

*Changes to legislation: There are currently no known outstanding effects for the Recall of MPs Act 2015, SCHEDULE 4. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 4

Section 16

#### CONTROL OF DONATIONS TO ACCREDITED CAMPAIGNERS

#### PART 1

##### INTRODUCTION AND INTERPRETATION

*Operation of Schedule and meaning of “accredited campaigner” and “relevant donation” etc*

- 1 (1) This Schedule has effect for controlling relevant donations to accredited campaigners who—
- (a) are not registered parties, or
  - (b) are registered parties but are minor parties.
- (2) In this Schedule, “accredited campaigner” has the same meaning as in Schedule 3 (see Part 5 of that Schedule) but does not include an accredited campaigner that is a registered party unless it is a minor party.
- (3) In this Schedule, “relevant donation”, in relation to an accredited campaigner, means a donation to the accredited campaigner for—
- (a) the purpose of meeting petition expenses incurred by or on behalf of the accredited campaigner, or
  - (b) the purpose of securing that petition expenses are not so incurred.
- (4) A donation is to be taken to be for the purpose mentioned in sub-paragraph (3)(a) or (b) if, having regard to all the circumstances, it must reasonably be assumed to be for that purpose.
- (5) For the meaning of “donation” see paragraphs 2 to 4.
- (6) In this Schedule—
- “minor party” and “registered party” have the same meaning as in PPERA 2000 (see section 160(1) of that Act);
  - “petition expense” has the same meaning as in Schedule 3 (see Part 4 of that Schedule);
  - “responsible person” means the person determined in accordance with paragraph 21 of that Schedule.

#### Commencement Information

**II** Sch. 4 para. 1 in force at 4.3.2016 by S.I. 2016/290, reg. 2

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*Donations: general rules*

- 2 (1) In this Schedule, “donation”, in relation to an accredited campaigner, means—
- (a) a gift to the accredited campaigner of money or other property,
  - (b) sponsorship provided in relation to the accredited campaigner (see paragraph 3),
  - (c) money spent by a person other than the accredited campaigner in paying petition expenses where—
    - (i) the petition expenses were incurred by or on behalf of the accredited campaigner, and
    - (ii) the payments are out of the person's own resources (with no right to reimbursement by the accredited campaigner),
  - (d) money lent to the accredited campaigner otherwise than on commercial terms,
  - (e) the provision, otherwise than on commercial terms, of property, services or facilities for the use or benefit of the accredited campaigner (including the services of a person), or
  - (f) in the case of an accredited campaigner other than an individual, a subscription or other fee paid for affiliation to, or membership of, the accredited campaigner.

But this sub-paragraph is subject to the exceptions in paragraph 4.

- (2) In sub-paragraph (1)(a), “gift” includes a transfer of money or other property where—
- (a) the transfer is in pursuance of a transaction or arrangement involving the provision by or on behalf of the accredited campaigner 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 is less than the value of the money, or the market value of the property, transferred.
- (3) Where, by virtue of sub-paragraph (1)(c), money spent constitutes a donation to an accredited campaigner, the accredited campaigner is 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.
- (4) In determining—
- (a) for the purposes of sub-paragraph (1)(d) whether money lent to an accredited campaigner is lent otherwise than on commercial terms, or
  - (b) for the purposes of sub-paragraph (1)(e) whether property, services or facilities provided for the use or benefit of an accredited campaigner is or are provided otherwise than on commercial terms,
- regard is to be had to the total value in monetary terms of the consideration provided by or on behalf of the accredited campaigner in respect of the loan or the provision of the property, services or facilities.
- (5) Where, apart from this sub-paragraph, anything would be a donation—
- (a) by virtue of sub-paragraph (1)(b), and
  - (b) by virtue of any other provision of this paragraph,
- sub-paragraph (1)(b) applies in relation to it to the exclusion of the other provision of this paragraph.

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- (6) A reference in this Schedule—
- (a) to property being transferred to the accredited campaigner includes property being transferred to any officer, member, trustee or agent of the accredited campaigner in his or her capacity as such, or
  - (b) to property, services or facilities being provided for the use or benefit of the accredited campaigner, includes property, services or facilities being provided for the use or benefit of any officer, member, trustee or agent of the accredited campaigner in his or her capacity as such.
- (7) In this paragraph—
- (a) references to a thing being given or transferred include its being given or transferred indirectly through a third person, and
  - (b) “gift” includes bequest.
- (8) For the purposes of this Schedule it is immaterial whether a donation is made or received in the United Kingdom or elsewhere.

