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## SCHEDULES

### SCHEDULE 11

#### CONTROL OF DONATIONS TO RECOGNISED THIRD PARTIES

#### PART II

##### CONTROLS ON DONATIONS

###### *Prohibition on accepting donations from impermissible donors*

- 6 (1) A relevant donation received by a recognised third party must not be accepted if—
- (a) the person by whom the donation would be made is not, at the time of its receipt by the recognised third party, a permissible donor falling within section 54(2); or
  - (b) the recognised third party is (whether because the donation is given anonymously or by reason of any deception or concealment or otherwise) unable to ascertain the identity of the person offering the donation.
- [<sup>F1</sup>(1A) In the case of a relevant donation received by a recognised Gibraltar third party sub-paragraph (1) shall have effect as if in sub-paragraph (a) after “54(2)” there were inserted “or a person falling within any of paragraphs (a), (b) and (d) to (g) of section 54(2A).]
- (2) For the purposes of this Schedule, any relevant donation received by a recognised third party which is an exempt trust donation shall be regarded as a relevant donation received by the recognised third party from a permissible donor.
- [<sup>F2</sup>(2A) For the purposes of this Schedule any relevant donation received by a recognised Gibraltar third party which is an exempt Gibraltar trust donation shall be regarded as a relevant donation received by the third party from a person falling within any of paragraphs (a), (b) and (d) to (g) of section 54(2A).]
- (3) But, for the purposes of this Schedule, any relevant donation received by a recognised third party from a trustee of any property (in his capacity as such) which is not—
- (a) an exempt trust donation, or
  - (b) a relevant donation transmitted by the trustee to the recognised third party on behalf of beneficiaries under the trust who are—
    - (i) persons who at the time of its receipt by the recognised third party are permissible donors falling within section 54(2), or
    - (ii) the members of an unincorporated association which at that time is such a permissible donor,
- shall be regarded as a relevant donation received by the recognised third party from a person who is not such a permissible donor.

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- [<sup>F3</sup>(3A) As respects any relevant donation received by a recognised Gibraltar third party, sub-paragraph (3) shall have effect as if—
- (a) after sub-paragraph (a) there were inserted—
    - “(aa) an exempt Gibraltar trust donation,”;
  - (b) in sub-paragraph (b)(i) after “54(2)” there were inserted “ or persons falling within any of paragraphs (a), (b) and (d) to (g) of section 54(2A) ”;
  - (c) in sub-paragraph (b)(ii) after “donor” there were inserted “ or falls within section 54(2A)(g) ”; and
  - (d) at the end there were inserted “ “and is not a person falling within any of paragraphs (a), (b) and (d) to (g) of section 54(2A) ”]
- (4) Where any person (“the principal donor”) causes an amount (“the principal donation”) to be received by a recognised third party by way of a relevant donation—
- (a) on behalf of himself and one or more other persons, or
  - (b) on behalf of two or more other persons,
- then for the purposes of this Schedule each individual contribution by a person falling within paragraph (a) or (b) of more than [<sup>F4</sup>£500] shall be treated as if it were a separate donation received from that person.
- (5) In relation to each such separate donation, the principal donor must ensure that, at the time when the principal donation is received by the recognised third party, the responsible person is given—
- (a) (except in the case of a donation which the principal donor is treated as making) all such details in respect of the person treated as making the donation as are required by virtue of paragraph 10(1)(c) to be given in respect of the donor of a donation to which that paragraph applies; and
  - (b) (in any case) all such details in respect of the donation as are required by virtue of paragraph 10(1)(a).
- (6) Where—
- (a) any person (“the agent”) causes an amount to be received by a recognised third party by way of a donation on behalf of another person (“the donor”), and
  - (b) the amount of the donation is more than [<sup>F4</sup>£500],
- the agent must ensure that, at the time when the donation is received by the recognised third party, the responsible person is given all such details in respect of the donor as are required by virtue of paragraph 10(1)(c) to be given in respect of the donor of a donation to which that paragraph applies.
- (7) A person commits an offence if, without reasonable excuse, he fails to comply with sub-paragraph (5) or (6).

