



# Electoral Administration Act 2006

## 2006 CHAPTER 22

### PART 7

#### REGULATION OF PARTIES

##### *Regulation of loans etc.*

#### **61 Regulation of loans etc.**

- (1) After Part 4 of the 2000 Act (control of donations to registered parties and their members) insert—

#### **“PART 4A**

#### REGULATION OF LOANS AND RELATED TRANSACTIONS

#### **71F Regulated transactions**

- (1) In this Part, a reference to a regulated transaction must be construed in accordance with this section.
- (2) An agreement between a registered party and another person by which the other person makes a loan of money to the party is a regulated transaction.
- (3) An agreement between a registered party and another person by which the other person provides a credit facility to the party is a regulated transaction.
- (4) Where—
  - (a) a registered party and another person (A) enter into a regulated transaction of a description mentioned in subsection (2) or (3) or a transaction under which any property, services or facilities are provided for the use or benefit of the party (including the services of any person), and

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- (b) A also enters into an arrangement whereby another person (B) gives any form of security (whether real or personal) for a sum owed to A by the party under the transaction mentioned in paragraph (a), the arrangement is a regulated transaction.
- (5) An agreement or arrangement is also a regulated transaction if—
- (a) the terms of the agreement or arrangement as first entered into do not constitute a regulated transaction by virtue of subsection (2), (3) or (4), but
  - (b) the terms are subsequently varied in such a way that the agreement or arrangement becomes a regulated transaction.
- (6) References in subsections (2) and (3) to a registered party include references to an officer, member, trustee or agent of the party if he makes the agreement as such.
- (7) References in subsection (4) to a registered party include references to an officer, member, trustee or agent of the party if the property, services or facilities are provided to him, or the sum is owed by him, as such.
- (8) Except so far as the contrary intention appears, references to a registered party in the context of—
- (a) the making of a loan to a registered party,
  - (b) the provision of a credit facility to a registered party, or
  - (c) a sum being owed by a registered party,
- must, in the case of a party with accounting units, be construed as references to the central organisation of the party or any of its accounting units.
- (9) A reference to a connected transaction is a reference to the transaction mentioned in subsection (4)(b).
- (10) In this section a reference to anything being done by or in relation to a party or a person includes a reference to its being done directly or indirectly through a third person.
- (11) A credit facility is an agreement whereby a registered party 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 registered party) as is specified in or determined in accordance with the agreement.
- (12) An agreement or arrangement is not a regulated 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 £200.
- (13) The Secretary of State may, by order, specify circumstances or any description of circumstances in which an agreement or arrangement falling within any of subsections (2) to (5) is not a regulated transaction.

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### **71G Valuation of regulated transaction**

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

### **71H Authorised participants**

- (1) A registered party must not—
  - (a) be a party to a regulated 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 section does not apply to a regulated transaction if it was entered into before the commencement of section 61 of the Electoral Administration Act 2006.
- (3) In this Part, an authorised participant is a person who is a permissible donor within the meaning of section 54(2).
- (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.

### **71I Regulated transaction involving unauthorised participant**

- (1) This section applies if a registered party is a party to a regulated transaction in which another participant is not an authorised participant.
- (2) The transaction is void.
- (3) Despite subsection (2)—
  - (a) any money received by the registered party by virtue of the transaction must be repaid by the treasurer of the party 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 subsection (3)(a), or

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- (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) An order under subsection (4) may in particular—
  - (a) where the transaction is a loan or credit facility, require that any amount owed by the registered party 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, require that security to be discharged.
- (6) In the case of a regulated transaction where a party other than a registered party—
  - (a) at the time the registered party 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 subsections (3) to (5) apply with effect from the time when the other party ceased to be an authorised participant.
- (7) This section does not apply to a regulated transaction if it was entered into before the commencement of section 61 of the Electoral Administration Act 2006.

#### **71J Guarantees and securities: unauthorised participants**

- (1) This section applies if—
  - (a) a registered party and another person (A) enter into a transaction of a description mentioned in section 71F(4)(a),
  - (b) A is party to a regulated transaction of a description mentioned in section 71F(4)(b) (“the connected transaction”) with another person (B), and
  - (c) B is not an authorised participant.
- (2) Section 71I(2) to (5) applies to the transaction mentioned in subsection (1)(a).
- (3) The connected transaction is void.
- (4) Subsection (5) applies if (but only if) A is unable to recover from the party the whole of the money mentioned in section 71I(3)(a) (as applied by subsection (2) above), along with such interest as is there mentioned.
- (5) Despite subsection (3), A is entitled to recover from B any part of that money (and such interest) that is not recovered from the party.
- (6) Subsection (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

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- (b) subsequently, for whatever reason, ceases to be an authorised participant,  
subsections (2) to (6) apply with effect from the time when B ceased to be an authorised participant.
- (8) This section 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 section 71F(4)(a) is not a regulated transaction of a description mentioned in section 71F(2) or (3), references in this section and section 71I(2) to (5) (as applied by subsection (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 property 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.

