



Political Parties, Elections and Referendums Act 2000

2000 CHAPTER 41

PART X

MISCELLANEOUS AND GENERAL

Provisions relating to offences

150 Punishment of offences.

- (1) Schedule 20 makes provision for the punishment of offences under this Act.
- (2) In relation to an offence under any provision specified in the first column of that Schedule, the second column shows—
 - (a) whether the offence is punishable on summary conviction only or is punishable either on summary conviction or on conviction on indictment; and
 - (b) 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—
 - (a) “Level 5” means a fine not exceeding level 5 on the standard scale;
 - (b) “statutory maximum” means a fine not exceeding the statutory maximum; and
 - (c) any reference to 1 year or 6 months is a reference to a term of imprisonment not exceeding 1 year or 6 months (as the case may be).

[^{F1}(4) In the application of this section to Gibraltar—

Status: Point in time view as at 05/02/2004.

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- (a) 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
- (b) the reference to the statutory maximum shall have effect as if it were a reference to level 5 on that scale.]

Textual Amendments

- F1** 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](#)

Commencement Information

- II** 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.
- (2) Despite anything in section 127(1) of the ^{M1}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 ^{M2}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 ^{M3}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.
- [^{F2}(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.

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Textual Amendments

- F2** 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

- I2** 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

- M1** 1980 c. 43.
M2 1995 c. 46.
M3 [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,
- 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

- I3** [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 ^{M4}Criminal Justice Act 1925 and Schedule 3 to the ^{M5}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.

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- (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 ^{M6}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 ^{M7}Criminal Justice Act (Northern Ireland) 1945 and Schedule 4 to the ^{M8}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.
- [^{F3}(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
 - (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

- F3** 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

- I4** 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

- M4** 1925 c. 86.
M5 1980 c. 43.
M6 1995 c. 46.
M7 1945 c. 15 (N.I.).
M8 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

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(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

I5 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)

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