



Elections Act 2022

2022 CHAPTER 37

PART 4

REGULATION OF EXPENDITURE

Controlled expenditure etc

28 Recognised third parties: changes to existing limits etc

- (1) In section 85 of PPERA (controlled expenditure by third parties), before subsection (6) insert—

“(5B) “The lower-tier expenditure limits”, in relation to controlled expenditure incurred by or on behalf of a recognised third party, means the limits specified in section 94(5) (limits on controlled expenditure incurred in a part of the UK); and a recognised third party is subject to those limits if the notification given by the third party under section 88(1), as it has effect for the time being, contains a statement within section 88(3D).”

- (2) Section 88 of PPERA (third parties recognised for the purposes of Part 6) is amended in accordance with [subsections \(3\) to \(6\)](#).

- (3) After subsection (3C) insert—

“(3D) A notification given under subsection (1) by a third party so as to be subject to the lower-tier expenditure limits must contain a statement to that effect.”

- (4) In subsection (6)—

- (a) in paragraph (a), after “statements” insert “within subsection (3)”;
(b) in paragraph (b)—
(i) after “any statement” insert “within subsection (3)”;
(ii) for “subsection (3)” substitute “that subsection”.

- (5) After subsection (6) insert—

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- “(6A) In a case where the original notification, as it has effect for the time being, contains a statement within subsection (3D), the renewal notification must either—
- (a) confirm that the statement is to continue to have effect, or
 - (b) indicate that the statement is withdrawn.”
- (6) In subsection (8), for the words from “any statement” to the end substitute—
- “(a) any statement within subsection (3) that is contained in the original notification, as it has effect for the time being, is replaced by some other statement conforming with that subsection that is contained in the notification of alteration, or
 - (b) any statement within subsection (3D) that is contained in the original notification, as it has effect for the time being, is withdrawn.”
- (7) Section 94 of PPERA (limits on controlled expenditure by third parties) is amended in accordance with [subsections \(8\) to \(10\)](#).
- (8) In subsection (3)—
- (a) in paragraph (a), for “either” substitute “any of the following sub-paragraphs applies—
 - (ai) during a regulated period in relation to which any limit is imposed by paragraph 3, 7, 9, 10 or 11 of Schedule 10 (periods involving parliamentary general elections or general elections to the Northern Ireland Assembly), any controlled expenditure is incurred by or on behalf of a third party in excess of £10,000;”;
 - (b) at the end of paragraph (a)(i), for “, or” substitute “,.”;
 - (c) for paragraph (b) substitute—
 - “(b) the third party—
 - (i) in a case within paragraph (a)(ai) or (ii), is not a recognised third party;
 - (ii) in a case within paragraph (a)(i), is not a recognised third party or, where the regulated period is one in relation to which any limit is imposed by paragraph 3, 7, 9, 10 or 11 of Schedule 10, is a recognised third party but is subject to the lower-tier expenditure limits.”
- (9) After subsection (4) insert—
- “(4ZA) In its application to a case within subsection (3)(a)(i) where the third party is a recognised third party that is subject to the lower-tier expenditure limits, the reference in subsection (4)(a)(i) to any person who authorised the expenditure to be incurred is to be read as a reference to the responsible person.”
- (10) After subsection (10) insert—
- “(10A) Where an offence under subsection (4) is committed in the case of a recognised third party that is subject to the lower-tier expenditure limits—
- (a) the third party ceases to be subject to those limits at the time the offence is committed, and

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- (b) this Part then applies to the third party as if the notification under section 88(1) which is for the time being in force in relation to the third party did not contain a statement under section 88(3D).”
- (11) In section 94A of PPERA (arrangements between third parties notified to the Commission), after subsection (5) insert—
- “(5A) A recognised third party that is subject to the lower-tier expenditure limits may not send a notice under subsection (1).”
- (12) The following subsection: “() This section does not apply in relation to a recognised third party that is subject to the lower-tier expenditure limits.”—
- (a) is inserted after the provision of PPERA mentioned in the left-hand column of the following table, and
- (b) is inserted after that provision with the applicable number mentioned in the right-column of the table.

<i>Provision of PPERA</i>	<i>Number of inserted subsection</i>
Section 91(4) (restriction on payments in respect of controlled expenditure)	(4A)
Section 92(7) (restriction on making claims in respect of controlled expenditure)	(7A)
Section 95A(10) (quarterly donation reports)	(10A)
Section 95B(10) (weekly donation reports during general election periods)	(10A)
Section 95D(7) (forfeiture)	(8)
Section 96(8) (returns as to controlled expenditure)	(9)

- (13) The amendments made by the preceding provisions of this section have effect only in relation to reserved regulated periods beginning on or after the day on which this section comes fully into force.
- (14) In subsection (13), “reserved regulated period” means a period in relation to which any limit is imposed by paragraph 3, 7, 9, 10 or 11 of Schedule 10 to PPERA (periods involving parliamentary general elections or general elections to the Northern Ireland Assembly).

Commencement Information

- I1** S. 28 not in force at Royal Assent, see **s. 67(1)**
- I2** S. 28 in force at 24.11.2022 by **S.I. 2022/1226, reg. 2(c)**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 8 para. 12(4)(da) inserted by [2023 c. 55 Sch. 4 para. 230](#)
- Sch. 9 para. 35(ea) inserted by [2023 c. 47 s. 3\(3\)](#)