#### **71K Transfer to unauthorised participant invalid**

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

#### **71L Offences relating to regulated transactions**

- (1) A registered party commits an offence if—
- (a) it enters into a regulated transaction of a description mentioned in section 71F(2) or (3) in which another participant is not an authorised participant, and
  - (b) an officer of the party knew or ought reasonably to have known of the matters mentioned in paragraph (a).
- (2) A person commits an offence if—
- (a) he is the treasurer of a registered party,
  - (b) the party enters into a regulated transaction of a description mentioned in section 71F(2) or (3) in which another participant is not an authorised participant, and
  - (c) he knew or ought reasonably to have known of the matters mentioned in paragraph (b).
- (3) A registered party commits an offence if—
- (a) it enters into a regulated transaction of a description mentioned in section 71F(2) or (3) in which another participant is not an authorised participant,
  - (b) no officer of the party knew or ought reasonably to have known that the other participant is not an authorised participant, and

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- (c) as soon as practicable after knowledge of the matters mentioned in paragraph (a) comes to the treasurer of the party he fails to take all reasonable steps to repay any money which the party has received by virtue of the transaction.
- (4) A person who is the treasurer of a registered party commits an offence if—
  - (a) the party enters into a regulated transaction of a description mentioned in section 71F(2) or (3) in which another participant is not an authorised participant,
  - (b) subsection (2)(c) 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 party has received by virtue of the transaction.
- (5) A registered party commits an offence if—
  - (a) it 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) an officer of the party knew or ought reasonably to have known of the matters mentioned in paragraph (a).
- (6) A person commits an offence if—
  - (a) he is the treasurer of a registered party,
  - (b) the party benefits from or falls to benefit in consequence of a connected transaction to which any of the parties is not an authorised participant, and
  - (c) he knew or ought reasonably to have known of the matters mentioned in paragraph (b).
- (7) A registered party commits an offence if—
  - (a) it is a party to a transaction of a description mentioned in section 71F(4)(a),
  - (b) it benefits from or falls to benefit in consequence of a connected transaction to which any of the parties is not an authorised participant,
  - (c) no officer of the party knew or ought reasonably to have known of the matters mentioned in paragraphs (a) and (b), and
  - (d) as soon as practicable after knowledge of the matters mentioned in paragraphs (a) and (b) comes to the treasurer of the party he fails to take all reasonable steps to pay to any person who has provided the party with any benefit in consequence of the connected transaction the value of the benefit.
- (8) A person who is the treasurer of a registered party commits an offence if—
  - (a) the party is a party to a transaction of a description mentioned in section 71F(4)(a),
  - (b) the party benefits from or falls to benefit in consequence of a connected transaction to which any of the parties is not an authorised participant,
  - (c) subsection (6)(c) does not apply to him, and
  - (d) as soon as practicable after knowledge of the matters mentioned in paragraphs (a) and (b) comes to him he fails to take all reasonable

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steps to pay to any person who has provided the party 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 registered party in a regulated transaction with a person other than an authorised participant.
- (10) It is a defence for a person charged with an offence under subsection (2) to prove that he took all reasonable steps to prevent the registered party entering the transaction.
- (11) It is a defence for a person charged with an offence under subsection (6) to prove that he took all reasonable steps to prevent the registered party benefiting in consequence of the connected transaction.
- (12) A reference to a registered party entering into a regulated transaction includes a reference to any circumstances in which the terms of a regulated transaction are varied so as to increase the amount of money to which the party is entitled in consequence of the transaction.
- (13) A reference to a registered party 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 section does not apply to a transaction which is entered into before the commencement of section 61 of the Electoral Administration Act 2006.

