



Political Parties, Elections and Referendums Act 2000

2000 CHAPTER 41

PART X

MISCELLANEOUS AND GENERAL

Overseas electors

141 Reduction of qualifying period for overseas electors.

In each of the following provisions of the Representation of the ^{M1}People Act 1985 (as amended by the Representation of the People Act 2000), namely—

- (a) section 1(3) and (4) (conditions to be satisfied by British citizen in order to qualify as overseas elector in relation to parliamentary election), and
- (b) section 3(3) and (4) (conditions to be satisfied by peer in order to qualify as overseas elector in relation to European Parliamentary election),

for “20 years” there shall be substituted “ 15 years ”.

Marginal Citations

M1 1985 c. 50.

Pre-consolidation amendments

^{F1}142

Status: Point in time view as at 01/12/2010.

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Textual Amendments

F1 S. 142 repealed (24.10.2002) by 2002 c. 24, ss. 16, 18(2), Sch. 4

Election material

143 Details to appear on election material.

- (1) No election material shall be published unless—
- (a) in the case of material which is, or is contained in, such a printed document as is mentioned in subsection (3), (4) or (5), the requirements of that subsection are complied with; or
 - (b) in the case of any other material, any requirements falling to be complied with in relation to the material by virtue of regulations under subsection (6) are complied with.
- (2) For the purposes of subsections (3) to (5) the following details are “the relevant details” in the case of any material falling within subsection (1)(a), namely—
- (a) the name and address of the printer of the document;
 - (b) the name and address of the promoter of the material; and
 - (c) the name and address of any person on behalf of whom the material is being published (and who is not the promoter).
- [^{F2}(2A) For the purposes of subsection (2)(c), election material to which subsection (2B) applies—
- (a) is not to be regarded as being published on behalf of a candidate merely because it can be regarded as promoting, procuring or enhancing his electoral success or standing, but
 - (b) may be regarded as being published on behalf of the party mentioned in subsection (2B).
- (2B) This subsection applies to election material which can be reasonably regarded as promoting, procuring or enhancing the electoral success or standing of two or more candidates standing in the name of a party or included in a list of candidates submitted by the party in connection with the election.]
- (3) Where the material is a document consisting (or consisting principally) of a single side of printed matter, the relevant details must appear on the face of the document.
- (4) Where the material is a printed document other than one to which subsection (3) applies, the relevant details must appear either on the first or the last page of the document.
- (5) Where the material is an advertisement contained in a newspaper or periodical—
- (a) the name and address of the printer of the newspaper or periodical must appear either on its first or last page; and
 - (b) the relevant details specified in subsection (2)(b) and (c) must be included in the advertisement.
- (6) The Secretary of State may, after consulting the Commission, by regulations make provision for and in connection with the imposition of requirements as to the inclusion in material falling within subsection (1)(b) of the following details, namely—

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- (a) the name and address of the promoter of the material; and
 - (b) the name and address of any person on behalf of whom the material is being published (and who is not the promoter).
- (7) Regulations under subsection (6) may in particular specify—
- (a) the manner and form in which such details must be included in any such material for the purpose of complying with any such requirement;
 - (b) circumstances in which—
 - (i) any such requirement does not have to be complied with by a person of any description specified in the regulations, or
 - (ii) a breach of any such requirement by a person of any description so specified is not to result in the commission of an offence under this section by that person or by a person of any other such description;
 - (c) circumstances in which material is, or is not, to be taken for the purposes of the regulations to be published or (as the case may be) published by a person of any description so specified.
- (8) Where any material falling within subsection (1)(a) is published in contravention of subsection (1), then (subject to subsection (10))—
- (a) the promoter of the material,
 - (b) any other person by whom the material is so published, and
 - (c) the printer of the document,
- shall be guilty of an offence.
- (9) Where any material falling within subsection (1)(b) is published in contravention of subsection (1), then (subject to regulations made by virtue of subsection (7)(b) and to subsection (10))—
- (a) the promoter of the material, and
 - (b) any other person by whom the material is so published,
- shall be guilty of an offence.
- (10) It shall be a defence for a person charged with an offence under this section to prove—
- (a) that the contravention of subsection (1) arose from circumstances beyond his control; and
 - (b) that he took all reasonable steps, and exercised all due diligence, to ensure that that contravention would not arise.
- (11) In this section—
- “election material” has the meaning given by section 85(3);
 - “print” means print by whatever means, and “printer” shall be construed accordingly;
 - “the promoter”, in relation to any election material, means the person causing the material to be published;
 - “publish” means make available to the public at large, or any section of the public, in whatever form and by whatever means.

Textual Amendments

- F2** S. 143(2A)(2B) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 66(1), 77(2); S.I. 2006/3412, [art. 3](#), Sch. 1 para. 14(x) (subject to [art. 6](#), Sch. 2); S.I. 2008/1316, [arts. 2\(2\)](#), 4(v)

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Commencement Information

- I1** S. 143 partly in force; s. 143 in force for specified purposes at Royal Assent, see s. 163(3); s. 143 in force for E.W.S. at 1.1.2007 by S.I. 2006/3416, art. 3 (subject to art. 5)
- I2** S. 143 (which was commenced on 16.2.2001 by S.I. 2001/222, art. 2, Sch. 1 Pt. I (subject to Sch. 1 Pt. II)) was deemed not to have come into force (10.4.2001) by 2001 c. 5, s. 1(1)(a) (with s. 3(3)(4)(6))

Broadcasting during election period

144 Broadcasting of local items during election period.

For section 93 of the Representation of the ^{M2}People Act 1983 there shall be substituted—

“93 Broadcasting of local items during election period.