**Commencement Information**

**I2** Sch. 4 para. 2 in force at 4.3.2016 by S.I. 2016/290, reg. 2

*Sponsorship*

- 3 (1) For the purposes of this Schedule sponsorship is provided in relation to an accredited campaigner if—
- (a) money or other property is transferred to the accredited campaigner or to any person for the benefit of the accredited campaigner, and
  - (b) the purpose (or one of the purposes) of the transfer is (or, having regard to all the circumstances, must reasonably be assumed to be)—
    - (i) to help the accredited campaigner with meeting, or to meet, to any extent, defined expenses incurred or to be incurred by or on behalf of the accredited campaigner, or
    - (ii) to secure that, to any extent, defined expenses are not incurred by or on behalf of the accredited campaigner.
- (2) “Defined expenses” means expenses in connection with—
- (a) a conference, meeting or other event organised by or on behalf of the accredited campaigner,
  - (b) the preparation, production or dissemination of any publication by or on behalf of the accredited campaigner, or
  - (c) study or research organised by or on behalf of the accredited campaigner.
- (3) But the following do not constitute sponsorship for the purposes of this Schedule—
- (a) the making of a payment in respect of a charge for admission to a conference, meeting or other event;
  - (b) the making of a payment in respect of the purchase price of, or any other charge for access to, any publication;
  - (c) the making of a payment in respect of the inclusion of an advertisement in any publication where the payment is made at a commercial rate.
- (4) The Minister may by regulations amend sub-paragraph (2) or (3).

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- (5) Before making regulations under this paragraph the Minister must consult the Electoral Commission.
- (6) Regulations under this paragraph are subject to affirmative resolution procedure.
- (7) In this paragraph “publication” means a publication made available in any form and by any means (whether or not to the public or any section of the public).

**Commencement Information**

- I3** Sch. 4 para. 3 partly in force; Sch. 4 para. 3(4)-(6) in force at Royal Assent, see s. 24(2)(e)
- I4** Sch. 4 para. 3(1)-(3) in force at 4.3.2016 by S.I. 2016/290, reg. 2

*Payments etc not to be regarded as donations*

- 4 (1) In this Schedule “donation” does not include—
  - (a) a donation as described in paragraph 2(1)(a) to (f)—
    - (i) whose amount, where the donation is of money, is £500 or less, or
    - (ii) whose value (as determined in accordance with paragraph 5), where the donation is not of money, is £500 or less,
  - (b) the provision by an individual of his or her own services where the services are provided voluntarily in his or her own time and free of charge,
  - (c) interest accruing to an accredited campaigner in respect of a donation which is dealt with by the accredited campaigner in accordance with paragraph 14(2) or 15(2) (duty to return donations from impermissible or unidentifiable donors), or
  - (d) a grant provided out of public funds.
- (2) “Provided out of public funds” has the same meaning as in PPERA 2000 (see section 160(4) of that Act).

**Commencement Information**

- I5** Sch. 4 para. 4 in force at 4.3.2016 by S.I. 2016/290, reg. 2

*Value of donations*

- 5 (1) This paragraph has effect for the purposes of this Schedule.
- (2) The value of a donation within paragraph 2(1)(a) is the value of the money or the market value of the property.
- (3) But where that provision applies by virtue of paragraph 2(2), the value of the donation is the difference between—
  - (a) the value of the money, or the market value of the property, and
  - (b) the total value in monetary terms of the consideration provided by or on behalf of the accredited campaigner.
- (4) The value of a donation within paragraph 2(1)(b) is—
  - (a) the value of the money transferred as mentioned in paragraph 3(1), or
  - (b) the market value of the property so transferred;

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and accordingly the value in monetary terms of any benefit conferred on the person providing the sponsorship in question is to be disregarded.

