



# Political Parties, Elections and Referendums Act 2000

## 2000 CHAPTER 41

### PART II

#### REGISTRATION OF POLITICAL PARTIES

##### *Registration*

#### **28 Registration of parties.**

- (1) A party may apply to be registered under this Part by sending to the Commission an application which—
  - (a) complies with the requirements of Part I of Schedule 4, and
  - (b) is accompanied by a declaration falling within subsection (2).
- (2) The declarations falling within this subsection are—
  - (a) a declaration that the party—
    - (i) intends to contest one or more relevant elections in Great Britain and one or more such elections in Northern Ireland, and
    - (ii) is accordingly applying to be registered (as two such separate parties as are mentioned in section 23(4)) in both the Great Britain register and the Northern Ireland register;
  - (b) a declaration that the party—
    - (i) intends to contest one or more relevant elections (which will not be confined to one or more parish or community elections) in Great Britain only, and
    - (ii) is accordingly applying to be registered in the Great Britain register only;
  - (c) a declaration that the party—
    - (i) intends to contest one or more relevant elections in Northern Ireland only, and

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- (ii) is accordingly applying to be registered in the Northern Ireland register only;
- (d) a declaration that the party—
  - (i) intends only to contest one or more parish or community elections, and
  - (ii) is accordingly applying to be registered in the Great Britain register only.
- (3) A declaration falling within paragraph (a), (b) or (d) of subsection (2) must specify the part or parts of Great Britain in respect of which the party is applying to be registered in the Great Britain register.
- (4) Where a party sends an application to the Commission in accordance with subsection (1), the Commission shall grant the application unless in their opinion the party proposes a registered name which—
  - (a) would either—
    - (i) be the same as that of a party which is already registered in the register in which that party is applying to be registered, or
    - (ii) be likely to result in electors confusing that party with a party which is already registered in respect of the relevant part of the United Kingdom,
  - (b) comprises more than six words,
  - (c) is obscene or offensive,
  - (d) includes words the publication of which would be likely to amount to the commission of an offence,
  - (e) includes any script other than Roman script, or
  - (f) includes any word or expression prohibited by order made by the Secretary of State after consulting the Commission,

or it appears to the Commission that the party has failed to adopt a scheme approved under section 26.
- (5) In subsection (4)(a) “already registered in respect of the relevant part of the United Kingdom” means—
  - (a) in connection with registration of the applicant party in the Great Britain register, already registered in respect of any part of Great Britain in respect of which that party is applying to be registered;
  - (b) in connection with registration of the applicant party in the Northern Ireland register, already registered in that register.
- (6) An order under subsection (4)(f) may except the use of a word or expression from the prohibition in specified circumstances.
- (7) If—
  - (a) at any time two or more applications for registration are pending each of which would (in the absence of the other or others) fall to be granted by the Commission, but
  - (b) the registered names proposed by the applicant parties are such that, if one of those names was already registered in pursuance of the application in question, the Commission would be required to refuse the other application or applications by virtue of subsection (4)(a),

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the Commission shall determine by reference to the history of each of the applicant parties which of them has, in the Commission's opinion, the greater or greatest claim to the name proposed by it, and shall then grant the application by that party and refuse the other application or applications.

- (8) Where the Commission grant an application by a party under this section, they shall include in the party's entry in the register—
- (a) the particulars, apart from home addresses, given in the application in accordance with paragraphs 2 to 4, 5(2) and 6 of Schedule 4; and
  - (b) the date of registration.
- (9) Where the Commission refuse an application by a party under this section, they shall notify the party of their reasons for refusing the application.
- (10) In this Part "the register" means—
- (a) in relation to a party registered in the Great Britain register, the Great Britain register, and
  - (b) in relation to a party registered in the Northern Ireland register, the Northern Ireland register.