- (1) Each broadcasting authority shall adopt a code of practice with respect to the participation of candidates at a parliamentary or local government election in items about the constituency or electoral area in question which are included in relevant services during the election period.
- (2) The code for the time being adopted by a broadcasting authority under this section shall be either—
 - (a) a code drawn up by that authority, whether on their own or jointly with one or more other broadcasting authorities, or
 - (b) a code drawn up by one or more other such authorities;
 and a broadcasting authority shall from time to time consider whether the code for the time being so adopted by them should be replaced by a further code falling within paragraph (a) or (b).
- (3) Before drawing up a code under this section a broadcasting authority shall have regard to any views expressed by the Electoral Commission for the purposes of this subsection; and any such code may make different provision for different cases.
- (4) The Independent Television Commission and the Radio Authority shall each do all that they can to secure that the code for the time being adopted by them under this section is observed in the provision of relevant services; and the British Broadcasting Corporation and Sianel Pedwar Cymru shall each observe in the provision of relevant services the code so adopted by them.
- (5) For the purposes of subsection (1) “the election period”, in relation to an election, means the period beginning—
 - (a) (if a parliamentary general election) with the date of the dissolution of Parliament or any earlier time at which Her Majesty’s intention to dissolve Parliament is announced,
 - (b) (if a parliamentary by-election) with the date of the issue of the writ for the election or any earlier date on which a certificate of the vacancy is notified in the London Gazette in accordance with the ^{M3}Recess Elections Act 1975, or
 - (c) (if a local government election) with the last date for publication of notice of the election,

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and ending with the close of the poll.

(6) In this section—

“broadcasting authority” means the British Broadcasting Corporation, the Independent Television Commission, the Radio Authority or Sianel Pedwar Cymru;

“candidate”, in relation to an election, means a candidate standing nominated at the election or included in a list of candidates submitted in connection with it;

“relevant services”—

- (a) in relation to the British Broadcasting Corporation or Sianel Pedwar Cymru, means services broadcast by that body;
- (b) in relation to the Independent Television Commission, means services licensed under Part I of the ^{M4}Broadcasting Act 1990 or Part I of the Broadcasting ^{M5}Act 1996; and
- (c) in relation to the Radio Authority, means services licensed under Part III of the ^{M6}Broadcasting Act 1990 or Part II of the ^{M7}Broadcasting Act 1996.”

Commencement Information

I3 S. 144 wholly in force at 16.3.2001; s. 144 not in force at Royal Assent, see s. 163(2); s. 144 in force for specified purposes at 16.2.2001 and wholly in force at 16.3.2001 by S.I. 2001/222, art. 3

Marginal Citations

M2 1983 c. 2.
M3 1975 c. 66.
M4 1990 c. 42.
M5 1996 c. 55.
M6 1990 c. 42.
M7 1996 c. 55.

Enforcement of Act

145 General function of Commission with respect to ^{F3}... compliance with controls imposed by the Act etc.

- (1) [^{F4}The Commission shall have the function of monitoring, and taking such steps as they consider appropriate with a view to securing, compliance with] —
- (a) the restrictions and other requirements imposed by or by virtue of Parts III to VII; and
 - (b) the restrictions and other requirements imposed by other enactments in relation to—
 - (i) election expenses incurred by or on behalf of candidates at elections, or
 - (ii) donations to such candidates or their election agents.
- (2) Subsection (1)(b) does not apply in relation to local government elections in Scotland unless and to the extent that the Scottish Ministers by order so provide.

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- (3) For the purposes of subsection (2), the reference in subsection (1)(b) to any enactment shall include a reference to any enactment comprised in or in an instrument made under an Act of the Scottish Parliament.
- (4) Section 156(5) shall apply to an order made by the Scottish Ministers under subsection (2) as it applies to an order made by the Secretary of State under this Act and the reference in that section to enactments shall include a reference to any enactment comprised in or in an instrument made under an Act of the Scottish Parliament.
- (5) The power of the Scottish Ministers to make an order under subsection (2) shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (6) The Scottish Ministers shall reimburse the Commission for any expenditure incurred by them which is attributable to the exercise of any function conferred by virtue of an order made under subsection (2).
- [^{F5}(6A) The Commission may prepare and publish guidance setting out, in relation to any requirement referred to in subsection (1), their opinion on any of the following matters—
- (a) what it is necessary, or is sufficient, to do (or avoid doing) in order to comply with the requirement;
 - (b) what it is desirable to do (or avoid doing) in view of the purpose of the requirement.]
- (7) In this section [^{F6}, section 148 and Schedule 19B] —
- “election” means a relevant election for the purposes of Part II;
- “election agent” includes a sub-agent.

Textual Amendments

- F3** Word in s. 145 heading repealed (1.12.2010) by [Political Parties and Elections Act 2009 \(c. 12\)](#), s. 43(1), [Sch. 7](#); [S.I. 2010/2866](#), art. 3(d)(h)
- F4** Words in s. 145(1) substituted (1.12.2010) by [Political Parties and Elections Act 2009 \(c. 12\)](#), [ss. 1\(2\)](#), 43(1); [S.I. 2010/2866](#), art. 3(a)
- F5** S. 145(6A) inserted (21.7.2009) by [Political Parties and Elections Act 2009 \(c. 12\)](#), [ss. 1\(3\)](#), 43(1)(5)(a)
- F6** Words in s. 145(7) substituted (1.12.2010) by [Political Parties and Elections Act 2009 \(c. 12\)](#), s. 43(1), [Sch. 6 para. 22](#); [S.I. 2010/2866](#), art. 3(d)(g)

Commencement Information

- I4** S. 145 wholly in force at 16.2.2001; s. 145 partly in force at Royal Assent, see s. 163(3); s. 145 in force in so far as not already 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](#))

[^{F7}146 Investigatory powers of Commission

Schedule 19B makes provision about the investigatory powers of the Commission.]

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Textual Amendments

- F7** S. 146 substituted (1.12.2010) by [Political Parties and Elections Act 2009 \(c. 12\)](#), **ss. 2(1)**, 43(1); [S.I. 2010/2866](#), **art. 3(b)** (with **art. 5**)

Commencement Information

- I5** S. 146 wholly in force at 16.2.2001; s. 146 not in force at Royal Assent, see s. 163(2); s. 146 in force at 16.2.2001 by [S.I. 2001/222](#), **art. 2**, **Sch. 1** (subject to transitional provisions in [Sch. 1 Pt. II](#))

[^{F8}147 Civil sanctions

Schedule 19C makes provision for civil sanctions in relation to—

- (a) the commission of offences under this Act;
- (b) the contravention of restrictions or requirements imposed by or by virtue of this Act.]

