001; Sch. 14 partly in force at Royal Assent, see s. 163(3); Sch. 14 in force in so far as not already 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](#))

SCHEDULE 15

Section 119.

CONTROL OF DONATIONS TO PERMITTED PARTICIPANTS

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

- C95** Sch. 15 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**
- C96** Sch. 15 modified (16.2.2011) by [Parliamentary Voting System and Constituencies Act 2011 \(c. 1\)](#), **ss. 6(5), 19(1)**
- C97** Sch. 15 modified (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\)](#), s. 13(2), **Sch. 2 para. 2(4)**; [S.I. 2016/69](#), reg. 2

**PART I**

INTRODUCTORY

*Operation and interpretation of Schedule*

- 1 (1) This Schedule has effect for controlling donations to permitted participants that either are not registered parties or are minor parties.
- (2) The following provisions have effect for the purposes of this Schedule.
- (3) In accordance with sub-paragraph (1) “permitted participant” does not include a permitted participant which is a registered party other than a minor party.
- (4) “Relevant donation”, in relation to a permitted participant at a referendum, means a donation to the permitted participant for the purpose of meeting referendum expenses incurred by or on behalf of the permitted participant.
- (5) “Donation” shall be construed in accordance with paragraphs 2 to 4.
- (6) In relation to donations received by a permitted participant other than a designated organisation, references to a permissible donor falling within section 54(2) do not include a registered party.



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In this sub-paragraph “designated organisation” has the meaning given by section 110(5).

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

**C98** Sch. 15 para. 1 modified (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\)](#), s. 13(2), [Sch. 1 para. 29](#); [S.I. 2016/69](#), reg. 2

**Commencement Information**

**I81** Sch. 15 wholly in force at 16.2.2001; Sch. 15 partly in force at Royal Assent, see s. 163(3); Sch. 15 in force in so far as not already 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](#))

*Donations: general rules*

- 2 (1) “Donation”, in relation to a permitted participant, means (subject to paragraph 4)—
- (a) any gift to the permitted participant of money or other property;
  - (b) any sponsorship provided in relation to the permitted participant (as defined by paragraph 3);
  - (c) any money spent (otherwise than by or on behalf of the permitted participant) in paying any referendum expenses incurred by or on behalf of the permitted participant;
  - (d) any money lent to the permitted participant otherwise than on commercial terms;
  - (e) the provision otherwise than on commercial terms of any property, services or facilities for the use or benefit of the permitted participant (including the services of any person);
  - (f) in the case of a permitted participant other than an individual, any subscription or other fee paid for affiliation to, or membership of, the permitted participant.
- (2) Where—
- (a) any money or other property is transferred to a permitted participant pursuant to any transaction or arrangement involving the provision by or on behalf of the permitted participant of any property, services or facilities or other consideration of monetary value, and
  - (b) the total value in monetary terms of the consideration so provided by or on behalf of the permitted participant is less than the value of the money or (as the case may be) the market value of the property transferred,
- the transfer of the money or property shall (subject to sub-paragraph (4)) constitute a gift to the permitted participant for the purposes of sub-paragraph (1)(a).
- (3) In determining—
- (a) for the purposes of sub-paragraph (1)(d) whether any money lent to a permitted participant is so lent otherwise than on commercial terms, or
  - (b) for the purposes of sub-paragraph (1)(e) whether any property, services or facilities provided for the use or benefit of a permitted participant is or are so provided otherwise than on such terms,

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regard shall be had to the total value in monetary terms of the consideration provided by or on behalf of the permitted participant in respect of the loan or the provision of the property, services or facilities.

- (4) Where (apart from this sub-paragraph) anything would be a donation both by virtue of sub-paragraph (1)(b) and by virtue of any other provision of this paragraph, sub-paragraph (1)(b) (together with paragraph 3) shall apply in relation to it to the exclusion of the other provision of this paragraph.
- (5) Anything given or transferred to any officer, member, trustee or agent of a permitted participant in his capacity as such (and not for his own use or benefit) is to be regarded as given or transferred to the permitted participant (and references to donations received by a permitted participant accordingly include donations so given or transferred).
- (6) In this paragraph—
  - (a) any reference to anything being given or transferred to a permitted participant or any other person is a reference to its being given or transferred either directly or indirectly through any third person;
  - (b) “gift” includes bequest.

#### **Commencement Information**

**182** Sch. 15 wholly in force at 16.2.2001; Sch. 15 partly in force at Royal Assent, see s. 163(3); Sch. 15 in force in so far as not already 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](#))

#### *Sponsorship*

- 3 (1) For the purposes of this Schedule sponsorship is provided in relation to a permitted participant if—
  - (a) any money or other property is transferred to the permitted participant or to any person for the benefit of the permitted participant, and
  - (b) the purpose (or one of the purposes) of the transfer is (or must, having regard to all the circumstances, reasonably be assumed to be)—
    - (i) to help the permitted participant with meeting, or to meet, to any extent any defined expenses incurred or to be incurred by or on behalf of the permitted participant, or
    - (ii) to secure that to any extent any such expenses are not so incurred.
- (2) In sub-paragraph (1) “defined expenses” means expenses in connection with—
  - (a) any conference, meeting or other event organised by or on behalf of the permitted participant,
  - (b) the preparation, production or dissemination of any publication by or on behalf of the permitted participant, or
  - (c) any study or research organised by or on behalf of the permitted participant.
- (3) The following do not, however, constitute sponsorship by virtue of sub-paragraph (1) —
  - (a) the making of any payment in respect of—
    - (i) any charge for admission to any conference, meeting or other event,
    - or

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- (ii) the purchase price of, or any other charge for access to, any publication;
  - (b) the making of any payment in respect of the inclusion of an advertisement in any publication where the payment is made at the commercial rate payable for the inclusion of such an advertisement in any such publication.
- (4) The Secretary of State may by order made on the recommendation of the Commission amend sub-paragraph (2) or (3).
- (5) In this paragraph “publication” means a publication made available in whatever form and by whatever means (whether or not to the public at large or any section of the public).

#### Commencement Information

**I83** Sch. 15 wholly in force at 16.2.2001; Sch. 15 partly in force at Royal Assent, see s. 163(3); Sch. 15 in force in so far as not already 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](#))

#### *Payments etc. not to be regarded as donations*

- 4 (1) None of the following shall be regarded as a donation—
- (a) any grant provided out of public funds, other than a grant provided to a designated organisation by virtue of section 110(2);
  - (b) the provision of any rights conferred on a designated organisation (or persons authorised by a designated organisation) by virtue of section 110(4) and Schedule 12;
  - (c) the provision by an individual of his own services which he provides voluntarily in his own time and free of charge; or
  - (d) any interest accruing to a permitted participant in respect of any donation which is dealt with by the permitted participant in accordance with section 56(2)(a) or (b) (as applied by paragraph 7).
- (2) Any donation whose value (as determined in accordance with paragraph 5) is not more than [<sup>F323</sup>£500] shall be disregarded.

#### Textual Amendments

**F323** Sum in Sch. 15 para. 4(2) substituted (1.1.2010) by [Political Parties and Elections Act 2009 \(c. 12\)](#), [ss. 20\(1\)](#), [43](#); [S.I. 2009/3084](#), [art. 4\(h\)](#)

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

**C99** Sch. 15 para. 4(1) modified (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\)](#), [s. 13\(2\)](#), [Sch. 1 para. 30](#); [S.I. 2016/69](#), [reg. 2](#)

#### Commencement Information

**I84** Sch. 15 wholly in force at 16.2.2001; Sch. 15 partly in force at Royal Assent, see s. 163(3); Sch. 15 in force in so far as not already 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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### *Value of donations*

- 5 (1) The value of any donation falling within paragraph 2(1)(a) (other than money) shall be taken to be the market value of the property in question.
- (2) Where, however, paragraph 2(1)(a) applies by virtue of paragraph 2(2), the value of the donation shall be taken to be the difference between—
- (a) the value of the money, or the market value of the property, in question, and
  - (b) the total value in monetary terms of the consideration provided by or on behalf of the permitted participant.
- (3) The value of any donation falling within paragraph 2(1)(b) shall be taken to be the value of the money, or (as the case may be) the market value of the property, transferred as mentioned in paragraph 3(1); and accordingly any value in monetary terms of any benefit conferred on the person providing the sponsorship in question shall be disregarded.
- (4) The value of any donation falling within paragraph 2(1)(d) or (e) shall be taken to be the amount representing the difference between—
- (a) the total value in monetary terms of the consideration that would have had to be provided by or on behalf of the permitted participant in respect of the loan or the provision of the property, services or facilities if—
    - (i) the loan had been made, or
    - (ii) the property, services or facilities had been provided, on commercial terms, and
  - (b) the total value in monetary terms of the consideration (if any) actually so provided by or on behalf of the permitted participant.
- (5) Where a donation such as is mentioned in sub-paragraph (4) confers an enduring benefit on the donee over a particular period, the value of the donation—
- (a) shall be determined at the time when it is made, but
  - (b) shall be so determined by reference to the total benefit accruing to the donee over that period.

#### **Commencement Information**

**185** Sch. 15 wholly in force at 16.2.2001; Sch. 15 partly in force at Royal Assent, see s. 163(3); Sch. 15 in force in so far as not already 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](#))

## **PART II**

### CONTROLS ON DONATIONS

#### *Prohibition on accepting donations from impermissible donors*

- 6 (1) A relevant donation received by a permitted participant must not be accepted by the permitted participant if—
- (a) the person by whom the donation would be made is not, at the time of its receipt by the permitted participant, a permissible donor falling within section 54(2), or

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- (b) the permitted participant is (whether because the donation is given anonymously or by reason of any deception or concealment or otherwise) unable to ascertain the identity of the person offering the donation.
- (2) For the purposes of this Schedule any payment received by a designated organisation by virtue of section 110(2) shall be regarded as a donation received by the organisation from a permissible donor falling within section 54(2).
- (3) For the purposes of this Schedule, any relevant donation received by a permitted participant which is an exempt trust donation shall be regarded as a relevant donation received by the permitted participant from a permissible donor.
- (4) But, for the purposes of this Schedule, any relevant donation received by a permitted participant from a trustee of any property (in his capacity as such) which is not—
- (a) an exempt trust donation, or
  - (b) a relevant donation transmitted by the trustee to the permitted participant on behalf of beneficiaries under the trust who are—
    - (i) persons who at the time of its receipt by the permitted participant are permissible donors falling within section 54(2), or
    - (ii) the members of an unincorporated association which at that time is such a permissible donor,
- shall be regarded as a relevant donation received by the permitted participant from a person who is not such a permissible donor.
- (5) Where any person (“the principal donor”) causes an amount (“the principal donation”) to be received by a permitted participant by way of a relevant 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 Schedule each individual contribution by a person falling within paragraph (a) or (b) of more than [<sup>F324</sup>£500] shall be treated as if it were a separate donation received from that person.
- (6) In relation to each such separate donation, the principal donor must ensure that, at the time when the principal donation is received by the permitted participant, the responsible person 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 10(1)(c) to be given in respect of the donor of a donation to which that paragraph applies; and
  - (b) (in any case) all such details in respect of the donation as are required by virtue of paragraph 10(1)(a).
- (7) Where—
- (a) any person (“the agent”) causes an amount to be received by a permitted participant by way of a donation on behalf of another person (“the donor”), and
  - (b) the amount of the donation is more than [<sup>F324</sup>£500],
- the agent must ensure that, at the time when the donation is received by the permitted participant, the responsible person is given all such details in respect of the donor as are required by virtue of paragraph 10(1)(c) to be given in respect of the donor of a donation to which that paragraph applies.

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

#### Textual Amendments

**F324** Sums in Sch. 15 para. 6(5)(7)(b) substituted (1.1.2010) by [Political Parties and Elections Act 2009 \(c. 12\)](#), [ss. 20\(1\)](#), 43; [S.I. 2009/3084](#), [art. 4\(h\)](#)

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

**C100** Sch. 15 para. 6 modified (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\)](#), s. 13(2), [Sch. 1 para. 31](#); [S.I. 2016/69](#), reg. 2

#### Commencement Information

**I86** Sch. 15 wholly in force at 16.2.2001; Sch. 15 partly in force at Royal Assent, see s. 163(3); Sch. 15 in force in so far as not already 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](#))

PROSPECTIVE

### <sup>F325</sup>Declaration as to source of donation

#### Textual Amendments

**F325** Sch. 15 para. 6A and preceding cross-heading inserted (prosp.) by [Political Parties and Elections Act 2009 \(c. 12\)](#), [ss. 9\(8\)](#), 43, [Sch. 3 para. 7\(2\)](#)

- 6A (1) Where a person (P) causes an amount exceeding £7,500 to be received by a permitted participant by way of a donation, a written declaration must be given to the permitted participant—
- (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 sub-paragraph (2) applies to the donation.
- (2) This sub-paragraph 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 paragraph contains a statement to the effect that sub-paragraph (2) applies to the donation, it must also—
- (a) state whether or not, in the opinion of the person making the declaration—
    - (i) sub-paragraph (5) of paragraph 6 applies to the donation;
    - (ii) sub-paragraph (7) of that paragraph applies to it;
  - (b) if the person's opinion is that neither of those sub-paragraphs applies to the donation, give the person's reasons for that opinion.

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- (4) The declaration must also state the full name and address of the person by whom it is made and, where sub-paragraph (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 paragraph 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 sub-paragraph (2).]

PROSPECTIVE

*[<sup>F326</sup>Declaration as to whether residence etc condition satisfied*

**Textual Amendments**

**F326** Sch. 15 para. 6B and preceding cross-heading inserted (prosp.) by [Political Parties and Elections Act 2009 \(c. 12\)](#), ss. 10(8), 43, [Sch. 4 para. 7\(2\)](#)

- 6B
- (1) An individual making to a permitted participant a donation in relation to which the condition set out in section 54(2ZA) applies must give to the permitted participant a declaration stating whether or not the individual satisfies that condition.
  - (2) A declaration under this paragraph must also state the individual's full name and address.
  - (3) A person who knowingly or recklessly makes a false declaration under this paragraph commits an offence.
  - (4) The Secretary of State may by regulations make provision requiring a declaration under this paragraph to be retained for a specified period.]

*Acceptance or return of donations*

- 7
- (1) Sections 56 to 60 shall apply for the purposes of this Schedule in relation to a permitted participant and any relevant donation received by a permitted participant as they apply in relation to a registered party and a donation received by a registered party.
  - (2) In the application of sections 56 to 60 in accordance with sub-paragraph (1)—
    - (a) section 56(1) shall have effect as if the reference to the particulars relating to a donor which would be required to be included in a donation report by virtue of paragraph 2 of Schedule 6 (if the donation were a recordable donation within the meaning of that Schedule) were construed as a reference to the particulars which are required to be included in a return by virtue of paragraph 10(1)(c) (in relation to a donation to which that paragraph applies); and
    - (b) section 56(3) and (4) shall each have effect as if any reference to the treasurer of a registered party were construed as a reference to the responsible person in relation to the permitted participant.



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

**C101** Sch. 15 para. 7(2) modified (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\)](#), s. 13(2), [Sch. 1 para. 32](#); S.I. 2016/69, reg. 2

**Commencement Information**

**I87** Sch. 15 wholly in force at 16.2.2001; Sch. 15 partly in force at Royal Assent, see s. 163(3); Sch. 15 in force in so far as not already 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](#))

*Evasion of restrictions on donations*

- 8 Section 61 shall apply for the purposes of this Schedule as if—
- (a) any reference to donations were to relevant donations;
  - (b) any reference to a registered party were a reference to a permitted participant; and
  - (c) any reference to the treasurer of such a party were, in relation to a permitted participant, a reference to the responsible person.

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

**C102** Sch. 15 para. 8 modified (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\)](#), s. 13(2), [Sch. 1 para. 33](#); S.I. 2016/69, reg. 2

**Commencement Information**

**I88** Sch. 15 wholly in force at 16.2.2001; Sch. 15 partly in force at Royal Assent, see s. 163(3); Sch. 15 in force in so far as not already 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](#))

**PART III**

REPORTING OF DONATIONS

*Statement of relevant donations*

- 9 The responsible person in relation to a permitted participant must include in any return required to be prepared under section 120 a statement of relevant donations which complies with paragraphs 10 and 11.

**Commencement Information**

**I89** Sch. 15 wholly in force at 16.2.2001; Sch. 15 partly in force at Royal Assent, see s. 163(3); Sch. 15 in force in so far as not already 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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PROSPECTIVE

*[<sup>F327</sup>Declarations under paragraph 6A [<sup>F328</sup> or 6B ]*

**Textual Amendments**

**F327** Sch. 15 para. 9A and preceding cross-heading inserted (prosp.) by [Political Parties and Elections Act 2009 \(c. 12\), ss. 9\(8\), 43, Sch. 3 para. 8\(2\)](#)

**F328** Words in heading before Sch. 15 para. 9A inserted (prosp.) by [Political Parties and Elections Act 2009 \(c. 12\), ss. 10\(8\), 43, Sch. 4 para. 9\(a\)](#)

- 9A [ In relation to each relevant donation falling within paragraph 10(2) in the case of <sup>F329</sup>(1) ] which a declaration under paragraph 6A has been given, the statement must either—
- (a) state that no reason was found to think that the declaration was untruthful or inaccurate, or
  - (b) give details of any respects in which the declaration was found or suspected to be untruthful or inaccurate.

- [ In relation to each relevant donation falling with paragraph 10(2) in the case of which <sup>F330</sup>(2) a declaration under paragraph 6B has been given, the statement must either—
- (a) state that no reason was found for thinking that the declaration was incorrect, or
  - (b) give details of any respects in which the declaration was found or suspected to be incorrect.]]

**Textual Amendments**

**F329** Sch. 15 para. 9A renumbered (prosp.) as Sch. 11 para. 9A(1) by [Political Parties and Elections Act 2009 \(c. 12\), ss. 10\(8\), 43, Sch. 4 para. 9\(b\)](#)

**F330** Sch. 15 para. 9A(2) inserted (prosp.) by [Political Parties and Elections Act 2009 \(c. 12\), ss. 10\(8\), 43, Sch. 4 para 9\(b\)](#)

*Donations from permissible donors*

- 10 (1) The statement must record, in relation to each relevant donation falling within sub-paragraph (2) which is accepted by the permitted participant—
- (a) the amount of the donation (if a donation of money, in cash or otherwise) or (in any other case) the nature of the donation and its value as determined in accordance with paragraph 5;
  - (b) the date when the donation was accepted by the permitted participant; and
  - (c) the information about the donor which is, in connection with recordable donations to registered parties, required to be recorded in donation reports by virtue of paragraph 2 of Schedule 6.
- (2) Sub-paragraph (1) applies to a relevant donation where—
- (a) the value of the donation is more than [<sup>F331</sup>£7,500], or
  - (b) the value of the donation, when added to the value of any other donation or donations made by the same donor (whether or not falling within paragraph (a)), is more than that amount.

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- (3) The statement must also record—
- (a) the total value of any relevant donations, other than those falling within subparagraph (2), which are accepted by the permitted participant; and
  - (b) such other information as may be required by regulations made by the Commission.
- [<sup>F332</sup>(4) In the case of a donation made by an individual who has an anonymous entry in an electoral register (within the meaning of the Representation of the People Act 1983) if the statement states that the permitted participant has seen evidence of such description as is prescribed by the Secretary of State in regulations that the individual has such an anonymous entry, the statement must be accompanied by a copy of the evidence.]

#### Textual Amendments

- F331** Sum in Sch. 15 para. 10(2)(a) substituted (1.1.2010) by [Political Parties and Elections Act 2009 \(c. 12\)](#), [ss. 20\(3\)](#), 43; [S.I. 2009/3084](#), [art. 4\(h\)](#)
- F332** Sch. 15 para. 10(4) inserted (E.W.S.) (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\)](#), [ss. 10\(2\)](#), [77\(2\)](#), [Sch. 1 para. 30](#); [S.I. 2006/3412](#), [art. 3](#), [Sch. 1 para. 12\(a\)](#) (subject to [art. 6](#), [Sch. 2](#))

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

- C103** [Sch. 15 para. 10](#) modified (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\)](#), [s. 13\(2\)](#), [Sch. 1 para. 34](#); [S.I. 2016/69](#), [reg. 2](#)
- C104** [Sch. 15 para. 10](#) modified (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\)](#), [s. 13\(2\)](#), [Sch. 2 para. 2\(5\)](#); [S.I. 2016/69](#), [reg. 2](#)
- C105** [Sch. 15 para. 10\(4\)](#) amendment by [2006 c. 22](#), [Sch. 1 para. 30](#) extended to N.I. (15.9.2014) by [The Anonymous Registration \(Northern Ireland\) Order 2014 \(S.I. 2014/1116\)](#), [arts. 1\(1\)](#), [2\(2\)](#)

#### Commencement Information

- I90** Sch. 15 wholly in force at 16.2.2001; Sch. 15 partly in force at Royal Assent, see [s. 163\(3\)](#); Sch. 15 in force in so far as not already 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](#))

#### *Donations from impermissible or unidentifiable donors*

- 11 (1) This paragraph applies to relevant donations falling within paragraph 6(1)(a) or (b).
- (2) Where paragraph 6(1)(a) applies, the statement must record—
- (a) the name and address of the donor;
  - (b) the amount of the donation (if a donation of money, in cash or otherwise) or (in any other case) the nature of the donation and its value as determined in accordance with paragraph 5;
  - (c) the date when the donation was received, and the date when, and the manner in which, it was dealt with in accordance with section 56(2)(a); and
  - (d) such other information as is required by regulations made by the Commission.
- (3) Where paragraph 6(1)(b) applies the statement must record—
- (a) details of the manner in which the donation was made;

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- (b) the amount of the donation (if a donation of money, in cash or otherwise) or (in any other case) the nature of the donation and its value as determined in accordance with paragraph 5;
- (c) the date when the donation was received, and the date when, and the manner in which, it was dealt with in accordance with section 56(2)(b); and
- (d) such other information as is required by regulations made by the Commission.

(4) In this paragraph any reference to any provision of section 56 is a reference to that provision as applied by paragraph 7.

#### Commencement Information

**I91** Sch. 15 wholly in force at 16.2.2001; Sch. 15 partly in force at Royal Assent, see s. 163(3); Sch. 15 in force in so far as not already 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](#))

## SCHEDULE 16

Section 130.

