



# Political Parties, Elections and Referendums Act 2000

## 2000 CHAPTER 41

### PART X

#### MISCELLANEOUS AND GENERAL

#### *Supplementary*

#### **156 Orders and regulations**

- (1) Any power of the Secretary of State to make any order or regulations under this Act shall be exercised by statutory instrument.
- (2) Subject to subsections (3) and (4), a statutory instrument containing any order or regulations made under this Act by the Secretary of State shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Subsection (2) does not apply to—
  - (a) any order under section 16(3) or 163(2) or paragraph 14(7) of Schedule 1; or
  - (b) any order made in pursuance of section 155(2)(a).
- (4) Subsection (2) also does not apply to any order under—
  - (a) section 18(1),
  - (b) section 51(4),
  - (c) section 67(1),
  - (d) section 70(1),
  - (e) section 101(4),
  - (f) section 108(3),
  - (g) section 109(6),
  - (h) section 129,
  - (i) paragraph 3(4) of Schedule 7,

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- (j) paragraph 4 of Schedule 8,
- (k) paragraph 3(4) of Schedule 11,
- (l) paragraph 4 of Schedule 13,
- (m) paragraph 2 of Schedule 14, or
- (n) paragraph 3(4) of Schedule 15;

and no such order shall be made (whether alone or with other provisions) unless a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament.

- (5) Any order or regulations made by the Secretary of State under this Act may—
  - (a) contain such consequential, incidental, supplementary or transitional provisions or savings (including provisions amending, repealing or revoking enactments) as the Secretary of State considers appropriate; and
  - (b) make different provision for different cases.
- (6) Nothing in this Act shall be read as affecting the generality of subsection (5) (including that subsection as applied by section 19(9)).
- (7) Paragraphs 21 to 23 of Schedule 1 contain provisions relating to regulations made by the Commission.

#### **157 Documents for purposes of the Act**

- (1) Any application, notice or notification required or authorised to be made or given under this Act must be in writing.
- (2) Any document required or authorised to be given or sent under this Act may be sent by post.

#### **158 Minor and consequential amendments and repeals**

- (1) The minor and consequential amendments specified in Schedule 21 shall have effect.
- (2) The enactments specified in Schedule 22 are repealed to the extent specified.
- (3) However, none of the repeals—
  - (a) of provisions of Part II or III of the Representation of the People Act 1983 (election campaigns and legal proceedings in respect of elections), or
  - (b) of provisions amending any of those provisions,have effect in relation to local government elections in Scotland.

#### **159 Financial provisions**

- (1) There shall be paid out of money provided by Parliament—
  - (a) any expenses incurred by the Secretary of State in consequence of this Act; and
  - (b) any increase attributable to this Act in the sums which under any other Act are payable out of money so provided.
- (2) There shall be charged on and paid out of the Consolidated Fund any increase attributable to this Act in the sums to be charged on and paid out of that Fund under any other Act.

## 160 General interpretation

(1) In this Act—

“accounting unit” and “party with accounting units” shall be construed in accordance with section 26(11);

“bequest” includes any form of testamentary disposition;

“body”, without more, means a body corporate or any combination of persons or other unincorporated association;

“broadcaster” has the meaning given by section 37(2);

“business” includes every trade, profession and occupation;

“central organisation”, in relation to a registered party, shall be construed in accordance with section 26(11);

“the Commission” means the Electoral Commission;

“document” means a document in whatever form it is kept;

“enactment” includes—

(a) any provision of an Act (including this Act),

(b) any provision of or of any instrument made under Northern Ireland legislation, and

(c) any provision of subordinate legislation (within the meaning of the Interpretation Act 1978);

“exempt trust donation” has the meaning given by section 162;

“functions” includes powers and duties;

“the Great Britain register” and “the Northern Ireland register” mean the registers of political parties referred to in section 23(2)(a) and (b) respectively;

“local election”, in relation to Northern Ireland, means a local election within the meaning of the Electoral Law Act (Northern Ireland) 1962;

“local government election” means a local government election within the meaning of section 191, 203 or 204 of the Representation of the People Act 1983 or an election under Part II of the Local Government Act 2000 for the return of an elected mayor;

“market value”, in relation to any property, means the price which might reasonably be expected to be paid for the property on a sale in the open market;

“minor party” means (in accordance with section 34(1)) a party registered in the Great Britain register in pursuance of a declaration falling within section 28(2)(d);

“modifications” includes additions, omissions and amendments, and “modify” shall be construed accordingly;

“organisation” includes any body corporate and any combination of persons or other unincorporated association;

“property” includes any description of property, and references to the provision of property accordingly include the supply of goods;

“qualified auditor” means (subject to subsection (2)) a person who is, in accordance with section 25 of the Companies Act 1989 or Article 28 of the Companies (Northern Ireland) Order 1990 (eligibility for appointment), eligible for appointment as a company auditor;

“record” means a record in whatever form it is kept;

“registered party” means a party registered under Part II of this Act;

“treasurer”, in relation to a registered party, means registered treasurer.

