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**Changes to legislation:** There are currently no known outstanding effects for the Recall of MPs Act 2015, Cross Heading: Donations: general rules. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 4

#### CONTROL OF DONATIONS TO ACCREDITED CAMPAIGNERS

##### PART 1

###### INTRODUCTION AND INTERPRETATION

###### *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.

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- (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.
- (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.

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**Commencement Information**

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

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