- (5) The value of a donation within paragraph 2(1)(d) is 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 accredited campaigner in respect of the loan if the loan had been made on commercial terms, and
  - (b) the total value in monetary terms of the consideration (if any) actually provided by or on behalf of the accredited campaigner in respect of the loan.
- (6) The value of a donation within paragraph 2(1)(e) is 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 accredited campaigner in respect of the provision of the property, services or facilities if 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 provided by or on behalf of the accredited campaigner in respect of the provision of the property, services or facilities.
- (7) Where a donation within paragraph 2(1)(d) or (e) confers an enduring benefit on the donee over a particular period, the value of the donation—
- (a) is to be determined at the time the donation is received, and
  - (b) must be determined by reference to the total benefit accruing to the donee over that period.

**Commencement Information**

**I6** Sch. 4 para. 5 in force at 4.3.2016 by S.I. 2016/290, reg. 2

*Meaning of “permissible donor”*

- 6 (1) In this Schedule “permissible donor” means—
- (a) a registered party <sup>F1</sup>...,
  - (b) an individual who is registered in an electoral register,
  - (c) a company incorporated in the United Kingdom or another member State that is registered under the Companies Act 2006 and carries on business in the United Kingdom,
  - (d) a trade union entered in the list kept under the Trade Union and Labour Relations (Consolidation) Act 1992 or the Industrial Relations (Northern Ireland) Order 1992 (S.I. 1992/807 (N.I. 5)),
  - (e) a building society (within the meaning of the Building Societies Act 1986),
  - (f) a limited liability partnership, registered under the Limited Liability Partnerships Act 2000, that carries on business in the United Kingdom,
  - (g) a friendly society registered under the Friendly Societies Act 1974, 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 (c. 24 (N.I.)), or

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- (h) an unincorporated association of two or more persons that is not within any of the preceding paragraphs but carries on business or other activities wholly or mainly in the United Kingdom and whose main office is there.
- (2) But “permissible donor” does not include, in relation to a recall petition in respect of an MP for a constituency in Great Britain, a party registered in the Northern Ireland register maintained by the Electoral Commission under Part 2 of PPERA 2000 (registration of political parties).
- (3) In relation to a donation in the form of a bequest, sub-paragraph (1)(b) has effect as if it referred to an individual who was, at any time within the period of 5 years ending with the date of his or her death, registered in an electoral register.
- (4) In this paragraph “an electoral register” means—
- (a) a register of parliamentary or local government electors maintained under section 9 of the Representation of the People Act 1983,
- F2(b) .....
- F2(c) .....

#### Textual Amendments

- F1** Words in Sch. 4 para. 6(1)(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)**)
- F2** Sch. 4 para. 6(4)(b)(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

- I7** Sch. 4 para. 6 in force at 4.3.2016 by [S.I. 2016/290, reg. 2](#)

#### *Return of donations*

- 7 References in this Schedule to returning a donation (however expressed) include returning an equivalent amount or, where the donation is not of money, returning an amount equivalent to the value of the donation.

#### Commencement Information

- I8** Sch. 4 para. 7 in force at 4.3.2016 by [S.I. 2016/290, reg. 2](#)

#### *Power to alter certain financial limits*

- 8 (1) The Minister may by regulations amend any of the following provisions so as to substitute a different amount for the amount for the time being mentioned in the provision—
- (a) paragraph 4(1)(a)(i) or (ii) (amount at or below which donation is to be disregarded);
- (b) paragraph 12(2) (amount above which donations made on behalf of other persons are treated as separate donations).

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- (2) Before making regulations under this paragraph the Minister must consult the Electoral Commission.
- (3) Regulations under this paragraph are subject to affirmative resolution procedure.
- (4) Sub-paragraphs (2) and (3) do not apply where the Minister considers that the substitution is expedient in consequence of changes in the value of money.

## PART 2

### CONTROL OF DONATIONS

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

- 9 A relevant donation received by an accredited campaigner must not be accepted by the accredited campaigner if—
- (a) the donor is not, at the time of its receipt, a permissible donor, or
  - (b) the accredited campaigner is unable to ascertain the identity of the donor (whether because the donation is given anonymously or by reason of any deception or concealment or otherwise).

#### **Commencement Information**

**I9** Sch. 4 para. 9 in force at 4.3.2016 by S.I. 2016/290, reg. 2

#### *Donations treated as received or not received from permissible donors*

- 10 (1) For the purposes of this Schedule—
- (a) a relevant donation received by an accredited campaigner which is an exempt trust donation is treated as a relevant donation received from a permissible donor;
  - (b) any other relevant donation received by an accredited campaigner from a trustee of any property (in the trustee's capacity as such) is treated as a relevant donation received otherwise than from a permissible donor.
- (2) Sub-paragraph (1)(b) does not apply to a relevant donation transmitted by the trustee to the accredited campaigner on behalf of beneficiaries under the trust all of whom are—
- (a) persons who are, at the time of its receipt, permissible donors, or
  - (b) members of an unincorporated association which is, at that time, a permissible donor.