Textual Amendments

- F8** S. 147 substituted (1.12.2010) by [Political Parties and Elections Act 2009 \(c. 12\)](#), **ss. 3(1)**, 43(1); [S.I. 2010/2866](#), **art. 3(c)** (with **art. 6**)

Commencement Information

- I6** S. 147 wholly in force at 16.2.2001; s. 147 not in force at Royal Assent, see s. 163(2); s. 147 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](#))

148 General offences.

- (1) A person commits an offence if he—
 - (a) alters, suppresses, conceals or destroys, or
 - (b) causes or permits the alteration, suppression, concealment or destruction of, [^{F9}any book, record or other document which is or is liable to be required to be produced for inspection under paragraph 1 or 3 of Schedule 19B, and does so with the intention of falsifying the document or enabling any person to evade any of the provisions of this Act.]
- (2) Where the relevant person in the case of a supervised organisation, or a person acting on his behalf, requests a person holding an office in any such organisation (“the office-holder”) to supply the relevant person with any information which he reasonably requires for the purposes of any of the provisions of this Act, the office-holder commits an offence if—
 - (a) without reasonable excuse, he fails to supply the relevant person with that information as soon as is reasonably practicable, or
 - (b) in purporting to comply with the request, he knowingly supplies the relevant person with any information which is false in a material particular.
- (3) A person commits an offence if, with intent to deceive, he withholds—
 - (a) from the relevant person in the case of a supervised organisation, or
 - (b) from a supervised individual,

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any information required by the relevant person or that individual for the purposes of any of the provisions of this Act.

(4) In subsections (1) to (3) any reference to a supervised organisation or individual includes a reference to a former supervised organisation or individual.

(5) Subsections (1) and (3) shall apply in relation to a person who is (or has been)—

(a) a candidate at an election (other than a local government election in Scotland),
or

(b) the election agent for such a candidate,

as they apply in relation to a supervised individual (or a former supervised individual), except that in their application in relation to any such person any reference to any of the provisions of this Act includes a reference to any other enactment imposing any restriction or other requirement falling within section 145(1)(b).

(6) In this section—

(a) “supervised individual” means an individual who is a regulated donee [F10 regulated participant], a recognised third party or a permitted participant;

(b) “supervised organisation” means—

(i) a registered party or (in the case of such a party with accounting units) the central organisation of the party or any of its accounting units,

(ii) a regulated donee which is a members association,

[F11 (ia) a regulated participant which is a members association,]

(iii) a recognised third party other than an individual, or

(iv) a permitted participant other than an individual;

(c) “relevant person” means a person who is (or has been)—

(i) in relation to a registered party (other than a minor party) or the central organisation of such a party, the treasurer of the party,

(ii) in relation to any accounting unit of such a party, the registered treasurer of the unit,

(iii) in relation to a regulated donee which is a members association, the responsible person for the purposes of Schedule 7,

[F12 (iiia) in relation to a regulated participant which is a members association, the person responsible for the purposes of Schedule 7A,]

(iv) in relation to a recognised third party, the responsible person for the purposes of Part VI,

(v) in relation to a permitted participant, the responsible person for the purposes of Part VII;

(d) “regulated donee” and “members association” have the same meaning as in Schedule 7;

[F13 (da) “regulated participant” has the same meaning as in Schedule 7A;]

(e) “recognised third party” and “permitted participant” have the same meaning as in Parts VI and VII respectively.

Textual Amendments

F9 Words in s. 148(1) substituted (1.12.2010) by [Political Parties and Elections Act 2009 \(c. 12\)](#), s. 43(1), [Sch. 6 para. 23](#); [S.I. 2010/2866](#), art. 3(d)(g)

F10 Words in s. 148(6)(a) inserted (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 74(1), 77(2), [Sch. 1 para 151\(2\)](#);

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- S.I. 2006/1972, **art. 3**, Sch. 1 paras. 24, 25(m)(ii) (subject to art. 4, Sch. 2) (as amended by S.I. 2006/2268, art. 4); S.I. 2008/1656, **art. 2** (subject to art. 3, Sch. 1)
- F11** S. 148(6)(b)(iia) inserted (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by Electoral Administration Act 2006 (c. 22), ss. 74(1), 77(2), **Sch. 1 para 151(3)**; S.I. 2006/1972, **art. 3**, Sch. 1 paras. 24, 25(m)(ii) (subject to art. 4, Sch. 2) (as amended by S.I. 2006/2268, art. 4); S.I. 2008/1656, **art. 2** (subject to art. 3, Sch. 1)
- F12** S. 148(6)(c)(iia) inserted (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by Electoral Administration Act 2006 (c. 22), ss. 74(1), 77(2), **Sch. 1 para 151(4)**; S.I. 2006/1972, **art. 3**, Sch. 1 paras. 24, 25(m)(ii) (subject to art. 4, Sch. 2) (as amended by S.I. 2006/2268, art. 4); S.I. 2008/1656, **art. 2** (subject to art. 3, Sch. 1)
- F13** S. 148(6)(da) inserted (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by Electoral Administration Act 2006 (c. 22), ss. 74(1), 77(2), **Sch. 1 para 151(5)**; S.I. 2006/1972, **art. 3**, Sch. 1 paras. 24, 25(m)(ii) (subject to art. 4, Sch. 2) (as amended by S.I. 2006/2268, art. 4); S.I. 2008/1656, **art. 2** (subject to art. 3, Sch. 1)

Commencement Information

- I7** S. 148 wholly in force at 16.2.2001; s. 148 not in force at Royal Assent, see s. 163(2); s. 148 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)

Inspection of registers etc.

