SCHEDULES

SCHEDULE 3

REGULATION OF EXPENDITURE

PART 2

LIMITS ON EXPENDITURE

Limit on petition expenditure: persons other than accredited campaigners

2 (1) The total petition expenses incurred during the recall petition period by or on behalf of a person who is not an accredited campaigner must not exceed £500.

(2) The following provisions of this paragraph apply where—

(a) at any time during the recall petition period any petition expenses are incurred by or on behalf of a person ("P") in excess of the limit imposed by sub-paragraph (1), and

(b) P is not at that time an accredited campaigner.

(3) Where P is an individual, P commits an offence if P knew or ought reasonably to have known that the expenses would be incurred in excess of that limit.

(4) Where P is a body—

(a) P commits an offence, and

(b) any person who authorised the expenses to be incurred by or on behalf of P commits an offence if the person knew or ought reasonably to have known that the expenses would be incurred in excess of that limit.

(5) An offence under this paragraph is a corrupt practice.

Commencement Information

I1 Sch. 3 para. 2 in force at 4.3.2016 by S.I. 2016/290, **reg. 2**

Limit on petition expenditure: accredited campaigners

3 (1) The total petition expenses incurred during the recall petition period by or on behalf of an accredited campaigner must not exceed £10,000.

(2) The following provisions of this paragraph apply where—

(a) at any time during the recall petition period any petition expenses are incurred by or on behalf of a person ("P") in excess of the limit imposed by sub-paragraph (1), and

(b) P is at that time an accredited campaigner.

(3) Where P is an individual—

(a) P commits an offence if P knew or ought reasonably to have known that the expenses would be incurred in excess of that limit, and

(b) where the responsible person is a different individual, the responsible person commits an offence if he or she—

(i) authorised the expenses to be incurred by or on behalf of P, and

(ii) knew or ought reasonably to have known that the expenses would be incurred in excess of that limit.

(4) Where P is a registered party or is a body that is not a registered party—

(a) P commits an offence, and

(b) the responsible person commits an offence if he or she—

(i) authorised the expenses to be incurred by or on behalf of P, and

(ii) knew or ought reasonably to have known that the expenses would be incurred in excess of that limit.

(5) In proceedings for an offence under this paragraph it is a defence to show that—

(a) any code of practice for the time being in force under paragraph 16 (guidance as to meaning of "petition expense") was complied with in determining the items and amounts of petition expenses to be entered in the relevant return under paragraph 1 of Schedule 5 (reporting requirements), and

(b) the limit imposed by sub-paragraph (1) would not have been exceeded on the basis of the items and amounts entered in that return.

(6) A person is taken to have shown the matters specified in sub-paragraph (5) if—

(a) sufficient evidence of those matters is adduced to raise an issue with respect to them, and

(b) the contrary is not proved beyond reasonable doubt.

(7) An offence under this paragraph is an illegal practice.

Commencement Information

I2 Sch. 3 para. 3 in force at 4.3.2016 by S.I. 2016/290, **reg. 2**

Expenses incurred by persons acting in concert

4 (1) This paragraph applies where petition expenses are incurred by or on behalf of a person in pursuance of a relevant plan.

(2) "Relevant plan" means a plan or other arrangement by which—

(a) petition expenses are to be incurred by or on behalf of the person mentioned in sub-paragraph (1), and

(b) petition expenses are to be incurred by or on behalf of one or more other persons,

with a view to, or otherwise in connection with, promoting or procuring the success or failure of the recall petition.

(3) The expenses mentioned in sub-paragraph (1) are treated for the purposes of this Part of this Schedule (apart from this paragraph) as also having been incurred by

or on behalf of the other person (or, as the case may be, each of the other persons) mentioned in sub-paragraph (2)(b).

Commencement Information

I3 Sch. 3 para. 4 in force at 4.3.2016 by S.I. 2016/290, **reg. 2**

Expenses incurred before the recall petition period

5 (1) This paragraph applies where—

(a) before the beginning of the recall petition period, a petition expense is incurred by or on behalf of a person in respect of property, services or facilities, and

(b) the property, services or facilities is or are made use of by or on behalf of the person during the recall petition period with a view to, or otherwise in connection with, promoting or procuring the success or failure of the recall petition.

(2) The appropriate proportion of the petition expense is treated for the purposes of this Part of this Schedule as incurred during the recall petition period by or on behalf of the person.

(3) The "appropriate proportion" of the expense is such proportion of it as is reasonably attributable to the use made of the property, services or facilities as mentioned in sub-paragraph (1)(b).