### CONTROL OF DONATIONS TO CANDIDATES: NEW SCHEDULE 2A TO THE <sup>M33</sup>REPRESENTATION OF THE PEOPLE ACT 1983

#### Commencement Information

**I92** Sch. 16 wholly in force at 1.7.2001; Sch. 16 partly in force at Royal Assent, see s. 163(3); Sch. 16 in force in so far as not already in force at 1.7.2001 by [S.I. 2001/222](#), [art. 4](#), [Sch. 2 Pt. I](#) (with [Sch. 2 Pt. II para. 1](#))

#### Marginal Citations

**M33** 1983 c. 2.

## “SCHEDULE 2A

### CONTROL OF DONATIONS TO CANDIDATES

#### PART I

#### INTRODUCTORY

##### *Operation and interpretation of Schedule*

- 1 (1) This Schedule has effect for controlling donations to candidates at an election.
- (2) The following provisions have effect for the purposes of this Schedule.
- (3) “Relevant donation”, in relation to a candidate at an election, means a donation to the candidate or his election agent for the purpose of meeting election expenses incurred by or on behalf of the candidate.

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- (4) In sub-paragraph (3) above the reference to a donation for the purpose of meeting election expenses incurred by or on behalf of a candidate includes a reference to a donation for the purpose of securing that any such expenses are not so incurred; and a donation shall be taken to be a donation for either of those purposes if, having regard to all the circumstances, it must be reasonably assumed to be such a donation.
- (5) “Donation” shall be construed in accordance with paragraphs 2 to 4 below.
- (6) “The 2000 Act” means the Political Parties, Elections and Referendums Act 2000.
- (7) Where—
- (a) at a time when any order is in force under section 70(1) of the 2000 Act a donation is received by a candidate at an election in Great Britain, and
  - (b) the order provides for this sub-paragraph to apply to any such donation,
- references to a permissible donor falling within section 54(2) of that Act shall be construed, in relation to the donation, as not including a registered party which is registered in the Northern Ireland register maintained by the Commission under Part II of that Act.
- (8) “The Commission” means the Electoral Commission established by section 1 of that Act.
- (9) Any reference to a donation received by a candidate when he is (or is deemed to be) his own election agent includes a reference to a donation received by a candidate on a list of candidates to be London members of the London Assembly at an ordinary election who is, or is deemed to be, the election agent of all the candidates on the list.
- (10) Any donation which is received by a candidate as mentioned in sub-paragraph (9) above shall be regarded as received by him in his capacity as election agent.

*Donations: general rules*

- 2 (1) “Donation”, in relation to a candidate at an election, means (subject to paragraph 4 below)—
- (a) any gift to the candidate or his election agent of money or other property;
  - (b) any sponsorship provided in relation to the candidate (as defined by paragraph 3 below);
  - (c) any money spent (otherwise than by the candidate, his election agent or any sub-agent) in paying any election expenses incurred by or on behalf of the candidate;
  - (d) any money lent to the candidate or his election agent otherwise than on commercial terms;
  - (e) the provision otherwise than on commercial terms of any property, services or facilities for the use or benefit of the candidate (including the services of any person).
- (2) Where—
- (a) any money or other property is transferred to a candidate or his election agent pursuant to any transaction or arrangement involving the provision by or on behalf of the candidate of any property, services or facilities or other consideration of monetary value, and
  - (b) the total value in monetary terms of the consideration so provided by or on behalf of the candidate is less than the value of the money or (as the case may be) the market value of the property transferred,

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the transfer of the money or property shall (subject to sub-paragraph (4) below) constitute a gift to the candidate or (as the case may be) his election agent for the purposes of sub-paragraph (1)(a) above.

- (3) In determining—
- (a) for the purposes of sub-paragraph (1)(d) above, whether any money lent to a candidate or his election agent is so lent otherwise than on commercial terms, or
  - (b) for the purposes of sub-paragraph (1)(e) above, whether any property, services or facilities provided for the use or benefit of a candidate is or are so provided otherwise than on such terms,
- regard shall be had to the total value in monetary terms of the consideration provided by or on behalf of the candidate in respect of the loan or the provision of the property, services or facilities.
- (4) Where (apart from this sub-paragraph) anything would be a donation both by virtue of sub-paragraph (1)(b) above and by virtue of any other provision of this paragraph, sub-paragraph (1)(b) (together with paragraph 3 below) shall apply in relation to it to the exclusion of the other provision of this paragraph.
- (5) The reference in sub-paragraph (1)(c) above to money spent as mentioned in that provision is a reference to money so spent by a person, other than the candidate, his election agent or any sub-agent, out of his own resources (with no right to reimbursement out of the resources of any such other person); and where, by virtue of sub-paragraph (1)(c) above, money so spent constitutes a donation to the candidate, the candidate shall be treated as receiving an equivalent amount on the date on which the money is paid to the creditor in respect of the expenses in question.
- (6) In this paragraph—
- (a) any reference to anything being given or transferred to a candidate or his election agent includes a reference to its being given or transferred either directly or indirectly through any third person;
  - (b) “gift” includes a bequest or any other form of testamentary disposition.

#### *Sponsorship*

- 3 (1) For the purposes of this Schedule sponsorship is provided in relation to a candidate if—
- (a) any money or other property is transferred to the candidate or to any person for the benefit of the candidate, and
  - (b) the purpose (or one of the purposes) of the transfer is (or must, having regard to all the circumstances, reasonably be assumed to be)—
    - (i) to help the candidate with meeting, or to meet, to any extent any defined expenses incurred or to be incurred by or on behalf of the candidate, or
    - (ii) to secure that to any extent any such expenses are not so incurred.
- (2) In sub-paragraph (1) above “defined expenses” means expenses in connection with—
- (a) any conference, meeting or other event organised by or on behalf of the candidate,
  - (b) the preparation, production or dissemination of any publication by or on behalf of the candidate, or
  - (c) any study or research organised by or on behalf of the candidate.

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- (3) The following do not, however, constitute sponsorship by virtue of sub-paragraph (1) above—
- (a) the making of any payment in respect of—
    - (i) any charge for admission to any conference, meeting or other event, or
    - (ii) the purchase price of, or any other charge for access to, any publication;
  - (b) the making of any payment in respect of the inclusion of an advertisement in any publication where the payment is made at the commercial rate payable for the inclusion of such an advertisement in any such publication.
- (4) The Secretary of State may by order made on the recommendation of the Commission amend sub-paragraph (2) or (3) above.
- (5) Any order under sub-paragraph (4) above shall be made by statutory instrument; but no such order shall be made unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.
- (6) In this paragraph “publication” means a publication made available in whatever form and by whatever means (whether or not to the public at large or any section of the public).

*Payments etc. not to be regarded as donations*

- 4 (1) None of the following shall be regarded as a donation—
- (a) the provision of any facilities provided in pursuance of any right conferred on a candidate at an election by this Act;
  - (b) the provision by an individual of his own services which he provides voluntarily in his own time and free of charge;
  - (c) any interest accruing to a candidate or his election agent in respect of any donation which is dealt with by the candidate or (as the case may be) his election agent in accordance with section 56(2)(a) or (b) of the 2000 Act (as applied by paragraph 7 below).
- (2) There shall also be disregarded any donation whose value (determined in accordance with paragraph 5 below) is not more than £50.

*Value of donations*

- 5 (1) The value of any donation falling within paragraph 2(1)(a) above (other than money) shall be taken to be the market value of the property in question.
- (2) Where, however, paragraph 2(1)(a) above applies by virtue of paragraph 2(2) above, the value of the donation shall be taken to be the difference between—
- (a) the value of the money, or the market value of the property, in question, and
  - (b) the total value in monetary terms of the consideration provided by or on behalf of the candidate or his election agent.
- (3) The value of any donation falling within paragraph 2(1)(b) above shall be taken to be the value of the money, or (as the case may be) the market value of the property, transferred as mentioned in paragraph 3(1) above; and accordingly any value in monetary terms of any benefit conferred on the person providing the sponsorship in question shall be disregarded.



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- (4) The value of any donation falling within paragraph 2(1)(d) or (e) above shall be taken to be the amount representing the difference between—
- (a) the total value in monetary terms of the consideration that would have had to be provided by or on behalf of the candidate or his election agent in respect of the loan or the provision of the property, services or facilities if—
    - (i) the loan had been made, or
    - (ii) the property, services or facilities had been provided, on commercial terms, and
  - (b) the total value in monetary terms of the consideration (if any) actually so provided by or on behalf of the candidate or his election agent.
- (5) Where a donation such as is mentioned in sub-paragraph (4) above confers an enduring benefit on the donee over a particular period, the value of the donation—
- (a) shall be determined at the time when it is made, but
  - (b) shall be so determined by reference to the total benefit accruing to the donee over that period.
- (6) In this paragraph “market value” in relation to any property, means the price which might reasonably be expected to be paid for the property on a sale in the open market.

## PART II

### CONTROLS ON DONATIONS

#### *Prohibition on accepting donations from impermissible donors*

- 6 (1) A relevant donation received by a candidate or his election agent must not be accepted if—
- (a) the person by whom the donation would be made is not, at the time of its receipt by the candidate or (as the case may be) his election agent, a permissible donor falling within section 54(2) of the 2000 Act; or
  - (b) the candidate or (as the case may be) his election agent is (whether because the donation is given anonymously or by reason of any deception or concealment or otherwise) unable to ascertain the identity of the person offering the donation.
- (2) For the purposes of this Schedule any relevant donation received by a candidate or his election agent which is an exempt trust donation shall be regarded as a relevant donation received by the candidate or his election agent from a permissible donor; and section 162 of the 2000 Act (interpretation: exempt trust donations) shall apply for the purposes of this Schedule as it applies for the purposes of that Act.
- (3) But, for the purposes of this Schedule, any relevant donation received by a candidate or his election agent from a trustee of any property (in his capacity as such) which is not—
- (a) an exempt trust donation, or
  - (b) a relevant donation transmitted by the trustee to the candidate or his election agent on behalf of beneficiaries under the trust who are—
    - (i) persons who at the time of its receipt by the candidate or his election agent are permissible donors falling within section 54(2) of the 2000 Act, or

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- (ii) the members of an unincorporated association which at that time is such a permissible donor,  
shall be regarded as a relevant donation received by the candidate or his election agent from a person who is not such a permissible donor.
- (4) Where any person (“the principal donor”) causes an amount (“the principal donation”) to be received by a candidate or his election agent by way of a relevant 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 £50 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 candidate or his election agent, the candidate or (as the case may be) his election agent is given—
- (a) (except in the case of a donation which the principal donor is treated as making) all such details in respect of the person treated as making the donation as are required by virtue of paragraph 11(c) below; and
  - (b) (in any case) all such details in respect of the donation as are required by virtue of paragraph 11(a) below.
- (6) Where—
- (a) any person (“the agent”) causes an amount to be received by a candidate or his election agent by way of a donation on behalf of another person (“the donor”), and
  - (b) the amount of the donation is more than £50,
- the agent must ensure that, at the time when the donation is received by the candidate or his election agent, the candidate or (as the case may be) his election agent is given all such details in respect of the donor as are required by virtue of paragraph 11(c) below.
- (7) A person commits an offence if, without reasonable excuse, he fails to comply with sub-paragraph (5) or (6) above.
- (8) A person guilty of an offence under sub-paragraph (7) shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum or to a term of imprisonment not exceeding 6 months (or both);
  - (b) on conviction on indictment, to a fine or to a term of imprisonment not exceeding one year (or both).

#### *Acceptance or return of donations*

- 7 (1) Sections 56 to 60 of the 2000 Act shall apply for the purposes of this Schedule in relation to—
- (a) a relevant donation received by a candidate or his election agent, and
  - (b) the candidate or (as the case may be) the election agent,
- as they apply in relation to a donation received by a registered party and the registered party.
- (2) In the application of sections 56 to 60 of that Act in accordance with sub-paragraph (1)
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- (a) section 56(1) shall have effect as if the reference to the particulars relating to a donor which would be required to be included in a donation report by virtue of paragraph 2 of Schedule 6 (if the donation were a recordable donation within the meaning of that Schedule) were construed as a reference to the particulars which are required to be included in a return by virtue of paragraph 11(c) below;
- (b) section 56(3) shall have effect as if the reference to the party were omitted and the reference to the treasurer of the party were construed as a reference to the candidate or (as the case may be) his election agent; and
- (c) section 56(4) shall have effect as if the reference to the treasurer of the party were construed as a reference to the candidate or (as the case may be) his election agent.

*Transfer of donations received by candidate to election agent*

- 8 (1) Sub-paragraph (2) below applies in relation to any relevant donation received by a candidate after the deadline for appointing an election agent (unless the candidate is, or is deemed to be, his own election agent at the time of receipt of the donation).
- (2) The candidate shall, on receipt of any such donation as is mentioned in sub-paragraph (1) above, forthwith deliver to his election agent—
- (a) the donation,
  - (b) where paragraph 6(5) or (6) above applies in relation to the donation, the information provided to the candidate in pursuance of that provision, and
  - (c) any other information which the candidate has about the donation and its donor which might reasonably be expected to assist the election agent in the discharge of any duties imposed on him, in relation to the donation, under this Part or Part III of this Schedule.
- (3) Where a donation is delivered to an election agent in accordance with sub-paragraph (2) above, the donation shall be treated for the purposes of paragraph 6(1) to (4) above and the provisions applied by paragraph 7 above as if it had been—
- (a) originally received by the election agent, and
  - (b) so received by him on the date on which it was received by the candidate.
- (4) Where a candidate receives a relevant donation before the deadline for appointing an election agent but at a time when an appointment of a person (other than the candidate himself) as election agent is in force he shall either—
- (a) forthwith deliver the donation and the information mentioned in sub-paragraph (2)(b) and (c) above to the agent, or
  - (b) (if he fails to do so) deal with the donation in accordance with section 56 of the 2000 Act.
- (5) Sub-paragraph (3) above shall have effect in relation to any relevant donation delivered to an election agent in accordance with sub-paragraph (4)(a) above as it has effect in relation to a donation delivered to him in accordance with sub-paragraph (2) above.
- (6) Sub-paragraph (7) below applies where—
- (a) a relevant donation received by a candidate before the deadline for appointing an election agent has been dealt with by the candidate in accordance with section 56 of the 2000 Act either because—
    - (i) it was received by him at a time when no appointment of another person as his election agent was in force, or

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- (ii) although such an appointment was in force, he was by virtue of sub-paragraph (4)(b) required to deal with the donation; and
- (b) an appointment of a person (other than the candidate himself) as election agent is in force at, or at any time after—
  - (i) the deadline for appointing an election agent, or
  - (ii) if later, the time when the candidate has dealt with the donation in accordance with section 56 of the 2000 Act.
- (7) Subject to sub-paragraph (9) below, the candidate shall, as soon as reasonably practicable after the relevant time, deliver to the election agent—
  - (a) the donation (if it has been accepted by him), and
  - (b) any information which he has about the donation and the donor which might reasonably be expected to assist the election agent in the discharge of any duties imposed on him, in relation to the donation, under Part III of this Schedule.
- (8) The relevant time for the purposes of sub-paragraph (7) above is—
  - (a) the time mentioned in sub-paragraph (6)(b)(i) or (ii) (as the case may be) if the appointment of another person as election agent is in force at that time, or
  - (b) otherwise, the time when any such appointment subsequently comes into force.
- (9) The duty imposed on a candidate by sub-paragraph (7)(a) above does not apply to any relevant donation to the extent to which it has been lawfully used by the candidate for the purpose of paying election expenses.
- (10) In this paragraph—
  - (a) any reference to the deadline for appointing an election agent is a reference to the latest time by which an election agent may in accordance with section 67(1) or (1A) of this Act be named as election agent—
    - (i) by the candidate, or
    - (ii) in the case of a candidate on a list of candidates submitted by a registered political party to be London members of the London Assembly at an ordinary election, by the party; and
  - (b) any reference to any provision of section 56 of the 2000 Act is a reference to that provision as applied by paragraph 7 above.

*Evasion of restrictions on donations*

- 9 Section 61 of the 2000 Act shall apply for the purposes of this Schedule as if—
- (a) any reference to donations were to relevant donations;
  - (b) any reference to a registered party were, in relation to a relevant donation, a reference to a candidate or (as the case may be) his election agent; and
  - (c) any reference in subsection (2) to the treasurer of a registered party were, in relation to a relevant donation, a reference to either the candidate or his election agent (or both).

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### PART III

#### REPORTING OF DONATIONS

##### *Statement of relevant donations*

- 10 The candidate's election agent must include in any return required to be delivered under section 81 of this Act a statement of relevant donations which complies with paragraphs 11 and 12 below.

##### *Donations from permissible donors*

- 11 The statement must record, in relation to each relevant donation accepted by the candidate or his election agent—
- (a) the amount of the donation (if a donation of money, in cash or otherwise) or (in any other case) the nature of the donation and its value as determined in accordance with paragraph 5 above;
  - (b) the date when the donation was accepted by the candidate or his election agent;
  - (c) the information about the donor which is, in connection with recordable donations to registered parties, required to be recorded in donation reports by virtue of paragraph 2 of Schedule 6 to the 2000 Act; and
  - (d) such other information as may be required by regulations made by the Commission.

##### *Donations from impermissible donors*

- 12 (1) This paragraph applies to relevant donations falling within paragraph 6(1)(a) or (b) above.
- (2) Where paragraph 6(1)(a) above applies, the statement must record—
- (a) the name and address of the donor;
  - (b) the amount of the donation (if a donation of money, in cash or otherwise) or (in any other case) the nature of the donation and its value as determined in accordance with paragraph 5 above;
  - (c) the date when the donation was received, and the date when, and the manner in which, it was dealt with in accordance with section 56(2)(a) of the 2000 Act; and
  - (d) such other information as is required by regulations made by the Commission.
- (3) Where paragraph 6(1)(b) above applies, the statement must record—
- (a) details of the manner in which the donation was made;
  - (b) the amount of the donation (if a donation of money, in cash or otherwise) or (in any other case) the nature of the donation and its value as determined in accordance with paragraph 5 above;
  - (c) the date when the donation was received, and the date when, and the manner in which, it was dealt with in accordance with section 56(2)(b) of the 2000 Act; and
  - (d) such other information as is required by regulations made by the Commission.
- (4) In this paragraph any reference to any provision of section 56 of the 2000 Act is a reference to that provision as applied by paragraph 7 above.”

*Status: Point in time view as at 02/02/2022.*

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## SCHEDULE 17

Section 137.

## AMENDMENTS RELATING TO ELECTION PETITIONS

*Preliminary*

1 The Representation of the <sup>M34</sup>People Act 1983 shall be amended as follows.

**Commencement Information**

**I93** Sch. 17 wholly in force at 16.2.2001; Sch. 17 not in force at Royal Assent, see s. 163(2); Sch. 17 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**

**M34** 1983 c. 2.

*Local election petitions*

2 In section 130 (election court for election in England and Wales and place of trial), in subsection (2)(b) (disqualification of persons to constitute election court) for the words from “area” onwards substitute “ area in which he resides. ”

**Commencement Information**

**I94** Sch. 17 wholly in force at 16.2.2001; Sch. 17 not in force at Royal Assent, see s. 163(2); Sch. 17 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](#))

*Procedure on all election petitions*

3 (1) For section 137 there shall be substituted—

**“137 Petition at issue.**

(1) The petition shall be at issue as from the relevant time, as defined by subsection (2) below.

(2) In this section “the relevant time” means—

(a) where the petitioner gives the security for costs required by section 136 above by a deposit of money equal to the amount of the security so required, the time when the security is so given; and

(b) in any other case, the time when—

(i) the time prescribed for the making of objections under section 136(4) above expires, or

(ii) if such an objection is made, that objection is disallowed or removed,

whichever happens later.”

(2) The amendment made by sub-paragraph (1) does not have effect in relation to election petitions in respect of local government elections in Scotland.

*Status: Point in time view as at 02/02/2022.*

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**Commencement Information**

**I95** Sch. 17 wholly in force at 16.2.2001; Sch. 17 not in force at Royal Assent, see s. 163(2); Sch. 17 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](#))

- 4 In section 138(1) (list of petitions) the words from “, a copy of which” onwards shall be omitted.

**Commencement Information**

**I96** Sch. 17 wholly in force at 16.2.2001; Sch. 17 not in force at Royal Assent, see s. 163(2); Sch. 17 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](#))

- 5 (1) Sections 148 to 153 (withdrawal or abatement of petition) shall be omitted.  
(2) The repeals made by sub-paragraph (1) do not have effect in relation to election petitions in respect of local government elections in Scotland.

**Commencement Information**

**I97** Sch. 17 wholly in force at 16.2.2001; Sch. 17 not in force at Royal Assent, see s. 163(2); Sch. 17 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](#))

- 6 In section 157 (appeals and jurisdiction), subsection (5) (additional remuneration for designated masters) shall be omitted.

**Commencement Information**

**I98** Sch. 17 wholly in force at 16.2.2001; Sch. 17 not in force at Royal Assent, see s. 163(2); Sch. 17 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](#))

*Consequences of finding by election court of corrupt or illegal practice*

- 7 In section 159 (candidate reported guilty of corrupt or illegal practice)—
- (a) subsection (2) shall be omitted, and
  - (b) for subsection (3) there shall be substituted—
    - “(3) A candidate at a local government election in Scotland who is reported personally guilty or guilty by his agents of any corrupt or illegal practice shall also be incapable from the date of the report of holding the office of councillor of any local authority in Scotland—
      - (a) for ten years, if reported personally guilty of a corrupt practice,
      - (b) for three years, if reported guilty by his agents of a corrupt practice, or
      - (c) during the period for which the candidate was elected to serve or for which if elected he might have served, if reported personally guilty or guilty by his agents of an illegal practice,



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and if at the date of the report he holds any such office, then the office shall be vacated as from that date.”

#### Commencement Information

**I99** Sch. 17 wholly in force at 16.2.2001; Sch. 17 not in force at Royal Assent, see s. 163(2); Sch. 17 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](#))

- 8 In section 160 (candidate or other person reported personally guilty of corrupt practice or illegal practice), for subsections (4) and (5) there shall be substituted—
- “(4) Subject to the provisions of subsection (4A) and section 174 below, a candidate or other person reported by an election court personally guilty of a corrupt or illegal practice—
- (a) shall during the relevant period specified in subsection (5) below be incapable of—
    - (i) being registered as an elector or voting at any parliamentary election in the United Kingdom or at any local government election in Great Britain,
    - (ii) being elected to the House of Commons, or
    - (iii) holding any elective office; and
  - (b) if already elected to a seat in the House of Commons, or holding any such office, shall vacate the seat or office as from the date of the report.
- (4A) The incapacity imposed by subsection (4)(a)(i) above applies only to a candidate or other person reported personally guilty of a corrupt practice under section 60 above or of an illegal practice under section 61 above.
- (5) For the purposes of subsection (4) above the relevant period is the period beginning with the date of the report and ending—
- (a) in the case of a person reported personally guilty of a corrupt practice, five years after that date, or
  - (b) in the case of a person reported personally guilty of an illegal practice, three years after that date.
- (5A) Subject to the provisions of section 174 but in addition to any incapacity arising by virtue of subsection (4) above, a candidate or other person reported by an election court personally guilty of a corrupt practice—
- (a) shall for the period of five years beginning with the date of the report, be incapable of holding any public or judicial office in Scotland, and
  - (b) if already holding such an office, shall vacate it as from that date.”