149 Inspection of Commission's registers etc.

- (1) This section applies to any register kept by the Commission under—
 - (a) section 23;
 - (b) section 69;
 - [^{F14}(ba) section 71V;]
 - (c) section 89;^{F15} . . .
 - (d) section 107.
 - [^{F16}(e) paragraph 19 of Schedule 7;
 - (f) paragraph 7 of Schedule 19A.]
- (2) The Commission shall make a copy of the register available for public inspection during ordinary office hours, either at the Commission's offices or at some convenient place appointed by them.
- (3) The Commission may make other arrangements for members of the public to have access to the contents of the register.
- (4) If requested to do so by any person, the Commission shall supply him with a copy of the register or any part of it.
- (5) The Commission may charge such reasonable fee as they may determine in respect of—
 - (a) any inspection or access allowed under subsection (2) or (3); or
 - (b) any copy supplied under subsection (4).
- (6) Subsections (2) to (5) shall apply in relation to any document a copy of which the Commission are for the time being required to make available for public inspection by virtue of—
 - (a) section 46,

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- (b) section 84,
 - (c) section 100, or
 - (d) section 124,
- as they apply in relation to any register falling within subsection (1).
- (7) Where any register falling within subsection (1) or any document falling within subsection (6) is held by the Commission in electronic form, any copy—
- (a) made available for public inspection under subsection (2), or
 - (b) supplied under subsection (4),
- must be made available, or (as the case may be) supplied, in a legible form.
- [^{F17}(8) Subsections (2) to (4) do not apply to so much of the register maintained under section 69 as concerns donations to a Northern Ireland recipient.
- (9) “Northern Ireland recipient” has the same meaning as in Chapter 6 of Part 4.]
- [^{F18}(10) Subsections (2) to (4) do not apply to so much of the register maintained under section 71V as concerns recordable transactions to which a Northern Ireland participant is a party.
- (11) “Northern Ireland participant” has the same meaning as in Chapter 2 of Part 4A.]

Textual Amendments

- F14** S. 149(1)(ba) inserted (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by [Electoral Administration Act 2006 \(c. 46\)](#), **ss. 61(3)**, 77(2); S.I. 2006/1972, **art. 3**, **Sch. 1 para. 20(a)** (subject to **art. 4**, **Sch. 2**) (as substituted by S.I. 2006/2268, **art. 3**); S.I. 2008/1656, **art. 2** (subject to **art. 3**, **Sch. 1**)
- F15** Word in s. 149(1) repealed (1.1.2010) by [Political Parties and Elections Act 2009 \(c. 12\)](#), **ss. 39, 43**, **Sch. 7**; S.I. 2009/3084, **art. 4(k)(iv)**
- F16** S. 149(1)(e)(f) inserted (1.1.2010) by [Political Parties and Elections Act 2009 \(c. 12\)](#), **ss. 39, 43**, **Sch. 6 para. 24**; S.I. 2009/3084, **art. 4(j)**
- F17** S. 149(8)(9) inserted (1.11.2007) by [Northern Ireland \(Miscellaneous Provisions\) Act 2006 \(c. 33\)](#), **ss. 10(2)(b)**, **14(1)(2)**, **31(2)**, **Sch. 1 para. 3** (as amended: (2.8.2010) by S.I. 2010/2061, **arts. 1, 2**; (1.3.2011) by S.I. 2011/431, **arts. 1(2), 2**; (28.2.2013) by S.I. 2013/320, **arts. 1(2), 2**; and (13.3.2014) by 2014 c. 13, **ss. 1(1)**, **28(1)(a)(i)**)
- F18** S. 149(10)(11) inserted (1.7.2008) by [The Electoral Administration Act 2006 \(Regulation of Loans etc: Northern Ireland\) Order 2008 \(S.I. 2008/1319\)](#), **arts. 1(2), 5**, **Sch. 1 para. 3** (as amended: (2.8.2010) by S.I. 2010/2061, **arts. 1, 3**; (1.3.2011) by S.I. 2011/431, **arts. 1(2), 3**; (28.2.2013) by S.I. 2013/320, **arts. 1(2), 3**; and (13.3.2014) by 2014 c. 13, **ss. 2(1)(a)**, **28(1)(b)(i)**)

Commencement Information

- I8** S. 149 wholly in force at 16.2.2001; s. 149 not in force at Royal Assent, see s. 163(2); s. 149 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**)

Provisions relating to offences

150 Punishment of offences.

- (1) Schedule 20 makes provision for the punishment of offences under this Act.

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- (2) In relation to an offence under any provision specified in the first column of that Schedule, the second column shows—
- whether the offence is punishable on summary conviction only or is punishable either on summary conviction or on conviction on indictment; and
 - the maximum punishment (or, in the case of a fine on a conviction on indictment, the punishment) which may be imposed by way of fine or imprisonment on a person convicted of the offence in the way specified;
- and, where that column shows two alternative penalties that may be imposed on a person convicted in the way specified, as a further alternative both of those penalties may be imposed on him.
- (3) In the second column of that Schedule—
- “Level 5” means a fine not exceeding level 5 on the standard scale;
 - “statutory maximum” means a fine not exceeding the statutory maximum; and
 - any reference to [^{F19}51 weeks,] 1 year or 6 months is a reference to a term of imprisonment not exceeding [^{F19}51 weeks,] 1 year or 6 months (as the case may be).
- [^{F20}(4) In the application of this section to Gibraltar—
- the reference to the standard scale shall have effect as if it were a reference to the standard scale pursuant to section 189 of, and Schedule 6 to, the Criminal Procedure Ordinance; and
 - the reference to the statutory maximum shall have effect as if it were a reference to level 5 on that scale.]

[^{F21}(5) In the application of Schedule 20 to England and Wales in relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for summary offences), a reference to 51 weeks is to be read as a reference to 6 months.]

Textual Amendments

- F19** Words in s. 150(3)(c) inserted (1.7.2008) by [The Electoral Administration Act 2006 \(Regulation of Loans etc: Northern Ireland\) Order 2008 \(S.I. 2008/1319\)](#), arts. 1(2), 7, **Sch. 2 para. 1(2)**
- F20** S. 150(4) inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), **Sch. para. 28**
- F21** S. 150(5) inserted (1.7.2008) by [The Electoral Administration Act 2006 \(Regulation of Loans etc: Northern Ireland\) Order 2008 \(S.I. 2008/1319\)](#), arts. 1(2), 7, **Sch. 2 para. 1(3)**

Commencement Information

- I9** S. 150 wholly in force at 16.2.2001; s. 150 not in force at Royal Assent, see s. 163(2); s. 150 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](#))

151 Summary proceedings.

- (1) Summary proceedings for any offence under this Act may, without prejudice to any jurisdiction exercisable apart from this subsection, be taken against any body, including an unincorporated association, at any place at which it has a place of business, and against an individual at any place at which he is for the time being.