#### Commencement Information

- II** S. 28 wholly in force at 16.2.2001; s. 28 in force at Royal Assent for specified purposes and at 14.12.2000 for further specified purposes, see s. 163(2)(4); s. 28 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

VALID FROM 01/01/2007

#### **[<sup>F1</sup>28A** Descriptions

- (1) A party's application under section 28 may include a request for the registration of up to 12 descriptions to be used on nomination papers or ballot papers.
- (2) Where a request is made by a party under this section in relation to a description, the Commission shall register the description as a description of the party unless it is of more than six words in length or in their opinion it—
- (a) would be the same as the name of a party or the registered description of a party which (in either case) is already registered in the register in which that party is applying to be registered,
  - (b) would be likely to result in electors confusing that party with another party which is already registered in respect of the relevant part of the United Kingdom,
  - (c) is obscene or offensive,
  - (d) is of such a character that its publication would be likely to amount to the commission of an offence,
  - (e) would be likely, were it to appear on a ballot paper issued at an election—
    - (i) to result in an elector being misled as to the effect of his vote, or
    - (ii) to contradict, or hinder an elector's understanding of, any directions for his guidance in voting given on the ballot paper or elsewhere,
  - (f) includes any script other than Roman script, or

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- (g) includes a word or expression prohibited by order made by the Secretary of State.
- (3) In subsection (2)(b) “already registered in respect of the relevant part of the United Kingdom” has the meaning given by section 28(5).
- (4) An order under subsection (2)(g) may except the use of a word or expression from the prohibition in specified circumstances.
- (5) In the application of subsection (2) above to a party which has made a declaration falling within section 28(2) which specifies Wales as a part of Great Britain in respect of which it is applying to be registered, for “it is of more than six words in length” substitute its length exceeds six words in either English or Welsh or, if the description is also expressed in the other of those languages, six words in that other language.
- (6) The Secretary of State may, by order, substitute for the number “12” in subsection (1) such other number as he thinks appropriate.
- (7) An order under subsection (2)(g) or (6) must not be made unless the Secretary of State first consults the Commission.

#### Textual Amendments

- F1** Ss. 28A, 28B inserted (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 49(1), 77(2)**; [S.I. 2006/3412](#), **art. 3**, [Sch. 1 para. 6](#) (subject to [art. 6](#), [Sch. 2](#))

VALID FROM 01/01/2007

#### 28B Joint descriptions

- (1) Two or more parties which are registered under section 28 above in the same register may apply to the Commission to register a description for use by a candidate standing in the name of both or all of the parties jointly.
- (2) The following provisions of section 28A apply to an application under this section as they apply to an application under that section—
  - (a) subsections (2) to (5);
  - (b) subsection (7), so far as it relates to subsection (2)(g).
- (3) Subsections (1)(bb), (4A) to (4D) and (6A) of section 30 apply to a description mentioned in subsection (1) above as they apply to a description to which section 28A applies; and for the purposes of such application—
  - (a) any reference to a party in section 30 (except in relation to an application to remove a description under subsection (1)(bb) of that section) must be construed as a reference to the parties mentioned in subsection (1) above acting jointly,
  - (b) section 30(4A)(a) must be taken to read “the parties already have a description registered in pursuance of section 28B above”, and
  - (c) the requirement in paragraph 9 of Schedule 4 for an application under section 30 to be signed by the responsible officer of a party must be taken

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to be a requirement for the application to be signed by a responsible officer of each party which joins in the application.]

#### Textual Amendments

**F1** Ss. 28A, 28B inserted (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 49(1)**, 77(2); [S.I. 2006/3412](#), **art. 3**, [Sch. 1 para. 6](#) (subject to [art. 6](#), [Sch. 2](#))

## 29 Emblems.

- (1) A party's application under section 28 may include a request for the registration of up to three emblems to be used by the party on ballot papers.
- (2) Where a request is made by a party under this section in relation to an emblem, the Commission shall register the emblem as an emblem of the party unless in their opinion it—
  - (a) would either—
    - (i) be the same as a registered emblem of a party which is already registered in the register in which that party is applying to be registered, or
    - (ii) be likely to be confused by voters with a registered emblem of a party which is already registered in respect of the relevant part of the United Kingdom,
  - (b) is obscene or offensive,
  - (c) is of such a character that its publication would be likely to amount to the commission of an offence, or
  - (d) includes a word or expression prohibited by virtue of section 28(4)(f).
- (3) In subsection (2)(a) “already registered in respect of the relevant part of the United Kingdom” has the meaning given by section 28(5).
- (4) A registered emblem shall be a black and white representation of the emblem shown in the application.
- (5) Where the Commission refuse a request made by a party under this section in relation to an emblem, they shall notify the party of their reasons for refusing the request.

