



# Political Parties, Elections and Referendums Act 2000

## 2000 CHAPTER 41

### PART X

#### MISCELLANEOUS AND GENERAL

##### *Enforcement of Act*

#### **145 General function of Commission with respect to monitoring compliance with controls imposed by the Act etc.**

- (1) The Commission shall have the general function of monitoring 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.
- (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.

*Status: Point in time view as at 16/02/2001.*

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- (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).
- (7) In this section and sections 146 and 148—  
 “election” means a relevant election for the purposes of Part II;  
 “election agent” includes a sub-agent.

#### Commencement Information

- II** 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](#))

#### 146 Supervisory powers of Commission.

- (1) The Commission may by notice require the relevant person in the case of any supervised organisation or individual (or former supervised organisation or individual) —
- (a) to produce, for inspection by the Commission or a person authorised by the Commission, any such books, documents or other records relating to the income and expenditure of the organisation or individual as the Commission may reasonably require for the purposes of the carrying out by them of their functions, or
  - (b) to furnish the Commission, or a person authorised by the Commission, with such information or explanation relating to the income and expenditure of the organisation or individual as the Commission may reasonably so require,
- and to do so within such reasonable time as is specified in the notice.
- (2) The Commission, or a person authorised by the Commission, may—
- (a) make copies of, or records of any information contained in, any books, documents or other records produced under subsection (1)(a);
  - (b) make copies or records of any information or explanation furnished under subsection (1)(b).
- (3) A person authorised in writing by the Commission may, for the purposes of the carrying out by the Commission of their functions, enter at any reasonable time premises occupied by a supervised organisation or individual and having entered any such premises may—
- (a) inspect any books, documents or other records relating to the income and expenditure of the organisation or individual, and
  - (b) make copies of, or records of any information contained in, any such books, documents or other records.
- (4) Where any such records as are mentioned in subsection (1) or (3) are kept in electronic form, then—

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- (a) the power of the Commission under subsection (1) to require any such records to be produced for inspection includes power to require a copy of the records to be made available for inspection in legible form (and subsection (2)(a) shall accordingly apply in relation to any copy so made available); and
  - (b) the power of any person (“the inspector”) under subsection (3) to inspect any such records includes power to require any person on the premises in question to give the inspector such assistance as he may reasonably require to enable him—
    - (i) to inspect and make copies of the records in legible form or to make records of information contained in them, or
    - (ii) to inspect and check the operation of any computer, and any associated apparatus or material, that is or has been in use in connection with the keeping of the records.
- (5) A person commits an offence if he fails, without reasonable excuse, to comply with any requirement imposed under this section.
- (6) A person commits an offence if he intentionally obstructs a person authorised as mentioned in subsection (3) in the carrying out of that person’s functions under that subsection.
- (7) Subject to subsection (8), subsection (1) shall apply in relation to—
  - (a) a regulated donee (or former regulated donee), or
  - (b) a person who is (or has been) a candidate at an election (other than a local government election in Scotland) or the election agent for such a candidate,as it applies to a supervised organisation or individual (or former supervised organisation or individual); and subsections (2), (4) and (5) apply accordingly.
- (8) The powers conferred by virtue of subsection (7) may only be exercised by the Commission (or, as the case may be, by a person authorised by them) for or in connection with obtaining—
  - (a) such information or explanations relating to the income and expenditure of regulated donees in connection with their political activities as the Commission reasonably require for the purpose of monitoring compliance on the part of regulated donees with the requirements imposed by or by virtue of Schedule 7, or
  - (b) such information or explanations relating to the income and expenditure of candidates within paragraph (b) of that subsection and their election agents as the Commission reasonably require for the purpose of monitoring compliance on the part of such candidates and their agents with restrictions and other requirements falling within section 145(1)(b),as the case may be.
- (9) In this section—
  - “regulated donee” and “political activities”, in relation to a regulated donee, each have the same meaning as in Schedule 7;
  - “relevant person”, in relation to a supervised organisation or individual, means—
    - (a) in the case of an organisation, any person who is or has been the treasurer or another officer of the organisation, and
    - (b) in the case of an individual, that individual;
  - “supervised organisation or individual” means—

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- (a) 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,
- (b) a recognised third party (within the meaning of Part VI), or
- (c) a permitted participant (within the meaning of Part VII).