Status: Point in time view as at 01/12/2010.

Changes to legislation: Political Parties, Elections and Referendums Act 2000, Part X is up to date with all changes known to be in force on or before 14 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (2) Despite anything in section 127(1) of the ^{M8}Magistrates' Courts Act 1980, any information relating to an offence under this Act which is triable by a magistrates' court in England and Wales may be so tried if it is laid at any time within three years after the commission of the offence and within six months after the relevant date.
- (3) Despite anything in section 136 of the ^{M9}Criminal Procedure (Scotland) Act 1995, summary proceedings for such an offence may be commenced in Scotland at any time within three years after the commission of the offence and within six months after the relevant date; and subsection (3) of that section shall apply for the purposes of this subsection as it applies for the purposes of that section.
- (4) Despite anything in Article 19(1) of the ^{M10}Magistrates' Courts (Northern Ireland) Order 1981, a complaint relating to such an offence which is triable by a court of summary jurisdiction in Northern Ireland may be so tried if it is made at any time within three years after the commission of the offence and within six months after the relevant date.
- [^{F22}(4A) Despite anything in section 117 of the Criminal Procedure Ordinance, any information or complaint relating to such an offence which is triable by a magistrates' court in Gibraltar may be so tried if it is laid or made at any time within three years after the commission of the offence and within six months after the relevant date.]
- (5) In this section “the relevant date” means the date on which evidence sufficient in the opinion of the prosecutor to justify proceedings comes to his knowledge.
- (6) For the purposes of subsection (5) a certificate of any prosecutor as to the date on which such evidence as is there mentioned came to his knowledge shall be conclusive evidence of that fact.

Textual Amendments

F22 S. 151(4A) inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), [Sch. para. 29](#)

Commencement Information

I10 S. 151 wholly in force at 16.2.2001; s. 151 not in force at Royal Assent, see s. 163(2); s. 151 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](#))

Marginal Citations

M8 1980 c. 43.

M9 1995 c. 46.

M10 S.I. 1981/1675 (N.I. 26).

152 Offences committed by bodies corporate.

- (1) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
- (a) any director, manager, secretary or other similar officer of the body corporate, or
 - (b) any person who was purporting to act in any such capacity,

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he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

- (2) Where the affairs of a body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Commencement Information

III S. 152 wholly in force at 16.2.2001; s. 152 not in force at Royal Assent, see s. 163(2); s. 152 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)

153 Offences committed by unincorporated associations.

- (1) Proceedings for an offence alleged to have been committed under this Act by an unincorporated association shall be brought against the association in its own name (and not in that of any of its members) and, for the purposes of any such proceedings, any rules of court relating to the service of documents shall have effect as if the association were a corporation.
- (2) A fine imposed on an unincorporated association on its conviction of an offence under this Act shall be paid out of the funds of the association.
- (3) Section 33 of the ^{M11}Criminal Justice Act 1925 and Schedule 3 to the ^{M12}Magistrates' Courts Act 1980 (procedure on charge of offence against a corporation) shall have effect in a case in which an unincorporated association is charged in England or Wales with an offence under this Act in like manner as they have effect in the case of a corporation so charged.
- (4) In relation to any proceedings on indictment in Scotland for an offence alleged to have been committed under this Act by an unincorporated association, section 70 of the ^{M13}Criminal Procedure (Scotland) Act 1995 (proceedings on indictment against bodies corporate) shall have effect as if the association were a body corporate.
- (5) Section 18 of the ^{M14}Criminal Justice Act (Northern Ireland) 1945 and Schedule 4 to the ^{M15}Magistrates' Courts (Northern Ireland) Order 1981 (procedure on charge of offence against a corporation) shall have effect in a case in which an unincorporated association is charged in Northern Ireland with an offence under this Act in like manner as they have effect in the case of a corporation so charged.
- [^{F23}(5A) Sections 124 and 144 of, and Schedule 4 to, the Criminal Procedure Ordinance shall have effect in a case in which an unincorporated association is charged in Gibraltar with an offence under this Act in like manner as they have effect in the case of a corporation so charged.]
- (6) Where a partnership is guilty of an offence under this Act and the offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any partner, he as well as the partnership shall be guilty of that offence and be liable to be proceeded against and punished accordingly.
- (7) Where any other unincorporated association is guilty of an offence under this Act and the offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
- (a) any officer of the association, or

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- (b) any member of the committee or other similar governing body of the association,
 he, as well as the association, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

Textual Amendments

F23 S. 153(5A) inserted (5.2.2004) by The European Parliamentary Elections (Combined Region and Campaign Expenditure) (United Kingdom and Gibraltar) Order 2004 (S.I. 2004/366), arts. 1(2), 4(2), **Sch. para. 30**

Commencement Information

I12 S. 153 wholly in force at 16.2.2001; s. 153 not in force at Royal Assent, see s. 163(2); s. 153 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)

Marginal Citations

M11 1925 c. 86.
M12 1980 c. 43.
M13 1995 c. 46.
M14 1945 c. 15 (N.I.).
M15 S.I. 1981/1675 (N.I. 26).

154 Duty of court to report convictions to Commission.

The court by or before which a person is convicted of—

- (a) an offence under this Act, or
 (b) an offence committed in connection with a relevant election (within the meaning of Part II),

shall notify the Commission of his conviction as soon as is practicable.