#### **Commencement Information**

**I10** Sch. 4 para. 10 in force at 4.3.2016 by S.I. 2016/290, reg. 2

#### *Meaning of “exempt trust donation” in paragraph 10*

- 11 (1) In paragraph 10 “exempt trust donation” means a donation that—

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- (a) meets condition A or B, and
  - (b) is not received from a trustee of any property pursuant to the exercise of any discretion vested by a trust in the trustee or any other person.
- (2) Condition A is that—
- (a) the donation is received from a trustee of any property in accordance with the terms of a relevant trust, and
  - (b) at or before the time of the receipt of the donation, the trustee gives the recipient of the donation 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 that date.
- (3) “Relevant trust” means a trust—
- (a) which was created before 27th July 1999,
  - (b) to which no property has been transferred on or after that date, and
  - (c) whose terms have not been varied on or after that date.
- (4) Condition B is that—
- (a) the donation is received from a trustee of any property in accordance with the terms of a qualifying trust, and
  - (b) at or before the time of the receipt of the donation, the trustee gives the recipient of the donation all such details in respect of the donor as are required by paragraph 3(1)(a)(iii) of Schedule 5 (recall petition returns).
- (5) “Qualifying trust” means a trust—
- (a) which was created by—
    - (i) a person who was a permissible donor at the time the trust was created, or
    - (ii) in the case of a donation in the form of a bequest, the will of an individual within paragraph 6(3), and
  - (b) to which no property has been transferred otherwise than—
    - (i) by a person who was a permissible donor at the time of the transfer, or
    - (ii) in the case of a donation in the form of a bequest, under the will of an individual within paragraph 6(3).
- (6) In this paragraph—
- (a) “property”, in the context of the transfer of property to a trust, does not include income of the trust;
  - (b) “trust” includes a trust created by a will;
  - (c) a reference to a donation received from a trustee—
    - (i) is a reference to a donation received from the trustee in the trustee's capacity as such, but
    - (ii) does not include a donation transmitted on behalf of a beneficiary under a trust.

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**Commencement Information**

**III** Sch. 4 para. 11 in force at 4.3.2016 by S.I. 2016/290, reg. 2



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*Donations made on behalf of other persons*

- 12 (1) Sub-paragraphs (2) and (3) apply where—
- (a) a person (“the agent”) causes an amount (“the relevant amount”) to be received by an accredited campaigner—
    - (i) on behalf of the agent and one or more other persons, or
    - (ii) on behalf of two or more other persons, and
  - (b) the agent acts as mentioned in paragraph (a) for the purpose of—
    - (i) meeting petition expenses incurred by or on behalf of the accredited campaigner, or
    - (ii) securing that petition expenses are not so incurred.
- (2) For the purposes of this Schedule each individual contribution by a person within sub-paragraph (1)(a)(i) or (ii) of more than £500 is treated as if it were a separate donation received from that person.
- (3) In relation to each such separate donation, the agent must ensure that, at the time when the relevant amount is received by the accredited campaigner, the responsible person is given—
- (a) all such details in respect of the donation as are required by paragraph 3(1)(a)(i) of Schedule 5 (recall petition returns), and
  - (b) except in the case of a donation which the agent is treated as making, all such details in respect of the donor as are required by paragraph 3(1)(a)(iii) of that Schedule.
- (4) Sub-paragraph (5) applies where a person (“the agent”) causes an amount to be received by an accredited campaigner by way of a relevant donation on behalf of one other person (“the donor”).
- (5) The agent must ensure that, at the time when the donation is received by the accredited campaigner, the responsible person is given all such details in respect of the donor as are required by paragraph 3(1)(a)(iii) of Schedule 5.
- (6) A person commits an offence if, without reasonable excuse, the person fails to comply with sub-paragraph (3) or (5).
- (7) A person guilty of an offence under this paragraph is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding 12 months or a fine (or both), and
  - (b) on summary conviction—
    - (i) in England and Wales, to imprisonment for a term not exceeding [F3the general limit in a magistrates’ court] or a fine (or both),
    - (ii) in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both), and
    - (iii) in Northern Ireland, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both).

