



# Political Parties and Elections Act 2009

## 2009 CHAPTER 12

### PART 1

#### THE ELECTORAL COMMISSION

##### *Functions of Electoral Commission*

#### **1 Compliance with controls imposed by the 2000 Act etc**

- (1) In the Political Parties, Elections and Referendums Act 2000 (c. 41) (“the 2000 Act”) section 145 (general function of Commission with respect to monitoring compliance with controls imposed by that Act etc) is amended as follows.
- (2) In subsection (1), for the words before paragraph (a) there is substituted “ The Commission shall have the function of monitoring, and taking such steps as they consider appropriate with a view to securing, compliance with ”.
- (3) After subsection (6) there is inserted—
  - “(6A) The Commission may prepare and publish guidance setting out, in relation to any requirement referred to in subsection (1), their opinion on any of the following matters—
    - (a) what it is necessary, or is sufficient, to do (or avoid doing) in order to comply with the requirement;
    - (b) what it is desirable to do (or avoid doing) in view of the purpose of the requirement.”

#### **Commencement Information**

- II** S. 1 partly in force; s. 1(1)(3) in force at Royal Assent see s. 43(5)

**Status:** Point in time view as at 01/10/2010. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Political Parties and Elections Act 2009. (See end of Document for details)

VALID FROM 01/12/2010

## 2 Investigatory powers of Commission

(1) For section 146 of the 2000 Act there is substituted—

### “146 Investigatory powers of Commission

Schedule 19B makes provision about the investigatory powers of the Commission.”

(2) Before Schedule 20 to the 2000 Act there is inserted, as Schedule 19B, the Schedule set out in Schedule 1 to this Act.

(3) In Schedule 20 to the 2000 Act the following entries are inserted at the appropriate place—

“Paragraph 13(1) of Schedule 19B (failure to comply with investigation requirement)	On summary conviction: Level 5
---	--------------------------------

Paragraph 13(2) of Schedule 19B (intentional obstruction of person exercising investigatory power)	On summary conviction: Level 5
--	--------------------------------

Paragraph 13(3) of Schedule 19B (providing false information in purported compliance with investigation requirement)	On summary conviction in England and Wales or Scotland: statutory maximum or 12 months On summary conviction in Northern Ireland: statutory maximum or 6 months On indictment: fine or 1 year”.
--	---

VALID FROM 01/12/2010

## 3 Civil sanctions

(1) For section 147 of the 2000 Act (civil penalty for failure to deliver documents etc) there is substituted—

### “147 Civil sanctions

Schedule 19C makes provision for civil sanctions in relation to—

- (a) the commission of offences under this Act;
- (b) the contravention of restrictions or requirements imposed by or by virtue of this Act.”

(2) After Schedule 19B to the 2000 Act (inserted by section 2 above) there is inserted, as Schedule 19C, the Schedule set out in Schedule 2 to this Act.

(3) In Schedule 20 to the 2000 Act the following entry is inserted at the appropriate place—

**Status:** Point in time view as at 01/10/2010. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Political Parties and Elections Act 2009. (See end of Document for details)

“Paragraph 14 of Schedule 19C (failure to comply with stop notice)	On summary conviction in England and Wales or Scotland: £20,000 or 12 months On summary conviction in Northern Ireland: £20,000 or 6 months On indictment: fine or 2 years”.
<p>(4) In section 156 of the 2000 Act (orders and regulations), after subsection (4) there is inserted—</p> <p>“(4A) An order under paragraph 16 of Schedule 19C that contains—</p> <p>(a) provision made by virtue of paragraph 1(1), (2), (3), (4) or (5), paragraph 5(1), (2), (3) or (4), paragraph 10(2)(b) or (3)(b) or paragraph 15(1)(a) of that Schedule, or</p> <p>(b) provision amending an Act,</p> <p>shall not be made unless a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament; and subsection (2) does not apply to such an order.”</p>	

#### *Electoral Commissioners etc*

#### **4 Selection of prospective Electoral Commissioners and Commission chairman**

(1) Section 3 of the 2000 Act (appointment of Electoral Commissioners etc) is amended as follows.

(2) For subsection (2) there is substituted—

“(2) A motion for such an Address may be made only if—

- (a) the Speaker of the House of Commons agrees that the motion may be made;
- (b) the motion has been the subject of consultation with the registered leader of each registered party to which two or more Members of the House of Commons then belong; and
- (c) each person whose appointment is proposed in the motion has been selected in accordance with a procedure put in place and overseen by the Speaker's Committee.”

(3) After subsection (5) there is inserted—

“(5A) In the case of a re-appointment (or further re-appointment) of an Electoral Commissioner, the reference in subsection (2)(c) to being selected in accordance with a procedure put in place and overseen by the Speaker's Committee is to be read as including a reference to being recommended for re-appointment (or further re-appointment) by that Committee.”