#### Commencement Information

**I2** S. 29 wholly in force at 16.2.2001; s. 29 not in force at Royal Assent and in force at 14.12.2000 for specified purposes, see s. 163(2)(4); s. 29 in force at 16.2.2001 by [S.I. 2001/222](#), **art. 2**, [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

## 30 Changes to the register.

- (1) A party may apply to the Commission to have its entry in the register altered by—
  - (a) changing its registered name,
  - (b) (if registered in the Great Britain register) changing the part or parts of Great Britain in respect of which it is registered,
  - (c) the addition, substitution or removal of an emblem,

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- (d) the addition or removal of a statement that a party is registered as a party with a campaigns officer, or
- (e) the addition of information prescribed under paragraph 6 of Schedule 4 since—
  - (i) the time when the party applied for registration, or
  - (ii) if a notification has been previously given under section 32 in relation to the party, the time when the last such notification was given.
- (2) Subject to subsections (3) to (6), the Commission shall grant an application under this section.
- (3) The Commission shall refuse an application to change a party's registered name if, in their opinion, any of paragraphs (a) to (f) of section 28(4) apply to the new name.
- (4) The Commission shall refuse an application to change the part or parts of Great Britain in respect of which a party is registered if, in their opinion, the change would be likely to result in—
  - (a) such confusion in relation to the party's registered name as is mentioned in paragraph (a) of section 28(4), or
  - (b) such confusion in relation to a registered emblem of the party as is mentioned in paragraph (a) of section 29(2).
- (5) The Commission shall refuse an application to add an emblem if—
  - (a) the party already has three registered emblems, or
  - (b) in the Commission's opinion, any of paragraphs (a) to (d) of section 29(2) apply to the emblem.
- (6) The Commission shall refuse to substitute an emblem if in their opinion any of paragraphs (a) to (d) of section 29(2) apply to the new emblem.
- (7) For the purposes of subsection (3), (5) or (6)—
  - (a) section 28(4)(a) and section 28(5), or
  - (b) section 29(2)(a) and section 28(5) (as it applies by virtue of section 29(3)),
 as the case may be, shall each have effect as if the words “applying to be” were omitted.
- (8) Where the Commission refuse an application by a party under this section, they shall notify the party of their reasons for refusing the application.
- (9) Part II of Schedule 4 applies to applications under this section.

#### Commencement Information

- I3** S. 30 wholly in force at 16.2.2001; s. 30 not in force at Royal Assent and in force for specified purposes at 14.12.2000, see s. 163(2)(4); s. 30 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

### 31 Notification of changes in party's officers etc.

- (1) If at any time any particulars in a party's entry in the register which relate to any relevant matter cease to be accurate, the person registered as treasurer of the party must give the Commission a notification under this section.
- (2) For the purposes of this section “relevant matter” means any of the following—

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- (a) the name of any registered officer of the party;
  - (b) the home address of any such officer;
  - (c) the address of the party's headquarters (or, if it has no headquarters, the address to which communications to the party may be sent);
  - (d) the name of the treasurer of any accounting unit of the party or of any officer of such a unit registered for the purposes of section 27(3);
  - (e) the name of any accounting unit of the party;
  - (f) the address of the headquarters of any accounting unit of the party (or, if it has no headquarters, the address to which communications to the accounting unit may be sent).
- (3) A notification under this section must specify the relevant matter in respect of which the registered particulars have ceased to be accurate, and—
  - (a) if that matter is specified in subsection (2)(a) or (d)—
    - (i) specify the name of the officer replacing the person currently registered as holder of the office in question, and
    - (ii) (if that person is so registered as an officer of the party) include an application for the registration of the replacement officer which complies with Part III of Schedule 4; and
  - (b) otherwise, specify accurate particulars in respect of that matter.
- (4) A notification under this section must be given to the Commission—
  - (a) where subsection (1) applies by reason of the death or the termination for any other reason of the appointment of any registered officer of the party, within the period of 14 days beginning with the date of his death or the termination of his appointment;
  - (b) where that subsection applies by reason of any other change in circumstances, within the period of 28 days beginning with the date when the change occurs.
- (5) Where the Commission receive a notification under this section, they shall cause any change required as a consequence of the notification to be made in the party's entry in the register as soon as is reasonably practicable.
- (6) In the case of a party with accounting units any reference to the party in subsection (2) (c) shall be read as a reference to the central organisation.
- (7) For the purposes of this section any particulars held by the Commission in respect of the home address of any registered officer of the party shall be taken to be particulars contained in the party's entry in the register.