**Textual Amendments**

- F3** Words in Sch. 4 para. 12(7)(b)(i) substituted (E.W.) (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates’ Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), [Sch. Pt. 1](#) table

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**Commencement Information**

**I12** Sch. 4 para. 12 in force at 4.3.2016 by S.I. 2016/290, reg. 2

*Duty to verify identity of donor*

- 13 (1) This paragraph applies where—
- (a) a relevant donation is received by an accredited campaigner, and
  - (b) it is not immediately decided that the accredited campaigner should (for whatever reason) refuse the donation.
- (2) All reasonable steps must be taken immediately by or on behalf of the accredited campaigner to verify (or, so far as any of the following is not apparent, ascertain)—
- (a) the identity of the donor,
  - (b) whether the donor is a permissible donor, and
  - (c) if it appears that the donor is a permissible donor, all such details in respect of the donor as are required by paragraph 3(1)(a)(iii) of Schedule 5 (recall petition returns).

**Commencement Information**

**I13** Sch. 4 para. 13 in force at 4.3.2016 by S.I. 2016/290, reg. 2

*Duty to return donations from impermissible donors*

- 14 (1) This paragraph applies where an accredited campaigner receives a relevant donation which the accredited campaigner is prohibited from accepting by virtue of paragraph 9(a) (impermissible donor) but not by virtue of paragraph 9(b) (unidentifiable donor).
- (2) The donation must, before the end of the period of 30 days beginning with the day on which the donation is received, be returned to—
- (a) the donor, or
  - (b) any person appearing to be acting on that person's behalf.
- (3) If sub-paragraph (2) is not complied with, an offence is committed by—
- (a) the accredited campaigner, and
  - (b) the responsible person.
- (4) It is a defence for a person charged with an offence under this paragraph to show that—
- (a) all reasonable steps were taken by or on behalf of the accredited campaigner to verify (or ascertain) whether the donor was a permissible donor, and
  - (b) as a result, the relevant person believed the donor to be a permissible donor.
- (5) “The relevant person” means—
- (a) where the person charged with the offence is an individual, that individual, and
  - (b) otherwise, the responsible person.
- (6) A person guilty of an offence under this paragraph is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding 12 months or a fine (or both), and

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- (b) on summary conviction—
  - (i) in England and Wales, to imprisonment for a term not exceeding [<sup>F4</sup>the general limit in a magistrates’ court] or a fine (or both),
  - (ii) in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both), and
  - (iii) in Northern Ireland, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both).

#### Textual Amendments

- F4** Words in Sch. 4 para. 14(6)(b)(i) substituted (E.W.) (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates’ Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), 2(1), Sch. Pt. 1 table

#### Commencement Information

- I14** Sch. 4 para. 14 in force at 4.3.2016 by S.I. 2016/290, reg. 2

#### *Duty to return donations from unidentifiable donors*

- 15 (1) This paragraph applies where an accredited campaigner receives a relevant donation which the accredited campaigner is prohibited from accepting by virtue of paragraph 9(b) (unidentifiable donor).
- (2) The donation must be returned to the appropriate person before the end of the period of 30 days beginning with the day on which the donation is received.
- (3) “The appropriate person” means—
- (a) where the donation was transmitted by a person other than the donor, and the identity of that person is apparent, that person,
  - (b) where the identity of the person by whom the donation was transmitted is not apparent, but it is apparent that the donor has, in connection with the donation, used any facility provided by an identifiable financial institution, that institution, and
  - (c) in any other case, the Electoral Commission.
- (4) If sub-paragraph (2) is not complied with an offence is committed by—
- (a) the accredited campaigner, and
  - (b) the responsible person.
- (5) A person guilty of an offence under this paragraph is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding 12 months or a fine (or both), and
  - (b) on summary conviction—
    - (i) in England and Wales, to imprisonment for a term not exceeding [<sup>F5</sup>the general limit in a magistrates’ court] or a fine (or both),
    - (ii) in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both), and
    - (iii) in Northern Ireland, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both).

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- (6) The Electoral Commission must pay into the Consolidated Fund any amount received by virtue of this paragraph.