Commencement Information

I13 S. 154 wholly in force at 16.2.2001; s. 154 not in force at Royal Assent, see s. 163(2); s. 154 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)

Variation of specified sums

155 Power to vary specified sums.

- (1) The Secretary of State may by order vary any sum for the time being specified in any provision of this Act (other than the sum specified in section 12(8) or 36(5)).
- (2) The Secretary of State may make such an order either—
- (a) where he considers it expedient to do so in consequence of changes in the value of money, or
- (b) where the order gives effect to a recommendation of the Commission.
- [^{F24}(3) Subsection (4) applies in relation to the sums specified in—
- (a) Part 4;

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- (b) Part 4A;
 - (c) Schedule 11;
 - (d) Schedule 15;
 - (e) Schedule 19A.
- (4) In each Parliament, other than a Parliament that is dissolved less than two years after the date of its first sitting, the Secretary of State must either—
- (a) make an order in pursuance of subsection (2)(a), or
 - (b) lay before Parliament a statement setting out the Secretary of State's reasons for not doing so.]

Textual Amendments

F24 S. 155(3)(4) inserted (1.1.2010) by [Political Parties and Elections Act 2009 \(c. 12\)](#), **ss. 20(4)**, 43 (with [s. 20\(5\)](#)); [S.I. 2009/3084](#), **art. 4(h)**

Commencement Information

I14 S. 155 wholly in force at 16.2.2001; s. 155 partly in force at Royal Assent, see [s. 163\(3\)](#); s. 155 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](#))

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 [^{F25}subsections (3) to (4A)] , 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 ^{F26}... 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—
- ^{F27}(a)
 - (b) section 51(4),
 - (c) section 67(1),
 - [^{F28}(ca) any provision of Chapter 6 of Part 4;]
 - (d) ^{F29}
 - [^{F30}(da) section 71F(13),
 - (db) section 71H(4),
 - (dc) section 71U(1),]
 - [^{F31}(dd) any provision of Chapter 2 of Part 4A,]
 - (e) section 101(4),
 - (f) section 108(3),
 - (g) section 109(6),

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- (h) section 129,
- [^{F32}(ha) paragraph 9 of Schedule 6A,]
- (i) paragraph 3(4) of Schedule 7,
- [^{F33}(ia) paragraph 2(9) or 4(4) of Schedule 7A,]
- (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.

[^{F34}(4A) An order under paragraph 16 of Schedule 19C that contains—

- (a) provision made by virtue of paragraph 1(1), (2), (3), (4) or (5), paragraph 5(1), (2), (3) or (4), paragraph 10(2)(b) or (3)(b) or paragraph 15(1)(a) of that Schedule, or
- (b) provision amending an Act,

shall not be made unless a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament; and subsection (2) does not apply to such an order.]

- (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.

Textual Amendments

- F25** Words in s. 156(2) substituted (1.12.2010) by Political Parties and Elections Act 2009 (c. 12), s. 43(1), **Sch. 6 para. 25**; S.I. 2010/2866, art. 3(d)(g)
- F26** Words in s. 156(3)(a) repealed (1.4.2010) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 146(3), 148(3), **Sch. 7 Pt. 3**; S.I. 2009/3318, art. 4(hh)
- F27** S. 156(4)(a) repealed (1.4.2010) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 146(3), 148(3), **Sch. 7 Pt. 3**; S.I. 2009/3318, art. 4(hh)
- F28** S. 156(4)(ca) inserted (1.11.2007) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 10(2)(b), **13(1)**, 31(2)
- F29** S. 156(4)(d) repealed (25.9.2006) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 10(2)(a), 11(8)(a)(iii), 30(2), 31(2)(4), **Sch. 5**
- F30** S. 156(4)(da)-(dc) inserted (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by Electoral Administration Act 2006 (c. 22), ss. **61(4)(a)**, 77(2); S.I. 2006/1972, **art. 3**, Sch. 1 para. 20(a) (subject to art. 4, Sch. 2) (as substituted by S.I. 2006/2268, art. 3); S.I. 2008/1656, **art. 2** (subject to art. 3, Sch. 1)

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- F31** S. 156(4)(dd) inserted (1.7.2008) by [The Electoral Administration Act 2006 \(Regulation of Loans etc: Northern Ireland\) Order 2008 \(S.I. 2008/1319\)](#), arts. 1(2), **4(1)**
- F32** S. 156(4)(ha) inserted (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by [Electoral Administration Act 2006](#), (c. 22), {ss. 61(4)(b)}, 77(2); [S.I. 2006/1972](#), **art. 3**, [Sch. 1 para. 20\(a\)](#) (subject to [art. 4](#), [Sch. 2](#)) (as substituted by [S.I. 2006/2268](#), **art. 3**); [S.I. 2008/1656](#), **art. 2** (subject to [art. 3](#), [Sch. 1](#))
- F33** S. 156(4)(ia) inserted (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I. and otherwise prosp.) by [Electoral Administration Act 2006](#), (c. 22), ss. 61(7), 77(2), {[Sch. 1 para. 100](#)}; [S.I. 2006/1972](#), **art. 3**, [Sch. 1 paras. 20\(a\), 25\(m\)\(i\)](#) (subject to [art. 4](#), [Sch. 2](#)) (as amended by [2006/2268](#), **art. 4**); [S.I. 2008/1656](#), **art. 2** (subject to [art. 3](#), [Sch. 1](#))
- F34** [S. 156\(4A\)](#) inserted (1.12.2010) by [Political Parties and Elections Act 2009 \(c. 12\)](#), **ss. 3(4)**, 43(1); [S.I. 2010/2866](#), **art. 3(c)** (with [art. 6](#))

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.

Commencement Information

- I15** S. 157 wholly in force at 16.2.2001; s. 157 not in force at Royal Assent, see s. 163(2); s. 157 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](#))

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 [^{F35}(other than [^{F36}those relating to sections 72, 73, 79, 81, 82, 101 to 105, and 108 and Schedule 3])] or III of the Representation of the ^{M16}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.

Textual Amendments

- F35** Words in s. 158(3) inserted (S.) (20.1.2005) by [Local Governance \(Scotland\) Act 2004 \(asp 9\)](#), **ss. 14(4)**, 17(2); [S.S.I. 2005/588](#), **art. 2**
- F36** Words in s. 158(3)(a) substituted (S.) (29.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 28(3)**, 63(2); [S.S.I. 2007/26](#), **art. 2(1)(i)**

Commencement Information

- I16** S. 158 wholly in force at 16.2.2001; s. 158 not in force at Royal Assent, see s. 163(2); s. 158 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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Marginal Citations

M16 1983 c. 2.