#### Textual Amendments

- F1** Sch. 11 para. 6(1A) 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. 37\(a\)](#)
- F2** Sch. 11 para. 6(2A) 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. 37\(b\)](#)

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- F3** Sch. 11 para. 6(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. 37(c)**
- F4** Sums in Sch. 11 para. 6(4)(6)(b) substituted (1.1.2010) by Political Parties and Elections Act 2009 (c. 12), **ss. 20(1), 43; S.I. 2009/3084, art. 4(h)**

#### Commencement Information

- I1** 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)

PROSPECTIVE

### *f<sup>5</sup>Declaration as to source of donation*

#### Textual Amendments

- F5** Sch. 11 para. 6A and preceding cross-heading inserted (prosp.) by Political Parties and Elections Act 2009 (c. 12), ss. 9(8), 43, **Sch. 3 para. 4(2)**

- 6A (1) Where a person (P) causes an amount exceeding £7,500 to be received by a recognised third party by way of a donation, a written declaration must be given to the recognised third party—
- by P, if P is an individual, or
  - if not, by an individual authorised by P to make the declaration, stating, to the best of the individual's knowledge and belief, whether or not sub-paragraph (2) applies to the donation.
- (2) This sub-paragraph applies to the donation if—
- a person other than P has provided, or is expected to provide, money or any other benefit to P with a view to, or otherwise in connection with, the making of the donation, and
  - the money, or the value of the benefit, is more than £7,500.
- (3) Where a declaration under this paragraph contains a statement to the effect that sub-paragraph (2) applies to the donation, it must also—
- state whether or not, in the opinion of the person making the declaration—
    - sub-paragraph (4) of paragraph 6 applies to the donation;
    - sub-paragraph (6) of that paragraph applies to it;
  - if the person's opinion is that neither of those sub-paragraphs applies to the donation, give the person's reasons for that opinion.
- (4) The declaration must also state the full name and address of the person by whom it is made and, where sub-paragraph (1)(b) applies—
- state that the person is authorised by P to make the declaration;
  - describe the person's role or position in relation to P.
- (5) A person who knowingly or recklessly makes a false declaration under this paragraph commits an offence.

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- (6) Regulations made by the Secretary of State may make provision as to how the value of a benefit is to be calculated for the purposes of sub-paragraph (2).]

PROSPECTIVE

*[<sup>F6</sup>Declaration as to whether residence etc condition satisfied*

**Textual Amendments**

- F6** Sch. 11 para. 6B and preceding cross-heading inserted (prosp.) by Political Parties and Elections Act 2009 (c. 12), ss. 10(8), 43, Sch. 4 para. 4(2)

- 6B (1) An individual making to a recognised third party a donation in relation to which the condition set out in section 54(2ZA) applies must give to the recognised third party a written declaration stating whether or not the individual satisfies that condition.
- (2) A declaration under this paragraph must also state the full name and address of the person by whom it is made.
- (3) A person who knowingly or recklessly makes a false declaration under this paragraph commits an offence.
- (4) The Secretary of State may by regulations make provision requiring a declaration under this paragraph to be retained for a specified period.]

*Acceptance or return of donations*

- 7 (1) Sections 56 to 60 shall apply for the purposes of this Schedule in relation to a recognised third party and any relevant donation received by a recognised third party as they apply in relation to a registered party and any donation received by a registered party.
- (2) In the application of sections 56 to 60 in accordance with sub-paragraph (1)—
- (a) section 56(1) shall have effect as if the reference to the particulars relating to a donor which would be required to be included in a donation report by virtue of paragraph 2 of Schedule 6 (if the donation were a recordable donation within the meaning of that Schedule) were construed as a reference to the particulars which are required to be included in a return by virtue of paragraph 10(1)(c) (in relation to a donation to which that paragraph applies); and
- (b) section 56(3) and (4) shall each have effect as if any reference to the treasurer of the party were construed as a reference to the responsible person.

**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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### *Evasion of restrictions on donations*

- 8 Section 61 shall apply for the purposes of this Schedule as if—
- (a) any reference to donations were to relevant donations;
  - (b) any reference to a registered party were a reference to a recognised third party; and
  - (c) any reference to the treasurer of a registered party were, in relation to a recognised third party, a reference to the responsible person.

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#### **Commencement Information**

- I3** [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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