#### **71M Quarterly reports of regulated transactions**

- (1) The treasurer of a registered party must, in the case of each year, prepare a report under this subsection in respect of each of the following periods—
- (a) January to March;
  - (b) April to June;
  - (c) July to September;
  - (d) October to December.
- (2) The reports prepared under subsection (1) for any year must, in the case of each authorised participant who enters into or is party to a regulated transaction with the party in that year, comply with—
- (a) the following provisions of this section so far as they require any such transaction to be recorded in such a report;
  - (b) section 71N so far as it requires any changes in relation to any such transaction to be so recorded.
- (3) In this section—
- “transaction report” means a report prepared under subsection (1);
  - “reporting period”, in relation to such a report, means the period mentioned in any of paragraphs (a) to (d) of that subsection to which the report relates;

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“relevant transaction”, in relation to an authorised participant and a year, means a regulated transaction entered into by the participant and the registered party in that year;

“relevant benefit”, in relation to any person and any year, means—

- (a) a relevant donation within the meaning of section 62(3) accepted by the party from that person as a donor, or
- (b) a relevant transaction entered into by the party and that person as a participant,

and a relevant benefit accrues when it is accepted (if it is a donation) or entered into (if it is a transaction).

- (4) Where no previous relevant benefit or benefits has or have been required to be recorded under this subsection or section 62(4), a relevant transaction must be recorded—
  - (a) if the value of the transaction is more than £5,000, or
  - (b) if the aggregate amount of it and any other relevant benefit or benefits is more than £5,000.
- (5) A transaction to which subsection (4) applies must—
  - (a) if it falls within paragraph (a) of that subsection, be recorded in the transaction report for the reporting period in which the transaction is entered into, or
  - (b) if it falls within paragraph (b) of that subsection, be recorded (together with any other relevant transaction or transactions included in the aggregate amount mentioned in that paragraph) in the transaction report for the reporting period in which the benefit which causes that aggregate to be more than £5,000 accrues.
- (6) Where any previous relevant benefit or benefits has or have been required to be recorded under subsection (4) or section 62(4), a relevant transaction must be recorded at the point when a relevant transaction falling within subsection (7) has been entered into—
  - (a) since the benefit or benefits required to be recorded under that provision, or
  - (b) if any relevant benefit or benefits has or have previously been required to be recorded under this subsection or section 62(6), since the benefit or benefits last required to be so recorded.
- (7) A relevant transaction falls within this subsection—
  - (a) if the value of the transaction is more than £1,000, or
  - (b) if, when it is added to any other relevant benefit or benefits accruing since the time mentioned in subsection (6)(a) or (b), the aggregate amount of the benefits is more than £1,000.
- (8) A transaction to which subsection (6) applies on any occasion must—
  - (a) if it is the only benefit required to be recorded on that occasion, be recorded in the transaction report for the reporting period in which it is entered into, or
  - (b) in any other case, be recorded (together with any other relevant transaction or transactions included in the aggregate amount mentioned in subsection (7)) in the transaction report for the reporting



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period in which the benefit which causes that aggregate amount to be more than £1,000 accrues.

- (9) A transaction report must also record any regulated transaction which is entered into by the party and a person who is not an authorised participant and is dealt with during the reporting period in accordance with section 71I or 71J.
- (10) If during any reporting period no transactions have been entered into by the party which, by virtue of the preceding provisions of this section, are required to be recorded in the transaction report for that period, the report must contain a statement to that effect.
- (11) Where a registered party is a party with accounting units, subsections (2) to (10) apply separately in relation to the central organisation of the party and each of its accounting units—
- (a) as if any reference to the party were a reference to the central organisation or (as the case may be) to such an accounting unit; but
  - (b) with the substitution, in relation to such an accounting unit, of “£1,000” for “£5,000” in each place where it occurs in subsections (4) and (5).
- (12) However, for the purposes of subsections (2) to (9) in their application to the central organisation and any year by virtue of subsection (11), any transaction—
- (a) which is entered into by an authorised participant and any of the accounting units during that year, but
  - (b) which is not required to be recorded under subsection (4) or (6) (as they apply by virtue of subsection (11)) as a transaction entered into by the accounting unit,
- must be treated as a transaction entered into by the authorised participant and the central organisation.
- (13) Schedule 6A has effect with respect to the information to be given in transaction reports.

#### **71N Changes to be recorded in quarterly reports**

- (1) If during any reporting period, in the case of any recorded transaction—
- (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 5, 6 or 7 of Schedule 6A, or
  - (c) the transaction comes to an end,
- the change must be recorded in the transaction report for that period.
- (2) For the purposes of subsection (1)(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);
- and in such a case the transaction report must state how the loan has come to an end.
- (3) A transaction report must also record any change by which a person who is not an authorised participant becomes party to the transaction (whether in place

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of or in addition to any existing participant) and in consequence of which the transaction is dealt with in accordance with section 71I or 71J.