**Textual Amendments**

- F5** Words in [Sch. 4 para. 15\(5\)\(b\)\(i\)](#) substituted (E.W.) (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), [Sch. Pt. 1](#) table

**Commencement Information**

- I15** [Sch. 4 para. 15](#) in force at 4.3.2016 by [S.I. 2016/290](#), [reg. 2](#)

*Circumstances in which donations treated as accepted or received*

- 16 (1) A relevant donation received by an accredited campaigner that is not accepted before the end of the period of 30 days beginning with the day on which it is received is treated for the purposes of this Act as accepted by the accredited campaigner at the end of that period.
- (2) Sub-paragraph (1) does not apply where—
- (a) paragraph 14(2) or 15(2) (return of donations from impermissible or unidentifiable donors) has been complied with in relation to the donation, and
  - (b) a record can be produced of the receipt of the donation, and of the donation being returned as required by paragraph 14(2) or 15(2).
- (3) Where a relevant donation is received by an accredited campaigner in the form of an amount paid into an account held by the accredited campaigner with a financial institution, it is treated for the purposes of this Act as received at the time the accredited campaigner is notified in the usual way of the payment into the account.

**Commencement Information**

- I16** [Sch. 4 para. 16](#) in force at 4.3.2016 by [S.I. 2016/290](#), [reg. 2](#)

*Forfeiture of donations made by impermissible or unidentifiable donors*

- 17 (1) This paragraph applies where an accredited campaigner accepts a relevant donation in contravention of paragraph 9.
- (2) The court may, on an application made by the Electoral Commission, order the forfeiture by the accredited campaigner of an amount equal to—
- (a) the amount of the donation, where it is of money, or
  - (b) the value of the donation, where it is not of money.
- (3) The standard of proof in proceedings on an application under this paragraph is that applicable to civil proceedings.
- (4) An order may be made under this paragraph whether or not proceedings are brought against any person for an offence connected with the donation.
- (5) In this paragraph “the court” means—

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- (a) in relation to England and Wales, a magistrates' court;
  - (b) in relation to Scotland, the sheriff;
  - (c) in relation to Northern Ireland, a court of summary jurisdiction.
- (6) Proceedings on an application under this paragraph to the sheriff are civil proceedings.

**Commencement Information**

**I17** Sch. 4 para. 17 in force at 4.3.2016 by S.I. 2016/290, reg. 2

*Appeal against order under paragraph 17*

- 18 (1) Sub-paragraphs (2) to (5) apply where an order is made under paragraph 17 by—
- (a) a magistrates' court, or
  - (b) a court of summary jurisdiction in Northern Ireland.
- (2) The accredited campaigner may, before the end of the period of 30 days beginning with the day on which the order is made, appeal to the Crown Court or, in Northern Ireland, to a county court.
- (3) An appeal under sub-paragraph (2) is by way of a rehearing.
- (4) The standard of proof in proceedings on an appeal under sub-paragraph (2) is that applicable to civil proceedings.
- (5) The court on hearing an appeal under sub-paragraph (2)—
- (a) may make such order as it considers appropriate, and
  - (b) may make an order whether or not proceedings are brought against any person for an offence connected with the donation.
- (6) Where an order is made under paragraph 17 by the sheriff, the accredited campaigner may appeal against the order to the Court of Session.

**Commencement Information**

**I18** Sch. 4 para. 18 in force at 4.3.2016 by S.I. 2016/290, reg. 2

*Supplementary provision about orders under paragraph 17 or 18*

- 19 (1) Provision may be made by rules of court—
- (a) with respect to applications or appeals under paragraph 17 or 18 to any court,
  - (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, or
  - (d) otherwise in respect of the procedure under those paragraphs before any court.
- (2) Sub-paragraph (1) is without prejudice to the generality of any other power to make rules of court.
- (3) Any amount forfeited in compliance with an order under paragraph 17 or 18 must be paid into the Consolidated Fund.

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- (4) Sub-paragraph (3) does not apply—
- (a) where the forfeiture was ordered under paragraph 17 by a magistrates' court or a court of summary jurisdiction in Northern Ireland, before the end of the period of 30 days beginning with the day on which the order is made;
  - (b) where the forfeiture was ordered by the sheriff under paragraph 17, before the end of any period within which, in accordance with rules of court, any appeal under paragraph 18(6) must be made;
  - (c) where an appeal is made under paragraph 18, before the appeal is determined or otherwise disposed of.
- (5) Where the accredited campaigner is an unincorporated body—
- (a) proceedings under paragraph 17 or 18 are to be brought against or by the body in its own name (and not in that of any of its members),
  - (b) for the purposes of any such proceedings, any rules of court relating to the service of documents apply as if the body were a body corporate, and
  - (c) any amount forfeited in accordance with an order under paragraph 17 or 18 is to be paid out of the funds of the body.

