



# Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014

## 2014 CHAPTER 4

### PART 2

#### NON-PARTY CAMPAIGNING ETC

##### *Miscellaneous*

### 36 Third party expenditure in respect of candidates

- (1) In section 75 of the Representation of the People Act 1983 (prohibition of expenses not authorised by election agent), in subsection (1ZA)(a) (limit on third party expenditure on candidate at parliamentary election), for “£500” substitute “£700”.
- (2) After that section insert—

#### **“75ZA Return of permitted expenditure: power to require return**

- (1) The returning officer or the Electoral Commission may, at any time during the period of 6 months beginning with the date of the poll at a parliamentary election, request a relevant person to deliver to the officer or Commission a return of permitted expenditure in relation to a candidate at the election who is specified in the request.
- (2) “Relevant person” means a person who—
  - (a) is not required to deliver a return under section 75(2) in relation to the candidate, and
  - (b) is not the candidate, the candidate’s election agent, or a person engaged or employed for payment or promise of payment by the candidate or the candidate’s election agent.

- (3) “Return of permitted expenditure” means a return—
  - (a) showing all permitted expenses incurred by the person in relation to the candidate, or
  - (b) stating that the person incurred no such expenses or that the total such expenses incurred by the person was £200 or less.
- (4) “Permitted expense”, in relation to a candidate, means an expense incurred by the person in respect of the candidate which, if the person had been required to deliver a return under section 75(2) in relation to the candidate, would have been required to be included in that return.

### **75ZB Return of permitted expenditure: compliance and sanctions**

- (1) A person must comply with a request under section 75ZA(1) within the period of 21 days beginning with the day on which the request is received.
- (2) A return of permitted expenditure must be accompanied by a declaration made by the person (or in the case of an association or body of persons, by a director, general manager, secretary or other similar officer of the association or body) —
  - (a) verifying the return, and
  - (b) in the case of a return of the kind mentioned in section 75ZA(3)(a), giving particulars of the matters for which the expenses were incurred.
- (3) A person who fails to deliver a return or declaration in accordance with this section is guilty of an illegal practice.
- (4) A person who knowingly makes a false declaration under subsection (2) is guilty of a corrupt practice.
- (5) The court before whom a person is convicted under subsection (3) or (4) may, if they think it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by virtue of section 173.
- (6) Where any act or omission of an association or body of persons, corporate or unincorporate, is an offence declared to be a corrupt or illegal practice by this section, any person who at the time of the act or omission was a director, general manager, secretary or other similar officer of the association or body, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence, unless he proves—
  - (a) that the act or omission took place without his consent or connivance, and
  - (b) that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.”
- (3) If section 85(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 comes into force before the day on which this Act is passed—
  - (a) section 85 of that Act (removal of limit on certain fines on conviction by magistrates’ court) applies in relation to the offences in section 75ZB(3) and (4) of the Representation of the People Act 1983 (as inserted by this section) on and after that day as if they were relevant offences (as defined in section 85(3) of that Act), and

- (b) regulations described in section 85(11) of that Act may amend, repeal or otherwise modify amendments made by this section.

### 37 **Candidate's personal expenses not to count for local election expenses limit in England and Wales**

- (1) In section 76(5) of the RPA 1983 (exclusion of personal expenses from limitation on election expenses), after “subsection (1A) above)” insert “or a local government election in England or Wales”.
- (2) Subsection (3) applies where, before the relevant date, an enactment—
  - (a) provides that section 76 of the RPA 1983 is to have effect in relation to an election of any description as it has effect in relation to a local government election in England or Wales, or
  - (b) otherwise makes provision (however expressed) to the effect that that section applies to an election of any description as it applies to a local government election in England and Wales.
- (3) If the date of the poll at an election of that description is on or after the relevant date, section 76 of the RPA 1983 applies to the election as amended by subsection (1).
- (4) In this section—
  - “the RPA 1983” means the Representation of the People Act 1983,
  - “the relevant date” means the date on which the amendment made by subsection (1) comes into force, and
  - “an enactment” means an Act of Parliament or any subordinate legislation (within the meaning of the Interpretation Act 1978).

### 38 **Functions of Electoral Commission with respect to compliance**

- (1) Section 145 of the Political Parties, Elections and Referendums Act 2000 (general function of Commission with respect to compliance with controls imposed by the Act etc) is amended in accordance with subsections (2) to (4).
- (2) In the heading, for “**General function**” substitute “**Duties**”.
- (3) In subsection (1)—
  - (a) for the words before paragraph (a) substitute “The Commission must monitor, and take all reasonable steps to secure, compliance with—”;
  - (b) in paragraph (a), for “Parts III to VII” substitute “—
    - (i) sections 24, 31 and 34,
    - (ii) Parts 3 to 7, and
    - (iii) sections 143 and 148”.
- (4) After subsection (6A) insert—

“(6B) Each report by the Commission under paragraph 20 of Schedule 1 shall set out the steps the Commission have taken during the year in question to secure compliance with the restrictions and other requirements mentioned in subsection (1).”
- (5) In consequence of the amendment made by subsection (3)(a), omit section 1(2) of the Political Parties and Elections Act 2009.

### **39 Post-election review**

- (1) The Minister must, within the period of 12 months beginning with the day on which this Act is passed, appoint a person to conduct a review of the operation of Part 6 of the Political Parties, Elections and Referendums Act 2000 in relation to the first relevant parliamentary general election.
- (2) The “first relevant parliamentary general election” is the first parliamentary general election to be held after the beginning of the first Part 6 regulated period in relation to which one or more of the amendments made by this Part mentioned in section 46(1) have effect.
- (3) A “Part 6 regulated period” is a regulated period within the meaning given by section 46(2)(b).
- (4) The Minister may specify matters which the review must, in particular, consider.
- (5) On completion of the review, the appointed person must—
  - (a) make a written report on the review, and
  - (b) provide a copy of the report to the Minister.
- (6) The Minister must—
  - (a) lay a copy of the report before Parliament, and
  - (b) publish the report in such manner as the Minister considers appropriate.
- (7) The report shall be laid before Parliament not more than 18 months after the date of the first relevant parliamentary general election.
- (8) The Minister may pay to the appointed person such remuneration and expenses as the Minister may determine.
- (9) “The Minister” means the Secretary of State or the Lord President of the Council.