- (4) If during any reporting period there have been no changes (as mentioned in subsection (1) or (3)) to any recorded transaction, the report must contain a statement to that effect.
- (5) A recorded transaction, in relation to a reporting period, is a regulated transaction which is or has been recorded in a transaction report for that or a previous reporting period.
- (6) Where a registered party is a party with accounting units, subsections (1) to (5) apply separately in relation to the central organisation of the party and each of its accounting units; and the reference in subsection (5) to a transaction report for a previous reporting period is a reference to a report prepared in relation to the central organisation or accounting unit, as the case may be.
- (7) In this section, “reporting period” and “transaction report” have the meanings given in section 71M.

#### **71O Existing transactions**

- (1) This section applies in relation to the first report prepared under section 71M(1) by the treasurer of a party which, at the date on which that section comes into force, is a registered party.
- (2) Sections 71M and 71N have effect, in the case of a person (whether or not an authorised participant) who is a party to an existing transaction, as if—
  - (a) that transaction had been entered into in the reporting period to which the report relates;
  - (b) any change (as mentioned in section 71N(1) or (3)) to the transaction had occurred during that period;
  - (c) references in section 71M to a relevant benefit did not include references to a relevant donation.
- (3) An existing transaction is a regulated transaction which, at the date on which section 71M comes into force, has not come to an end for the purposes of section 71N(1)(c).

#### **71P Exemption from requirement to prepare quarterly reports**

- (1) This section applies if each of four consecutive transaction reports prepared by the treasurer of a registered party in pursuance of subsection (1) of section 71M contains—
  - (a) in the case of a party without accounting units, a statement under subsection (10) of that section and a statement under subsection (4) of section 71N, or
  - (b) in the case of a party with accounting units, statements under each of those subsections in relation to the central organisation of the party and each of its accounting units.
- (2) The treasurer is not required to prepare any further transaction reports in pursuance of subsection (1) of section 71M until—
  - (a) a recordable transaction is entered into by the registered party, or

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- (b) a recordable change is made to a recorded transaction.
- (3) A recordable transaction is a transaction which is required to be recorded by virtue of any of subsections (4) to (9) of section 71M (including those subsections as applied by subsection (11) of that section).
- (4) A recordable change is a change which is required to be recorded by virtue of subsection (1) of section 71N (including that subsection as applied by subsection (6) of that section).
- (5) If a recordable transaction is entered into or a recordable change is made, nothing in this section affects the operation of section 71M or 71N in relation to—
  - (a) the reporting period in which the recordable transaction is entered into or the recordable change is made, or
  - (b) any subsequent reporting period which falls before the time (if any) when this section again applies in relation to the party.
- (6) In this section—
  - “transaction report” and “reporting period” have the same meaning as in section 71M;
  - “recorded transaction” has the same meaning as in section 71N.

#### **71Q Weekly transaction reports during general election periods**

- (1) Subject to section 71R, the treasurer of a registered party must, in the case of any general election period, prepare a report under this subsection in respect of each of the following periods—
  - (a) the period of seven days beginning with the first day of the general election period,
  - (b) each succeeding period of seven days falling within the general election period, and
  - (c) any final period of less than seven days falling within that period.
- (2) In this section—
  - “weekly report” means a report prepared under subsection (1);
  - “reporting period”, in relation to such a report, means the period mentioned in any of paragraphs (a) to (c) of that subsection to which the report relates.
- (3) The weekly report for any reporting period must record each regulated transaction which has a value of more than £5,000 entered into during that period—
  - (a) by the party (if it is not a party with accounting units), or
  - (b) by the central organisation of the party (if it is a party with accounting units).
- (4) If during any reporting period no transactions falling within subsection (3) have been entered into as mentioned in that subsection, the weekly report for that period must contain a statement to that effect.
- (5) Schedule 6A has effect with respect to the information to be given in weekly reports.

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- (6) The weekly report for any reporting period must also record any change (as mentioned in section 71N(1) or (3)) during that period to a regulated transaction recorded—
  - (a) by the party (if it is not a party with accounting units), or
  - (b) by the central organisation of the party (if it is a party with accounting units).
- (7) For the purposes of subsection (6), a transaction is recorded by a party or the central organisation of a party if it is or has been recorded in—
  - (a) a transaction report prepared under section 71M(1), or
  - (b) a weekly report prepared for that or a previous reporting period falling within the general election period.
- (8) If during any reporting period there have been no changes falling within subsection (6), the weekly report for that period must contain a statement to that effect.
- (9) In this section and section 71R “general election period” has the meaning given in section 63.

#### **71R Exemptions from section 71Q**

- (1) Section 71Q(1) does not apply in relation to a registered party in respect of a general election period if the party has made an exemption declaration under section 64 which covers the general election in question.
- (2) In its application (in accordance with subsection (1)) in relation to section 71Q, section 64 is to be read subject to the following modifications—
  - (a) the reference in subsection (5) to section 63 is to be read as a reference to section 71Q;
  - (b) subsection (6) is omitted.

