



# Political Parties, Elections and Referendums Act 2000

## 2000 CHAPTER 41

### PART V **U.K.**

#### CONTROL OF CAMPAIGN EXPENDITURE

##### *Preliminary*

#### 72 Campaign expenditure. **U.K.**

- (1) The following provisions have effect for the purposes of this Part.
- (2) “Campaign expenditure”, in relation to a registered party, means (subject to subsection (7)) expenses incurred by or on behalf of the party which are expenses falling within Part I of Schedule 8 and so incurred for election purposes.
- (3) “Election campaign”, in relation to a registered party, means a campaign conducted by the party for election purposes.
- (4) “For election purposes”, in relation to a registered party, means for the purpose of or in connection with—
  - (a) promoting or procuring electoral success for the party at any relevant election, that is to say, the return at any such election of candidates—
    - (i) standing in the name of the party, or
    - (ii) included in a list of candidates submitted by the party in connection with the election; or
  - (b) otherwise enhancing the standing—
    - (i) of the party, or
    - (ii) of any such candidates,with the electorate in connection with future relevant elections (whether imminent or otherwise).

*Status: Point in time view as at 31/12/2020.*

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- (5) For the purposes of subsection (4)—
- (a) the reference to doing any of the things mentioned in paragraph (a) or (as the case may be) paragraph (b) of that subsection includes doing so by prejudicing the electoral prospects at the election of other parties or candidates or (as the case may be) by prejudicing the standing with the electorate of other parties or candidates;
  - (b) a course of conduct may constitute the doing of one of those things even though it does not involve any express mention being made of the name of any party or candidate; and
  - (c) it is immaterial that any candidates standing in the name of the party also stand in the name of one or more other registered parties.
- (6) “Relevant election” has the same meaning as in Part II.
- (7) “Campaign expenditure” does not include anything which (in accordance with any enactment) falls to be included in—
- [<sup>F1</sup>(a)] a return as to election expenses in respect of a candidate or candidates at a particular election[<sup>F2</sup>, or
  - (b) a recall petition return within the meaning of Schedule 5 to the Recall of MPs Act 2015 (see paragraph 1 of that Schedule).]
- (8) Where a registered party is a party with accounting units—
- (a) expenses incurred or to be incurred by or on behalf of any accounting unit of the party shall be regarded as expenses incurred or to be incurred by or on behalf of the party, and
  - (b) references to campaign expenditure incurred or to be incurred by or on behalf of a registered party accordingly extend, in relation to the party, to expenses which constitute such expenditure by virtue of paragraph (a).
- (9) In this section “candidates” includes future candidates, whether identifiable or not.
- (10) Nothing in this Part applies in relation to expenses incurred or to be incurred by or on behalf of a minor party.

#### Textual Amendments

- F1** S. 72(7) renumbered as s. 72(7)(a) (4.3.2016) by [Recall of MPs Act 2015 \(c. 25\)](#), s. 24(3), [Sch. 6 para. 5\(2\)\(a\)](#); [S.I. 2016/290](#), reg. 2
- F2** S. 72(7)(b) and word inserted (4.3.2016) by [Recall of MPs Act 2015 \(c. 25\)](#), s. 24(3), [Sch. 6 para. 5\(2\)\(b\)](#); [S.I. 2016/290](#), reg. 2

#### Commencement Information

- II** S. 72 wholly in force at 16.2.2001; s. 72 not in force at Royal Assent, see s. 163(2); s. 72 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](#))

### [<sup>F3</sup>72A Campaign expenditure: power of Scottish Ministers U.K.

- (1) The powers under the following provisions of Schedule 8 are exercisable by the Scottish Ministers instead of the Secretary of State, so far as they relate to polls at elections for membership of the Scottish Parliament—

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- (a) paragraph 3(3) (power to approve a draft code of practice prepared by the Electoral Commission),
  - (b) paragraph 3(7) (power to appoint day when code comes into force), and
  - (c) paragraph 4(1) (power to amend Part 1 of Schedule 8).
- (2) For the purposes of the exercise by the Scottish Ministers of the powers mentioned in subsection (1), paragraphs 3 and 4 of Schedule 8 apply—
- (a) as if any reference to the Secretary of State were a reference to the Scottish Ministers,
  - (b) as if any reference to “each House of Parliament”, “each House”, “either House”, “both Houses” or “Parliament” were a reference to the Scottish Parliament,
  - (c) as if in paragraph 3(9) for the words from “means—” to the end there were substituted “ means the period of 40 days beginning with the day on which the draft is laid before the Scottish Parliament. ”
- (3) Subsection (1) does not apply to a power so far as it relates to circumstances where a limit applies to expenditure in relation to a period determined by reference both to the date of the poll for an election for membership of the Scottish Parliament and to the date of any other election.]