Commencement Information

I4 Sch. 3 para. 5 in force at 4.3.2016 by S.I. 2016/290, **reg. 2**

Notional petition expenses

6 (1) This paragraph applies where the following two conditions are met in relation to a person ("P").

(2) The first condition is that—

(a) property is transferred to P free of charge or at a discount of more than 10% of the market value of the property, or

(b) property, services or facilities is or are provided for the use or benefit of P free of charge or at a discount of more than 10% of the commercial rate for the use of the property or for the provision of the services or facilities.

(3) The second condition is that the property, services or facilities is or are made use of by or on behalf of P—

(a) for a period any part of which falls within the recall petition period, and

(b) in circumstances such that, if any expenses were to be (or are) actually incurred by or on behalf of P in respect of that use, they would be (or are) petition expenses by virtue of Part 4 of this Schedule.

[[F1](3A) For the purposes of sub-paragraph (3), property, services or facilities are made use of on behalf of P only if their use on behalf of P is directed, authorised or encouraged by P or (where P is an accredited campaigner) by P or the responsible person.**]**

***Changes to legislation:** There are currently no known outstanding effects for the Recall of MPs Act 2015, PART 2. (See end of Document for details)*

(4) Where this paragraph applies—

(a) an amount of expenses determined in accordance with the following provisions of this paragraph ("the gross notional amount") is treated for the purposes of this Part of this Schedule as incurred by P, and

(b) the appropriate proportion of the gross notional amount is treated for the purposes of this Part of this Schedule as petition expenses incurred by P during the recall petition period.

(5) The "appropriate proportion" of the gross notional amount is such proportion of that amount as is reasonably attributable to the use made of the property, services or facilities as mentioned in sub-paragraph (3) during the recall petition period.

(6) Where sub-paragraph (2)(a) applies, the gross notional amount is such proportion of either—

(a) the market value of the property (where the property is transferred free of charge), or

(b) the difference between the market value of the property and the amount of expenses actually incurred by or on behalf of P in respect of the property (where the property is transferred at a discount),

as is reasonably attributable to the use made of the property as mentioned in sub-paragraph (3) during the recall petition period.

(7) Where sub-paragraph (2)(b) applies, the gross notional amount is such proportion of either—

(a) the commercial rate for the use of the property or the provision of the services or facilities (where the property, services or facilities is or are provided free of charge), or

(b) the difference between that commercial rate and the amount of expenses actually incurred by or on behalf of P in respect of the use of the property or the provision of the services or facilities (where the property, services or facilities is or are provided at a discount),

as is reasonably attributable to the use made of the property, services or facilities as mentioned in sub-paragraph (3) during the recall petition period.

(8) Where the services of an employee are made available by his or her employer for the use or benefit of a person, then for the purposes of this paragraph the amount that is to be taken as constituting the commercial rate for the provision of those services is—

(a) the amount of the remuneration and allowances payable to the employee by the employer in respect of the period for which the employee's services are made available, but

(b) excluding from the amount mentioned in paragraph (a) any amount in respect of contributions or other payments for which the employer is liable in respect of the employee.

(9) Sub-paragraph (4)(b) does not apply if it would (apart from this sub-paragraph) treat an amount of £50 or less as petition expenses incurred by P during the recall petition period.

(10) In this paragraph a reference to property being transferred to P, or to property, services or facilities being provided for the use or benefit of P, includes—

(a) property being transferred to, or property, services or facilities being provided for the use or benefit of, any officer, member, trustee or agent of P in his or her capacity as such, and

(b) property being transferred, or property, services or facilities being provided, indirectly through a third person.

Textual Amendments

F1 Sch. 3 para. 6(3A) inserted (24.11.2022) by Elections Act 2022 (c. 37), **ss. 20(6)**, 67(1); S.I. 2022/1226, reg. 2(c) (with reg. 3(1))

Commencement Information

I5 Sch. 3 para. 6 in force at 4.3.2016 by S.I. 2016/290, **reg. 2**

Petition expenses incurred before becoming an accredited campaigner

7 A reference in this Part of this Schedule to a petition expense incurred during the recall petition period by or on behalf of an accredited campaigner includes—

(a) any petition expense incurred during that period by or on behalf of a person who is not an accredited campaigner in relation to the recall petition in question at the time the expense is incurred but who subsequently becomes such an accredited campaigner, and

(b) any petition expense treated by virtue of paragraph 5 or 6 as incurred during that period by or on behalf of a person where that person becomes an accredited campaigner in relation to the recall petition in question during that period.

Commencement Information

I6 Sch. 3 para. 7 in force at 4.3.2016 by S.I. 2016/290, **reg. 2**

Changes to legislation:
There are currently no known outstanding effects for the Recall of MPs Act 2015, PART 2.