#### **71S Submission of transaction reports to Commission**

- (1) A transaction report under section 71M must be delivered to the Commission by the treasurer of the party in question within the period of 30 days beginning with the end of the reporting period to which it relates.
- (2) A transaction report under section 71Q must be delivered to the Commission by the treasurer of the party in question—
  - (a) within the period of 7 days beginning with the end of the reporting period to which it relates, or
  - (b) if that is not possible in the case of any party to which section 71Q applies by virtue of section 64(5) (as applied by section 71R), within the period of 7 days beginning with the first day on which the party has a candidate at the election in question.
- (3) If a transaction report under section 71M or 71Q states that the registered party has seen evidence of such description as is prescribed by the Secretary of State in regulations that an individual participant has an anonymous entry in the electoral register (within the meaning of the Representation of the People Act 1983), the report must be accompanied by a copy of the evidence.

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- (4) The treasurer of a registered party commits an offence if he fails to comply with the requirements of subsection (1) or (2) in relation to a transaction report.
- (5) The treasurer of a registered party also commits an offence if he delivers a transaction report to the Commission which does not comply with any requirements of this Part as regards the recording of transactions, or changes to transactions, in such a report.
- (6) Where a person is charged with an offence under this section, it shall be a defence to prove that he took all reasonable steps, and exercised all due diligence, to ensure that any such requirements were complied with in relation to transactions entered into by the party, or changes to transactions made, during the relevant reporting period.
- (7) Where the court is satisfied, on an application made by the Commission, that any failure to comply with any such requirements in relation to—
  - (a) any transaction entered into by a registered party, or
  - (b) any change made to a transaction to which the registered party is a party,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.
- (8) An order under subsection (7) may in particular—
  - (a) where the transaction is a loan or credit facility, require that any amount owed by the registered party 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.
- (9) The reference in subsection (2) to a party having a candidate at an election must be construed in accordance with section 64(9).

#### **71T Declaration by treasurer in transaction report**

- (1) Each transaction report under section 71M or 71Q must, when delivered to the Commission, be accompanied by a declaration made by the treasurer which complies with subsection (2), (3) or (4).
- (2) In the case of a report under section 71M (other than one making a nil return), the declaration must state that, to the best of the treasurer's knowledge and belief—
  - (a) all the transactions recorded in the report were entered into by the party with authorised participants,
  - (b) during the reporting period no transaction has been entered into by the party which is required to be recorded in the report but is not so recorded,
  - (c) during the reporting period no change has been made to a regulated transaction which is required to be recorded in the report but is not so recorded, and

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- (d) during the reporting period the party has not entered into any regulated transaction with a person or body other than an authorised participant.
- (3) For the purposes of subsection (2) a return under section 71M makes a nil return if it contains such a statement as is mentioned in subsection (10) of that section and a statement as is mentioned in subsection (4) of section 71N; and in the case of such a report the declaration must state that, to the best of the treasurer's knowledge and belief—
  - (a) those statements are accurate, and
  - (b) during the reporting period the party has not entered into any regulated transaction with a person or body other than an authorised participant.
- (4) In the case of a report under section 71Q, the declaration must state that, to the best of the treasurer's knowledge and belief—
  - (a) no transaction has been entered into by the party, or (if section 71Q(3)(b) applies) by its central organisation, during the reporting period which is required to be recorded in the report but is not so recorded, and
  - (b) no change has been made to a regulated transaction during the reporting period which is required to be recorded in the report but is not so recorded.
- (5) A person commits an offence if he knowingly or recklessly makes a false declaration under this section.

#### **71U Weekly donation reports in connection with elections other than general elections**

- (1) The Secretary of State may, after consulting the Commission and all registered parties, by order make provision for—
  - (a) sections 71Q and 71R, together with Schedule 6A,
  - (b) sections 71S and 71T, and
  - (c) section 147 so far as applying in relation to section 71S(1) or (2),
 to apply in relation to the specified election period in the case of one or more relevant elections with such modifications as are specified in the order.
- (2) In this section “specified election period” and “relevant election” have the meanings given in section 67.