#### Commencement Information

**I100** Sch. 17 wholly in force at 16.2.2001; Sch. 17 not in force at Royal Assent, see s. 163(2); Sch. 17 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](#))

- 9 In section 166 (votes to be struck off for corrupt or illegal practices), in subsection (3) (person’s vote to be void if he is subject to any incapacity to vote), for “public office” there shall be substituted “elective office or to any public office in Scotland”.

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#### Commencement Information

**I101** Sch. 17 wholly in force at 16.2.2001; Sch. 17 not in force at Royal Assent, see s. 163(2); Sch. 17 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](#))

- 10 In section 185(1) (interpretation of Part III of the Act)—
- (a) after the definition of “declaration as to election expenses” there shall be inserted—
- ““elective office” means any office to which a local government election is held in England or Wales;”;
- and
- (b) in the definition of “public office” for “ “public office” means any office —” substitute “ “public office” in relation to Scotland means any office held in Scotland— ”.

#### Commencement Information

**I102** Sch. 17 wholly in force at 16.2.2001; Sch. 17 not in force at Royal Assent, see s. 163(2); Sch. 17 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](#))

## SCHEDULE 18

Section 138.

### ELECTION CAMPAIGNS AND PROCEEDINGS: MISCELLANEOUS AMENDMENTS

#### *Preliminary*

- 1 The Representation of the <sup>M35</sup>People Act 1983 shall be amended as follows.

#### Commencement Information

**I103** Sch. 18 para. 1 wholly in force at 16.2.2001; Sch. 18 para. 1 not in force at Royal Assent, see s. 163(2); Sch. 18 para. 1 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

**M35** 1983 c. 2.

#### *Contracts about election expenses*

- 2 Section 72 (contracts through election agent) shall be omitted.

#### Commencement Information

**I104** Sch. 18 para. 2 wholly in force at 16.2.2001; Sch. 18 para. 2 not in force at Royal Assent, see s. 163(2); Sch. 18 para. 2 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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*Payment of election expenses*

- 3 (1) Section 73 (payment of expenses through election agent) shall be amended as follows.
- (2) For subsection (1) there shall be substituted—
- “(1) Subject to subsection (5) below, no payment (of whatever nature) shall be made by—
- (a) a candidate at an election, or
- (b) any other person,
- in respect of election expenses incurred by or on behalf of the candidate unless it is made by or through the candidate’s election agent.”
- (3) In subsection (2), for “and by a receipt” there shall be substituted “ or by a receipt ”.
- (4) Subsection (4) shall be omitted.
- (5) For subsection (5) there shall be substituted—
- “(5) This section does not apply to—
- (a) any expenses which are, in accordance with section 74(1) or (1B), 78(5) or 79(2) below, paid by the candidate;
- (b) any expenses which are paid in accordance with section 74(3) below by a person authorised as mentioned in that provision;
- (c) any expenses included in a declaration made by the election agent under section 74A below; or
- (d) any expenses which are to be regarded as incurred by or on behalf of the candidate by virtue of section 90A(5)(b) below.”
- (6) In subsection (6)—
- (a) for “any payment, advance or deposit” there shall be substituted “ any payment (of whatever nature) ”; and
- (b) the words from “, or pays” to “as mentioned above,” shall be omitted.

**Commencement Information**

**I105** Sch. 18 para. 3 wholly in force at 1.7.2001; Sch. 18 para. 3 not in force at Royal Assent, see s. 163(2); Sch. 18 para. 3 in force at 1.7.2001 by [S.I. 2001/222](#), art. 4, [Sch. 2 Pt. I](#) (with [Sch. 2 Pt. II para. 1](#))

- 4 (1) Section 74 (candidate’s personal expenses, and petty expenses) shall be amended as follows.
- (2) For the sidenote there shall be substituted “ Expenses which may be paid otherwise than by election agent. ”
- (3) After subsection (1A) there shall be inserted—
- “(1B) The candidate at an election may also pay any election expenses (other than expenses falling within subsection (1) above) which were incurred by him or on his behalf and in respect of which payment falls to be made before the date on which he appoints (or is deemed to have appointed) an election agent.”
- (4) In subsection (2), for “personal expenses paid as mentioned above” there shall be substituted “ expenses paid as mentioned in subsection (1) or (1B) above ”.

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(5) After subsection (4) there shall be inserted—

“(5) Sections 78 and 79 below do not apply to expenses which, in accordance with any provision of this section, are paid otherwise than by the candidate’s election agent.”

**Commencement Information**

**I106** Sch. 18 para. 4 wholly in force at 1.7.2001; Sch. 18 para. 4 not in force at Royal Assent, see s. 163(2); Sch. 18 para. 4 in force at 1.7.2001 by [S.I. 2001/222, art. 4](#), [Sch. 2 Pt. I](#) (with [Sch. 2 Pt. II para. 1](#))

5 After section 74 there shall be inserted—

**“74A Expenses incurred otherwise than for election purposes.**

(1) Neither section 73 above nor sections 78 and 79 below shall apply to election expenses—

- (a) which are incurred by or on behalf of a candidate otherwise than for the purposes of the candidate’s election, but
- (b) which by virtue of section 90A(1) below fall to be regarded as election expenses by reason of the property, services or facilities in respect of which they were incurred being used for the purposes of the candidate’s election.

(2) The candidate’s election agent shall make a declaration of the amount (determined in accordance with section 90B below) of any election expenses falling within subsection (1) above.

(3) In this section “for the purposes of the candidate’s election” has the same meaning as in sections 90A to 90C below.”

**Commencement Information**

**I107** Sch. 18 para. 5 wholly in force at 1.7.2001; Sch. 18 para. 5 not in force at Royal Assent, see s. 163(2); Sch. 18 para. 5 in force at 1.7.2001 by [S.I. 2001/222, art. 4](#), [Sch. 2 Pt. I](#) (with [Sch. 2 Pt. II para. 1](#))

6 (1) Section 78 (time for sending in and paying claims) shall be amended as follows.

(2) In subsections (1) and (2) for “within” wherever it occurs there shall be substituted “not later than”.

**Commencement Information**

**I108** Sch. 18 para. 6 wholly in force at 16.2.2001; Sch. 18 para. 6 not in force at Royal Assent, see s. 163(2); Sch. 18 para. 6 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](#))

*Returns of election expenses*

7 (1) Section 81 (return as to election expenses) shall be amended as follows.

*Status: Point in time view as at 02/02/2022.*

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- (2) In subsection (1) for the words from “in the form” onwards there shall be substituted “containing as respects that candidate—
- (a) a statement of all election expenses incurred by or on behalf of the candidate; and
  - (b) a statement of all payments made by the election agent together with all bills or receipts relating to the payments.”
- (3) For subsection (2) there shall be substituted—
- “(2) A return under this section must—
- (a) specify the poll by virtue of which the return is required;
  - (b) specify the name of the candidate to whom the return relates and of the candidate’s election agent; and
  - (c) deal under a separate heading with any expenses in respect of which a return is required by virtue of section 75(2) above.”
- (4) <sup>F333</sup> .....
- (5) Subsection (4) shall be omitted.
- (6) In subsection (7), the words from “; and” onwards shall be omitted.
- (7) After subsection (10) there shall be inserted—
- “(10A) The Electoral Commission may, by regulations, prescribe a form of return which may be used for the purposes of making any (or any description of) return required by this section.”
- (8) Subsection (11) shall be omitted.

#### Textual Amendments

**F333** Sch. 18 para. 7(4) repealed (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 c. 22, ss. 74(2), 77(2), **Sch. 2**; S.I. 2006/3412, **art. 3**, **Sch. 1** para. 14(aa)(cc)(vi) (subject to **art. 6**, **Sch. 2**); S.I. 2008/1316, **arts. 2(2)**, 4(y)(aa)(iii)

#### Commencement Information

**I109** Sch. 18 para. 7 wholly in force at 1.7.2001; Sch. 18 para. 7 partly in force at Royal Assent, see s. 163(3); Sch. 18 para. 7 in force in so far as not already in force at 1.7.2001 by S.I. 2001/222, **art. 4**, **Sch. 2 Pt. I** (with **Sch. 2 Pt. II** para. 1)

- 8 Section 82(4) (person before whom declaration as to elections expenses may be made) shall be omitted.

#### Commencement Information

**I110** Sch. 18 para. 8 wholly in force at 16.2.2001; Sch. 18 para. 8 not in force at Royal Assent, see s. 163(2); Sch. 18 para. 8 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**)

- 9 After section 87 there shall be inserted—

*Status: Point in time view as at 02/02/2022.*

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### “87A Duty of appropriate officer to forward returns and declarations to Electoral Commission.

- (1) Where the appropriate officer receives any return or declaration under section 75, 81 or 82 above in respect of —
- (a) a parliamentary election, or
  - (b) an election of the Mayor of London,
- he shall as soon as reasonably practicable after receiving the return or declaration deliver a copy of it to the Electoral Commission and, if so requested by the Commission, he shall also deliver to them a copy of any accompanying documents.
- (2) Where the appropriate officer receives any return or declaration under section 75, 81 or 82 in respect of any election other than one mentioned in subsection (1) above, he shall, if so requested by the Electoral Commission, deliver to them a copy of the return and any accompanying documents.”

#### Commencement Information

**IIII** Sch. 18 para. 9 wholly in force at 16.2.2001; Sch. 18 para. 9 not in force at Royal Assent, see s. 163(2); Sch. 18 para. 9 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](#))

10 For section 89(1) (inspection of returns and declarations) there shall be substituted—

- “(1) Where the appropriate officer receives any return or declaration under section 75, 81 or 82 above he shall—
- (a) as soon as reasonably practicable after receiving the return or declaration make a copy of it, and any accompanying documents, available for public inspection at his office, or some other convenient place chosen by him, for a period of two years beginning with the date when the return is received by him;
  - (b) if requested to do so by any person, and on payment of the prescribed fee, supply that person with a copy of the return or declaration and any accompanying documents.
- (1A) If any such return contains a statement of donations in accordance with section 81(3)(e) above, the appropriate officer shall secure that the copy of the statement made available for public inspection under subsection (1) (a) above or (as the case may be) supplied under subsection (1)(b) above does not include, in the case of any donation by an individual, the donor’s address.”

#### Commencement Information

**IIII** Sch. 18 para. 10 wholly in force at 1.7.2001; Sch. 18 para. 10 not in force at Royal Assent, see s. 163(2); Sch. 18 para. 10 in force at 1.7.2001 by [S.I. 2001/222, art. 4, Sch. 2 Pt. I](#) (with [Sch. 2 Pt. II para. 1](#))

11 In section 90 (election expenses at elections where election agent not required)—

*Status: Point in time view as at 02/02/2022.*

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- (a) in subsection (1)(a), for “section 76(1) above has” there shall be substituted “ section 76(1B) above and sections 90A(5) and 90C below have ”;
  - (b) in subsection (1)(b), for “sections 72 to 75 and 78 to 89 above” there shall be substituted “ sections 71A to 75 and 78 to 89 above, and Schedule 2A to this Act, ”;
  - (c) for subsection (1)(c) there shall be substituted—
    - “(c) section 76A(2) has effect as if it referred, in substitution for the provisions set out in paragraphs (a) to (c) of that subsection, to paragraph 3 of Schedule 4 to this Act.”;
- and
- (d) in subsection (2) for “sections 72 to 89” there shall be substituted “ sections 71A to 89 ”.

#### **Commencement Information**

**I113** Sch. 18 para. 11 wholly in force at 1.7.2001; Sch. 18 para. 11 not in force at Royal Assent, see s. 163(2); Sch. 18 para. 11(c) in force at 16.2.2001 and Sch. 18 para. 11(a)(b)(d) in force at 1.7.2001 by [S.I. 2001/222](#), [arts. 2, 4](#), [Sch. 1 Pt. I](#), [Sch. 2 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#) and with [Sch. 2 Pt. I](#))

#### *Conveyance of voters to and from the poll*

- 12 Sections 101 to 105 (conveyance of voters to and from the polls) shall be omitted.

#### **Commencement Information**

**I114** Sch. 18 para. 12 wholly in force at 16.2.2001; Sch. 18 para. 12 not in force at Royal Assent, see s. 163(2); Sch. 18 para. 12 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](#))

#### *Illegal practices, payments, employments and hirings*

- 13 Section 108 (premises not to be used as committee rooms) shall be omitted.

#### **Commencement Information**

**I115** Sch. 18 para. 13 wholly in force at 16.2.2001; Sch. 8 para. 13 partly in force at Royal Assent, see s. 163(3); Sch. 8 para. 13 in force in so far as not already 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](#))

- 14 For section 110 there shall be substituted—

#### **“110 Details to appear on election publications.**

- (1) This section applies to any material which can reasonably be regarded as intended to promote or procure the election of a candidate at an election (whether or not it can be so regarded as intended to achieve any other purpose as well).
- (2) No material to which this section applies shall be published unless—



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- (a) in the case of material which is, or is contained in, such a document as is mentioned in subsection (4), (5) or (6) below, the requirements of that subsection are complied with; or
  - (b) in the case of any other material, any requirements falling to be complied with in relation to the material by virtue of regulations under subsection (7) below are complied with.
- (3) For the purposes of subsections (4) to (6) below the following details are “the relevant details” in the case of any material falling within subsection (2)
  - (a) above, namely—
    - (a) the name and address of the printer of the document;
    - (b) the name and address of the promoter of the material; and
    - (c) the name and address of any person on behalf of whom the material is being published (and who is not the promoter).
  - (4) Where the material is a document consisting (or consisting principally) of a single side of printed matter, the relevant details must appear on the face of the document.
  - (5) Where the material is a printed document other than one to which subsection (4) above applies, the relevant details must appear either on the first or the last page of the document.
  - (6) Where the material is an advertisement contained in a newspaper or periodical—
    - (a) the name and address of the printer of the newspaper or periodical must appear either on its first or last page; and
    - (b) the relevant details specified in subsection (3)(b) and (c) above must be included in the advertisement.
  - (7) The Secretary of State may, after consulting the Electoral Commission, by regulations make provision for and in connection with the imposition of requirements as to the inclusion in material falling within subsection (2)(b) above of the following details, namely—
    - (a) the name and address of the promoter of the material; and
    - (b) the name and address of any person on behalf of whom the material is being published (and who is not the promoter).
  - (8) Regulations under subsection (7) above may in particular specify—
    - (a) the manner and form in which such details must be included in any such material for the purpose of complying with any such requirement;
    - (b) circumstances in which—
      - (i) any such requirement does not have to be complied with by a person of any description specified in the regulations, or
      - (ii) a breach of any such requirement by a person of any description so specified is not to result in the commission of an offence under this section by that person or by a person of any other such description;
    - (c) circumstances in which material is, or is not, to be taken for the purposes of the regulations to be published or (as the case may be) published by a person of any description so specified.

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- (9) Where any material falling within subsection (2)(a) above is published in contravention of subsection (2), then (subject to subsections (11) and (12) below)—
- (a) the promoter of the material,
  - (b) any other person by whom the material is so published, and
  - (c) the printer of the document,
- shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (10) Where any material falling within subsection (2)(b) above is published in contravention of subsection (2), then (subject to regulations made by virtue of subsection (8)(b) above and to subsections (11) and (12) below)—
- (a) the promoter of the material, and
  - (b) any other person by whom the material is so published,
- shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (11) It shall be a defence for a person charged with an offence under this section to prove—
- (a) that the contravention of subsection (2) above arose from circumstances beyond his control; and
  - (b) that he took all reasonable steps, and exercised all due diligence, to ensure that that contravention would not arise.
- (12) Where a candidate or his election agent would (apart from this subsection) be guilty of an offence under subsection (9) or (10) above, he shall instead be guilty of an illegal practice.
- (13) In this section—
- “print” means print by whatever means, and “printer” shall be construed accordingly;
- “the promoter”, in relation to any material to which this section applies, means the person causing the material to be published;
- “publish” means make available to the public at large, or any section of the public, in whatever form and by whatever means.
- (14) For the purpose of determining whether any material is material such as is mentioned in subsection (1) above, it is immaterial that it does not expressly mention the name of any candidate.”

#### **Commencement Information**

- I116** Sch. 18 para. 14 (which was commenced on 16.2.2001 by S.I. 2001/222, art. 2, Sch. 1 Pt. I (subject to Sch. 1 Pt. II)) was deemed not to have come into force (10.4.2001) by 2001 c. 5, s. 1(1)(b) (with s. 3(3)(4)(6))
- I117** Sch. 18 para. 14 in force at 11.8.2021 for N.I. by S.I. 2021/890, art. 2(1)(b) (with art. 2(3))

#### *Election expenses*

- 15 In section 118 (interpretation of Part II)—
- (a) for the definition of “election expenses” there shall be substituted—

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“election expenses”, in relation to an election, shall be construed in accordance with sections 90A to 90D above;”,

and

- (b) in the definition of “money”, for “sections 113 and 114 above” there shall be substituted “ sections 71A, 113 and 114 above and Schedule 2A to this Act ”.

#### Commencement Information

**I118** Sch. 18 para. 15 wholly in force at 1.7.2001; Sch. 18 para. 15 not in force at Royal Assent, see s. 163(2); Sch. 18 para. 15 in force at 1.7.2001 by [S.I. 2001/222](#), [art. 4](#), [Sch. 2 Pt. I](#) (with [Sch. 2 Pt. II para. 1](#))

- 16 In Schedule 3—
- (a) the form of return, and
- (b) in the form of declarations—
- (i) in paragraph 3, the words “in relation to my [the candidate’s] personal expenses”, and
- (ii) paragraph 4,
- shall be omitted.

#### Commencement Information

**I119** Sch. 18 para. 16 wholly in force at 1.7.2001; Sch. 18 para. 16 not in force at Royal Assent, see s. 163(2); Sch. 18 para. 16 in force at 1.7.2001 by [S.I. 2001/222](#), [art. 4](#), [Sch. 2 Pt. I](#) (with [Sch. 2 Pt. II para. 1](#))

- 17 In Schedule 4 (election expenses in connection with certain local elections), in paragraph 3, for “and receipts” there shall be substituted “ or by receipts ”.

#### Commencement Information

**I120** Sch. 18 para. 17 wholly in force at 16.2.2001; Sch. 18 para. 17 not in force at Royal Assent, see s. 163(2); Sch. 18 para. 17 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](#))

#### *Jurisdiction and procedure*

- 18 (1) The following provisions shall be omitted—
- (a) section 78(6);
- (b) section 79(3);
- (c) section 86(9);
- (d) section 106(8);
- (e) section 122(8);
- (f) section 167(4); and
- (g) section 174(6).
- (2) For section 78(7) there shall be substituted—

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“(7) Article 60 of the County Courts (Northern Ireland) Order 1980 (appeals from county courts) shall apply in relation to any order of a county court in Northern Ireland made by virtue of subsection (4) above as it applies in relation to any such decree of a county court as is mentioned in paragraph (1) of that Article.”

(3) For section 86(10) and (11) there shall be substituted—

“(10) Article 60 of the County Courts (Northern Ireland) Order 1980 (appeals from county courts) shall apply in relation to any order of a county court in Northern Ireland made by virtue of this section as it applies in relation to any such decree of a county court as is mentioned in paragraph (1) of that Article.”

(4) For section 106(9) there shall be substituted—

“(9) Article 60 of the County Courts (Northern Ireland) Order 1980 (appeals from county courts) shall apply in relation to any order of a county court in Northern Ireland made by virtue of subsection (3) above as it applies in relation to any such decree of a county court as is mentioned in paragraph (1) of that Article.”

(5) For section 167(5) there shall be substituted—

“(5) Article 60 of the County Courts (Northern Ireland) Order 1980 (appeals from county courts) shall apply in relation to any order of a county court in Northern Ireland made by virtue of this section as it applies in relation to any such decree of a county court as is mentioned in paragraph (1) of that Article.”

#### **Commencement Information**

**I121** Sch. 18 para. 18 wholly in force at 16.2.2001; Sch. 18 para. 18 not in force at Royal Assent, see s. 163(2); Sch. 18 para. 18 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](#))

#### *References to documents used in legal proceedings*

- 19 (1) In section 69 (office of election agent and sub-agent)—
- (a) in subsection (1), for “writs, summonses and” substitute “ legal process and other ”; and
  - (b) in subsection (3), for “writ, summons or” substitute “ legal process or other ”.
- (2) In section 85(4) (penalty for sitting or voting where no return and declarations transmitted), for—
- (a) “the writ or other process” (in both places), and
  - (b) “a writ or other process”,
- substitute “ legal process ”.
- (3) In section 121(5) (presentation and service of parliamentary election petition), for the words from “as nearly” to “such other” substitute “ in such ”.

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- (4) In section 136(2) (security for costs), in paragraphs (a) and (b), for “on summons, directs” substitute “ directs on an application made by the petitioner ”.
- (5) In section 184(1) (service of notices), for “summons, notice or” substitute “ notice, legal process or other ”.
- (6) In section 202(1) (general provisions as to interpretation), after the definition of “legal incapacity” insert—

““legal process” means a claim form, application notice, writ, summons or other process;”.
- (7) In Schedule 4 (election expenses at certain local elections in England and Wales), in paragraph 4(3) (penalty for sitting or voting where no return and declarations transmitted), for “a writ or other process” substitute “ legal process ”.