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.

[^{F38}159A Functions of the [^{F37}Lord President of the Council]

In this Act, except—

- (a) sections 9 [^{F39}, 18(2) and (4), Chapter 6 of Part 4 and Chapter 2 of Part 4A], and
- (b) paragraph 7 of Schedule 9,

“the Secretary of State” means the Secretary of State or the [^{F40}Lord President of the Council] .]

Textual Amendments

- F37** Words in s. 159A heading substituted (18.8.2010) by [Lord President of the Council Order 2010 \(S.I. 2010/1837\)](#), art. 1(2), [Sch. para. 9\(b\)](#)
- F38** S. 159A inserted (25.11.2002) by [S.I. 2002/2626](#), art. 20, [Sch. 2 para. 25\(3\)](#)
- F39** Words in s. 159A(a) substituted (1.7.2008) by [The Electoral Administration Act 2006 \(Regulation of Loans etc: Northern Ireland\) Order 2008 \(S.I. 2008/1319\)](#), arts. 1(2), [4\(2\)](#)
- F40** Words in s. 159A substituted (18.8.2010) by [Lord President of the Council Order 2010 \(S.I. 2010/1837\)](#), art. 1(2), [Sch. para. 9\(b\)](#)

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);

[^{F41}“combined region” means the electoral region which includes Gibraltar, namely the South West electoral region;]

“the Commission” means the Electoral Commission;

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[^{F42}“contravention” includes a failure to comply, and cognate expressions shall be construed accordingly;]

“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 ^{M17}Interpretation Act 1978);

[^{F43}“exempt Gibraltar trust donation” has the meaning given by section 162;]

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

“functions” includes powers and duties;

[^{F44}“Gibraltar court” as respects any purpose, means the court determined by or under the law of Gibraltar to be the court for that purpose;]

[^{F45}“Gibraltar elector” means an individual—

- (a) who is registered in the Gibraltar register, or
- (b) if the first version of that register has not been published—
 - (i) who is registered in the register of electors used for House of Assembly elections, or
 - (ii) who is resident in Gibraltar, aged 16 or over and is a Commonwealth citizen or a citizen of the European Union (other than a Commonwealth citizen);]

[^{F46}“Gibraltar party” has the meaning given by section 28(8)(d); and;]

[^{F47}“Gibraltar register” has the meaning given by section 14 of the European Parliament (Representation) Act 2003]

“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 ^{M18}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) [^{F48}a person who is eligible for appointment as a statutory auditor under Part 42 of the Companies Act 2006;][^{F49} or

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- (b) in the case of a Gibraltar party, a person who is, in accordance with section 6 of the Auditors Approval and Registration Ordinance 1998, 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;
 [^{F42}“restriction” includes prohibition;]
 “treasurer”, in relation to a registered party, means registered treasurer.
- (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 [^{F50}, the Welsh 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 [^{F51}, the Welsh Ministers] or any Minister within the meaning of the ^{M19}Northern Ireland Act 1998,
 - (ii) any government department (including a Northern Ireland department) [^{F52}, the Welsh Assembly Government] or any part of the Scottish Administration ^{F53} . . .
 - (iii) ^{F54}
 - (c) payments by the Scottish Parliamentary Corporate Body [^{F55}, the National Assembly for Wales Commission] 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.
- [^{F56}(6) References in this Act to a named [^{F57}Act] are to the Gibraltar [^{F57}Act] of that name.]

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Textual Amendments

- F41** S. 160(1): definition of "combined region" inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), **Sch. para. 31(a)(ii)**
- F42** Words in s. 160(1) inserted (1.12.2010) by [Political Parties and Elections Act 2009 \(c. 12\)](#), s. 43(1), **Sch. 6 para. 26**; [S.I. 2010/2866](#), art. 3(d)(g)
- F43** S. 160(1): definition of "exempt Gibraltar trust donation" inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), **Sch. para. 31(a)(ii)**
- F44** S. 160(1): definition of "Gibraltar court" inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), **Sch. para. 31(a)(ii)**
- F45** S. 160(1): definition of "Gibraltar elector" inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), **Sch. {para. 31(a)(ii)}**
- F46** S. 160(1): definition of "Gibraltar party" inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), **Sch. para. 31(a)(ii)**
- F47** S. 160(1): definition of "Gibraltar register" inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), **Sch. para. 31(a)(ii)**
- F48** S. 160(1): in definition of "qualified auditor" para. (a) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\)](#), arts. 2(2), 3(1), **Sch. 1 para. 26** (with arts. 6, 11, 12)
- F49** S. 160(1): para. (b) and preceding word inserted (5.2.2004) in definition of "qualified auditor" by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), **Sch. para. 31(a)(i)(bb)**
- F50** Words in s. 160(4)(a)(i) inserted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 97(a)**, the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) -- see ss. 46, 161(5) of the [Government of Wales Act 2006 \(c. 32\)](#) and art. 1(2) of the amending S.I.
- F51** Words in s. 160(4)(b)(i) inserted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 97(b)(i)**, the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) -- see ss. 46, 161(5) of the [Government of Wales Act 2006 \(c. 32\)](#) and art. 1(2) of the amending S.I.
- F52** Words in s. 160(4)(b)(ii) inserted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 97(b)(ii)**, the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) -- see ss. 46, 161(5) of the [Government of Wales Act 2006 \(c. 32\)](#) and art. 1(2) of the amending S.I.
- F53** Word in s. 160(4)(b)(ii) omitted by virtue of [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 97(b)(ii)**, the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) -- see ss. 46, 161(5) of the [Government of Wales Act 2006 \(c. 32\)](#) and art. 1(2) of the amending S.I.
- F54** S. 160(4)(b)(iii) omitted by virtue of [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 97(b)(iii)**, the amending provision coming into force immediately after the end of "the initial period" (which

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ended with the day of the first appointment of a First Minister on 25.5.2007) -- see ss. 46, 161(5) of the Government of Wales Act 2006 (c. 32) and art. 1(2) of the amending S.I.