#### **Commencement Information**

**I19** Sch. 4 para. 19 in force at 4.3.2016 by S.I. 2016/290, reg. 2

#### *Evasion of restrictions on donations*

- 20 (1) A person commits an offence if the person—
- (a) knowingly enters into an evasion arrangement, or
  - (b) knowingly does any act in furtherance of an evasion arrangement.
- (2) “An evasion arrangement” is any arrangement which facilitates or is likely to facilitate, whether by means of any concealment or disguise or otherwise, the making of relevant donations to an accredited campaigner by any person other than a permissible donor.
- (3) A person commits an offence if the person knowingly gives the responsible person in relation to an accredited campaigner—
- (a) information relating to the amount or value of any relevant donation made to the accredited campaigner which is false in a material particular, or
  - (b) information relating to the person making such a donation which is false in a material particular.
- (4) A person commits an offence if the person, with intent to deceive, withholds from the responsible person in relation to an accredited campaigner—
- (a) material information relating to the amount or value of any relevant donation made to the accredited campaigner, or
  - (b) material information relating to the person making such a donation.
- (5) A person guilty of an offence under this paragraph is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding 12 months or a fine (or both), and
  - (b) on summary conviction—

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- (i) in England and Wales, to imprisonment for a term not exceeding [<sup>F6</sup>the general limit in a magistrates' court] or a fine (or both),
- (ii) in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both), and
- (iii) in Northern Ireland, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both).

#### Textual Amendments

**F6** Words in [Sch. 4 para. 20\(5\)\(b\)\(i\)](#) substituted (E.W.) (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), [Sch. Pt. 1](#) table

#### Commencement Information

**I20** [Sch. 4 para. 20](#) in force at 4.3.2016 by [S.I. 2016/290](#), [reg. 2](#)

#### *Further provision about offences under this Schedule*

- 21 (1) The following provisions of PPERA 2000 apply in relation to offences under this Schedule as they apply in relation to offences under that Act—
- (a) section 151 (summary proceedings);
  - (b) section 152 (offences committed by bodies corporate);
  - (c) section 153 (offences committed by unincorporated associations);
  - (d) section 154 (court to report convictions to Electoral Commission).
- (2) In paragraphs 12(7)(b)(i), 14(6)(b)(i), 15(5)(b)(i) and 20(5)(b)(i)—
- (a) the reference to [<sup>F7</sup>the general limit in a magistrates' court] is to be read as a reference to 6 months in relation to an offence committed before [<sup>F8</sup>2 May 2022], and
  - (b) the reference to a fine is to be read as a reference to a fine not exceeding the statutory maximum in relation to an offence committed before section 85(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 comes into force.

#### Textual Amendments

**F7** Words in [Sch. 4 para. 21\(2\)\(a\)](#) substituted (E.W.) (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), [Sch. Pt. 1](#) table

**F8** Words in [Sch. 4 para. 21\(2\)\(a\)](#) substituted (28.4.2022) by [The Criminal Justice Act 2003 \(Commencement No. 33\) and Sentencing Act 2020 \(Commencement No. 2\) Regulations 2022 \(S.I. 2022/500\)](#), regs. 1(2), 5(1), [Sch. Pt. 1](#)

#### Commencement Information

**I21** [Sch. 4 para. 21](#) in force at 4.3.2016 by [S.I. 2016/290](#), [reg. 2](#)

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*Changes to legislation: There are currently no known outstanding effects for the Recall of MPs Act 2015, SCHEDULE 4. (See end of Document for details)*

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*Application of defined terms in PPERA 2000*

- 22 In this Schedule, the following expressions have the same meaning as in PPERA 2000: “bequest”; “business”; <sup>F9</sup> ... “market value”; “property” (see section 160(1) of that Act).

**Textual Amendments**

- F9** Words in Sch. 4 para. 22 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**

- I22** Sch. 4 para. 22 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, SCHEDULE 4.