#### Commencement Information

**I122** Sch. 18 para. 19 wholly in force at 16.2.2001; Sch. 18 para. 19 not in force at Royal Assent, see s. 163(2); Sch. 18 para. 19 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](#))

### F334F334 SCHEDULE 19

#### Textual Amendments

**F334** Sch. 19 repealed (1.10.2007) by [Companies Act 2006 \(c. 46\)](#), ss. 1295, 1300(2), **Sch. 16**; [S.I. 2007/2194](#), art. 8, **Sch. 2 Pt. 1** (subject to [Sch. 1](#) (as amended by [S.I. 2007/3495](#), art. 10, [S.I. 2008/674](#), [Sch. 3 paras. 1, 2](#) and [S.I. 2008/2860](#), art. 6) and with arts. 9, 12, [Sch. 3](#) (as amended by [S.I. 2007/2607](#), art. 4, [S.I. 2007/3495](#), [Sch. 5 para. 2](#) and [S.I. 2008/674](#), [Sch. 3 para. 2\(3\)](#)))

F334

### F335 SCHEDULE 19A

Section 140A

#### REPORTS OF GIFTS RECEIVED BY UNINCORPORATED ASSOCIATIONS MAKING POLITICAL CONTRIBUTIONS

#### Textual Amendments

**F335** Sch. 19A inserted (21.7.2009) by [Political Parties and Elections Act 2009 \(c. 12\)](#), ss. 19(2), 43(1)(5)(c), **Sch. 5** (with s. 19(8))

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*Requirement to notify Commission of political contributions over £25,000*

- 1 (1) Where in any calendar year an unincorporated association falling within section 54(2)(h)—
- (a) makes a political contribution of more than £25,000, not having previously made any political contributions in that year, or
  - (b) makes a political contribution which takes the total amount of such contributions made by it in that year above £25,000,
- the association must notify the Commission accordingly within the period of 30 days beginning with the date on which the contribution was made.
- (2) An unincorporated association makes a “political contribution” in any of the following cases—
- (a) it makes a donation (within the meaning of Part 4) to a registered party;
  - (b) it makes a loan of money to a registered party, or discharges (to any extent) a liability of a registered party, in pursuance of a regulated transaction (within the meaning of Part 4A);
  - (c) it makes a donation (within the meaning of Schedule 7) to a regulated donee;
  - (d) it makes a loan of money to a regulated donee, or discharges (to any extent) a liability of a regulated donee, in pursuance of a controlled transaction (within the meaning of Schedule 7A);
  - (e) it makes a donation (within the meaning of Schedule 11) to a recognised third party;
  - (f) it makes a donation (within the meaning of Schedule 15) to a permitted participant.
  - [<sup>F336</sup>(g) it makes a relevant donation within the meaning of Schedule 4 to the Recall of MPs Act 2015 (see Part 1 of that Schedule) to an accredited campaigner.]
- (3) For the purposes of sub-paragraph (1)(b) a contribution is not counted towards the total unless it is a contribution of more than £500.
- (4) In this paragraph—
- [<sup>F337</sup>“accredited campaigner” has the same meaning as in Schedule 3 to the Recall of MPs Act 2015 (see Part 5 of that Schedule);]
- “permitted participant” has the meaning given in section 105 except that it does not include a registered party other than a minor party;
- “recognised third party” has the meaning given in section 85;
- “regulated donee” has the meaning given in Part 1 of Schedule 7.
- (5) For the purposes of this paragraph—
- (a) the value of a donation to a registered party shall be determined in accordance with section 53;
  - (b) the value of a donation to a regulated donee shall be determined in accordance with paragraph 5 of Schedule 7;
  - (c) the value of a donation to a recognised third party shall be determined in accordance with paragraph 5 of Schedule 11;
  - (d) the value of a donation to a permitted participant shall be determined in accordance with paragraph 5 of Schedule 15;
  - (e) the value of a contribution within sub-paragraph (2)(b) or (d) is the amount of money lent or liability discharged.

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[<sup>F338</sup>(f) the value of a donation to an accredited campaigner shall be determined in accordance with paragraph 5 of Schedule 4 to the Recall of MPs Act 2015.]

- (6) Where a donation, or a sum of money lent, is sent on one day and received on another, the donation or loan is treated for the purposes of this paragraph as made on the earlier of those days.

#### Textual Amendments

- F336** Sch. 19A para. 1(2)(g) inserted (4.3.2016) by Recall of MPs Act 2015 (c. 25), s. 24(3), **Sch. 6 para. 7(2)(a)**; S.I. 2016/290, reg. 2
- F337** Words in Sch. 19A para. 1(4) inserted (4.3.2016) by Recall of MPs Act 2015 (c. 25), s. 24(3), **Sch. 6 para. 7(2)(b)**; S.I. 2016/290, reg. 2
- F338** Sch. 19A para. 1(5)(f) inserted (4.3.2016) by Recall of MPs Act 2015 (c. 25), s. 24(3), **Sch. 6 para. 7(2)(c)**; S.I. 2016/290, reg. 2

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

- C106** Sch. 19A para. 1 modified (1.2.2016) by European Union Referendum Act 2015 (c. 36), s. 13(2), **Sch. 2 para. 2(6)** (with Sch. 2 para. 2(8)); S.I. 2016/69, reg. 2

#### *Requirement to report gifts received to Commission*

- 2 (1) This paragraph applies where the making of a political contribution by an unincorporated association causes the association to be subject to the notification requirement in paragraph 1; and in this paragraph—
- “the contribution date” means the date on which that contribution was made;
- “quarter” means a period of three months ending on 31st March, 30th June, 30th September or 31st December.
- (2) Within the period of 60 days beginning with the contribution date, the unincorporated association must make a report to the Commission—
- (a) specifying every gift of more than £7,500 received by the association in the period—
- (i) beginning at the start of the calendar year preceding the year in which the contribution date falls, and
- (ii) ending with the contribution date,
- or
- (b) (if it is the case) stating that the association received no such gifts in the period mentioned in paragraph (a).
- (3) Within the period of 30 days following the end of the first quarter to begin after the contribution date, the unincorporated association must make a report to the Commission—
- (a) specifying every gift of more than £7,500 received by the association in the period—
- (i) beginning with the day after the contribution date, and
- (ii) ending with the end of the quarter,
- or



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- (b) (if it is the case) stating that the association received no such gifts in the period mentioned in paragraph (a).
- (4) In relation to each subsequent quarter ending in the calendar year in which the contribution date falls or in the following calendar year, the unincorporated association must within the period of 30 days following the end of the quarter make a report to the Commission—
  - (a) specifying every gift of more than £7,500 received by the association in the quarter, or
  - (b) (if it is the case) stating that the association received no such gifts in the quarter.
- (5) Where—
  - (a) an unincorporated association receives two or more gifts of more than £500 from the same person in the same calendar year, and
  - (b) those gifts amount to more than £7,500 in total,
 the association is treated for the purposes of this paragraph as receiving a gift of more than £7,500 on the day on which it receives the gift that takes the total amount of gifts from that person in that year above £7,500.
- (6) Where—
  - (a) an unincorporated association receives (or is treated by sub-paragraph (5) as receiving) a gift of more than £7,500 from a particular person, and
  - (b) later in the same calendar year the association receives a gift of more than £1,500 from the same person,
 that subsequent gift is treated for the purposes of this paragraph in the same way as a gift of more than £7,500.
- (7) A reference in this paragraph to a gift of more than a certain amount is to be read, in the case of a gift in a form other than money, as a reference to a gift with a value of more than that amount.
- (8) Nothing in this paragraph requires an unincorporated association to report to the Commission—
  - (a) any gift that it has already reported to them under this paragraph, or
  - (b) in the case of an association that at the relevant time was a members association within the meaning of Schedule 7, any gift that it is required to report to them under Part 3 of that Schedule.

*Information to be included in reports under paragraph 2*

- 3 (1) A report under paragraph 2 must give the following information in relation to each gift that is required to be specified—
  - (a) the date on which it was received;
  - (b) the form that it took;
  - (c) the amount or value of it;
  - (d) whatever details the unincorporated association knows of the name and address of the person by whom the gift was made.
- (2) Where paragraph 2(5) applies, each of the gifts of more than £500 mentioned in that provision is required to be specified separately for the purposes of sub-paragraph (1).

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- (3) Where a person (“P”) makes a gift indirectly through one or more intermediaries, the reference in sub-paragraph (1)(d) to the person by whom the gift was made is to be read as a reference to P and each of the intermediaries.

*Declaration by authorised individual*

- 4 A notification under paragraph 1 or a report under paragraph 2 must contain a declaration, made by an individual authorised to do so by the unincorporated association concerned, that to the best of the individual's knowledge and belief—
- (a) everything stated in the notification or report is accurate, and
  - (b) the notification or report contains everything that it is required to contain by this Schedule.

*Additional matters to be included in notifications and reports*

- 5 A notification under paragraph 1 or a report under paragraph 2 must (as well as containing the things that paragraphs 1 and 4 or paragraphs 3 and 4 require it to contain)—
- (a) state the name of the unincorporated association by which it is given;
  - (b) state the address of the association's main office in the United Kingdom;
  - (c) state the full name and address of the individual making the declaration under paragraph 4;
  - (d) state that the individual is authorised by the unincorporated association to make the declaration;
  - (e) describe the individual's role or position in relation to the association.

*Offences*

- 6 (1) An unincorporated association commits an offence if it—
- (a) is required by paragraph 1 to give a notification to the Commission, or
  - (b) is required by paragraph 2 to make a report to the Commission,
- and fails without reasonable excuse to do so within the permitted period.
- (2) An unincorporated association commits an offence if, without reasonable excuse, it—
- (a) gives a notification to the Commission under paragraph 1, or
  - (b) makes a report to the Commission under paragraph 2,
- which fails to comply with any requirement of this Schedule applying to the notification or report.
- (3) An individual who knowingly or recklessly makes a false declaration under paragraph 4 commits an offence.
- (4) For the purposes of sub-paragraph (1) the “permitted period” is—
- (a) in relation to a notification under paragraph 1, the period of 30 days mentioned in paragraph 1(1);
  - (b) in relation to a notice under sub-paragraph (2) of paragraph 2, the period of 60 days mentioned in that sub-paragraph;
  - (c) in relation to a notice under sub-paragraph (3) of paragraph 2, the period of 30 days mentioned in that sub-paragraph;

*Status: Point in time view as at 02/02/2022.*

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- (d) in relation to a notice under sub-paragraph (4) of paragraph 2, the period of 30 days mentioned in that sub-paragraph.

*Register of recordable gifts to unincorporated associations*

- 7 (1) The Commission shall maintain a register of all notifications made to them under paragraph 1 and all gifts reported to them under paragraph 2.
- (2) The register shall be maintained by the Commission in such form as they may determine and shall contain the following details—
- (a) in the case of each notification under paragraph 1—
- (i) the name of the unincorporated association by which the notification was given;
- (ii) the address of the association's main office in the United Kingdom;
- (iii) the date on which the notification was given;
- (b) in the case of each gift reported under paragraph 2—
- (i) the name of the unincorporated association by which the report was given;
- (ii) the address of the association's main office in the United Kingdom;
- (iii) (subject to sub-paragraph (4) and paragraph 8) the information provided under paragraph 3.
- (3) Where the Commission are given any notification under paragraph 1 or any report under paragraph 2, they shall cause the details mentioned in sub-paragraph (2)(a) (in respect of a notification) or sub-paragraph (2)(b) (in respect of a report) to be entered in the register as soon as is reasonably practicable.
- (4) The information to be entered in the register in respect of any individual shall not include the individual's home address.
- 8 (1) This paragraph applies where—
- (a) an unincorporated association receives a gift in respect of which an entry falls to be made in the register under paragraph 7, and
- (b) at the time when the gift is received there is no entry in the register in respect of that unincorporated association.
- (2) The Commission shall not include in the register any information that would or might identify a person as someone by or through whom the gift was made unless—
- (a) they have given to the person a notice stating that they propose to include such information, and inviting representations on the matter, and
- (b) they decide, having considered any representations made by the person, that it is reasonable to include such information in the register.
- (3) The Commission shall make reasonable efforts to give a notice under sub-paragraph (2)(a) in any case where, if a notice is not given, sub-paragraph (2) prevents information from being included in the register.
- (4) The Commission shall not make a decision on the matter referred to in sub-paragraph (2)(b) until after the period of 45 days beginning with the date on which they gave the notice under sub-paragraph (2)(a), unless representations from the person concerned are received before the end of that period.

*Status: Point in time view as at 02/02/2022.*

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- (5) Once they have made a decision on that matter the Commission shall give notification of it to the person concerned.

*Meaning of “gift”, etc*

- 9 (1) In this Schedule “gift” includes bequest.
- (2) Anything given or transferred to any officer, member, trustee or agent of an unincorporated association in that person's capacity as such (and not for the person's own use or benefit) is to be regarded for the purposes of this Schedule as given or transferred to the association (and references to gifts received by an unincorporated association are to be read accordingly).
- (3) Regulations made by the Secretary of State may—
- (a) make provision as to things that are, or are not, to be regarded as gifts to unincorporated associations for the purposes of this Schedule;
  - (b) make provision as to how the value of a gift to an unincorporated association is to be calculated for the purposes of this Schedule.
- (4) Provision made under sub-paragraph (3)(a) may, in particular, provide for a person to be treated as making a gift where that person—
- (a) pays expenses incurred by another;
  - (b) lends money to another otherwise than on commercial terms;
  - (c) provides any property, services or facilities for the use or benefit of another otherwise than on commercial terms;
  - (d) transfers any money or other property for a consideration that is worth less than what is transferred (or for no consideration).]

<sup>F339</sup>SCHEDULE 19B

Section 146

INVESTIGATORY POWERS OF COMMISSION

**Textual Amendments**

**F339** Sch. 19B inserted (1.12.2010) by [Political Parties and Elections Act 2009 \(c. 12\)](#), ss. 2(2), 43(1), [Sch. 1](#); [S.I. 2010/2866](#), art. 3(b)(e) (with art. 5)

*Power to require disclosure*

- 1 (1) This paragraph applies to the following organisations and individuals—
- (a) a registered party or, in the case of a registered party with accounting units—
    - (i) the central organisation of the party;
    - (ii) an accounting unit of the party;
  - (b) a recognised third party (within the meaning of Part 6);
  - (c) a permitted participant (within the meaning of Part 7);
  - (d) a regulated donee (within the meaning of Schedule 7);
  - (e) a regulated participant (within the meaning of Schedule 7A);

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- (f) a candidate at an election (other than a local government election in Scotland);
  - (g) the election agent for such a candidate;
  - (h) an organisation or individual formerly falling within any of paragraphs (a) to (g).
- (2) The Commission may give a disclosure notice to a person who—
- (a) is the treasurer or another officer of an organisation to which this paragraph applies, or has been at any time in the period of five years ending with the day on which the notice is given; or
  - (b) is an individual to whom this paragraph applies.
- (3) A disclosure notice is a notice requiring the person to whom it is given—
- (a) to produce, for inspection by the Commission or a person authorised by the Commission, any documents which—
    - (i) relate to the income and expenditure of the organisation or individual in question, and
    - (ii) are reasonably required by the Commission for the purposes of carrying out their functions;
  - or
  - (b) to provide the Commission, or a person authorised by the Commission, with any information or explanation which relates to that income and expenditure and is reasonably required by the Commission for those purposes.
- (4) A person to whom a disclosure notice is given shall comply with it within such reasonable time as is specified in the notice.

#### *Inspection warrants*

- 2 (1) This paragraph applies to the following organisations and individuals—
- (a) a registered party or, in the case of a registered party with accounting units—
    - (i) the central organisation of the party;
    - (ii) an accounting unit of the party;
  - (b) a recognised third party (within the meaning of Part 6);
  - (c) a permitted participant (within the meaning of Part 7);
  - (d) a members association (within the meaning of Schedule 7).
- (2) A justice of the peace may issue an inspection warrant in relation to premises occupied by any such organisation or individual if satisfied, on information on oath given by or on behalf of the Commission, that—
- (a) there are reasonable grounds for believing that on those premises there are documents relating to the income and expenditure of the organisation or individual,
  - (b) the Commission need to inspect the documents for the purposes of carrying out functions of the Commission other than investigatory functions, and
  - (c) permission to inspect the documents on the premises has been requested by the Commission and has been unreasonably refused.
- (3) An inspection warrant is a warrant authorising a member of the Commission's staff—
- (a) at any reasonable time to enter the premises specified in the warrant, and

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- (b) having entered the premises, to inspect any documents within sub-paragraph (2)(a).
- (4) An inspection warrant also authorises the person who executes the warrant to be accompanied by any other persons who the Commission consider are needed to assist in executing it.
- (5) The person executing an inspection warrant must, if required to do so, produce—
  - (a) the warrant, and
  - (b) documentary evidence that the person is a member of the Commission's staff, for inspection by the occupier of the premises that are specified in the warrant or by anyone acting on the occupier's behalf.
- (6) An inspection warrant continues in force until the end of the period of one month beginning with the day on which it is issued.
- (7) An inspection warrant may not be used for the purposes of carrying out investigatory functions.
- (8) In this paragraph “investigatory functions” means functions of investigating suspected offences under this Act or suspected contraventions of restrictions or requirements imposed by or by virtue of this Act.
- (9) In the application of this paragraph to Scotland—
  - (a) a reference to a justice of the peace is to be read as a reference to a justice of the peace or a sheriff;
  - (b) a reference to information on oath is to be read as a reference to evidence on oath.

*Powers in relation to suspected offences or contraventions*

- 3 (1) This paragraph applies where the Commission have reasonable grounds to suspect that—
  - (a) a person has committed an offence under this Act, or
  - (b) a person has contravened (otherwise than by committing an offence) any restriction or other requirement imposed by or by virtue of this Act.In this paragraph “the suspected offence or contravention” means the offence or contravention referred to above.
- (2) The Commission may by notice require any person (including an organisation to which, or an individual to whom, paragraph 1 applies)—
    - (a) to produce, for inspection by the Commission or a person authorised by the Commission, any documents that they reasonably require for the purposes of investigating the suspected offence or contravention;
    - (b) to provide the Commission, or a person authorised by the Commission, with any information or explanation that they reasonably require for those purposes.
  - (3) A person to whom a notice is given under sub-paragraph (2) shall comply with it within such reasonable time as is specified in the notice.
  - (4) A person authorised by the Commission (“the investigator”) may require—
    - (a) the person mentioned in sub-paragraph (1), if that person is an individual, or

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(b) an individual who the investigator reasonably believes has relevant information,

to attend before the investigator at a specified time and place and answer any questions that the investigator reasonably considers to be relevant.

(5) In sub-paragraph (4) “relevant” means relevant to an investigation by the Commission of the suspected offence or contravention.

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

**C107** Sch. 19B paras. 3-5 modified (1.2.2016) by European Union Referendum Act 2015 (c. 36), s. 13(2), **Sch. 2 para. 9(4)** (with Sch. 9 para. 9(6)); S.I. 2016/69, reg. 2

**C108** Sch. 19B paras. 3-5 modified (1.2.2016) by European Union Referendum Act 2015 (c. 36), s. 13(2), **Sch. 1 para. 44(4)** (with Sch. 1 para. 44(6)); S.I. 2016/69, reg. 2

*Court order for delivery of documents or provision of information etc*

- 4 (1) This paragraph applies where the Commission have given a notice under paragraph 3 requiring documents to be produced.
- (2) The High Court or (in Scotland) the Court of Session may make a document-disclosure order against a person (“the respondent”) if satisfied on an application by the Commission that—
- (a) there are reasonable grounds to suspect that a person (whether or not the respondent) has committed an offence under this Act or has contravened (otherwise than by committing an offence) any restriction or other requirement imposed by or by virtue of this Act, and
  - (b) there are documents referred to in the notice under paragraph 3 which—
    - (i) have not been produced as required by the notice (either within the time specified in the notice for compliance or subsequently),
    - (ii) are reasonably required by the Commission for the purposes of investigating the offence or contravention referred to in paragraph (a), and
    - (iii) are in the custody or under the control of the respondent.
- (3) A document-disclosure order is an order requiring the respondent to deliver to the Commission, within such time as is specified in the order, such documents falling within sub-paragraph (2)(b) as are identified in the order (either specifically or by reference to any category or description of document).
- (4) For the purposes of sub-paragraph (2)(b)(iii) a document is under a person's control if it is in the person's possession or if the person has a right to possession of it.
- (5) A person who fails to comply with a document-disclosure order may not, in respect of that failure, be both punished for contempt of court and convicted of an offence under paragraph 13(1).

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

**C107** Sch. 19B paras. 3-5 modified (1.2.2016) by European Union Referendum Act 2015 (c. 36), s. 13(2), **Sch. 2 para. 9(4)** (with Sch. 9 para. 9(6)); S.I. 2016/69, reg. 2



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**C108** Sch. 19B paras. 3-5 modified (1.2.2016) by European Union Referendum Act 2015 (c. 36), s. 13(2), Sch. 1 para. 44(4) (with Sch. 1 para. 44(6)); S.I. 2016/69, reg. 2

- 5
- (1) This paragraph applies where the Commission have given a notice under paragraph 3 requiring any information or explanation to be provided.
  - (2) The High Court or (in Scotland) the Court of Session may make an information-disclosure order against a person (“the respondent”) if satisfied on an application by the Commission that—
    - (a) there are reasonable grounds to suspect that a person (whether or not the respondent) has committed an offence under this Act or has contravened (otherwise than by committing an offence) any restriction or other requirement imposed by or by virtue of this Act, and
    - (b) there is any information or explanation referred to in the notice under paragraph 3 which—
      - (i) has not been provided as required by the notice (either within the time specified in the notice for compliance or subsequently),
      - (ii) is reasonably required by the Commission for the purposes of investigating the offence or contravention referred to in paragraph (a), and
      - (iii) the respondent is able to provide.
  - (3) An information-disclosure order is an order requiring the respondent to provide to the Commission, within such time as is specified in the order, such information or explanation falling within sub-paragraph (2)(b) as is identified in the order.
  - (4) A person who fails to comply with an information-disclosure order may not, in respect of that failure, be both punished for contempt of court and convicted of an offence under paragraph 13(1).

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

**C107** Sch. 19B paras. 3-5 modified (1.2.2016) by European Union Referendum Act 2015 (c. 36), s. 13(2), Sch. 2 para. 9(4) (with Sch. 9 para. 9(6)); S.I. 2016/69, reg. 2

**C108** Sch. 19B paras. 3-5 modified (1.2.2016) by European Union Referendum Act 2015 (c. 36), s. 13(2), Sch. 1 para. 44(4) (with Sch. 1 para. 44(6)); S.I. 2016/69, reg. 2

*Retention of documents delivered under paragraph 4*

- 6
- (1) The Commission may retain any documents delivered to them in compliance with an order under paragraph 4 for a period of three months (or for longer if any of following sub-paragraphs applies).

In this paragraph “the documents” and “the three-month period” mean the documents and the period mentioned above.
  - (2) If within the three-month period proceedings to which the documents are relevant are commenced against any person for any criminal offence, the documents may be retained until the conclusion of those proceedings.
  - (3) If within the three-month period the Commission serve a notice under paragraph 2(1) of Schedule 19C of a proposal to impose a fixed monetary penalty on any person

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and the documents are relevant to the decision to serve the notice, the documents may be retained—

- (a) until liability for the penalty is discharged as mentioned in paragraph 2(2) of that Schedule (if it is);
- (b) until the Commission decide not to impose a fixed monetary penalty (if that is what they decide);
- (c) until the end of the period given by sub-paragraph (5) (if they do impose a fixed monetary penalty).

(4) If within the three-month period the Commission serve a notice under paragraph 6(1) of Schedule 19C of a proposal to impose a discretionary requirement on any person and the documents are relevant to the decision to serve the notice, the documents may be retained—

- (a) until the Commission decide not to impose a discretionary requirement (if that is what they decide);
- (b) until the end of the period given by sub-paragraph (5) (if they do impose a discretionary requirement).

