STATUTORY INSTRUMENTS

2016 No. 745 (L. 10)

MAGISTRATES' COURTS, ENGLAND AND WALES

The Magistrates' Courts (Forfeiture of Political Donations) (Amendment) Rules 2016

Made - - - -	*12th July 2016*
Laid before Parliament	*14th July 2016*
Coming into force - -	*8th August 2016*

The Lord Chief Justice, with the concurrence of the Lord Chancellor, and in exercise of the powers conferred by section 144(1) of the Magistrates' Courts Act 1980(**1**) and paragraph 19(1) of Schedule 4 to the Recall of MPs Act 2015(**2**), makes the following Rules.

Citation and commencement and interpretation

1.—(1) These Rules may be cited as the Magistrates' Courts (Forfeiture of Political Donations) (Amendment) Rules 2016 and come into force on 8th August 2016.

(2) In these Rules, "the 2003 Rules" mean the Magistrates' Courts (Forfeiture of Political Donations) Rules 2003(**3**) and a reference to a rule by number alone means the rule so numbered in the 2003 rules.

Amendment to the 2003 Rules

2. In rule 1(2)—

(a) before paragraph (a) insert—

"(za)   the "2015 Act" means the Recall of MPs Act 2015;";

(b) for paragraphs (d) (definition of "forfeiture order") and (e) (definition of "respondent"), substitute—

"(d)   "forfeiture order" means—

(**1**) 1980 c. 43. Section 144(1) was amended by section 15(1) of, and paragraphs 99 and 102(1) and (3)(a) and (b) of Part 1 of Schedule 4 to, the Constitutional Reform Act 2005 (c. 4), section 109(1), paragraph 245(1) and (2) of Schedule 8 to, the Courts Act 2003 (c. 39), article 3(2), paragraph 1(1) and (4) of Schedule 2 to, S.I. 2012/2398, section 17(6) of, and paragraph 39 and 52 of Part 2 and paragraph 99 of Part 3 of Schedule 10 to, the Crime and Courts Act 2013 (c. 22).
(**2**) 2015 c. 25.
(**3**) S.I. 2003/1645, which was amended by S.I. 2005/617.

(i) an order pursuant to section 58(2), including an order made under section 58(2) as applied by—

   (aa) paragraph 8 of Schedule 7;

   (bb) paragraph 7 of Schedule 11;

   (cc) paragraph 7 of Schedule 15; or

   (dd) paragraph 7 of Schedule 2A to the Representation of the People Act 1983(**4**);

(ii) an order made under section 65(6);

(iii) an order made under paragraph 12(4) of Schedule 7; or

(iv) an order pursuant to paragraph 17 of Schedule 4 to the 2015 Act; and

(e) "respondent" means, as appropriate, the registered party, regulated donee, recognised third party, permitted participant, candidate or election agent or accredited campaigner against whom a forfeiture order referred to in paragraph (d) (i) to (iv) is sought.".

3. In rule 2(1), for "or B1", substitute "B1 or C".

4. In the Schedule to the 2003 rules, after Form B1, insert Form C as set out in the Schedule to these Rules.

Thomas of Cwmgiedd
The Lord Chief Justice

16th May 2016

I concur

Edward Faulks
Minister of State
Ministry of Justice

12th July 2016

(**4**) 1983 c. 2. Schedule 2A was inserted by section 130(1) to (3) and (4) of, and Schedule 16 to, the Political Parties, Elections and Referendums Act 2000 (c. 41).

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SCHEDULE   Rule 4

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Form C

Application for Forfeiture pursuant to paragraph 17 of Schedule 4 to the 2015 Act – Accredited Campaigners

........................Magistrates' Court

.....................Code

Date……………………

5.……………..(name of applicant) of…………….. (address of applicant) applies for an order for forfeiture pursuant to paragraph 17 of Schedule 4 to the Recall of MPs Act 2015, against…….. (name of accredited campaigner) of ………….. (address of accredited campaigner) of an amount equal to the value of the donation made on …. and accepted by the accredited campaigner on..., on the following grounds:

To: The Designated Officer

…………………….Magistrates' Court

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EXPLANATORY NOTE

(This note is not part of the Rules)

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These Rules amend the Magistrates' Courts (Forfeiture of Political Donations) Rules 2003 (SI 2003/1645) ("the 2003 Rules"), which prescribe the procedure for applications by the Electoral Commission for forfeiture from registered parties, regulated donees, recognised third parties, permitted participants in referendums or candidates or election agents of sums equal to the value of any prohibited donations. These Rules amend the 2003 Rules to include the forfeiture of donations made to an accredited campaigner pursuant to the Recall of MPs Act 2015 (c.25) and prescribe the appropriate form ("Form C") for such applications. In addition, the opportunity has been taken to address a formatting error in rule 1(2)(d) of the 2003 Rules.