

*Status: Point in time view as at 01/01/2010.*

*Changes to legislation: Political Parties, Elections and Referendums Act 2000, Paragraph 4 is up to date with all changes known to be in force on or before 15 June 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)*

## SCHEDULES

### SCHEDULE 7

#### CONTROL OF DONATIONS TO INDIVIDUALS AND MEMBERS ASSOCIATIONS

##### PART I

##### INTRODUCTORY

###### *Payments etc. not to be regarded as donations*

- 4 (1) None of the following shall be regarded as a donation—
- (a) any facility provided in pursuance of any right conferred on candidates at an election by any enactment;
  - [<sup>F1</sup>(aa) remuneration allowed to an employee by his employer if the employee is a member of a local authority and the remuneration is in respect of time the employer permits the employee to take off during the employee's working hours for qualifying business—
    - (i) of the authority,
    - (ii) of any other body to which the employee is appointed by, or is appointed following nomination by, the authority or a group of bodies that includes the authority, or
    - (iii) of any other body if it is a public body;]
  - [<sup>F2</sup>(aa) remuneration allowed to an employee by his employer if the employee is a member of a local authority and the remuneration is in respect of time the employer permits the employee to take off during the employee's working hours for qualifying business—
    - (i) of the authority,
    - (ii) of any body to which the employee is appointed by, or is appointed following nomination by, the authority or a group of bodies that includes the authority, or
    - (iii) of any other body if it is a public body;]
  - (b) the provision of assistance by a person appointed under section 9 of the <sup>M1</sup>Local Government and Housing Act 1989;
  - (c) the provision by any individual of his own services which he provides voluntarily and in his own time;
  - (d) any interest accruing to a regulated donee in respect of any donation which is dealt with by the donee in accordance with section 56(2)(a) or (b) (as applied by paragraph 8);
  - (e) any money or other property, or any services or facilities, provided out of public funds for the personal security of a regulated donee who is an individual.

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- (2) For the avoidance of doubt no remuneration or allowances paid to the holder of a relevant elective office in his capacity as such shall be regarded as a donation.
- (3) There shall also be disregarded—
- (a) any donation which (in accordance with any enactment) falls to be included in a return as to election expenses in respect of a candidate or candidates at a particular election; and
  - (b) <sup>F3</sup> . . . any donation whose value (as determined in accordance with paragraph 5) is not more than [<sup>F4</sup>£500].
- [<sup>F5</sup>(4) In sub-paragraph (1)(aa)—
- “employee” and “employer” have the same meaning as in the Employment Rights Act 1996 (c. 18);
- “local authority” means a local authority in any part of the United Kingdom, including the Common Council of the City of London but excluding a parish or community council;
- “working hours” of an employee has the same meaning as in section 50 of the Employment Rights Act 1996; and
- “qualifying business”, in relation to a body, means—
- (a) the doing of anything for the discharge of the functions of the body or of any of its committees or sub-committees, and
  - (b) where the body is a local authority operating executive arrangements within the meaning of Part 2 of the Local Government Act 2000 (c. 22) and arrangements exist for functions of any other body to be discharged by the authority’s executive or any committee or member of the executive, the doing of any other thing for the purpose of the discharge of the functions.]

[<sup>F6</sup>(4) In sub-paragraph (1)(aa)—

“employee” and “employer”—

    - (a) in relation to England and Wales, and Scotland, have the same meaning as in the Employment Rights Act 1996, and
    - (b) in relation to Northern Ireland, have the same meaning as in the Employment Rights (Northern Ireland) Order 1996;

“local authority” means a local authority in any part of the United Kingdom, including the Common Council of the City of London but excluding a parish or community council;

“working hours” of an employee—

    - (a) in relation to England and Wales, and Scotland, has the same meaning as in section 50 of the Employment Rights Act 1996, and
    - (b) in relation to Northern Ireland, has the same meaning as in Article 78 of the Employment Rights (Northern Ireland) Order 1996;

“qualifying business”, in relation to a body, means—

    - (a) the doing of anything for the purpose of the discharge of the functions of the body or of any of its committees or sub-committees, and
    - (b) where the body is a local authority operating executive arrangements within the meaning of Part 2 of the Local Government Act 2000 and arrangements exist for functions of any other body to be discharged by the authority’s executive or any committee or member of the

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executive, the doing of anything for the purpose of the discharge of those functions.]

#### Textual Amendments

- F1** Sch. 7 para. 4(1)(aa) inserted (S.) (retrosp. to 16.2.2001) by Local Government in Scotland Act 2003 (asp 1), **ss. 42(1)(a)(2)(3)**, 62(2)
- F2** Sch. 7 para. 4(1)(aa) inserted (E.W.N.I. and S. only so far as mentioned in s. 129(5)(a) of the amending Act) (retrosp. to 16.2.2001) by Local Government Act 2003 (c. 26), **ss. 114(1)(3)(4)**, 128(1)(a), 129(2)(5)(7)(8)
- F3** Words in Sch. 7 para. 4(3)(b) repealed (11.9.2006) by Electoral Administration Act 2006 (c. 22), ss. 74, 77(2), Sch. 1 para. 154(3), **Sch. 2**; S.I. 2006/1972, **art. 3**, Sch. 1 paras. 24, 25(k), 26(3)(b) (subject to art. 4, Sch. 2)
- F4** Sum in Sch. 7 para. 4(3)(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)**
- F5** Sch. 7 para. 4(4) inserted (S.) (retrosp. to 16.2.2001) by Local Government in Scotland Act 2003 (asp 1), **ss. 42(1)(b)(2)(3)**, 62(2)
- F6** Sch. 7 para. 4(4) inserted (E.W.N.I. and S. only so far as mentioned in s. 129(5)(a) of the amending Act) (retrosp. to 16.2.2001) by Local Government Act 2003 (c. 26), **ss. 114(2)-(4)**, 128(1)(a), 129(2)(5)(7)(8)

#### Modifications etc. (not altering text)

- C1** Sch. 7 paras. 2-15 excluded (temp. from 16.2.2001) by S.I. 2001/446, **art. 3**
- C2** Sch. 7 paras. 2-15 disapplied in part (temp. from 16.2.2005) by The Political Parties, Elections and Referendums Act 2000 (Disapplication of Part IV for Northern Ireland Parties, etc) Order 2005 (S.I. 2005/299), arts. 1(2), **3**
- C3** Sch. 7 paras. 2-15 excluded (temp. from 25.9.2006 until 31.10.2007) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 10(2)(a), **11(2)(3)**, 31(2)

#### Commencement Information

- II** Sch. 7 wholly in force at 16.2.2001; Sch. 7 partly in force at Royal Assent, see s. 163(3); Sch. 7 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)

#### Marginal Citations

- M1** 1989 c. 42.

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