(5) If within the three-month period—

- (a) a notice is served imposing a fixed monetary penalty on any person under paragraph 2(4) of Schedule 19C and the documents are relevant to the decision to impose the penalty, or
- (b) a notice is served imposing a discretionary requirement on any person under paragraph 6(5) of that Schedule and the documents are relevant to the decision to impose the requirement,

the documents may be retained until the end of the period allowed for bringing an appeal against that decision or (if an appeal is brought) until the conclusion of proceedings on the appeal.

(6) If within the three-month period—

- (a) a stop notice is served on any person under paragraph 10 of Schedule 19C, and
- (b) the documents are relevant to the decision to serve the notice,

the documents may be retained until the end of the period allowed for bringing an appeal against that decision or (if an appeal is brought) until the conclusion of proceedings on the appeal.

(7) If within the three-month period or the period given by sub-paragraph (6) (or, if applicable, by sub-paragraph (4) or (5)(b))—

- (a) the Commission, having served a stop notice on any person under paragraph 10 of Schedule 19C, decide not to issue a completion certificate under paragraph 12 of that Schedule in relation to the stop notice, and
- (b) the documents are relevant to the decision not to issue the certificate,

the documents may be retained until the end of the period allowed for bringing an appeal against that decision or (if an appeal is brought) until the conclusion of proceedings on the appeal.

#### *Power to make copies and records*

7

The Commission or a person authorised by the Commission—

- (a) may make copies of, or make records of any information contained in—

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- (i) any documents produced or inspected under this Schedule;
  - (ii) any documents delivered to them in compliance with an order under paragraph 4;
- (b) may make copies or records of any information or explanation provided under this Schedule.

*Authorisation to be in writing*

- 8 An authorisation of a person by the Commission under this Schedule must be in writing.

*Meaning of “documents”*

- 9 In this Schedule “documents” includes any books or records.

*Documents in electronic form*

- 10 (1) In the case of documents kept in electronic form—
- (a) a power of the Commission under this Schedule to require documents to be produced for inspection includes power to require a copy of the documents to be made available for inspection in legible form;
  - (b) a power of a person (“the inspector”) under this Schedule to inspect documents includes power to require any person on the premises in question to give any assistance that the inspector reasonably requires to enable the inspector—
    - (i) to inspect and make copies of the documents in legible form or to make records of information contained in them, or
    - (ii) to inspect and check the operation of any computer, and any associated apparatus or material, that is or has been in use in connection with the keeping of the documents.
- (2) Paragraph 7(a) applies in relation to any copy made available as mentioned in sub-paragraph (1)(a) above.

*Legal professional privilege*

- 11 Nothing in this Schedule requires a person to produce or provide, or authorises a person to inspect or take possession of, anything in respect of which a claim to legal professional privilege (in Scotland, to confidentiality of communications) could be maintained in legal proceedings.

*Admissibility of statements*

- 12 (1) A statement made by a person (“P”) in compliance with a requirement imposed under this Schedule is admissible in evidence in any proceedings (as long as it also complies with any requirements governing the admissibility of evidence in the circumstances in question).
- (2) But in criminal proceedings in which P is charged with an offence other than one to which sub-paragraph (3) applies or in proceedings within sub-paragraph (4) to which both the Commission and P are parties—
- (a) no evidence relating to the statement is admissible against P, and

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- (b) no question relating to the statement may be asked on behalf of the prosecution or (as the case may be) the Commission in cross-examination of P,

unless evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of P.

- (3) This sub-paragraph applies to—
- (a) an offence under paragraph 13(3);
  - (b) an offence under section 5 of the Perjury Act 1911 (false statements made otherwise than on oath);
  - (c) an offence under section 44(2) of the Criminal Law (Consolidation) (Scotland) Act 1995 (false statements made otherwise than on oath);
  - (d) an offence under Article 10 of the Perjury (Northern Ireland) Order 1979 (false statements made otherwise than on oath).
- (4) Proceedings are within this sub-paragraph if they arise out of the exercise by the Commission of any of their powers under Schedule 19C other than powers in relation to an offence under paragraph 13(3) below.

#### *Offences*

- 13 (1) A person who fails, without reasonable excuse, to comply with any requirement imposed under or by virtue of this Schedule commits an offence.
- (2) A person who intentionally obstructs a person authorised by or by virtue of this Schedule in the carrying out of that person's functions under the authorisation commits an offence.
- (3) A person who knowingly or recklessly provides false information in purported compliance with a requirement imposed under or by virtue of this Schedule commits an offence.

#### *Guidance by Commission*

- 14 (1) The Commission shall prepare and publish guidance as to—
- (a) the circumstances in which the Commission are likely to give a notice under paragraph 1 or 3(2);
  - (b) the consequences (including criminal sanctions) that may result from a failure to comply with such a notice;
  - (c) the circumstances in which the Commission are likely to apply for a warrant under paragraph 2;
  - (d) the procedures to be followed in connection with questioning under paragraph 3(4);
  - (e) the circumstances in which the Commission are likely to apply for an order under paragraph 4 or 5;
  - (f) the principles and practices to be applied in connection with the exercise of powers under paragraphs 6 and 7;
  - (g) any other matters concerning the exercise of powers under this Schedule about which the Commission consider that guidance would be useful.
- (2) Where appropriate, the Commission shall revise guidance published under this paragraph and publish the revised guidance.

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- (3) The Commission shall consult such persons as they consider appropriate before publishing guidance or revised guidance under this paragraph.
- (4) The Commission shall have regard to the guidance or revised guidance published under this paragraph in exercising their functions.

*Information about use of investigatory powers in Commission's annual report*

- 15 (1) Each report by the Commission under paragraph 20 of Schedule 1 shall contain information about the use made by the Commission of their powers under this Schedule during the year in question.
- (2) The report shall, in particular, specify—
  - (a) the cases in which a notice was given under paragraph 1 or 3(2);
  - (b) the cases in which premises were entered under a warrant issued under paragraph 2;
  - (c) the cases in which a requirement was imposed under paragraph 3(4);
  - (d) the cases in which an order under paragraph 4 or 5—
    - (i) was applied for;
    - (ii) was made.
- (3) This paragraph does not require the Commission to include in a report any information that, in their opinion, it would be inappropriate to include on the ground that to do so—
  - (a) would or might be unlawful, or
  - (b) might adversely affect any current investigation or proceedings.]

[<sup>F340</sup>SCHEDULE 19C

Section 147

CIVIL SANCTIONS

**Textual Amendments**

**F340** Sch. 19C inserted (1.12.2010) by [Political Parties and Elections Act 2009 \(c. 12\)](#), ss. 3(2), 43(1), [Sch. 2](#); S.I. 2010/2866, art. 3(c)(f) (with art. 6)

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

**C109** Sch. 19C modified (16.2.2011) by [Parliamentary Voting System and Constituencies Act 2011 \(c. 1\)](#), ss. 6(6)(7), 19(1), [Sch. 9](#)

**C110** Sch. 19C modified (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\)](#), s. 13(2), [Sch. 2 para. 2\(7\)](#) (with [Sch. 2 para. 2\(8\)](#)); S.I. 2016/69, reg. 2

**C111** Sch. 19C modified (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\)](#), s. 13(2), [Sch. 1 para. 44\(4\)](#) (with [Sch. 1 para. 44\(6\)](#)); S.I. 2016/69, reg. 2

**C112** Sch. 19C modified by 2000 c. 41, Pt. 7 Ch. 2 (as modified (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\)](#), s. 13(2), [Sch. 1 para. 37\(1\)](#) (with [Sch. 1 para. 37\(2\)](#)); S.I. 2016/69, reg. 2)

**C113** Sch. 19C modified (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\)](#), s. 13(2), [Sch. 2 para. 9\(5\)](#) (with [Sch. 9 para. 9\(6\)](#)); S.I. 2016/69, reg. 2

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## PART 1

### FIXED MONETARY PENALTIES

#### *Imposition of fixed monetary penalties*

- 1 (1) The Commission may by notice impose a fixed monetary penalty on a person if satisfied beyond reasonable doubt that the person—
- (a) has committed a prescribed offence under this Act, or
  - (b) has (otherwise than by committing an offence under this Act) contravened a prescribed restriction or requirement imposed by or by virtue of this Act.
- (2) The Commission may by notice impose a fixed monetary penalty on a registered party if satisfied beyond reasonable doubt that a person holding an office within that party—
- (a) has committed a prescribed offence under this Act, or
  - (b) has (otherwise than by committing an offence under this Act) contravened a prescribed restriction or requirement imposed by or by virtue of this Act.
- (3) The Commission may by notice impose a fixed monetary penalty on a recognised third party if satisfied beyond reasonable doubt that the responsible person—
- (a) has committed a prescribed offence under this Act, or
  - (b) has (otherwise than by committing an offence under this Act) contravened a prescribed restriction or requirement imposed by or by virtue of this Act.
- (4) The Commission may by notice impose a fixed monetary penalty on a permitted participant if satisfied beyond reasonable doubt that the responsible person—
- (a) has committed a prescribed offence under this Act, or
  - (b) has (otherwise than by committing an offence under this Act) contravened a prescribed restriction or requirement imposed by or by virtue of this Act.
- (5) For the purposes of this Schedule a “fixed monetary penalty” is a requirement to pay to the Commission a penalty of a prescribed amount.
- (6) In the case of a fixed monetary penalty imposed under sub-paragraph (1)(a), (2)(a), (3)(a) or (4)(a), where the offence in question is—
- (a) triable summarily (whether or not it is also triable on indictment), and
  - (b) punishable on summary conviction by a fine (whether or not it is also punishable by a term of imprisonment),
- the amount of the penalty may not exceed the maximum amount [<sup>F341</sup>(if any)] of that fine.

#### Textual Amendments

**F341** Words in Sch. 19C para. 1(6) inserted (E.W.) (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), [Sch. 5 para. 9](#) (with reg. 5(1))

#### *Representations and appeals etc*

- 2 (1) Where the Commission propose to impose a fixed monetary penalty on a person, they shall serve on the person a notice of what is proposed.

*Status: Point in time view as at 02/02/2022.*

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- (2) A notice under sub-paragraph (1) must offer the person the opportunity to discharge the person's liability for the fixed monetary penalty by payment of a prescribed sum (which must be less than or equal to the amount of the penalty).

The following provisions of this paragraph apply if the person does not do so.

- (3) The person may make written representations and objections to the Commission in relation to the proposed imposition of the fixed monetary penalty.
- (4) After the end of the period for making such representations and objections (see paragraph 3(2)) the Commission shall decide whether to impose the fixed monetary penalty.

If they decide to do so they shall serve on the person a notice imposing the penalty.

- (5) The Commission may not impose a fixed monetary penalty on a person—
- (a) if, taking into account (in particular) any matter raised by the person, the Commission are no longer satisfied as mentioned in paragraph 1(1), (2), (3) or (4) (as applicable);
  - (b) in such other circumstances as may be prescribed.
- (6) A person on whom a fixed monetary penalty is imposed may appeal against the decision to impose the penalty on the ground that—
- (a) it was based on an error of fact,
  - (b) it was wrong in law, or
  - (c) it was unreasonable,
- or on such other grounds as may be prescribed.
- (7) An appeal under sub-paragraph (6) is to [<sup>F342</sup>(in England and Wales) the county court or (in Northern Ireland)] a county court or (in Scotland) the sheriff.

#### Textual Amendments

**F342** Words in Sch. 19C para. 2(7) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\)](#), [Sch. 9 para. 121\(d\)](#); [S.I. 2014/954, art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956, arts. 3-11](#))

#### *Information to be included in notices under paragraph 2*

- 3 (1) A notice under paragraph 2(1) must include information as to—
- (a) the grounds for the proposal to impose the fixed monetary penalty;
  - (b) the effect of payment of the sum referred to in paragraph 2(2);
  - (c) the right to make representations and objections;
  - (d) the circumstances in which the Commission may not impose the fixed monetary penalty.
- (2) Such a notice must also specify—
- (a) the period within which liability for the fixed monetary penalty may be discharged, and
  - (b) the period within which representations and objections may be made.



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Neither period may be more than 28 days beginning with the day on which the notice is received.

- (3) A notice under paragraph 2(4) must include information as to—
- (a) the grounds for imposing the fixed monetary penalty;
  - (b) how payment may be made;
  - (c) the period within which payment may be made;
  - (d) any early payment discounts or late payment penalties;
  - (e) rights of appeal;
  - (f) the consequences of non-payment.

*Fixed monetary penalties: criminal proceedings and conviction*

- 4 (1) Where a notice under paragraph 2(1) is served on a person—
- (a) no criminal proceedings for an offence under this Act may be instituted against the person in respect of the act or omission to which the notice relates before the end of the period within which the person's liability may be discharged as mentioned in paragraph 2(2) (see paragraph 3(2));
  - (b) if the liability is so discharged, the person may not at any time be convicted of an offence under this Act in relation to that act or omission.
- (2) A person on whom a fixed monetary penalty is imposed may not at any time be convicted of an offence under this Act in respect of the act or omission giving rise to the penalty.

## PART 2

### DISCRETIONARY REQUIREMENTS

*Imposition of discretionary requirements*

- 5 (1) The Commission may impose one or more discretionary requirements on a person if satisfied beyond reasonable doubt that the person—
- (a) has committed a prescribed offence under this Act, or
  - (b) has (otherwise than by committing an offence under this Act) contravened a prescribed restriction or requirement imposed by or by virtue of this Act.
- (2) The Commission may impose one or more discretionary requirements on a registered party if satisfied beyond reasonable doubt that a person holding an office within that party—
- (a) has committed a prescribed offence under this Act, or
  - (b) has (otherwise than by committing an offence under this Act) contravened a prescribed restriction or requirement imposed by or by virtue of this Act.
- (3) The Commission may impose one or more discretionary requirements on a recognised third party if satisfied beyond reasonable doubt that the responsible person—
- (a) has committed a prescribed offence under this Act, or
  - (b) has (otherwise than by committing an offence under this Act) contravened a prescribed restriction or requirement imposed by or by virtue of this Act.

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- (4) The Commission may impose one or more discretionary requirements on a permitted participant if satisfied beyond reasonable doubt that the responsible person—
  - (a) has committed a prescribed offence under this Act, or
  - (b) has (otherwise than by committing an offence under this Act) contravened a prescribed restriction or requirement imposed by or by virtue of this Act.
- (5) For the purposes of this Schedule a “discretionary requirement” is—
  - (a) a requirement to pay a monetary penalty to the Commission of such amount as the Commission may determine,
  - (b) a requirement to take such steps as the Commission may specify, within such period as they may specify, to secure that the offence or contravention does not continue or recur, or
  - (c) a requirement to take such steps as the Commission may specify, within such period as they may specify, to secure that the position is, so far as possible, restored to what it would have been if the offence or contravention had not happened.
- (6) Discretionary requirements may not be imposed on the same person on more than one occasion in relation to the same act or omission.
- (7) In this Schedule—
  - “variable monetary penalty” means such a requirement as is referred to in sub-paragraph (5)(a);
  - “non-monetary discretionary requirement” means such a requirement as is referred to in sub-paragraph (5)(b) or (c).
- (8) In the case of a variable monetary penalty imposed under sub-paragraph (1)(a), (2)(a), (3)(a) or (4)(a), where the offence in question is—
  - (a) triable summarily only, and
  - (b) punishable on summary conviction by a fine (whether or not it is also punishable by a term of imprisonment),the amount of the penalty may not exceed the maximum amount of that fine.

#### *Representations and appeals etc*

- 6 (1) Where the Commission propose to impose a discretionary requirement on a person, they shall serve on the person a notice of what is proposed.
- (2) A person served with a notice under sub-paragraph (1) may make written representations and objections to the Commission in relation to the proposed imposition of the discretionary requirement.
- (3) After the end of the period for making such representations and objections (see paragraph 7(2)) the Commission shall decide whether—
  - (a) to impose the discretionary requirement, with or without modifications, or
  - (b) to impose any other discretionary requirement that the Commission have power to impose under paragraph 5.
- (4) The Commission may not impose a discretionary requirement on a person—
  - (a) if, taking into account (in particular) any matter raised by the person, the Commission are no longer satisfied as mentioned in paragraph 5(1), (2), (3) or (4) (as applicable);

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- (b) in such other circumstances as may be prescribed.
- (5) Where the Commission decide to impose a discretionary requirement on a person, they shall serve on the person a notice specifying what the requirement is.
- (6) A person on whom a discretionary requirement is imposed may appeal against the decision to impose the requirement on the ground—
  - (a) that the decision was based on an error of fact,
  - (b) that the decision was wrong in law,
  - (c) in the case of a variable monetary penalty, that the amount of the penalty is unreasonable,
  - (d) in the case of a non-monetary discretionary requirement, that the nature of the requirement is unreasonable, or
  - (e) that the decision is unreasonable for any other reason,
 or on such other grounds as may be prescribed.
- (7) An appeal under sub-paragraph (6) is to [<sup>F343</sup>(in England and Wales) the county court or (in Northern Ireland)] a county court or (in Scotland) the sheriff.

#### Textual Amendments

**F343** Words in Sch. 19C para. 6(7) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\)](#), [Sch. 9 para. 121\(d\)](#); [S.I. 2014/954, art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956, arts. 3-11](#))

#### *Information to be included in notices under paragraph 6*

- 7 (1) A notice under paragraph 6(1) must include information as to—
- (a) the grounds for the proposal to impose the discretionary requirement;
  - (b) the right to make representations and objections;
  - (c) the circumstances in which the Commission may not impose the discretionary requirement.
- (2) Such a notice must also specify the period within which representations and objections may be made.
- That period may not be less than 28 days beginning with the day on which the notice is received.
- (3) A notice under paragraph 6(5) must include information as to—
- (a) the grounds for imposing the discretionary requirement;
  - (b) where the discretionary requirement is a variable monetary penalty—
    - (i) how payment may be made,
    - (ii) the period within which payment must be made, and
    - (iii) any early payment discounts or late payment penalties;
  - (c) rights of appeal;
  - (d) the consequences of non-compliance.

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*Discretionary requirements: criminal conviction*

- 8 (1) A person on whom a discretionary requirement is imposed may not at any time be convicted of an offence under this Act in respect of the act or omission giving rise to the requirement.
- (2) Sub-paragraph (1) does not apply where—
- (a) a non-monetary discretionary requirement is imposed on the person,
  - (b) no variable monetary penalty is imposed on the person, and
  - (c) the person fails to comply with the non-monetary discretionary requirement.

*Failure to comply with discretionary requirements*

- 9 (1) The Commission may by notice impose a monetary penalty (a “non-compliance penalty”) on a person for failing to comply with a non-monetary discretionary requirement imposed on the person.
- (2) Subject to any prescribed criteria, or any prescribed maximum or minimum amounts, the amount of a non-compliance penalty is to be such as the Commission may determine.
- (3) A person served with a notice imposing a non-compliance penalty may appeal against the notice on the ground that the decision to serve the notice—
- (a) was based on an error of fact,
  - (b) was wrong in law, or
  - (c) was unfair or unreasonable for any reason (for example because the amount is unreasonable),
- or on such other grounds as may be prescribed.
- (4) An appeal under sub-paragraph (3) is to <sup>F344</sup>(in England and Wales) the county court or (in Northern Ireland)] a county court or (in Scotland) the sheriff.

**Textual Amendments**

**F344** Words in Sch. 19C para. 9(4) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\)](#), [Sch. 9 para. 121\(d\)](#); [S.I. 2014/954, art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956, arts. 3-11](#))

**PART 3**

STOP NOTICES

*Imposition of stop notices*

- 10 (1) Where sub-paragraph (2) or (3) applies, the Commission may serve on a person a notice (a “stop notice”) prohibiting the person from carrying on an activity specified in the notice until the person has taken the steps specified in the notice.
- (2) This sub-paragraph applies where—
- (a) the person is carrying on the activity,

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- (b) the Commission reasonably believe that the activity as carried on by the person involves or is likely to involve the person—
    - (i) committing a prescribed offence under this Act, or
    - (ii) contravening (otherwise than by committing an offence under this Act) a prescribed restriction or requirement imposed by or by virtue of this Act,
 and
  - (c) the Commission reasonably believe that the activity as carried on by the person is seriously damaging public confidence in the effectiveness of the controls in this Act on the income and expenditure of registered parties and others, or presents a significant risk of doing so.
- (3) This sub-paragraph applies where—
- (a) the person is likely to carry on the activity,
  - (b) the Commission reasonably believe that the activity as carried on by the person will involve or will be likely to involve the person—
    - (i) committing a prescribed offence under this Act, or
    - (ii) contravening (otherwise than by committing an offence under this Act) a prescribed restriction or requirement imposed by or by virtue of this Act,
 and
  - (c) the Commission reasonably believe that the activity as likely to be carried on by the person will seriously damage public confidence in the effectiveness of the controls mentioned in sub-paragraph (2)(c), or will present a significant risk of doing so.
- (4) The steps referred to in sub-paragraph (1) must be steps to secure that the activity is carried on or (as the case may be) will be carried on in a way that does not involve the person acting as mentioned in sub-paragraph (2)(b) or (3)(b).

*Information to be included in stop notices*

- 11 A stop notice must include information as to—
- (a) the grounds for serving the notice;
  - (b) rights of appeal;
  - (c) the consequences of not complying with the notice.

*Completion certificates*

- 12 (1) Where, after the service of a stop notice on a person, the Commission are satisfied that the person has taken the steps specified in the notice, they shall issue a certificate to that effect (a “completion certificate”).
- (2) A stop notice ceases to have effect on the issue of a completion certificate relating to that notice.
- (3) A person on whom a stop notice is served may at any time apply for a completion certificate.

The Commission shall make a decision whether to issue a completion certificate within 14 days of the day on which they receive such an application.

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### *Appeals etc*

- 13 (1) A person served with a stop notice may appeal against the decision to serve it on the ground that—
- (a) the decision was based on an error of fact,
  - (b) the decision was wrong in law,
  - (c) the decision was unreasonable,
  - (d) any step specified in the notice is unreasonable, or
  - (e) the person has not acted as mentioned in paragraph 10(2)(b) or (3)(b) and would not have done so even if the stop notice had not been served,
- or on such other grounds as may be prescribed.
- (2) A person served with a stop notice may appeal against a decision not to issue a completion certificate on the ground that the decision—
- (a) was based on an error of fact,
  - (b) was wrong in law, or
  - (c) was unfair or unreasonable,
- or on such other grounds as may be prescribed.
- (3) An appeal under sub-paragraph (1) or (2) is to [<sup>F345</sup>(in England and Wales) the county court or (in Northern Ireland)] a county court or (in Scotland) the sheriff.