#### Textual Amendments

**F3** S. 72A inserted (18.5.2017) by Scotland Act 2016 (c. 11), ss. 7(2), 72(4)(a); S.I. 2017/608, reg. 2(1)(e)

### 73 Notional campaign expenditure. **U.K.**

- (1) This section applies where, in the case of a registered party—
- (a) either—
    - (i) property is transferred to the party free of charge or at a discount of more than 10 per cent. of its market value, or
    - (ii) property, services or facilities is or are provided for the use or benefit of the party free of charge or at a discount of more than 10 per cent. of the commercial rate for the use of the property or for the provision of the services or facilities, and
  - (b) the property, services or facilities is or are made use of by or on behalf of the party in circumstances such that, if any expenses were to be (or are) actually incurred by or on behalf of the party in respect of that use, they would be (or are) campaign expenditure incurred by or on behalf of the party.
- (2) Where this section applies, an amount of campaign expenditure determined in accordance with this section (“the appropriate amount”) shall be treated, for the purposes of this Part, as incurred by the party during the period for which the property, services or facilities is or are made use of as mentioned in subsection (1)(b).

This subsection has effect subject to subsection (9).

- (3) Where subsection (1)(a)(i) applies, the appropriate amount is such proportion of either—
- (a) the market value of the property (where the property is transferred free of charge), or

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- (b) the difference between the market value of the property and the amount of expenses actually incurred by or on behalf of the party in respect of the property (where the property is transferred at a discount),  
as is reasonably attributable to the use made of the property as mentioned in subsection (1)(b).
- (4) Where subsection (1)(a)(ii) applies, the appropriate amount is such proportion of either—
- (a) the commercial rate for the use of the property or the provision of the services or facilities (where the property, services or facilities is or are provided free of charge), or
- (b) the difference between that commercial rate and the amount of expenses actually incurred by or on behalf of the party in respect of the use of the property or the provision of the services or facilities (where the property, services or facilities is or are provided at a discount),  
as is reasonably attributable to the use made of the property, services or facilities as mentioned in subsection (1)(b).
- (5) Where the services of an employee are made available by his employer for the use or benefit of a registered party, then for the purposes of this section the amount which is to be taken as constituting the commercial rate for the provision of those services shall be the amount of the remuneration or allowances payable to the employee by his employer in respect of the period for which his services are made available (but shall not include any amount in respect of contributions or other payments for which the employer is liable in respect of the employee).
- (6) Where an amount of campaign expenditure is treated, by virtue of subsection (2), as incurred by or on behalf of a party during any period the whole or part of which falls within any period which is, in relation to the party, a relevant campaign period for the purposes of section 80, then—
- (a) the amount mentioned in subsection (7) shall be treated as incurred by or on behalf of the party during the relevant campaign period, and
- (b) the treasurer or a deputy treasurer appointed under section 74 shall make a declaration of that amount,  
unless that amount is not more than £200.
- (7) The amount referred to in subsection (6) is such proportion of the appropriate amount (determined in accordance with subsection (3) or (4)) as reasonably represents the use made of the property, services or facilities as mentioned in subsection (1)(b) during the relevant campaign period.
- (8) A person commits an offence if he knowingly or recklessly makes a false declaration under subsection (6).
- (9) No amount of campaign expenditure shall be regarded as incurred by virtue of subsection (2) in respect of—
- (a) the transmission by a broadcaster of a party political broadcast;
- (b) any facilities provided in accordance with any right conferred on candidates or a party at an election by any enactment; or
- (c) the provision by any individual of his own services which he provides voluntarily in his own time and free of charge.