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- (2) A person is not a qualified auditor in relation to any registered party or any other body or individual if he is—
- (a) a member of the party or body or the individual himself, or
  - (b) an officer or employee of the party, body or individual.
- For this purpose “officer or employee” does not include an auditor.
- (3) References in this Act to a person standing for election in the name of a registered party shall be construed in accordance with section 22(6).
- (4) References in this Act (in whatever terms) to payments out of public funds are references to any of the following, namely—
- (a) payments out of—
    - (i) the Consolidated Fund of the United Kingdom, the Scottish Consolidated Fund or the Consolidated Fund of Northern Ireland, or
    - (ii) money provided by Parliament or appropriated by Act of the Northern Ireland Assembly;
  - (b) payments by—
    - (i) any Minister of the Crown, the Scottish Ministers or any Minister within the meaning of the Northern Ireland Act 1998,
    - (ii) any government department (including a Northern Ireland department) or any part of the Scottish Administration, or
    - (iii) the National Assembly for Wales;
  - (c) payments by the Scottish Parliamentary Corporate Body or the Northern Ireland Assembly Commission; and
  - (d) payments by the Electoral Commission;
- and references in this Act (in whatever terms) to expenses met, or things provided, out of public funds are references to expenses met, or things provided, by means of any such payments.
- (5) References in this Act to conditions, in the context of grants being made subject to conditions, include conditions requiring repayment of the grants in specified circumstances.

## **161 Interpretation: donations**

- (1) This section has effect for the purposes of the provisions of this Act relating to donations.
- (2) Where any provision of this Act refers to a donation for the purpose of meeting a particular kind of expenses incurred by or on behalf of a person of a particular description—
- (a) the reference includes a reference to a donation for the purpose of securing that any such expenses are not so incurred; and
  - (b) a donation shall be taken to be a donation for either of those purposes if, having regard to all the circumstances, it must be reasonably assumed to be such a donation.
- (3) Subsections (4) and (5) apply to any provision of this Act which provides, in relation to a person of a particular description (“the donee”), that money spent (otherwise than by or on behalf of the donee) in paying any expenses incurred directly or indirectly by the donee is to constitute a donation to the donee.

- (4) The reference in any such provision to money so spent is a reference to money so spent by a person, other than the donee, out of his own resources (with no right to reimbursement out of the resources of the donee).
- (5) Where by virtue of any such provision any amount of money so spent constitutes a donation to the donee, the donee shall be 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.
- (6) For the purposes of this Act it is immaterial whether a donation received by a registered party or a person of any other description is so received in the United Kingdom or elsewhere.

## **162 Interpretation: exempt trust donations**

- (1) For the purposes of this Act “exempt trust donation” means a donation to which subsection (2) or (3) applies, other than one falling within subsection (5).
- (2) This subsection applies to any donation received from a trustee of any property in accordance with the terms of 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,provided that, 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) This subsection applies to any donation received from a trustee of any property in accordance with the terms of a trust—
  - (a) which was created by—
    - (i) a person who was a permissible donor falling within section 54(2) at the time when the trust was created, or
    - (ii) the will of a person falling within section 54(3), and
  - (b) to which no property has been transferred otherwise than—
    - (i) by a person who was a permissible donor falling within section 54(2) at the time of the transfer, or
    - (ii) under the will of a person falling within section 54(3),provided that, at or before the time of the receipt of the donation, the trustee gives the recipient of the donation the relevant information.
- (4) For the purposes of subsection (3) “the relevant information” means the information which is required by virtue of paragraph 2 of Schedule 6 to be given in respect of a recordable donation to which that subsection applies.
- (5) A donation falls within this subsection if it is received from a trustee of any property pursuant to the exercise of any discretion vested by a trust in him or any other person.
- (6) In this section—
  - (a) “donation” means a donation for the purposes of the provisions of this Act in which the relevant reference to an exempt trust donation occurs;

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- (b) “property”, in the context of the transfer of property to a trust, does not include any income of the trust;
- (c) “trust” includes a trust created by a will; and
- (d) any reference to a donation received from a trustee is a reference to a donation received from a trustee in his capacity as such, other than a donation transmitted on behalf of a beneficiary under a trust.

### **163 Short title, commencement, transitional provisions and extent**

- (1) This Act may be cited as the Political Parties, Elections and Referendums Act 2000.
- (2) Subject to subsections (3) and (4), this Act does not come into force until such day as the Secretary of State may by order appoint; and different days may be so appointed for different purposes.
- (3) The following provisions come into force on the day on which this Act is passed—
  - (a) sections 1 to 3 and Schedules 1 and 2,
  - (b) sections 156, 159 and 160, and paragraph 12(1) and (4) of Schedule 21,
  - (c) this section, and Part II of Schedule 23, and
  - (d) any other provision so far as it confers power to make an order or regulations.
- (4) The following provisions come into force at the end of the period of two weeks beginning with the day on which this Act is passed—
  - (a) section 36,
  - (b) Part I of Schedule 23, and
  - (c) any provision of Part II of this Act so far as necessary for the purposes of the operation of any provision of Part I of that Schedule.
- (5) An order under subsection (2) may contain such transitional provisions and savings (including provisions modifying enactments) as the Secretary of State considers appropriate.
- (6) Such an order may, in particular, make provision as respects the operation of any financial limit imposed by any provision of this Act in cases where a period in relation to which any such limit is imposed would otherwise begin at a time before the commencement of that provision of this Act.
- (7) The transitional provisions contained in Schedule 23 shall have effect.
- (8) Subject to subsections (9) and (10), this Act extends to the whole of the United Kingdom.
- (9) Part IX and paragraphs 2 and 3 of Schedule 12 and paragraphs 12 and 13 of Schedule 23 extend to England, Wales and Scotland.
- (10) Subject to any express limitation contained in this Act, the extent of any amendment or repeal made by this Act is the same as that of the enactment amended or repealed.