F55 Words in s. 160(4)(c) inserted by The Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388), art. 3, **Sch. 1 para. 97(c)**, the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) -- see ss. 46, 161(5) of the Government of Wales Act 2006 (c. 32) and art. 1(2) of the amending S.I.

F56 S. 160(6) inserted (5.2.2004) by The European Parliamentary Elections (Combined Region and Campaign Expenditure) (United Kingdom and Gibraltar) Order 2004 (S.I. 2004/366), arts. 1(2), 4(2), **Sch. para. 31(b)**

F57 Words in s. 160(6) substituted (30.1.2009) by The European Parliamentary Elections (Loans and Related Transactions and Miscellaneous Provisions) (United Kingdom and Gibraltar) Order 2009 (S.I. 2009/185), arts. 1(2), 2(2), **Sch. para. 15**

Marginal Citations

M17 1978 c. 30.

M18 1983 c. 2.

M19 1998 c. 47.

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.

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Commencement Information

117 S. 161 wholly in force at 16.2.2001; s. 161 not in force at Royal Assent, see s. 163(2); s. 161 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](#))

162 Interpretation: exempt trust donations.

(1) For the purposes of this Act—

[^{F58}(a)] “exempt trust donation” means a donation to which subsection (2) or (3) applies, other than one falling within subsection (5)

[^{F59}(b)] “exempt Gibraltar trust donation” means a donation to which subsection (3A) 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.

[^{F60}(3A)] 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 falling within section 54(2A)(a) to (g) at the time when the trust was created, or
 - (ii) the will of a person falling within section 54(3A), and
- (b) to which no property has been transferred other than—
 - (i) by a person falling within section 54(2A)(a) to (g) at the time of the transfer, or
 - (ii) under the will of a person falling within section 54(3A),

provided that, at or before the time of the receipt of the donation, the trustee gives the recipient of the donation the relevant information.]

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- (4) For the purposes of [^{F61}subsections (3) and (3A)]“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 [^{F62}or exempt Gibraltar trust donation] occurs;
 - (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.

Textual Amendments

- F58** Words in s. 162(1) renumbered (5.2.2004) as s. 162(1)(a) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), **Sch. para. 32(a)(i)**
- F59** S. 162(1)(b) inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), **Sch. para. 32(a)(ii)**
- F60** S. 162(3A) inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), **Sch. para. 32(b)**
- F61** Words in s. 162(4) substituted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), **Sch. para. 32(c)**
- F62** S. 162(6)(a) inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), 4(2), **Sch. para. 32(d)**

Modifications etc. (not altering text)

- C1** S. 162 applied (1.7.2001) by [1983 c. 2, Sch. 2A para. 6\(2\)](#) (as inserted (1.7.2001) by [2000 c. 41, ss. 130\(3\)\(4\), Sch. 16](#) (with s. 156(6))); [S.I. 2001/222](#), art. 4, **Sch. 2 Pt. I** (with [Sch. 2 Pt. II para. 1](#))
- C2** S. 162 applied (E.W.S. and Gibraltar) (23.3.2004) by [The European Parliamentary Elections Regulations 2004 \(S.I. 2004/293\)](#), reg. 42(4), **Sch. 6 para. 6(2)** (with regs. 3-5)
- C3** S. 162 applied (N.I.) (30.4.2004) by [The European Parliamentary Elections \(Northern Ireland\) Regulations 2004 \(S.I. 2004/1267\)](#), reg. 38(4), **Sch. 4 para. 6(2)**
- C4** S. 162 applied (1.2.2007) by [The National Assembly for Wales \(Representation of the People\) Order 2007 \(S.I. 2007/236\)](#), arts. 1(1), 41(4), **Sch. 6 para. 6(2)**

Commencement Information

- I18** S. 162 wholly in force at 16.2.2001; s. 162 not in force at Royal Assent, see s. 163(2); s. 162 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, **Sch. 1** (subject to transitional provisions in [Sch. 1 Pt. II](#))

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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.
- [^{F63}(11) The following provisions of this Act extend to Gibraltar—
- (a) Part 1 (The Electoral Commission), except sections 9, 12 and 14 to 20;
 - (b) Part 2 (Registration of Political Parties), except sections 36 and 38;
 - (c) Part 3 (Accounting requirements for registered parties);
 - (d) Part 4 (Control of donations to registered parties and their members etc.);
 - [Part 4A (Regulation of Loans and Related Transactions);]
 - ^{F64}(da)
 - (e) Part 5 (Control of campaign expenditure);
 - (f) Part 6 (Controls relating to third party national election campaigns); and
 - (g) Part 10 (Miscellaneous and general), except sections 141, 142, 144 and 158.]

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Subordinate Legislation Made

- P1** S. 163(2) power partly exercised: 16.2.2001 appointed for specified provisions by [S.I. 2001/222, art. 2](#) (with transitional provisions in [Sch. 1 Pt. II](#)); 30.10.2001 appointed for specified provisions by [S.I. 2001/3526, art. 2](#); 1.1.2002 appointed for specified provisions by [S.I. 2001/3526, art. 3](#); 1.4.2002 appointed for specified provisions by [S.I. 2001/3526, art. 4](#); 1.1.2007 appointed for specified provisions by [S.I. 2006/3416, art. 3](#) (subject to [art. 5](#))

Textual Amendments

- F63** S. 163(11) inserted (5.2.2004) by [The European Parliamentary Elections \(Combined Region and Campaign Expenditure\) \(United Kingdom and Gibraltar\) Order 2004 \(S.I. 2004/366\)](#), arts. 1(2), **4(1)**
- F64** S. 163(11)(da) inserted (31.1.2009) by [The European Parliamentary Elections \(Loans and Related Transactions and Miscellaneous Provisions\) \(United Kingdom and Gibraltar\) Order 2009 \(S.I. 2009/185\)](#), art. 1(2)(3), **2(1)**

Status:

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