#### **Commencement Information**

**I4** S. 31 wholly in force at 16.2.2001; s. 31 not in force at Royal Assent and in force for specified purposes at 14.12.2000, see s. 163(2)(4); s. 31 in force at 16.2.2001 by [S.I. 2001/222](#), [art. 2](#), [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

## **32 Confirmation of registered particulars etc.**

- (1) The person registered as treasurer of a party must, at the time when the statement of accounts for any financial year of the party is sent to the Commission under Part III, give a notification under this section to the Commission.

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- (2) A notification under this section must—
- (a) state that the particulars in the party’s entry in the register remain accurate and include any information prescribed under paragraph 6 of Schedule 4 since the relevant time, or
  - (b) so far as necessary to secure that such particulars will both be accurate and include any information so prescribed, contain one or more of the following, namely—
    - (i) an application under section 30,
    - (ii) a notification under section 31, or
    - (iii) any information so prescribed.
- (3) A notification under this section must also give particulars of any change occurring in the party’s constitution (within the meaning of section 26) since the relevant time.
- (4) In subsections (2) and (3) “the relevant time” means—
- (a) the time when the party applied for registration, or
  - (b) if a notification has been previously given under this section in relation to the party, the time when the last such notification was given.
- (5) A notification under this section must be accompanied by any fee prescribed by order made by the Secretary of State.
- (6) For the purposes of this section any particulars held by the Commission in respect of the home address of any registered officer of the party shall be taken to be particulars contained in the party’s entry in the register.

#### **Commencement Information**

**I5** S. 32 wholly in force at 16.2.2001; s. 32 in force at Royal Assent for specified purposes and in force at 14.12.2000 for further specified purposes, see s. 163(3)(4); s. 32 in force at 16.2.2001 by [S.I. 2001/222, art. 2, Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

### **33 Party ceasing to be registered.**

- (1) Once a party is registered its entry may only be removed from the register in accordance with subsection (2).
- (2) Where—
  - (a) a party applies to have its entry removed from the register, and
  - (b) the application includes a declaration on behalf of the party that it does not intend to have any candidates at any relevant election,
 the Commission shall remove the party’s entry from the register.
- (3) On the removal of the party’s entry from the register the party shall cease to be a registered party.
- (4) However, until the end of the financial year of the party which follows that in which its entry is removed from the register—
  - (a) the Commission shall, when considering applications made by other parties under this Part, treat the entry as if it were still contained in the register, and



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(b) the requirements of Parts III to V shall continue to apply to the party as if it were still registered.

(5) Part IV of Schedule 4 applies to applications under this section.

#### Commencement Information

**I6** S. 33 wholly in force at 16.2.2001; s. 33 not in force at Royal Assent and in force for specified purposes at 14.12.2000, see s. 163(2)(4); s. 33 in force at 16.2.2001 by [S.I. 2001/222](#), [art. 2](#), [Sch. Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

### 34 Registration of minor parties.

(1) This section applies to any party registered in the Great Britain register in pursuance of a declaration falling within section 28(2)(d) (referred to in this Act as a “minor party”).

(2) The following provisions do not apply to a minor party—

- (a) any provisions of this Part so far as relating to the registration of a treasurer or campaigns officer for a registered party or otherwise referring to a registered treasurer or campaigns officer (or any deputy campaigns officer);
- (b) sections 26 and 27; and
- (c) section 36;

but this is subject to subsection (8)(a).

