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SCHEDULES

SCHEDULE 11

CONTROL OF DONATIONS TO RECOGNISED THIRD PARTIES

PART I

INTRODUCTORY

Operation and interpretation of Schedule

- 1 (1) This Schedule has effect for controlling donations to recognised third parties which either are not registered parties or are minor parties.
- (2) The following provisions have effect for the purposes of this Schedule.
- (3) In accordance with sub-paragraph (1), “recognised third party” does not include a recognised third party which is a registered party other than a minor party.
- (4) “Relevant donation”, in relation to a recognised third party, means a donation to the recognised third party for the purpose of meeting controlled expenditure incurred by or on behalf of that third party.
- (5) “Donation” shall be construed in accordance with paragraphs 2 to 4.
- (6) References to a permissible donor falling within section 54(2) do not include a registered party.

Commencement Information

- II** Sch. 11 wholly in force at 16.2.2001; Sch. 11 partly in force at Royal Assent, see s. 163(3); Sch. 11 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)

Donations: general rules

- 2 (1) “Donation”, in relation to a recognised third party, means (subject to paragraph 4)—
 - (a) any gift to the recognised third party of money or other property;
 - (b) any sponsorship provided in relation to the recognised third party (as defined by paragraph 3);
 - (c) any money spent (otherwise than by or on behalf of the recognised third party) in paying any controlled expenditure incurred by or on behalf of the recognised third party;
 - (d) any money lent to the recognised third party otherwise than on commercial terms;

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- (e) the provision otherwise than on commercial terms of any property, services or facilities for the use or benefit of the recognised third party (including the services of any person); and
 - (f) in the case of a recognised third party, other than an individual, any subscription or other fee paid for affiliation to, or membership of, the third party.
- (2) Where—
- (a) any money or other property is transferred to a recognised third party pursuant to any transaction or arrangement involving the provision by or on behalf of the recognised third party of any property, services or facilities or other consideration of monetary value, and
 - (b) the total value in monetary terms of the consideration so provided by or on behalf of the recognised third party is less than the value of the money or (as the case may be) the market value of the property transferred,
- the transfer of the money or property shall (subject to sub-paragraph (4)) constitute a gift to the recognised third party for the purposes of sub-paragraph (1)(a).
- (3) In determining—
- (a) for the purposes of sub-paragraph (1)(d) whether any money lent to a recognised third party is so lent otherwise than on commercial terms, or
 - (b) for the purposes of sub-paragraph (1)(e) whether any property, services or facilities provided for the use or benefit of a recognised third party is or are so provided otherwise than on such terms,
- regard shall be had to the total value in monetary terms of the consideration provided by or on behalf of the recognised third party in respect of the loan or the provision of the property, services or facilities.
- (4) Where (apart from this sub-paragraph) anything would be a donation both by virtue of sub-paragraph (1)(b) and by virtue of any other provision of this paragraph, sub-paragraph (1)(b) (together with paragraph 3) shall apply in relation to it to the exclusion of the other provision of this paragraph.
- (5) Anything given or transferred to any officer, member, trustee or agent of a recognised third party in his capacity as such (and not for his own use or benefit) is to be regarded as given or transferred to the recognised third party (and references to donations received by a recognised third party accordingly include donations so given or transferred).
- (6) In this paragraph—
- (a) any reference to anything being given or transferred to a recognised third party includes a reference to its being given or transferred either directly or indirectly through any third person;
 - (b) “gift” includes bequest.

Commencement Information

I2 [Sch. 11](#) wholly in force at 16.2.2001; [Sch. 11](#) partly in force at Royal Assent, see [s. 163\(3\)](#); [Sch. 11](#) 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](#))

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Sponsorship

- 3 (1) For the purposes of this Schedule sponsorship is provided in relation to a recognised third party if—
- (a) any money or other property is transferred to the recognised third party or to any person for the benefit of the recognised third party, and
 - (b) the purpose (or one of the purposes) of the transfer is (or must, having regard to all the circumstances, reasonably be assumed to be)—
 - (i) to help the recognised third party with meeting, or to meet, to any extent any defined expenses incurred or to be incurred by or on behalf of the recognised third party, or
 - (ii) to secure that to any extent any such expenses are not so incurred.
- (2) In sub-paragraph (1) “defined expenses” means expenses in connection with—
- (a) any conference, meeting or other event organised by or on behalf of the recognised third party,
 - (b) the preparation, production or dissemination of any publication by or on behalf of the recognised third party, or
 - (c) any study or research organised by or on behalf of the recognised third party.
- (3) The following do not, however, constitute sponsorship by virtue of sub-paragraph (1) —
- (a) the making of any payment in respect of—
 - (i) any charge for admission to any conference, meeting or other event, or
 - (ii) the purchase price of, or any other charge for access to, any publication;
 - (b) the making of any payment in respect of the inclusion of an advertisement in any publication where the payment is made at the commercial rate payable for the inclusion of such an advertisement in any such publication.
- (4) The Secretary of State may by order made on the recommendation of the Commission amend sub-paragraph (2) or (3).
- (5) In this paragraph “publication” means a publication made available in whatever form and by whatever means (whether or not to the public at large or any section of the public).

Commencement Information

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Payments etc not to be regarded as donations

- 4 (1) None of the following shall be regarded as a donation—
- (a) the provision by an individual of his own services which he provides voluntarily in his own time and free of charge;

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- (b) any interest accruing to a recognised third party in respect of any donation which is dealt with by the responsible person in accordance with section 56(2)(a) or (b) (as applied by paragraph 7).
- (2) Any donation whose value (as determined in accordance with paragraph 5) is not more than £200 shall be disregarded.

Commencement Information

- I4** Sch. 11 wholly in force at 16.2.2001; Sch. 11 partly in force at Royal Assent, see s. 163(3); Sch. 11 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)

Value of donations

- 5
- (1) The value of any donation falling within paragraph 2(1)(a) (other than money) shall be taken to be the market value of the property in question.
 - (2) Where, however, paragraph 2(1)(a) applies by virtue of paragraph 2(2), the value of the donation shall be taken to be the difference between—
 - (a) the value of the money, or the market value of the property, in question, and
 - (b) the total value in monetary terms of the consideration provided by or on behalf of the recognised third party.
 - (3) The value of any donation falling within paragraph 2(1)(b) shall be taken to be the value of the money, or (as the case may be) the market value of the property, transferred as mentioned in paragraph 3(1); and accordingly any value in monetary terms of any benefit conferred on the person providing the sponsorship in question shall be disregarded.
 - (4) The value of any donation falling within paragraph 2(1)(d) or (e) shall be taken to be the amount representing the difference between—
 - (a) the total value in monetary terms of the consideration that would have had to be provided by or on behalf of the recognised third party in respect of the loan or the provision of the property, services or facilities if—
 - (i) the loan had been made, or
 - (ii) the property, services or facilities had been provided, on commercial terms, and
 - (b) the total value in monetary terms of the consideration (if any) actually so provided by or on behalf of the recognised third party.
 - (5) Where a donation such as is mentioned in sub-paragraph (4) confers an enduring benefit on the donee over a particular period, the value of the donation—
 - (a) shall be determined at the time when it is made, but
 - (b) shall be so determined by reference to the total benefit accruing to the donee over that period.

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