#### **Textual Amendments**

**F345** Words in Sch. 19C para. 13(3) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 9 para. 121\(d\)](#); [S.I. 2014/954, art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

### *Failure to comply with stop notice*

- 14 A person served with a stop notice who does not comply with it is guilty of an offence.

## **PART 4**

### ENFORCEMENT UNDERTAKINGS

- 15 (1) This paragraph applies where—
- (a) the Commission have reasonable grounds to suspect that a person—
    - (i) has committed a prescribed offence under this Act, or
    - (ii) has (otherwise than by committing an offence under this Act) contravened a prescribed restriction or requirement imposed by or by virtue of this Act,
  - (b) the person offers an undertaking (an “enforcement undertaking”) to take such action, within such period, as is specified in the undertaking,
  - (c) the action so specified is—
    - (i) action to secure that the offence or contravention does not continue or recur,

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- (ii) action to secure that the position is, so far as possible, restored to what it would have been if the offence or contravention had not happened, or
  - (iii) action of a prescribed description,
- and
- (d) the Commission accept the undertaking.
- (2) Unless the person has failed to comply with the undertaking or any part of it—
- (a) the person may not at any time be convicted of an offence under this Act in respect of the act or omission to which the undertaking relates;
  - (b) the Commission may not impose on the person any fixed monetary penalty that they would otherwise have power to impose by virtue of paragraph 1 in respect of that act or omission;
  - (c) the Commission may not impose on the person any discretionary requirement that they would otherwise have power to impose by virtue of paragraph 5 in respect of that act or omission.

## PART 5

### POWER TO MAKE SUPPLEMENTARY PROVISION ETC BY ORDER

#### *Supplementary orders: general*

- 16 (1) The Secretary of State may by order (a “supplementary order”)—
- (a) make provision (including transitional provision) supplementing that made by this Schedule;
  - (b) make provision that is consequential on or incidental to that made by this Schedule.
- (2) The following provisions of this Part are not to be read as limiting the power conferred by sub-paragraph (1).
- (3) A supplementary order may make provision amending, repealing or revoking an enactment (whenever passed or made).

#### *Consultation*

- 17 (1) Before making a supplementary order the Secretary of State shall consult the Commission and such other persons (if any) as the Secretary of State considers appropriate.
- (2) If, as a result of any consultation required by sub-paragraph (1), it appears to the Secretary of State that it is appropriate substantially to change the whole or any part of the proposals, the Secretary of State shall undertake such further consultation with respect to the changes as the Secretary of State considers appropriate.
- (3) If, before the day on which this Schedule comes into effect, any consultation was undertaken which, had it been undertaken after that day, would to any extent have satisfied the requirements of this paragraph, those requirements may to that extent be taken to have been satisfied.

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### *Monetary penalties*

- 18 (1) A supplementary order may make any of the following provision in relation to the power of the Commission to require a person to pay a fixed monetary penalty, a variable monetary penalty or a non-compliance penalty—
- (a) provision for early payment discounts;
  - (b) provision for the payment of interest or other financial penalties for late payment;
  - (c) provision for enforcement.
- (2) Provision made by virtue of sub-paragraph (1)(b) must secure that the interest or other financial penalties for late payment do not in total exceed the amount of the penalty itself.
- (3) Provision made by virtue of sub-paragraph (1)(c) may include—
- (a) provision for the Commission to recover the penalty, and any interest or other financial penalty for late payment, as a civil debt;
  - (b) provision for the penalty, and any interest or other financial penalty for late payment, to be recoverable, on the order of a court, as if payable under a court order.
- (4) In relation to the power of the Commission to require a person to pay a fixed monetary penalty, a variable monetary penalty or a non-compliance penalty for failing to comply with a requirement or undertaking by the end of a particular period, a supplementary order may—
- (a) make provision under which the amount of the penalty is determined by reference to the length of time between the end of that period and the time of compliance;
  - (b) make provision for successive penalties to be payable in a case of continued failure to comply.

### *Enforcement undertakings*

- 19 A supplementary order may make any of the following provision in relation to an enforcement undertaking—
- (a) provision as to the procedure for entering into an undertaking;
  - (b) provision as to the terms of an undertaking;
  - (c) provision as to publication of an undertaking by the Commission;
  - (d) provision as to variation of an undertaking;
  - (e) provision as to circumstances in which a person may be regarded as having complied with an undertaking;
  - (f) provision as to monitoring by the Commission of compliance with an undertaking;
  - (g) provision as to certification by the Commission that an undertaking has been complied with;
  - (h) provision for appeals against refusal to give such certification;
  - (i) in a case where a person has given inaccurate, misleading or incomplete information in relation to an undertaking, provision for the person to be regarded as not having complied with it;



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- (j) in a case where a person has complied partly but not fully with an undertaking, provision for that part-compliance to be taken into account in the imposition of any criminal or other sanction on the person.

*Extension of time for taking criminal proceedings*

- 20 For the purposes of enabling criminal proceedings to be instituted against a person in respect of an offence under this Act—
- (a) in the case referred to in paragraph 8(2), or
- (b) in a case where there has been a breach of an enforcement undertaking or any part of an enforcement undertaking,
- a supplementary order may make provision extending any period within which such proceedings may be instituted.

*Appeals*

- 21 (1) A supplementary order may make any of the following provision in relation to an appeal in respect of the imposition of a requirement, or the service of a notice, under this Schedule—
- (a) provision suspending the requirement or notice pending determination of the appeal;
- (b) provision as to the powers of the court to which the appeal is made;
- (c) provision as to how a sum payable in pursuance of a decision of that court is to be recoverable.
- (2) Provision made by virtue of sub-paragraph (1)(b) may in particular include provision conferring on the court to which the appeal is made—
- (a) power to withdraw the requirement or notice;
- (b) power to confirm the requirement or notice;
- (c) power to take such steps as the Commission could take in relation to the act or omission giving rise to the requirement or notice;
- (d) power to remit the decision whether to confirm the requirement or notice, or any matter relating to that decision, to the Commission;
- (e) power to award costs or (in the case of a court in Scotland) expenses.

**PART 6**

GENERAL AND SUPPLEMENTAL

*Combination of sanctions*

- 22 (1) The Commission may not serve on a person a notice under paragraph 2(1) (notice of proposed fixed monetary penalty) in relation to any act or omission in relation to which—
- (a) a discretionary requirement has been imposed on that person, or
- (b) a stop notice has been served on that person.
- (2) The Commission may not serve on a person a notice under paragraph 6(1) (notice of proposed discretionary requirement), or serve a stop notice on a person, in relation to any act or omission in relation to which—

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- (a) a fixed monetary penalty has been imposed on that person, or
- (b) the person's liability for a fixed monetary penalty has been discharged as mentioned in paragraph 2(2).

*Use of statements made compulsorily*

- 23 (1) The Commission must not take into account a statement made by a person in compliance with a requirement imposed under Schedule 19B in deciding whether—
- (a) to impose a fixed monetary penalty on the person;
  - (b) to impose a discretionary requirement on the person;
  - (c) to serve a stop notice on the person.
- (2) Sub-paragraph (1)(a) or (b) does not apply to a penalty or requirement imposed in respect of an offence under paragraph 13(3) of Schedule 19B (providing false information in purported compliance with a requirement under that Schedule).

*Unincorporated associations*

- 24 Any amount that is payable under this Schedule by an unincorporated association shall be paid out of the funds of the association.

*Guidance as to enforcement*

- 25 (1) The Commission shall prepare and publish guidance as to—
- (a) the sanctions (including criminal sanctions) that may be imposed on a person who—
    - (i) commits an offence under this Act, or
    - (ii) contravenes a restriction or requirement that is prescribed for the purposes of paragraph 1, 5, 10 or 15;
  - (b) the action that the Commission may take in relation to such a person (whether by virtue of this Schedule or otherwise);
  - (c) the circumstances in which the Commission are likely to take any such action.
- (2) The guidance must include guidance about the Commission's use of the power to impose a fixed monetary penalty, with information as to—
- (a) the circumstances in which such a penalty may not be imposed;
  - (b) the amount of such a penalty;
  - (c) how liability for such a penalty may be discharged and the effect of discharge;
  - (d) rights to make representations and objections and rights of appeal in relation to such a penalty.
- (3) The guidance must include guidance about the Commission's use of the power to impose a discretionary requirement, with information as to—
- (a) the circumstances in which such a requirement may not be imposed;
  - (b) rights to make representations and objections and rights of appeal in relation to such a requirement;
  - (c) in the case of a variable monetary penalty, the matters likely to be taken into account by the Commission in determining the amount of the penalty

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(including, where relevant, any discounts for voluntary reporting of non-compliance).

- (4) The guidance must include guidance about the Commission's use of the power to serve a stop notice, with information as to—
  - (a) the circumstances in which such a notice may not be served;
  - (b) rights of appeal in relation to such a notice.
- (5) The guidance must include guidance about the Commission's use of the power to accept an enforcement undertaking.
- (6) Where appropriate, the Commission shall revise guidance published under this paragraph and publish the revised guidance.
- (7) The Commission shall consult such persons as they consider appropriate before publishing guidance or revised guidance under this paragraph.
- (8) The Commission shall have regard to the guidance or revised guidance published under this paragraph in exercising their functions.

*Payment of penalties etc into Consolidated Fund*

- 26 Where, in pursuance of any provision contained in or made under this Schedule, the Commission receive—
- (a) a fixed monetary penalty, a variable monetary penalty or a non-compliance penalty,
  - (b) any interest or other financial penalty for late payment of such a penalty, or
  - (c) a sum paid as mentioned in paragraph 2(2) (in discharge of liability for a fixed monetary penalty),
- they shall pay it into the Consolidated Fund.

*Reports on use of civil sanctions*

- 27 (1) Each report by the Commission under paragraph 20 of Schedule 1 shall contain information about the use made by the Commission of their powers under this Schedule during the year in question.
- (2) The report shall, in particular, specify—
- (a) the cases in which a fixed monetary penalty or discretionary requirement was imposed or a stop notice served (other than cases in which the penalty, requirement or notice was overturned on appeal);
  - (b) the cases in which liability for a fixed monetary penalty was discharged as mentioned in paragraph 2(2);
  - (c) the cases in which an enforcement undertaking was accepted.
- (3) This paragraph does not require the Commission to include in a report any information that, in their opinion, it would be inappropriate to include on the ground that to do so—
- (a) would or might be unlawful, or
  - (b) might adversely affect any current investigation or proceedings.

*Status: Point in time view as at 02/02/2022.*

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### *Disclosure of information*

- 28 (1) Information held by or on behalf of—
- (a) the Crown Prosecution Service,
  - (b) a member of a police force in England and Wales,
  - (c) a Procurator Fiscal,
  - (d) a constable of [<sup>F346</sup>the Police Service of Scotland],
  - (e) the Public Prosecution Service for Northern Ireland, or
  - (f) a member of the Police Service of Northern Ireland,
- may be disclosed to the Commission for the purpose of the exercise by the Commission of any powers conferred on them under or by virtue of this Schedule.
- (2) It is immaterial for the purposes of sub-paragraph (1) whether the information was obtained before or after the coming into effect of this Schedule.
- (3) A disclosure under this paragraph is not to be taken to breach any restriction on the disclosure of information (however imposed).
- (4) Nothing in this paragraph authorises the making of a disclosure in contravention of—
- (a) the [<sup>F347</sup>the data protection legislation], or
  - [<sup>F348</sup>(b) any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.]
- (5) This paragraph does not affect a power to disclose that exists apart from this paragraph.
- [<sup>F349</sup>(6) In this paragraph, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).]

#### **Textual Amendments**

- F346** Words in Sch. 19C para. 28(1)(d) substituted (1.4.2013) by *The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602)*, art. 1(2), **Sch. 2 para. 34**
- F347** Words in Sch. 19C para. 28(4)(a) substituted (25.5.2018) by *Data Protection Act 2018 (c. 12)*, s. 212(1), **Sch. 19 para. 65(2)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
- F348** Sch. 19C para. 28(4)(b) substituted (27.6.2018) by *Investigatory Powers Act 2016 (c. 25)*, s. 272(1), **Sch. 10 para. 7** (with Sch. 9 paras. 7, 8, 10); S.I. 2018/652, reg. 12(g)(iii)
- F349** Words in Sch. 19C para. 28(6) inserted (25.5.2018) by *Data Protection Act 2018 (c. 12)*, s. 212(1), **Sch. 19 para. 65(3)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

## **PART 7**

### **INTERPRETATION**

#### *Interpretation of Schedule*

- 29 In this Schedule—
- “completion certificate” has the meaning given in paragraph 12(1);
  - “discretionary requirement” has the meaning given in paragraph 5(5);
  - “enforcement undertaking” has the meaning given in paragraph 15(1)(b);
  - “fixed monetary penalty” has the meaning given in paragraph 1(5);

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- “non-compliance penalty” has the meaning given in paragraph 9(1);  
 “non-monetary discretionary requirement” has the meaning given in paragraph 5(7);  
 “permitted participant” has the meaning given in section 105(1);  
 “prescribed” means prescribed in a supplementary order;  
 “recognised third party” has the meaning given in section 85(5);  
 “responsible person”—  
 (a) in relation to a recognised third party, has the meaning given in section 85(7);  
 (b) in relation to a permitted participant, has the meaning given in section 105(2);  
 “stop notice” has the meaning given in paragraph 10(1);  
 “supplementary order” has the meaning given in paragraph 16(1);  
 “variable monetary penalty” has the meaning given in paragraph 5(7).]

## SCHEDULE 20

Section 150.

## PENALTIES

**Commencement Information**

**I123** Sch. 20 wholly in force at 16.2.2001; Sch. 20 not in force at Royal Assent, see s. 163(2); Sch. 20 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](#))

<i>Provision creating offence</i>	<i>Penalty</i>
Section 24(8) (registration as treasurer where convicted of certain offences)	On summary conviction: Level 5
Section 39 (false statements)	On summary conviction: Level 5
Section 43(7) (failure to deliver statement relating to auditor’s resignation etc)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 44(4) (making false statement to auditor)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 47(1)(a) (failure to deliver proper statement of accounts)	On summary conviction: Level 5
Section 47(1)(b) (failure to deliver accounts within time limits)	On summary conviction: Level 5
Section 54(7) (failure to provide information about donors)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 56(3) or (4) (failure to return donations)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year

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Section 61(1) (facilitating the making of donations by impermissible donors)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 61(2)(a) (knowingly giving treasurer false information about donations)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 61(2)(b) (withholding information about donations from treasurer with intent to deceive)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 65(3) (failure to deliver donation reports to Commission within time limits)	On summary conviction: Level 5
Section 65(4) (failure to comply with requirements for recording donations in donation report)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 66(5) (making a false declaration about donation report)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
F350 ...	F350 ...
[ <sup>F351</sup> Section 71E(5) (disclosing Northern Ireland donation reports)	On summary conviction in England and Wales: statutory maximum or 51 weeks On summary conviction elsewhere: statutory maximum or 6 months]
[ <sup>F352</sup> Section 71L(1) (registered party entering into regulated transaction with unauthorised participant)	On summary conviction: statutory maximum On indictment: fine
Section 71L(2) (treasurer of party entering into regulated transaction with unauthorised participant)	On summary conviction: statutory maximum or 12 months On indictment: fine or 1 year
Section 71L(3) (party liable if treasurer fails to repay money obtained under regulated transaction with unauthorised participant)	On summary conviction: statutory maximum On indictment: fine
Section 71L(4) (treasurer failing to repay money obtained under regulated transaction with unauthorised participant)	On summary conviction: statutory maximum or 12 months On indictment: fine or 1 year
Section 71L(5) (party benefiting from connected transaction to which an unauthorised participant is a party)	On summary conviction: statutory maximum On indictment: fine
Section 71L(6) (treasurer of registered party which benefits from connected transaction to which an unauthorised participant is a party)	On summary conviction: statutory maximum or 12 months On indictment: fine or 1 year
Section 71L(7) (party liable if treasurer fails to repay benefit obtained in consequence of security given by unauthorised participant)	On summary conviction: statutory maximum On indictment: fine

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Section 71L(8) (treasurer failing to repay benefit obtained in consequence of security given by unauthorised participant)	On summary conviction: statutory maximum or 12 months On indictment: fine or 1 year
Section 71L(9) (facilitating a regulated transaction involving unauthorised participant)	On summary conviction: statutory maximum or 12 months On indictment: fine or 1 year
Section 71S(4) (failure to deliver transaction reports to Commission within time limits)	On summary conviction: Level 5
Section 71S(5) (failure to comply with requirements for recording transactions in transaction report)	On summary conviction: statutory maximum or 12 months On indictment: fine or 1 year
Section 71T(5) (making a false declaration about transaction report)	On summary conviction: statutory maximum or 12 months On indictment: fine or 1 year.]
[ <sup>F353</sup> Section 71Z4(5)(disclosing Northern Ireland transaction reports)	On summary conviction in England and Wales: Level 5 or 51 weeks On summary conviction elsewhere: Level 5 or 6 months]
Section 73(8) (making a false declaration about value of property etc.)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 74(4) (acceptance by ineligible person of office of deputy treasurer)	On summary conviction: Level 5
Section 75(2) (incurring campaign expenditure without authority)	On summary conviction: Level 5
Section 76(4)(a) (making payments in respect of campaign expenditure without authority)	On summary conviction: Level 5
Section 76(4)(b) (failure to notify treasurer of payments in respect of campaign expenditure)	On summary conviction: Level 5
Section 77(3)(a) (paying claim in respect of campaign expenditure where failure to comply with procedure)	On summary conviction: Level 5
Section 77(3)(b) (paying claim in respect of campaign expenditure outside specified time period)	On summary conviction: Level 5
Section 79(2) (exceeding limits on campaign expenditure)	On summary conviction: statutory maximum On indictment : fine
Section 82(4)(a) (failure of treasurer to deliver return and auditor’s report to Commission)	On summary conviction: Level 5
Section 82(4)(b) (failure to comply with requirements for returns)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year

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Section 82(4)(c) (failure of treasurer to deliver return and court order to Commission)	On summary conviction: Level 5
Section 83(3)(a) (making a false declaration to Commission when delivering return)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 83(3)(b) (failure to deliver signed declaration with return to Commission)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 86(8) (making false declaration about value of property etc)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 90(2) (incurring controlled expenditure without authority)	On summary conviction: level 5
Section 91(4)(a) (making payments in respect of controlled expenditure without authority)	On summary conviction: Level 5
Section 91(4)(b) (failure to notify responsible person of payments in respect of controlled expenditure)	On summary conviction: Level 5
Section 92(3)(a) (paying claim in respect of controlled expenditure where failure to comply with procedure)	On summary conviction: Level 5
Section 92(3)(b) (paying claim in respect of controlled expenditure outside specified time period)	On summary conviction: Level 5
Section 94(2) or (4) (exceeding limits on controlled expenditure)	On summary conviction: statutory maximum On indictment : fine
[ <sup>F354</sup> Section 94E(2) or (3) (exceeding limits on targeted controlled expenditure when not authorised)	On summary conviction: statutory maximum On indictment: fine
Section 94F(6) (making false declaration about amount of expenditure incurred by or on behalf of third party and targeted at the registered party)	On summary conviction: statutory maximum or 6 months On indictment: fine or 1 year ]
[ <sup>F355</sup> Section 95C(1)(a) (failure of responsible person to deliver quarterly or weekly report to Commission)	On summary conviction: Level 5
Section 95C(1)(b) (failure to deliver signed declaration with quarterly or weekly report to the Commission)	On summary conviction: statutory maximum or 6 months On indictment: fine or 1 year
Section 95C(1)(c) (failure to comply with requirements for quarterly or weekly reports)	On summary conviction: statutory maximum or 6 months On indictment: fine or 1 year



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Section 95C(2) (making a false declaration to Commission when delivering quarterly or weekly report)	On summary conviction: statutory maximum or 6 months On indictment: fine or 1 year]
Section 98(4)(a) (failure of responsible person to deliver return and auditor's report to Commission)	On summary conviction: Level 5
[ <sup>F356</sup> Section 98(4)(aa) (failure of responsible person to deliver statement of accounts and auditor's report to Commission)	On summary conviction: Level 5 ]
Section 98(4)(b) (failure to comply with requirements for returns)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
[ <sup>F356</sup> Section 98(4)(ba) (failure to comply with requirements for statements of accounts)	On summary conviction: statutory maximum or 6 months On indictment: fine or 1 year ]
Section 98(4)(c) (failure to deliver return and court order to Commission)	On summary conviction: Level 5
Section 99(4)(a) (making a false declaration to Commission when delivering return)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 99(4)(b) (failure to deliver signed declaration with return to Commission)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
[ <sup>F356</sup> Section 99A(3)(a) (making a false declaration to Commission when delivering statement of accounts)	On summary conviction: statutory maximum or 6 months On indictment: fine or 1 year
Section 99A(3)(b) (failure to deliver signed declaration with statement of accounts to Commission)	On summary conviction: statutory maximum or 6 months On indictment: fine or 1 year ]
Section 112(8) (making a false declaration about value of property etc)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 113(2) (incurring referendum expenses without authority)	On summary conviction: Level 5
Section 114(4)(a) (making payments in respect of referendum expenses without authority)	On summary conviction: Level 5
Section 114(4)(b) (failure to notify responsible person of payments in respect of referendum expenses)	On summary conviction: Level 5
Section 115(3)(a) (paying claim in respect of referendum expenses where failure to comply with procedure)	On summary conviction: Level 5

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Section 115(3)(b) (paying claim in respect of referendum expenses outside specified time period)	On summary conviction: Level 5
Section 117(2) (individual (other than permitted participant) exceeding limits on referendum expenses)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 117(3) or (4) (body (other than permitted participant) exceeding limits on referendum expenses)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 118(2) (permitted participant exceeding limits on referendum expenses)	On summary conviction: statutory maximum On indictment : fine
Section 122(4)(a) (failure to deliver return and auditor’s report to Commission)	On summary conviction: Level 5
Section 122(4)(b) (failure to comply with requirements for returns)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 122(4)(c) (failure to deliver return and court order to Commission)	On summary conviction: Level 5
Section 123(4)(a) (making a false declaration to Commission when delivering return)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 123(4)(b) (failure to deliver signed declaration with return to Commission)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 126(8) or (9) (printing or publishing referendum material without details of printer or publisher)	On summary conviction: Level 5
Section 143(8) or (9) (printing or publishing election material without details of printer or publisher)	On summary conviction: Level 5
F357	F357
...	...
F357	F357
...	...
Section 148(1) (alteration of documents etc.)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 148(2)(a) (failure to supply relevant person with information)	On summary conviction: Level 5
Section 148(2)(b) (supplying relevant person with false information)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 148(3) (withholding information from relevant person with intent to deceive)	On summary conviction: statutory maximum or 6 months