(3) The registered leader of a minor party must, in the case of each anniversary of the party’s inclusion in the register, give a notification under this subsection to the Commission within the period beginning one month before the anniversary and ending three months after it.

(4) A notification under subsection (3) must—

- (a) state that the particulars in the party’s entry in the register remain accurate and include any information prescribed under paragraph 6 of Schedule 4 since the relevant time, or
- (b) so far as necessary to secure that such particulars will both be accurate and include any information so prescribed, contain one or more of the following, namely—
  - (i) an application under section 30,
  - (ii) a notification under section 31, or
  - (iii) any information so prescribed.

(5) In subsection (4) “the relevant time” means—

- (a) the time when the party applied for registration, or
- (b) if a notification has previously been given under subsection (3) in relation to the party, the time when the last such notification was given;

and for the purposes of subsection (4) any particulars held by the Commission in respect of the home address of any registered officer of the party shall be taken to be particulars contained in the party’s entry in the register.

(6) A notification under subsection (3) must be accompanied by any fee prescribed by order made by the Secretary of State.

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- (7) In addition to being able to make an application under section 30, a minor party may apply to the Commission to have—
- (a) the declaration mentioned in subsection (1) above cancelled, and
  - (b) the party's existing entry in the Great Britain register replaced by such entry or entries (in that or the Northern Ireland register) as accord with a fresh declaration sent by the party to the Commission and falling within section 28(2)(a), (b) or (c).
- (8) Where a minor party makes an application under subsection (7)—
- (a) the provisions mentioned in subsection (2)(a) and (b) shall apply to the party;
  - (b) the party must provide the Commission with such information as—
    - (i) would, by virtue of Schedule 4, be required to be provided in connection with an application by the party under section 28 to be registered in accordance with the fresh declaration mentioned in subsection (7)(b), and
    - (ii) has not already been provided in connection with its existing registration as a minor party; and
  - (c) the following provisions, namely—
    - (i) sections 28(4) to (8) and 29, and
    - (ii) paragraphs 1(2) and 7 of Schedule 4,
 shall apply, with any necessary modifications, in relation to the party's application as if it were such an application under section 28 as is mentioned in paragraph (b)(i).

#### Commencement Information

- I7** S. 34 wholly in force at 16.2.2001; s. 34 partly in force at Royal Assent and in force at 14.12.2000 for specified purposes, see s. 163(3)(4); s. 34 in force at 16.2.2001 by [S.I. 2001/222, art. 2, Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

### 35 Request by Secretary of State.

On receipt of a request made by the Secretary of State, the Commission shall send a copy of the Great Britain or Northern Ireland register, or any parts of it specified in the request, to—

- (a) the Secretary of State; or
- (b) any other person so specified.

#### Commencement Information

- I8** S. 35 wholly in force at 16.2.2001; s. 35 not in force at Royal Assent and in force for specified purposes at 14.12.2000, see s. 163(2)(4); s. 35 in force at 16.2.2001 by [S.I. 2001/222, art. 2, Sch. Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

### 36 Assistance by Commission for existing registered parties.

- (1) The Commission may, in accordance with a scheme prepared by them for the purposes of this section, provide assistance for existing parties with a view to helping them to

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meet, or to reducing, the expenses falling to be initially incurred by them in order to comply with Parts III and IV.

- (2) The assistance which may be so provided to an existing party may take the form of—
  - (a) a grant to the party, or
  - (b) the provision of non-financial benefits to the party (such as the provision of computer software free of charge),or both, as the scheme may determine.
- (3) The scheme may provide for an existing party's entitlement to assistance under this section to depend on the Commission's being satisfied that the expenses falling to be incurred by the party as mentioned in subsection (1) exceed an amount specified in the scheme.
- (4) Any grant under this section may be made subject to such conditions as the Commission consider appropriate.
- (5) The total expenditure incurred by the Commission in providing assistance under this section (whether by grants or otherwise) shall not exceed £700,000.
- (6) The Commission shall publish the scheme in such manner as they consider appropriate.
- (7) In this section "existing party" means any party registered under the <sup>M1</sup>Registration of Political Parties Act 1998 at the commencement of this section.

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#### Marginal Citations

**M1** 1998 c. 48.

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