#### Commencement Information

**I2** 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)

### 147 Civil penalty for failure to deliver documents etc.

- (1) This section applies where—
- (a) the requirements of section 31(4) or 34(3) are not complied with in relation to any notification required to be given by the treasurer or (as the case may be) registered leader of a registered party;
  - (b) the requirements of section 45(1) or (2) are not complied with in relation to any statement of accounts, notification or auditor’s report relating to a registered party or any accounting unit of such a party;
  - (c) the requirements of section 65(1) or (2) are not complied with in relation to any donation report relating to a registered party;
  - (d) the requirements of section 74(6) are not complied with in relation to any notification required to be given by the treasurer of a registered party;
  - (e) the requirements of section 82(1), (2) or (3) are not complied with in relation to any return or auditor’s report relating to a registered party;
  - (f) the requirements of section 98(1), (2) or (3) are not complied with in relation to any return or auditor’s report relating to a recognised third party (within the meaning of Part VI); or
  - (g) the requirements of section 122(1), (2) or (3) are not complied with in relation to any return or auditor’s report relating to a permitted participant (within the meaning of Part VII).
- (2) In a case where this section applies, the relevant organisation is liable to a civil penalty under this section.

This is in addition to any criminal liability of any person under any other provision of this Act.

- (3) The amount of the penalty shall be determined by reference to the length of the period between—
- (a) the end of the period within which—
    - (i) the notification mentioned in subsection (1)(a) or (d) was required to be given to the Commission, or
    - (ii) the document mentioned in subsection (1)(b), (c), (e), (f) or (g) was required to be delivered to them,
 as the case may be, and
  - (b) the day on which the requirements are complied with,
- and shall be so determined as follows:—

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<b>Length of period</b>	<b>Penalty</b>
Not more than 3 months.	£500
More than 3 months but not more than 6 months.	£1,000
More than 6 months but less than 12 months.	£2,000

- (4) If the requirements are not complied with by the end of the period of 12 months after the end of the period referred to in subsection (3)(a), a penalty of £5,000 is payable—
- in respect of that period of 12 months, and
  - in respect of each subsequent period of 12 months during any part of which the requirements are not complied with.
- (5) Any penalty imposed by this section—
- shall be recoverable in proceedings brought by the Commission as a debt due to them; and
  - once so recovered, shall be paid by them into the Consolidated Fund.
- (6) Where the relevant organisation is an unincorporated association, any such penalty shall be paid out of the funds of the organisation.
- (7) In the application of this section in relation to any such document as is mentioned in subsection (1)(b)—
- subsection (3)(a) shall be read as referring to the end of the relevant period within the meaning of section 47 or the period specified in paragraph 8(2)(b) of Schedule 5 (as the case may be); and
  - in the case of a document relating to an accounting unit of a registered party—
    - subsection (3) shall have effect as if the sums specified in the second column of the table were instead £100, £250 and £500, and
    - subsection (4) shall have effect as if the sum there specified were instead £1,000.
- (8) For the purposes of this section “the relevant organisation” is—
- in a case falling within subsection (1)(a) to (e), the registered party concerned;
  - in a case falling within subsection (1)(f), the recognised third party concerned; and
  - in a case falling within subsection (1)(g), the permitted participant concerned.

#### **Commencement Information**

**I3** [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—
- alters, suppresses, conceals or destroys, or
  - causes or permits the alteration, suppression, concealment or destruction of,

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any document or other record relating to the financial affairs or transactions of a supervised organisation or individual which is or is liable to be required to be produced for inspection under section 146(1), and does so with the intention of falsifying the document or record or enabling that organisation or individual 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,
- 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, 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,
    - (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,

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

#### **Commencement Information**

- I4** 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)

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