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- (10) In subsections (1), (3), (4) and (5) any reference to anything done by or in relation to a registered party includes a reference to anything done by or in relation to any accounting unit of the party; and section 50(6) and (8)(a) shall apply with any necessary modifications for the purpose of determining, for the purposes of subsection (1), whether property is transferred to a registered party or to any such unit.

<sup>F4</sup>(11) . . . . .

#### Textual Amendments

**F4** S. 73(11) repealed (31.12.2020) by The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018 (S.I. 2018/1310), reg. 1, **Sch. 1 Pt. 1** (as amended by S.I. 2019/1389, regs. 1, 2(2))

#### Commencement Information

**I2** S. 73 wholly in force at 16.2.2001; s. 73 not in force at Royal Assent, see s. 163(2); s. 73 in force at 16.2.2001 by S.I. 2001/222, art. 2, **Sch. 1 Pt. 1** (subject to transitional provisions in **Sch. 1 Pt. II**)

## 74 **Officers of registered party with responsibility for campaign expenditure.** **U.K.**

- (1) The treasurer of a registered party may appoint, on such terms as he may determine, one or more deputy treasurers of the party for the purposes of this Part, but not more than 12 persons may hold such appointments at the same time.
- (2) The appointment of a person as deputy treasurer of a party is effective for those purposes once the treasurer has given the Commission a notification of the appointment which—
- (a) contains the name of the person so appointed and the address of his office; and
  - (b) is accompanied by a declaration of acceptance of office signed by that person.
- (3) A person is not, however, eligible to be appointed as deputy treasurer of a registered party if, at any time within the last five years, he has been convicted of any offence under this Act or of any other offence committed in connection with a relevant election within the meaning of Part II <sup>F5</sup>... [<sup>F6</sup>, a ] referendum within the meaning of Part VII [<sup>F7</sup> or a recall petition within the meaning of the Recall of MPs Act 2015 (see section 1(2) of that Act)] .
- (4) A person commits an offence if he accepts the office of deputy treasurer of a registered party when, by virtue of subsection (3), he is not eligible to be so appointed.
- (5) Where a deputy treasurer of a registered party is convicted of an offence falling within subsection (3), his appointment as deputy treasurer shall terminate on the date of the conviction.
- (6) If, where the appointment of any deputy treasurer of a registered party has been notified to the Commission under subsection (2)—
- (a) the deputy treasurer dies or his appointment terminates for any other reason, or
  - (b) any change occurs in the address of his office,
- the treasurer of the party must notify the Commission of that fact within the appropriate period.
- (7) In subsection (6) “the appropriate period” means—

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- (a) the period of 14 days beginning with the date of the deputy treasurer’s death or the termination of his appointment, or
  - (b) the period of 28 days beginning with the date when the change of address occurs,
- as the case may be.
- (8) The name of any deputy treasurer of a registered party and the address of his office, as notified to the Commission in accordance with this section, shall be included in the party’s entry in the Great Britain or Northern Ireland register.
- (9) Where the Commission receive a notification under subsection (6), they shall cause any change required as a consequence of the notification to be made in any such entry as soon as is reasonably practicable.
- (10) For the purposes of this Part—
- (a) the address of the treasurer of a registered party shall be regarded as being the registered address of the party; and
  - (b) the address of any deputy treasurer of such a party shall be regarded as being the address for the time being registered in relation to him in accordance with subsection (8).

#### Textual Amendments

- F5** Words in s. 74(3) repealed (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, [Sch. 1 Pt. 1](#) (as amended by [S.I. 2019/1389](#), regs. 1, 2(2))
- F6** Word in s. 74(3) substituted (4.3.2016) by [Recall of MPs Act 2015 \(c. 25\)](#), s. 24(3), [Sch. 6 para. 5\(3\)](#); [S.I. 2016/290](#), reg. 2
- F7** Words in s. 74(3) inserted (4.3.2016) by [Recall of MPs Act 2015 \(c. 25\)](#), s. 24(3), [Sch. 6 para. 5\(3\)](#); [S.I. 2016/290](#), reg. 2

#### Commencement Information

- I3** S. 74 wholly in force at 16.2.2001; s. 74 not in force at Royal Assent, see s. 163(2); s. 74 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](#))

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