#### **71V Register of recordable transactions**

- (1) The Commission must maintain a register of all transactions (and all changes) reported to them under this Part.
- (2) The register must be maintained by the Commission in such form as they may determine and must contain the following details in the case of each such transaction—
  - (a) the value of the transaction;

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- (b) (subject to subsection (3)) such other details as have been given in relation to the transaction in pursuance of any of paragraphs 2 to 7 of Schedule 6A;
  - (c) the relevant date for the transaction within the meaning of paragraph 8 of that Schedule.
- (3) The details required by virtue of subsection (2) do not include, in the case of any transaction entered into by an authorised participant who is an individual, the individual's address.
- (4) Where—
- (a) any transaction or transactions is or are reported to the Commission under this Part, or
  - (b) any change or changes is or are so reported to them,
- they must cause the details mentioned in subsection (2) to be entered or, as the case may be, changed in the register in respect of the transaction or transactions as soon as is reasonably practicable.

#### **71W Proceedings under sections 71I and 71S**

- (1) This section has effect in relation to proceedings on applications under sections 71I(4) and 71S(7).
- (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.
- (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 section 71L, 71S or 71T.
- (5) An appeal against an order made by the sheriff may be made to the Court of Session.
- (6) Rules of court 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) Subsection (6) does not affect any existing power to make rules.

#### **71X Construction of Part 4A**

- (1) In this Part—
  - “authorised participant” must be construed in accordance with section 71H;
  - “connected transaction” has the meaning given by section 71F(9);
  - “credit facility” has the meaning given by section 71F(11);

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“regulated transaction” must be construed in accordance with section 71F.

- (2) For the purposes of any provision relating to the reporting of transactions, anything required to be done by a registered party in consequence of its being a party to a regulated transaction must also be done by it, if it is a party to a transaction of a description mentioned in section 71F(4)(a), as if it were a party to the connected transaction.”
- (2) In section 147 of that Act (civil penalty for failure to deliver documents etc), after subsection (1)(c) insert—
- “(ca) the requirements of section 71S(1) or (2) are not complied with in relation to any transaction report relating to a registered party;”.
- (3) In section 149 of that Act (inspection of Commission's registers etc), after subsection (1)(b) insert—
- “(ba) section 71V;”.
- (4) In section 156(4) of that Act (provision about subordinate legislation)—
- (a) after paragraph (d) insert—
- “(da) section 71F(13),  
(db) section 71H(4),  
(dc) section 71U(1);”;
- (b) after paragraph (h) insert—
- “(ha) paragraph 9 of Schedule 6A;”.
- (5) After Schedule 6 to that Act (details to be given in donation reports) insert—

#### “SCHEDULE 6A

##### DETAILS TO BE GIVEN IN TRANSACTION REPORTS

###### *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.

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

- 2 (1) In relation to each recordable transaction, 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).



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- (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), 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) 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) 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) 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.
- (7) In the case of a building society within the meaning of the Building Societies Act 1986 the report must give—
  - (a) the name of the society, and
  - (b) the address of its principal office.
- (8) In the case of a limited liability partnership falling within section 54(2)(f) 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) the report must give—
  - (a) the name of the association, and
  - (b) the address of its main office in the United Kingdom.

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*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) 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.

*Identity of unauthorised participants*

- 4 In relation to each recordable transaction to which a person who is not an authorised 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).

*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.
- 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.

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- (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.
- 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, 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.
  - (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).

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*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.”
- (6) In Schedule 20 to that Act (penalties), after the entry relating to section 71E(5) (as inserted by paragraph 2 of Schedule 1 to the Northern Ireland (Miscellaneous Provisions) Act 2006) insert—

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“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
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

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On indictment: fine or 1 year.”

- (7) Part 6 of Schedule 1 amends the 2000 Act for the purpose of controlling loans and certain other transactions involving individuals and members associations.

#### Commencement Information

- 11** S. 61 partly in force; s. 61 not in force at Royal Assent see s. 77; s. 61 in force for E.W.S. for certain purposes at 11.9.2006 by S.I. 2006/1972, **art. 3, Sch. 1 para. 20** (as substituted by S.I. 2006/2268, **art. 3**) (subject to S.I. 2006/1972, **art. 4, Sch. 2**); s. 61(1)(5) in force for E.W.S. for certain purposes at 1.1.2007 by S.I. 2006/3412, **art. 4**; s. 61 in force for N.I. for certain purposes at 1.7.2008 by S.I. 2008/1656, **art. 2(1)(2)(a)** (subject to **art. 3, Sch.**)
- 12** S. 61(1)(5) in force at 15.9.2014 for N.I. in so far as not already in force by S.I. 2014/1809, **art. 2**

## 62 Regulation of loans: power to make provision for candidates, third parties <sup>[F1]</sup>, referendums and recall petitions]