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	On indictment : fine or 1 year
[ <sup>F358</sup> Paragraph 1B of Schedule 7 (failure by members association to comply with requirement to appoint responsible person)	On summary conviction: Level 5]
Paragraph 6(5) of Schedule 7 (failure to provide information about donors)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Paragraph 12(1) of Schedule 7 (failure to deliver donation report to Commission within time limit)	On summary conviction: Level 5
Paragraph 12(2) of Schedule 7 (failure to comply with requirements for recording donations in donation reports)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Paragraph 13(4) of Schedule 7 (making a false declaration about donation report)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
F350	F350
...	...
[ <sup>F359</sup> Paragraph 17(4) of Schedule 7 (knowingly giving compliance officer false information about donations)	On summary conviction in England and Wales or Scotland: statutory maximum or 12 months On summary conviction in Northern Ireland: statutory maximum or 6 months On indictment: fine or 1 year]
[ <sup>F360</sup> Paragraph 8(1) of Schedule 7A (individual regulated participant knowingly enters controlled transaction with unauthorised participant)	On summary conviction: statutory maximum or 12 months On indictment: fine or 1 year
Paragraph 8(2) of Schedule 7A (responsible person of members association which enters controlled transaction with unauthorised participant)	On summary conviction: statutory maximum or 12 months On indictment: fine or 1 year
Paragraph 8(3) of Schedule 7A (individual regulated participant failing to repay money obtained under controlled transaction with unauthorised participant)	On summary conviction: statutory maximum or 12 months On indictment: fine or 1 year
Paragraph 8(4) of Schedule 7A (responsible person failing to repay money obtained by members association under controlled transaction with unauthorised participant)	On summary conviction: statutory maximum or 12 months On indictment: fine or 1 year
Paragraph 8(5) of Schedule 7A (individual regulated participant knowingly benefits from connected transaction involving unauthorised participant)	On summary conviction: statutory maximum or 12 months On indictment: fine or 1 year
Paragraph 8(6) of Schedule 7A (responsible person of members association which	On summary conviction: statutory maximum or 12 months

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knowingly benefits from connected transaction involving unauthorised participant)	On indictment: fine or 1 year
Paragraph 8(7) of Schedule 7A (individual regulated participant failing to repay value of benefit obtained in consequence of connected transaction involving unauthorised participant)	On summary conviction: statutory maximum or 12 months On indictment: fine or 1 year
Paragraph 8(8) of Schedule 7A (responsible person failing to repay value of benefit obtained by members association in consequence of connected transaction involving unauthorised participant)	On summary conviction: statutory maximum or 12 months On indictment: fine or 1 year
Paragraph 8(9) of Schedule 7A (facilitating controlled transaction involving unauthorised participant)	On summary conviction: statutory maximum or 12 months On indictment: fine or 1 year
Paragraph 12(1) of Schedule 7A (failure to deliver transaction report to Commission within time limit)	On summary conviction: Level 5
Paragraph 12(2) of Schedule 7A (failure to comply with requirements for recording transactions on transaction reports)	On summary conviction: statutory maximum or 12 months On indictment: fine or 1 year
Paragraph 13(4) of Schedule 7A (making a false declaration about a transaction report)	On summary conviction: statutory maximum or 12 months On indictment: fine or 1 year]
Paragraph 6(7) of Schedule 11 (failure to provide information about donors)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Paragraph 6(8) of Schedule 15 (failure to provide information about donors)	On summary conviction: statutory maximum or 6 months: On indictment : fine or 1 year
[ <sup>F361</sup> Paragraph 6(1) of Schedule 19A (failure to give notification or report within specified period)	On summary conviction: Level 5
Paragraph 6(2) of Schedule 19A (giving notification or report that fails to comply with requirements of that Schedule)	On summary conviction in England and Wales or Scotland: statutory maximum or 12 months On summary conviction in Northern Ireland: statutory maximum or 6 months On indictment: fine or 1 year
Paragraph 6(3) of Schedule 19A (making false declaration in notification or report)	On summary conviction in England and Wales or Scotland: statutory maximum or 12 months On summary conviction in Northern Ireland: statutory maximum or 6 months On indictment: fine or 1 year]

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[ <sup>F362</sup> Paragraph 13(1) of Schedule 19B (failure to comply with investigation requirement)	On summary conviction: Level 5
Paragraph 13(2) of Schedule 19B (intentional obstruction of person exercising investigatory power)	On summary conviction: Level 5
Paragraph 13(3) of Schedule 19B (providing false information in purported compliance with investigation requirement)	On summary conviction in England and Wales or Scotland: statutory maximum or 12 months On summary conviction in Northern Ireland: statutory maximum or 6 months On indictment: fine or 1 year]
[ <sup>F363</sup> Paragraph 14 of Schedule 19C (failure to comply with stop notice)	On summary conviction in England and Wales [ <sup>F364</sup> : fine or 12 months][ <sup>F365</sup> On summary conviction in] Scotland: £20,000 or 12 months On summary conviction in Northern Ireland: £20,000 or 6 months On indictment: fine or 2 years]

#### Textual Amendments

- F350** Sch. 20 table: entries repealed (11.9.2006) by Electoral Administration Act 2006 c. 22, ss. 74, 77(2), Sch. 1 para. 155, Sch. 2; S.I. 2006/1972, art. 3, Sch. 1 paras. 24, 25(k), 26(3)(c) (subject to art. 4, Sch. 2)
- F351** Sch. 20 table: entry relating to s. 71E(5) inserted (1.11.2007) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 10(2)(b), 14(1)(2), 31(2), Sch. 1 para. 2 (as amended: (2.8.2010) by S.I. 2010/2061, arts. 1, 2; (1.3.2011) by S.I. 2011/431, arts. 1(2), 2; (28.2.2013) by S.I. 2013/320, arts. 1(2), 2; and (13.3.2014) by 2014 c. 13, ss. 1(1), 28(1)(a)(i))
- F352** Sch. 20 table: entries inserted (11.9.2006 for E.W.S for certain purposes, 1.7.2008 for N.I.) by virtue of Electoral Administration Act 2006 c. 22, ss. 61(6), 77(2); S.I. 2006/1972, art. 3, Sch. 1 para. 20(a) (as substituted by S.I. 2006/2268, art. 3); S.I. 2008/1656, art. 2 (subject to art. 3, Sch. 1)
- F353** Sch. 20 table: entry relating to s. 71Z4(5) inserted (1.7.2008) by The Electoral Administration Act 2006 (Regulation of Loans etc: Northern Ireland) Order 2008, arts. 1(2), 5, Sch. 1 para. 2 (as amended: (2.8.2010) by S.I. 2010/2061, arts. 1, 3; (1.3.2011) by S.I. 2011/431, arts. 1(2), 3; (28.2.2013) by S.I. 2013/320, arts. 1(2), 3; and (13.3.2014) by 2014 c. 13, ss. 2(1)(a), 28(1)(b)(i))
- F354** Sch. 20 entries inserted (30.1.2014) by Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (c. 4), ss. 30(9), 45(3)(b) (with s. 46(1)(2))
- F355** Sch. 20 entries inserted (30.1.2014) by Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (c. 4), ss. 33(8), 45(3)(b) (with s. 46(1)(2))
- F356** Sch. 20 entries inserted (30.1.2014) by Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (c. 4), ss. 35(9), 45(3)(b) (with s. 46(1)(2))
- F357** Sch. 20 entries repealed (1.12.2010) by Political Parties and Elections Act 2009 (c. 12), s. 43(1), Sch. 7; S.I. 2010/2866, art. 3(d)(h)
- F358** Sch. 20 table: entry relating to Sch. 7 para. 1B inserted (1.1.2010) by Political Parties and Elections Act 2009 (c. 12), ss. 14(5), 43 (with s. 40); S.I. 2009/3084, art. 4(e) (with art. 6)
- F359** Sch. 20 table: entry relating to Sch. 7 para. 17(4) inserted (1.1.2010) by Political Parties and Elections Act 2009 (c. 12), ss. 15(2), 43 (with s. 40); S.I. 2009/3084, art. 4(d)
- F360** Sch. 20 table: entries inserted (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I.) by Electoral Administration Act 2006, (c. 22), ss. 61(7), 77(2), Sch. 1 para. 101; S.I. 2006/1972, art. 3, Sch. 1 paras. 20(a), 25(m)(i) (subject to art. 4, Sch. 2); S.I. 2008/1656, art. 2 (subject to art. 3, Sch. 1)
- F361** Sch. 20 table: entries relating to Sch. 19A inserted (21.7.2009) by Political Parties and Elections Act 2009 (c. 12), ss. 19(3), 43(1)(5)(c) (with s. 40)

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- F362** Words in Sch. 20 inserted (1.12.2010) by [Political Parties and Elections Act 2009 \(c. 12\)](#), **ss. 2(3)**, 43(1) (with s. 40); [S.I. 2010/2866](#), art. 3(b) (with art. 5)
- F363** Words in Sch. 20 inserted (1.12.2010) by [Political Parties and Elections Act 2009 \(c. 12\)](#), **ss. 3(3)**, 43(1) (with s. 40); [S.I. 2010/2866](#), art. 3(c) (with art. 6)
- F364** Words in Sch. 20 inserted (E.W.) (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), **Sch. 4 para. 30(a)** (with reg. 5(1))
- F365** Words in Sch. 20 substituted (E.W.) (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), **Sch. 4 para. 30(b)** (with reg. 5(1))

## SCHEDULE 21

Section 158.

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### *Public Records Act 1958 (c.51)*

- 1 In Part II of the Table at the end of paragraph 3 of the First Schedule to the Public Records Act 1958 (establishments and organisations whose records are public records), insert at the appropriate place—
- “Electoral Commission.”

#### **Commencement Information**

- I124** Sch. 21 para. 1 wholly in force at 16.2.2001; Sch. 21 para. 1 not in force at Royal Assent, see s. 163(2); Sch. 21 para. 1 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](#))

#### *Parliamentary Commissioner Act 1967 (c.13)*

- 2 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc. subject to investigation), insert at the appropriate place—
- “Electoral Commission.”

#### **Commencement Information**

- I125** Sch. 21 para. 2 wholly in force at 16.2.2001; Sch. 21 para. 2 not in force at Royal Assent, see s. 163(2); Sch. 21 para. 2 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](#))

#### *House of Commons Disqualification Act 1975 (c.24)*

- 3 In Schedule 1 to the House of Commons Disqualification Act 1975 (offices disqualifying for membership)—
- (a) in Part II (bodies of which all members are disqualified), insert at the appropriate place—

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“The Electoral Commission.”;

and

(b) in Part III (other disqualifying offices), insert at the appropriate places—

“Deputy Electoral Commissioners.

”

“Assistant Electoral Commissioners.

”

and”

“Member of the staff of the Electoral Commission.”

#### **Commencement Information**

**I126** Sch. 21 para. 3 wholly in force at 16.2.2001; Sch. 21 para. 3 not in force at Royal Assent, see s. 163(2); Sch. 21 para. 3 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](#))

#### *Northern Ireland Assembly Disqualification Act 1975 (c.25)*

4 In Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (offices disqualifying for membership)—

(a) in Part II (bodies of which all members are disqualified), insert at the appropriate place—

“The Electoral Commission.

”

and”

(b) in Part III (other disqualifying offices), insert at the appropriate places—

“Deputy Electoral Commissioners.

”

“Assistant Electoral Commissioners.

”

and”

“Member of the staff of the Electoral Commission.”

#### **Commencement Information**

**I127** Sch. 21 para. 4 wholly in force at 16.2.2001; Sch. 21 para. 4 not in force at Royal Assent, see s. 163(2); Sch. 21 para. 4 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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### European Parliamentary Elections Act 1978 (c.10)

F3665

#### Textual Amendments

**F366** Sch. 21 para. 5 repealed (24.10.2002) by 2002 c. 24, ss. 16, 18(2), Sch. 4

### Representation of the People Act 1983 (c.2)

- 6 (1) The Representation of the People Act 1983 is amended as follows.
- (2) In section 18(5) (polling districts and places at parliamentary elections)—
- (a) for “the Secretary of State”, wherever occurring, substitute “ the Electoral Commission ”; and
  - (b) for “he thinks fit” substitute “ they think fit ”.
- (3) In section 29 (payments by and to returning officer), for subsections (3) to (9) substitute—
- “(3) A returning officer shall be entitled to recover his charges in respect of services properly rendered, or expenses properly incurred, for or in connection with a parliamentary election if—
- (a) the services or expenses are of a kind specified in regulations made by the Electoral Commission (“the Commission”) with the consent of the Treasury; and
  - (b) the charges are reasonable.
- (4) Regulations under subsection (3) above may specify a maximum recoverable amount for services or expenses of any specified description and, subject to subsection (5) below, the returning officer may not recover more than that amount in respect of any such services or expenses.
- (5) In a particular case the Commission may, with the consent of the Treasury, authorise the payment of more than the specified maximum amount for any specified services or expenses if satisfied—
- (a) that it was reasonable for the returning officer concerned to render the services or incur the expenses; and
  - (b) that the charges in question are reasonable.
- (6) Any regulations under subsection (3) above which specify a maximum amount for services or expenses of a particular description may provide for that amount to increase at prescribed dates, or after prescribed periods, by reference to such formula or other method of determination as may be specified in the regulations.
- (7) The amount of any charges recoverable in accordance with this section shall be paid by the Commission on an account being submitted to them; but if the Commission think fit they may, before payment, apply for the account to be taxed under the provisions of section 30 below.
- (8) Where the superannuation contributions required to be paid by a local authority in respect of any person are increased by any fee paid under this section as part of a returning officer’s charges at a parliamentary election,



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then on an account being submitted to the Commission a sum equal to the increase shall be paid to the authority by the Commission.

- (9) On the returning officer's request for an advance on account of his charges, the Commission may make such an advance on such terms as they think fit.
- (10) The Commission may by regulations make provision as to the time when and the manner and form in which accounts are to be rendered to the Commission for the purposes of the payment of a returning officer's charges.
- (11) Any sums required by the Commission for making payments under this section shall be charged on and paid out of the Consolidated Fund."
- (4) In section 47(1) (loan of equipment for local elections), for "the Secretary of State" substitute " the Electoral Commission ".
- (5) In section 52 (discharge of registration duties), after subsection (1) insert—
- “(1A) Without prejudice to the generality of subsection (1) above, the directions which may be given under subsection (1) include directions requiring a registration officer to maintain his registers in a specified electronic form; and any such directions may in particular specify—
- (a) the software which is to be used in connection with the maintenance of the registers in that form;
  - (b) the standards in accordance with which that software is to be maintained and updated;
  - (c) how information required (by or under any enactment) to be included in the registers is to be recorded and stored in that form.”
- (6) In section 175 (illegal payments etc.), for “illegal payment, employment or hiring”, wherever they occur, substitute “ illegal payment or employment ”.
- (7) In section 201 (regulations)—
- (a) in subsection (1), omit the words from “and except” to “section 29(8)”;
  - (b) in subsection (2), for “section 29(8)” substitute “ section 110(7) ”;
  - (c) after subsection (2) insert—
- “(2A) Any regulations under section 110(7) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.”;
- and
- (d) in subsection (3), after “the Secretary of State” insert “ , or the Electoral Commission (in the case of any regulations made by them), ”.
- (8) In section 202(1) (general definitions), for “a party registered under the Registration of Political Parties Act 1998” substitute “ a party registered under Part II of the Political Parties, Elections and Referendums Act 2000 ”.
- (9) In Schedule 1 (parliamentary elections rules), at the end of rule 14 (publication of statement of persons nominated) insert—
- “(5) The returning officer shall send to the Electoral Commission—
- (a) a copy of the statement; and

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- (b) in the case of each candidate standing nominated in respect of whom a certificate has been received by the returning officer in accordance with rule 6A above, a copy of that certificate as well.”

#### Commencement Information

**I128** Sch. 21 para. 6 partly in force; Sch. 21 para. 6 partly in force at Royal Assent, see s. 163(2)(3); Sch. 21 para. 6(1)(5)(6)(7)(b)(c)(8)(9) in force at 16.2.2001 and s. 6(2)(7)(d) in force at 1.7.2001 by [S.I. 2001/222](#), arts. 2, 4, [Sch. 1 Pt. I](#), [Sch. 2 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#) and with [Sch. 2 Pt. II para. 1](#))

#### PROSPECTIVE

#### *Representation of the People Regulations 1986 (S.I. 1986/1081) and Representation of the People (Scotland) Regulations 1986 (S.I. 1986/1111)*

- 7 (1) In regulation 99 of the Representation of the People Regulations 1986 and in regulation 97 of the Representation of the People (Scotland) Regulations 1986 (modification of provisions about expenses in the Act of 1983)—
- (a) in paragraph (1), for “subsections (3), (4), (4A), (4B), (5), (7) and (8) of section 29” substitute “ subsections (3), (4), (5), (6), (7), (9) and (10) of section 29 ”; and
- (b) in paragraph (3), for “the Secretary of State” substitute “ the Electoral Commission ”.
- (2) The amendments made by sub-paragraph (1) shall not be taken to prejudice the power to make regulations varying or revoking the amended provisions.

#### *Broadcasting Act 1990 (c.42)*

8 **F367** .....

#### Textual Amendments

**F367** Sch. 21 para. 8 repealed (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), ss. 406, 408, 411(2), [Sch. 19\(1\)](#) (with [Sch. 18](#), [Sch. 19\(1\) Note 1](#)); [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (subject to [art. 3\(3\)](#) and with [art. 11](#))

#### *Local Government Act 1992 (c.19)*

- 9 (1) Section 13 of the Local Government Act 1992 (duty of Local Government Commission for England to conduct reviews) is amended as follows.
- (2) For subsections (1) and (1A) (duty to conduct reviews when directed to do so) substitute—
- “(1) The Secretary of State may direct the Local Government Commission to conduct a review of such areas in England as are specified in the direction or are of a description so specified.

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(1AA) A direction under subsection (1) above shall, in respect of each area to which it relates, specify which of the following kinds of changes, namely—

- (a) structural changes,
- (b) boundary changes, and
- (c) electoral changes,

is or are to be considered in the review of that area.

(1A) Where the Secretary of State gives a direction under subsection (1) above requiring the Local Government Commission to conduct any review, the Local Government Commission shall conduct the review in accordance with this Part and any directions given under it and, in respect of each of the areas to which the direction relates, recommend in the case of each kind of changes required to be considered in the review of the area either—

- (a) that the Secretary of State should make such changes of that kind as are specified in the recommendations; or
- (b) that he should make no changes of that kind.”

(3) In subsection (1C) (interpretation of subsections (1A) and (1B))—

- (a) for “subsections (1A) and (1B)” substitute “ subsection (1B) ”; and
- (b) omit paragraph (b) and the “and” preceding it.

(4) Omit subsections (3) and (4) (timing of periodic reviews).

#### Commencement Information

**I129** Sch. 21 para. 9 wholly in force at 16.2.2001; Sch. 21 para. 9 not in force at Royal Assent, see s. 163(2); Sch. 21 para. 9 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](#))

10 In section 14(8) of that Act (changes that may be recommended), for “section 13(1) above” substitute “ section 13(1A) above ”.

#### Commencement Information

**I130** Sch. 21 para. 10 wholly in force at 16.2.2001; Sch. 21 para. 10 not in force at Royal Assent, see s. 163(2); Sch. 21 para. 10 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](#))

#### *Criminal Justice and Public Order Act 1994 (c.33)*

11 In section 170 of the Criminal Justice and Public Order Act 1994 (security at party conferences), in subsection (5) for “the Registration of Political Parties Act 1998” substitute “ the Political Parties, Elections and Referendums Act 2000 ”.

#### Commencement Information

**I131** Sch. 21 para. 11 wholly in force at 16.2.2001; Sch. 21 para. 11 not in force at Royal Assent, see s. 163(2); Sch. 21 para. 11 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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### *Government of Wales Act 1998 (c.38)*

12 F368 .....

#### **Textual Amendments**

**F368** Sch. 21 para. 12 repealed by [Government of Wales Act 2006 \(c. 32\)](#), s. 163, [Sch. 12](#) (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) -- see ss. 46, 161(1)(4)(5) of the amending Act.

### *Scotland Act 1998 (c.46)*

- 13 (1) The Scotland Act 1998 is amended as follows.
- (2) In section 5(9) (candidates at general elections) for "the Registration of Political Parties Act 1998" substitute " Part II of the Political Parties, Elections and Referendums Act 2000 ".
- (3) In section 12(2)(c) (power to make provision about elections) omit "and registered political parties".

#### **Commencement Information**

**I132** Sch. 21 para. 13 wholly in force at 16.2.2001; Sch. 21 para. 13 not in force at Royal Assent, see s. 163(2); Sch. 21 para. 13 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](#))

### *Northern Ireland Act 1998 (c.47)*

- 14 (1) The Northern Ireland Act 1998 is amended as follows.
- (2) In section 18(13)(a) (Northern Ireland Ministers) for "a party registered under the Registration of Political Parties Act 1998" substitute " a party registered under Part II of the Political Parties, Elections and Referendums Act 2000 ".
- (3) In Schedule 2 (excepted matters), for paragraph 13 substitute—
- “13 The subject-matter of the Political Parties, Elections and Referendums Act 2000 with the exception of Part IX (political donations etc. by companies).
- This paragraph does not include the funding of political parties for the purpose of assisting members of the Northern Ireland Assembly connected with such parties to perform their Assembly duties.”

#### **Commencement Information**

**I133** Sch. 21 para. 14 wholly in force at 16.2.2001; Sch. 21 para. 14 not in force at Royal Assent, see s. 163(2); Sch. 21 para. 14 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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*Greater London Authority Act 1999 (c.29)*

- 15 In section 4(11) of the Greater London Authority Act 1999 (voting at ordinary elections), for “a party registered under the Registration of Political Parties Act 1998” substitute “ a party registered under Part II of the Political Parties, Elections and Referendums Act 2000 ”.

