



# Political Parties, Elections and Referendums Act 2000

## 2000 CHAPTER 41

### PART VII

#### REFERENDUMS

### CHAPTER II

#### FINANCIAL CONTROLS

##### *Financial limits*

#### **118 Special restrictions on referendum expenses by permitted participants.**

- (1) Schedule 14 has effect for imposing, in connection with a referendum to which this Part applies, limits on referendum expenses incurred by or on behalf of permitted participants during the referendum period in the case of that referendum.
- (2) Where any referendum expenses are incurred by or on behalf of a permitted participant during any such period in excess of any limit imposed by Schedule 14, then—
  - (a) if the permitted participant is a registered party falling within section 105(1)
    - (a)—
      - (i) the responsible person or any deputy treasurer of the party is guilty of an offence if he authorised the expenses to be incurred by or on behalf of the party and he knew or ought reasonably to have known that the expenses would be incurred in excess of that limit, and
      - (ii) the party is also guilty of an offence;
    - (b) if the permitted participant is an individual falling within section 105(1)(b), that individual is guilty of an offence if he knew or ought reasonably to have known that the expenses would be incurred in excess of that limit;
    - (c) if the permitted participant is a body falling within section 105(1)(b)—

*Status: Point in time view as at 16/02/2001. This version of this provision has been superseded.*

*Changes to legislation: Political Parties, Elections and Referendums Act 2000, Section 118 is up to date with all changes known to be in force on or before 26 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)*

- (i) the responsible person is guilty of an offence if he authorised the expenses to be incurred by or on behalf of the body and he knew or ought reasonably to have known that the expenses would be incurred in excess of that limit, and
  - (ii) the body is also guilty of an offence.
- (3) It shall be a defence for a permitted participant or other person charged with an offence under subsection (2) to show—
- (a) that any code of practice for the time being issued under paragraph 3 of Schedule 13 was complied with in determining the items and amounts of referendum expenses to be entered in the relevant return under section 120, and
  - (b) that the limit would not have been exceeded on the basis of the items and amounts entered in that return.
- (4) Section 117(5) and (6) shall apply, for the purposes of this section, sections 120 to 123 and Schedule 14, in relation to an individual or body that has become a permitted participant as they apply for the purposes of section 117 in relation to an individual or body that is not a permitted participant.
- (5) For the purposes of this section and sections 120 to 123 and Schedule 14, any reference to referendum expenses incurred by or on behalf of a permitted participant during the referendum period includes any referendum expenses so incurred at any time before the individual or body became a permitted participant.

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

- C1** S. 118 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**

- II** S. 118 wholly in force at 16.2.2001; s. 118 not in force at Royal Assent, see s. 163(2); s. 118 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 16/02/2001. This version of this provision has been superseded.

**Changes to legislation:**

Political Parties, Elections and Referendums Act 2000, Section 118 is up to date with all changes known to be in force on or before 26 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.