- (1) The Secretary of State may by order make in relation to a relevant matter such provision as he thinks appropriate which corresponds to or is similar to any provision of Part 4A of or Schedule 7A to the 2000 Act (the relevant transaction provisions).
- (2) A relevant matter is a loan, credit facility or any form of security (whether real or personal) which benefits—
- (a) a candidate at <sup>[F2]</sup>a relevant election];
  - (b) a recognised third party;
  - (c) a permitted participant in a referendum.
- <sup>[F3]</sup>(d) an accredited campaigner in relation to a recall petition.]
- (3) An order under this section may—
- (a) amend or repeal any enactment (whenever passed);
  - (b) create an offence corresponding or similar to any offence created by the relevant transaction provisions;
  - (c) confer power on the Secretary of State to make provision by order corresponding to any such power in the relevant transaction provisions;
  - (d) make different provision for different purposes;
  - (e) make such supplemental, incidental, consequential, transitional or savings provision as the Secretary of State thinks necessary or expedient in connection with the order.

<sup>[F4]</sup>(3A) The provision that may be made by virtue of subsection (3)(e) includes, in particular, provision amending paragraph 1 of Schedule 19A to the 2000 Act (requirement for unincorporated associations to notify Commission of political contributions over £25,000) so that, in the case of a <sup>[F5]</sup>relevant person], a “ political contribution ” includes a relevant matter. ]

<sup>[F6]</sup>(3B) In subsection (3A) “ a relevant person ” means—

- (a) a recognised third party,
  - (b) a permitted participant in a referendum, or
  - (c) an accredited campaigner in relation to a recall petition.]
- (4) An order under this section which confers power to make an order by virtue of subsection (3)(c) must require the order—

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- (a) to be made by statutory instrument;
  - (b) not to be made unless a draft of the instrument containing the order has been laid before and approved by resolution of each House of Parliament.
- (5) Subsection (4) does not apply to any power to make provision determining a rate of interest.
- (6) The power to make an order under this section is exercisable by statutory instrument.
- (7) No such order may be made unless a draft of the instrument containing the order has been laid before and approved by resolution of each House of Parliament.
- (8) In this section—
- [<sup>F7</sup> “ accredited campaigner ” has the same meaning as in Schedule 3 to the Recall of MPs Act 2015 (see Part 5 of that Schedule); ]
  - [<sup>F8</sup> “ candidate ”—
    - (a) in relation to a police and crime commissioner election, is to be construed in accordance with subsection (8A), and
    - (b) in relation to any other relevant election, has the same meaning as in Part 2 of the 1983 Act ; ]  - “ credit facility ” must be construed in accordance with section 71F(11) of the 2000 Act;
  - <sup>F9</sup> ...
  - “ permitted participant ” has the same meaning as in Part 7 of the 2000 Act;
  - [<sup>F10</sup> “ police and crime commissioner election ” means an election of a police and crime commissioner in accordance with Chapter 6 of Part 1 of the Police Reform and Social Responsibility Act 2011;
  - [<sup>F7</sup> “ recall petition ” has the same meaning as in the Recall of MPs Act 2015 (see section 1(2) of that Act); ]
  - “ recognised third party ” has the same meaning as in Part 6 of that Act.
  - “ relevant election ” means—
    - (a) an election within the meaning of the 1983 Act , or
    - (b) a police and crime commissioner election.]
- [<sup>F11</sup>(8A) For the purposes of this section, a person becomes a candidate at a police and crime commissioner election—
- (a) on the last day for publication of notice of the election if on or before that day the person is declared by himself or herself or by others to be a candidate at the election, and
  - (b) otherwise, on the day on which the person is so declared by himself or herself or by others or on which the person is nominated as a candidate at the election (whichever is the earlier).]
- (9) An order under this section must not make provision which is within the legislative competence of the Scottish Parliament.
- (10) Subsection (9) does not apply to provision made by virtue of subsection (3)(e).

#### Textual Amendments

**F1** Words in reg. 62 heading substituted (26.3.2015) by [Recall of MPs Act 2015 \(c. 25\)](#), ss. **17(2)**, **24(1)(c)**