**Commencement Information**

**I134** Sch. 21 para. 15 wholly in force at 16.2.2001; Sch. 21 para. 15 not in force at Royal Assent, see s. 163(2); Sch. 21 para. 15 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**)

*Representation of the People Act 2000 (c.2)*

- 16 (1) Section 10 of the Representation of the People Act 2000 (pilot schemes) is amended as follows.
- (2) After subsection (1) insert—
- “(1A) Subsection (1) applies to proposals falling within that subsection which are submitted by a relevant local authority jointly with the Electoral Commission as if in that subsection—
- (a) the first reference to any such authority in paragraph (a), and
- (b) the reference to the authority in paragraph (b)(ii),
- were each a reference to the authority and the Commission; and, in a case where any such proposals are not jointly so submitted, the Secretary of State must consult the Commission before making an order under that subsection.”
- (3) In subsection (5)(a), after “the authority concerned” insert “ and to the Electoral Commission ”.
- (4) In subsection (6), for “the authority concerned” substitute “ the Electoral Commission ”.
- (5) After subsection (6) insert—
- “(6A) The report shall be prepared by the Electoral Commission in consultation with the authority concerned; and that authority shall provide the Commission with such assistance as they may reasonably require in connection with the preparation of the report (which may, in particular, include the making by the authority of arrangements for ascertaining the views of voters about the operation of the scheme).”
- (6) In subsection (7), after “The report shall” insert “ , in particular, ”.
- (7) For subsection (10) substitute—
- “(10) Once the Electoral Commission have prepared the report, they shall send a copy of the report—
- (a) to the Secretary of State, and
- (b) to the authority concerned,

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and that authority shall publish the report in their area, in such manner as they think fit, by the end of the period of three months beginning with the date of the declaration of the result of the elections in question.”

#### Commencement Information

**I135** Sch. 21 para. 16 wholly in force at 1.7.2001; Sch. 21 para. 16 not in force at Royal Assent, see s. 163(2); Sch. 21 para. 16 in force at 1.7.2001 by [S.I. 2001/222, art. 4, Sch. 2 Pt. I](#) (with [Sch. 2 Pt. II paras. 1, 2](#))

- 17 (1) Section 11 of that Act (revision of procedures in the light of pilot schemes) is amended as follows.
- (2) At the end of subsection (1) insert—
- “The power of the Secretary of State to make such an order shall, however, be exercisable only on a recommendation of the Electoral Commission.”
- (3) In subsection (4), for the words from “the report” onwards substitute “ every report under section 10 which relates to a scheme making provision similar to that made by the order. ”

#### Commencement Information

**I136** Sch. 21 para. 17 wholly in force at 1.7.2001; Sch. 21 para. 17 not in force at Royal Assent, see s. 163(2); Sch. 21 para. 17 in force at 1.7.2001 by [S.I. 2001/222, art. 4, Sch. 2 Pt. I](#) (with [Sch. 2 Pt. II para. 1](#))

#### *Local Government Act 2000 (c.22)*

- 18 (1) The Local Government Act 2000 is amended as follows.
- (2) In section 44 (conduct of elections of elected mayors or elected executive members), after subsection (3) insert—
- “(3A) Before making any regulations under this section, the Secretary of State shall consult the Electoral Commission.
- (3B) In addition, the power of the Secretary of State to make regulations under this section so far as relating to matters mentioned in subsection (2)(c) shall be exercisable only on, and in accordance with, a recommendation of the Electoral Commission, except where the Secretary of State considers that it is expedient to exercise that power in consequence of changes in the value of money.”
- (3) In section 45 (conduct of referendums under the Act), after subsection (8) insert—
- “(8A) Before making any regulations under this section, the Secretary of State shall consult the Electoral Commission, but this subsection does not apply to—
- (a) provisions which specify the wording of the question to be asked in a referendum, or
- (b) provisions for matters mentioned in subsection (8)(c).
- (8B) No regulations which specify the wording of the question to be asked in a referendum may be made under subsection (5) unless—

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- (a) before laying a draft of the regulations before Parliament in accordance with section 105(6), the Secretary of State consulted the Electoral Commission as to the intelligibility of that question, and
  - (b) when so laying the draft, the Secretary of State also laid before each House a report stating any views as to the intelligibility of that question which were expressed by the Electoral Commission in response to that consultation.
- (8C) Where any such regulations specify not only the question to be asked in a referendum but also any statement which is to precede that question on the ballot paper at the referendum, any reference in subsection (8B) to the intelligibility of that question is to be read as a reference to the intelligibility of that question and that statement taken together.
- (8D) No regulations which make provision for the matters mentioned in subsection (8)(c) may be made under subsection (5) unless—
- (a) before laying a draft of the regulations before Parliament in accordance with section 105(6), the Secretary of State sought, and had regard to, the views of the Electoral Commission as to the provision to be made by the regulations as to those matters, and
  - (b) where the draft regulations laid before Parliament made provision as to those matters otherwise than in accordance with the views of the Electoral Commission, the Secretary of State, when so laying the draft, also laid before each House a statement of his reasons for departing from the views of the Commission.”
- (4) In section 45(9), after “(8)” insert “ to (8C) ”.

#### Commencement Information

**I137** Sch. 21 para. 18 wholly in force at 1.7.2001; Sch. 21 para. 18 not in force at Royal Assent, see s. 163(2); Sch. 21 para. 18 in force at 1.7.2001 by [S.I. 2001/222](#), [art. 4](#), [Sch. 2 Pt. I](#) (with [Sch. 2 Pt. II para. 1](#))

## SCHEDULE 22

Section 158.

### REPEALS

#### Commencement Information

**I138** Sch. 22 partly in force; Sch. 22 not in force at Royal Assent, see s. 163(2); Sch. 22 in force for specified purposes at 16.2.2001, 16.3.2001 and 1.7.2001 by [S.I. 2001/222](#), [arts. 2, 3, 4](#), [Sch. 1 Pt. I Annex](#), [Sch. 2 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#) and with [Sch. 2 Pt. II para. 1](#))

Chapter	Short title	Extent of repeal
1975 c. 24.	House of Commons Disqualification Act 1975.	In Part III of Schedule 1, the entry relating to Boundary Commissioners and assistant Commissioners appointed under Schedule 1 to the

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		Parliamentary Constituencies Act 1986.
1975 c. 25.	Northern Ireland Assembly Disqualification Act 1975.	In Part III of Schedule 1, the entry relating to Boundary Commissioners and Assistant Boundary Commissioners appointed under Schedule 1 to the Parliamentary Constituencies Act 1986.
1983 c. 2.	Representation of the People Act 1983.	Section 72. In section 73, subsection (4), and in subsection (6) the words from “, or pays” to “as mentioned above,”. Section 75(1B) and (1C). Section 78(6). Section 79(3). In section 81, subsection (4), in subsection (7) the words from “; and” onwards, and subsection (11). Section 82(4). Section 86(9). Sections 101 to 105. Section 106(8). Section 108. Section 122(8). In section 138(1), the words from “, a copy of which” onwards. Sections 148 to 153. Section 157(5). Section 159(2). Section 167(4). Section 174(6). In section 201(1), the words from “and except” to “section 29(8)”. In Schedule 1, in rule 30(5), the words from the beginning to “agents, and”. In Schedule 3— (a) the form of return, and (b) in the form of declarations, the words in paragraph 3 “in relation to my [the candidate’s] personal expenses” and paragraph 4.
1985 c. 50.	Representation of the People Act 1985.	Section 14(3) to (5). In Schedule 3, paragraphs 6 and 7.



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F369	F369	F369
...	...	...
1989 c. 28.	Representation of the People Act 1989.	In Schedule 4, paragraph 35. Section 6(1)(b) and (2).
1991 c. 11.	Representation of the People Act 1991.	The whole Act.
1992 c. 19.	Local Government Act 1992.	In section 13(1C), paragraph (b) and the “and” preceding it. Section 13(3) and (4).
F369	F369	F369
...	...	...
1996 c. 55.	Broadcasting Act 1996.	In Schedule 10, paragraph 29, and in paragraph 30 “or 29”.
1998 c. 38.	Government of Wales Act 1998.	In section 11(2)(c), the words “and registered political parties”.
1998 c. 46.	Scotland Act 1998.	In section 12(2)(c), the words “and registered political parties”.
1998 c. 48.	Registration of Political Parties Act 1998.	The whole Act, except for sections 13, 15, 24 and 26 and Schedule 2.
1999 c. 29.	Greater London Authority Act 1999.	In Schedule 3, paragraphs 16, 19(4), 21, 24(5), 28, 31 and 35.
2000 c. 2.	Representation of the People Act 2000.	In Schedule 6, paragraph 4.

#### Textual Amendments

**F369** Sch. 22 entries repealed (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), ss. 61(3)(e), 148(3)(b), **Sch. 7 Pt. 3**; S.I. 2009/3318, art. 4(j)(hh)

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## SCHEDULE 23

Section 163.

### TRANSITIONAL PROVISIONS

#### PART I

##### TRANSFER OF REGISTRATION OF EXISTING REGISTERED PARTIES

###### *Interpretation of Part I*

- 1 In this Part of this Schedule—
- “the 1998 Act” means the Registration of Political Parties Act 1998;
  - “the appointed day” means the appointed day for the purposes of Part II of this Act;
  - “the compliance period” means the period of six weeks beginning with the initial date;
  - “emblem”, in relation to a party, means an emblem to be used by the party on ballot papers;
  - “the initial date” means the date falling 14 days after the day on which this Act is passed;
  - “the new registers” means the Great Britain register and the Northern Ireland register.

###### *Declaration for purposes of section 28*

- 2 (1) This paragraph applies to any party registered under the 1998 Act on the initial date.
- (2) Subject to sub-paragraph (7), the party must within the compliance period send to the Commission a declaration falling within section 28(2).
- (3) In connection with any such declaration, any reference in section 28(2) or (3) to a party’s applying to be registered shall have effect in relation to the party making the declaration as a reference to its seeking to be registered under Part II of this Act in accordance with paragraph 4(2).
- (4) Where the party sends the Commission a declaration falling within section 28(2)(a), the party must at the same time send to them, with a view to the registration in the Northern Ireland register of a separate Northern Ireland party—
- (a) such information as would, by virtue of Schedule 1 to the 1998 Act, be required to be provided in connection with an application by the Northern Ireland party to be registered under that Act;
  - (b) a notification as to whether the party wishes to be registered in the Northern Ireland register under its existing registered name or under that name with an addition permitted by sub-paragraph (5); and
  - (c) a notification as to whether the party wishes—
    - (i) any emblem or emblems already registered in respect of it under the 1998 Act to be registered in respect of the Northern Ireland party in that register,
    - (ii) any emblem or emblems not so registered under the 1998 Act, but shown in the notification, to be registered in respect of the Northern

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Ireland party in that register (whether in addition to any emblem or emblems falling within sub-paragraph (i) or otherwise).

- (5) For the purposes of sub-paragraph (4)(b) any one of the following, namely “Northern Ireland”, “Northern Irish”, “Ulster”, “Ireland” or “Irish” may be added to a party’s existing registered name, at such point as the party may specify in its notification.
- (6) For the purposes of sub-paragraph (4)(c) the total number of emblems whose registration may be sought in a notification under that provision is three.
- (7) If the party within the compliance period sends to the Commission a declaration that the party does not intend to contest any relevant election on or after the appointed day—
  - (a) nothing in sub-paragraphs (2) to (6) or in paragraphs 3 to 5 shall have effect in relation to the party; and
  - (b) the party’s registration under the 1998 Act shall terminate on the appointed day.
- (8) References to a party of any description in paragraph 3(1), 4(1) or 5(1) accordingly do not include a party falling within sub-paragraph (7).

*Draft scheme for purposes of section 26*

- 3 (1) This paragraph applies to any party registered under the 1998 Act on the initial date.
- (2) The party must within the compliance period send to the Commission—
  - (a) a copy of the party’s constitution (within the meaning of section 26); and
  - (b) a draft of the scheme which the party proposes to adopt for the purposes of section 26 if approved by the Commission under that section;
 and subsections (2) to (6) of that section shall apply in connection with any such scheme and its approval by the Commission.
- (3) The party must also within the compliance period give a notification to the Commission under this sub-paragraph.
- (4) A notification under sub-paragraph (3) must—
  - (a) give the name and home address—
    - (i) of a person to be registered under Part II of this Act as the party’s treasurer; and
    - (ii) (if the party is seeking to be so registered as a party with a campaigns officer) of a person to be registered as that officer; and
  - (b) be signed by the person registered under the 1998 Act as leader or nominating officer of the party and by the proposed registered treasurer mentioned in paragraph (a) and (if paragraph (a)(ii) applies) by the proposed campaigns officer.
- (5) Where the party would on registration under Part II of this Act be a party with accounting units, a notification under sub-paragraph (3) must also give in relation to each accounting unit—
  - (a) the name of the accounting unit and of its treasurer and of an officer of the unit to be registered for the purposes of section 27(3), and
  - (b) the address of its headquarters or, if it has no headquarters, an address to which communications to the accounting unit may be sent.

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- (6) A notification under sub-paragraph (3) may be signed by the same person in his capacity as registered leader or nominating officer and in his capacity as proposed registered treasurer, but in that case it must be apparent from the notification that he is signing it in both of those capacities.
- (7) Where the party sends the Commission a declaration falling within section 28(2)(a), the provisions of sub-paragraphs (2) to (6) shall be read as applying separately in relation to—
  - (a) the party to be registered in the Great Britain register, and
  - (b) the party to be registered in the Northern Ireland register.

*Registration under Part II of this Act as from appointed day*

- 4 (1) This paragraph applies where a party registered under the 1998 Act has complied with the provisions of paragraphs 2 and 3 so far as applicable to the party.
- (2) The Commission shall secure that, as from the appointed day, one (or each) of the new registers contains such entry in respect of the party (or the two parties mentioned in paragraph 3(7)) as the Commission consider appropriate to reflect—
  - (a) the party's existing entry in the register maintained under the 1998 Act and the date when the party was first registered under that Act;
  - (b) the declaration sent to the Commission by the party in pursuance of paragraph 2(2);
  - (c) any information or notification sent to them in pursuance of paragraph 2(4); and
  - (d) the notification given to them in pursuance of paragraph 3(3).
- (3) In connection with the registration in the Northern Ireland register (in accordance with sub-paragraph (2)) of any emblem shown in a notification by a party in pursuance of paragraph 2(4)(c)(ii)—
  - (a) section 29(2) shall apply (with any necessary modifications) as it applies in connection with the registration of any emblem in pursuance of a request under section 29, but
  - (b) for this purpose any emblem which on the initial date is registered under the 1998 Act in respect of any other party (except one falling within paragraph 2(7)) shall be treated as if it were already registered in the Northern Ireland register.
- (4) As from the appointed day the draft scheme sent to the Commission in pursuance of paragraph 3(2) shall be treated for the purposes of this Act as if it were a scheme approved by the Commission and adopted by the party under section 26 until—
  - (a) such time as the scheme, or any revised scheme submitted under subsection (6) of that section, is in fact approved by the Commission under that section, or
  - (b) the end of the period of nine months beginning immediately after the end of the compliance period (or such longer period as the Commission may determine in relation to the party),whichever is the earlier.
- (5) If the draft scheme, or any such revised scheme, has not been so approved by the end of the period which applies for the purposes of sub-paragraph (4)(b)—

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- (a) the Commission shall forthwith send the party a copy of the scheme incorporating such modifications as the Commission consider appropriate; and
  - (b) the scheme, as so modified, shall be treated for the purposes of this Act as if it had been approved by the Commission, and adopted by the party, under section 26.
- (6) Section 30(1)(e) shall apply in relation to a party registered in accordance with sub-paragraph (2) as if the reference to the time when the party applied for registration were a reference to the appointed day.

*Failure to comply with paragraph 2 or 3*

- 5 (1) This paragraph applies where a party registered under the 1998 Act on the initial date fails to send or give to the Commission by the end of the compliance period one or more of the following things, namely—
- (a) any declaration required under paragraph 2(2);
  - (b) any information or notification required under paragraph 2(4);
  - (c) any document required under paragraph 3(2);
  - (d) any notification required under paragraph 3(3).
- (2) In this paragraph—
- (a) “the outstanding material” means the thing or things which as mentioned in sub-paragraph (1) was or were not sent or given to the Commission by the end of the compliance period;
  - (b) “the transitional period” means the period of three months beginning immediately after the end of the compliance period;
  - (c) “the protected period” means the period beginning with the appointed day and ending—
    - (i) at the end of the transitional period, or
    - (ii) in a case where sub-paragraph (4) applies, on the date determined by the Commission under that sub-paragraph.
- (3) During so much of the transitional period as falls before the appointed day, the party shall be treated for all purposes relating to elections or referendums as if it were not registered under the 1998 Act; and on that day the party’s registration under that Act shall terminate without being replaced by any such registration under Part II of this Act as is mentioned in paragraph 4(2).
- (4) However, if the Commission receive the outstanding material before the end of the transitional period, paragraph 4(2) shall have effect so as to require the Commission to secure that any such entry as is mentioned in that provision is made in one (or each) of the new registers with effect from such date (not earlier than the appointed day) as they may determine.
- (5) During the protected period sections 28(4) and 29(2) shall have effect as if—
- (a) the name of the party registered under the 1998 Act on the initial date and any emblems so registered in respect of it were registered in respect of the party in each of the new registers, and
  - (b) any such registration in the Great Britain register was in respect of each of England, Scotland and Wales.
- (6) In a case where sub-paragraph (4) applies—

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- (a) section 26(5) and (6) shall apply in connection with the approval of the party's draft scheme by the Commission; and
- (b) paragraph 4(4) and (5) above shall also so apply, except that in paragraph 4(4)(b) the reference to nine months beginning immediately after the end of the compliance period shall be read as a reference to six months beginning immediately after the end of the protected period.

*Exercise of functions by person appointed as Commission's chief executive*

- 6 In relation to any time when the functions of the Commission with respect to the receipt of documents or information falling to be sent or given to the Commission under this Schedule are being exercised by a person appointed as the Commission's chief executive under paragraph 11(9) of Schedule 1, references in this Schedule to the Commission, in the context of the sending or giving of such documents or information to them, shall be construed as references to the person so appointed.

*Termination of registration functions of registrar of companies*

- 7 (1) The registration functions of the registrar under the 1998 Act shall terminate on the initial date.
- (2) Accordingly, as from that date, the registrar shall not—
- (a) make any new entry in his register, or
  - (b) alter or remove any entry already contained in his register,
- and no application or notice may be made or given to him under any provision of that Act.
- (3) Where an application has been made to the registrar under any such provision before the initial date and the application has not been determined by that date, the registrar shall not take any steps (or, as the case may be, any further steps) on or after that date to deal with the application.
- (4) Nothing in section 7 of the 1998 Act shall apply at any time on or after the initial date in relation to a party registered under that Act; and in particular a party's registration under that Act shall not lapse at any such time by virtue of that section.
- (5) The registrar shall provide the Commission with such information and assistance as they reasonably require for the purpose of discharging their duty under paragraph 4(2); and where any information relating to a party registered under the 1998 Act—
- (a) is held by the registrar in connection with the registration of the party under that Act, but
  - (b) is not contained in the party's entry in his register,
- the registrar shall provide the Commission with that information in order that it may be held by them, as from the appointed day, in connection with the registration of the party in one or other of the new registers.
- (6) In this paragraph "the registrar" means the registrar of companies (within the meaning of Part II of this Act), and any reference to "his" register is a reference to the register maintained by the registrar under the 1998 Act.

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## PART II

### OTHER TRANSITIONAL PROVISIONS

#### *Appointment of Electoral Commissioners*

- 8 For the purposes of section 3(2)—
- (a) any agreement to a proposed motion for an Address under section 3(1) which has been signified by the Speaker of the House of Commons before the day on which this Act is passed shall be as effective as if signified on or after that day; and
  - (b) any consultation with respect to such a motion which has been carried out before that day with such a person as is mentioned in section 3(2)(b) shall be as effective as if carried out on or after that day.

#### *Orders specifying organisations which are not to count as accounting units*

- 9 The requirement in section 26(8)(c) for any order under that provision to be made on the recommendation of the Commission shall not apply in relation to any such order which is made before the end of the period of three months beginning with the day on which this Act is passed.

#### *Orders prohibiting use of certain words in parties' registered names*

- 10 The requirement in section 28(4)(f) for any order under that provision to be made after consultation with the Commission shall not apply in relation to any such order which is made before the end of the period of three months beginning with the day on which this Act is passed.

#### *Confirmation of registered particulars*

- 11 (1) This paragraph applies to a party which is registered under Part II of this Act at the end of the period of nine months beginning with the appointed day.
- (2) The treasurer of the party shall deliver to the Commission a notification which—
- (a) complies with the requirements of section 32(2) and (3) (as modified by sub-paragraphs (3) and (4)), and
  - (b) is accompanied by any fee prescribed by order made by the Secretary of State,
- within the period beginning one month before and ending three months after the first anniversary of the appointed day.
- (3) In the application of section 32(2)(a) in accordance with sub-paragraph (2), the reference to the relevant time shall be read as a reference to the time when the party applied for registration or, in the case of a party registered by virtue of paragraph 4(2), the appointed day.
- (4) In the application of section 32(3) in accordance with sub-paragraph (2), the reference to the relevant time shall be read as a reference to the time when the party applied for registration or, in the case of a party registered by virtue of paragraph 4(2), the time when the documents required under paragraph 3(2) were sent to the Commission.

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- (5) If the notification required by virtue of sub-paragraph (2) is not delivered before the end of the period mentioned in that sub-paragraph, the person who was the treasurer of the party immediately before the end of that period shall be guilty of an offence and shall be liable to the same punishment as if he were guilty of an offence under section 47(1)(b).
- (6) It is a defence for a person charged with an offence under sub-paragraph (5) to prove that he took all reasonable steps, and exercised all due diligence, to ensure that the notification required by virtue of sub-paragraph (2) would be delivered before the end of the period mentioned in that sub-paragraph.
- (7) Any notification delivered under sub-paragraph (2) shall be treated, for the purposes of section 32(4)(b), as a notification given under section 32.
- (8) In this paragraph “the appointed day” means the appointed day for the purposes of Part II of this Act.

#### *Control of political donations by companies*

12 F370 .....

##### **Textual Amendments**

**F370** Sch. 23 para. 12 repealed (1.10.2007) by [Companies Act 2006 \(c. 46\)](#), ss. 1295, 1300(2), [Sch. 16](#); [S.I. 2007/2194](#), art. 8, [Sch. 2 Pt. 1](#) (subject to [Sch. 1](#) (as amended by [S.I. 2007/3495](#), art. 10, [S.I. 2008/674](#), [Sch. 3 paras. 1, 2](#) and [S.I. 2008/2860](#), art. 6) and with arts. 9, 12, [Sch. 3](#) (as amended by [S.I. 2007/2607](#), art. 4, [S.I. 2007/3495](#), [Sch. 5 para. 2](#) and [S.I. 2008/674](#), [Sch. 3 para. 2\(3\)](#)))

#### *Disclosure of political donations and expenditure in directors’ report*

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##### **Textual Amendments**

**F371** Sch. 23 para. 13 repealed (6.4.2008) by [Companies Act 2006 \(c. 46\)](#), ss. 1295, 1300(2), [Sch. 16](#); [S.I. 2007/3495](#), [art. 8\(a\)](#), [Sch. 2 Pt. 1](#) (with arts. 7, 9, 12, [Sch. 4](#) (as amended by [S.I. 2008/674](#), [Sch. 3 paras. 3-6](#)))



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