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- F2** Words in s. 62(2)(a) substituted (25.7.2012) by [The Police and Crime Commissioner Elections Order 2012 \(S.I. 2012/1917\)](#), arts. 1(2), **25(2)**
- F3** S. 62(2)(d) inserted (26.3.2015) by [Recall of MPs Act 2015 \(c. 25\)](#), **ss. 17(3)**, 24(1)(c)
- F4** s. 62(3A) inserted (21.7.2009) by [Political Parties and Elections Act 2009 \(2009 c.12\)](#), **s.19(4)**, **43(5)(c)**
- F5** Words in s. 62(3A) substituted (26.3.2015) by [Recall of MPs Act 2015 \(c. 25\)](#), **ss. 17(4)**, 24(1)(c)
- F6** S. 62(3B) inserted (26.3.2015) by [Recall of MPs Act 2015 \(c. 25\)](#), **ss. 17(5)**, 24(1)(c)
- F7** Words in s. 62(8) inserted (26.3.2015) by [Recall of MPs Act 2015 \(c. 25\)](#), **ss. 17(6)**, 24(1)(c)
- F8** Words in s. 62(8) substituted (25.7.2012) by [The Police and Crime Commissioner Elections Order 2012 \(S.I. 2012/1917\)](#), arts. 1(2), **25(3)(a)**
- F9** Words in s. 62(8) omitted (25.7.2012) by virtue of [The Police and Crime Commissioner Elections Order 2012 \(S.I. 2012/1917\)](#), arts. 1(2), **25(3)(b)**
- F10** Words in s. 62(8) inserted (25.7.2012) by [The Police and Crime Commissioner Elections Order 2012 \(S.I. 2012/1917\)](#), arts. 1(2), **25(3)(c)**
- F11** S. 62(8A) inserted (25.7.2012) by [The Police and Crime Commissioner Elections Order 2012 \(S.I. 2012/1917\)](#), arts. 1(2), **25(4)**

#### Commencement Information

- I3** S. 62 wholly in force at 1.7.2008; s. 62 not in force at Royal Assent see s. 77; s. 62 in force for E.W.S. at 11.9.2006 by [S.I. 2006/1972](#), **art. 3**, [Sch. 1 para. 20](#) (as substituted by [S.I. 2006/2268](#), **art. 3**) (subject to [S.I. 2006/1972](#), **art. 4**, [Sch. 2](#)); s. 62 in force for N.I. at 1.7.2008 by [S.I. 2008/1656](#), **art. 2(1)(2)(b)** (subject to **art. 3**, [Sch.](#))

## 63 Regulation of loans etc: Northern Ireland

- (1) The Secretary of State may, after consulting the Electoral Commission, by order make provision relating to regulated transactions, controlled transactions or relevant matters which corresponds to or is similar to any provision (“relevant provision”) relating to donations for political purposes which is made by, or which may be made under, the Northern Ireland (Miscellaneous Provisions) Act 2006 (“the 2006 Act”).
- (2) But if a relevant provision has effect, or would have effect, subject to a temporal limitation, a provision of an order under this section which corresponds to or is similar to the relevant provision must be subject to the same temporal limitation.
- (3) An order under this section may in particular—
  - (a) amend, repeal or revoke any provision made by or under an Act of Parliament or Northern Ireland legislation (whenever passed or made);
  - (b) create an offence corresponding or similar to any offence relating to donations for political purposes created by the 2006 Act;
  - (c) confer power on the Secretary of State to make provision by order corresponding or similar to any such power relating to donations for political purposes conferred by the 2006 Act;
  - (d) make different provision for different purposes;
  - (e) make such supplemental, incidental, consequential, transitional or savings provision as the Secretary of State thinks necessary or expedient in connection with the order.
- (4) An order under this section which confers power to make an order by virtue of subsection (3)(c) must require the order—
  - (a) to be made only after consulting the Electoral Commission;
  - (b) to be made by statutory instrument; and

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- (c) not to be made unless a draft of the instrument containing the order has been laid before and approved by a resolution of each House of Parliament.
- (5) The power to make an order under this section is exercisable by statutory instrument.
- (6) No such order may be made unless a draft of the instrument containing the order has been laid before and approved by a resolution of each House of Parliament.
- (7) In this section—
- “regulated transaction” has the same meaning as in Part 4A of the 2000 Act (see section 71F of that Act);
  - “controlled transaction” has the same meaning as in Schedule 7A to that Act (see paragraphs 1 and 2 of that Schedule);
  - “relevant matter” has the same meaning as in section 62 of this Act (see subsection (2) of that section).
- [<sup>F12</sup>(8) For the purposes of this section, section 1(3) of the Northern Ireland (Miscellaneous Provisions) Act 2014 (which amends section 71E of the 2000 Act) is treated as provision made by the 2006 Act.]

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**Textual Amendments**

**F12** S. 63(8) inserted (13.3.2014) by [Northern Ireland \(Miscellaneous Provisions\) Act 2014 \(c. 13\)](#), **ss. 2(3), 28(1)(b)(iii)**

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

**C1** S. 63 modified (13.3.2014) by [Northern Ireland \(Miscellaneous Provisions\) Act 2014 \(c. 13\)](#), **ss. 26(1), 28(1)(i)**



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**Changes to legislation:**

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