#### **5 Four Electoral Commissioners to be persons put forward by parties**

(1) In section 3 of the 2000 Act, after subsection (4) (political restrictions on Electoral Commissioners) there is inserted—

*Status: Point in time view as at 01/10/2010. This version of this Act contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Political Parties and Elections Act 2009. (See end of Document for details)*

“(4A) Paragraphs (a) and (d) of subsection (4) do not apply to the appointment of a person as a nominated Commissioner (within the meaning of section 3A).”

(2) After that section there is inserted—

**“3A Four Electoral Commissioners to be persons put forward by parties**

- (1) Four of the Electoral Commissioners shall each be a person whom the registered leader of a qualifying party put forward to be considered for appointment as an Electoral Commissioner (a “nominated Commissioner”).
  - (2) In subsection (1) “qualifying party” means a registered party with two or more Members of the House of Commons at the time of the person's appointment.
  - (3) Three of the nominated Commissioners shall each be a person put forward by the registered leader of one of the three largest nominating parties at the time of the person's appointment.
  - (4) In subsection (3) “nominating party” means a party whose registered leader—
    - (a) has put forward three persons to be considered for appointment as a nominated Commissioner, or
    - (b) previously put forward persons one of whom was appointed as a nominated Commissioner and is expected to continue to hold office.
  - (5) No appointment may be made that would result in two or more nominated Commissioners being persons put forward by the leader of the same party (and nothing in this section has effect so as to require that result).
  - (6) A nominated Commissioner may not be appointed as the chairman of the Commission.
  - (7) For the purposes of this section, the relative size of any two or more registered parties shall be determined according to the number of Members of the House of Commons belonging to each party at the time in question (or, in the case of two parties with the same number of Members, according to the total number of votes cast for persons standing for election in the name of each of those parties at the most recent parliamentary general election).
  - (8) A reference in this section to a Member of the House of Commons does not include any Member of that House who at the time in question—
    - (a) has not made and subscribed the oath required by the Parliamentary Oaths Act 1866 (or the corresponding affirmation), or
    - (b) is disqualified from sitting and voting in that House.”
- (3) In section 14 of the 2000 Act (Boundary Committees), in subsection (4), for “an Electoral Commissioner or a deputy Electoral Commissioner” there is substituted “an Electoral Commissioner who is not a nominated Commissioner (within the meaning of section 3A), or a deputy Electoral Commissioner, ”.

**6 Number of Electoral Commissioners**

In section 1 of the 2000 Act (establishment of Electoral Commission), in subsection (3) (number of Commissioners), for “not less than five, but not more than nine,” there is substituted “ nine or ten ”.

**Status:** Point in time view as at 01/10/2010. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Political Parties and Elections Act 2009. (See end of Document for details)

### Commencement Information

**I2** S. 6 in force at 1.10.2010 by S.I. 2010/2409, art. 2

## 7 Political restrictions on Electoral Commissioners and staff

- (1) In section 3(4)(d) of the 2000 Act (persons not to be appointed as Electoral Commissioners within ten years of engaging in certain political activities), for “within the last ten years” there is substituted “ within the last five years ”.
- (2) In Schedule 1 to the 2000 Act (the Electoral Commission), after paragraph 11 there is inserted—

### “Political restrictions on staff

11A (1) A person may not be appointed as a member of the staff of the Commission if the person—

- (a) is an officer or employee of a registered party or of any accounting unit of such a party;
- (b) holds a relevant elective office (within the meaning of Schedule 7);
- (c) has at any time within the relevant period (see sub-paragraph (2))

- (i) been such an officer or employee as is mentioned in paragraph (a), or
- (ii) held such an office as is mentioned in paragraph (b), or
- (iii) been named as a donor in the register of donations reported under Chapter 3 or 5 of Part 4, or
- (iv) been named as a participant in the register of recordable transactions reported under Part 4A.

(2) The relevant period is—

- (a) in relation to appointment as chief executive of the Commission, the last five years;
- (b) in relation to appointment to a post on the staff of the Commission that is designated by a notice in force under paragraph 11B, the period (immediately preceding the appointment) specified by the notice;
- (c) in relation to appointment as any other member of the staff of the Commission, the last 12 months.

(3) A member of a registered party may not be appointed as chief executive of the Commission.

(4) The appointment of any member of the staff of the Commission shall terminate—

- (a) in the case of the chief executive, on the occurrence of such an event as is mentioned in any of paragraphs (a) to (d) of paragraph 3(3);
- (b) in any other case, on the occurrence of such an event as is mentioned in any of paragraphs (a) to (ca) of paragraph 3(3).

*Status: Point in time view as at 01/10/2010. This version of this Act contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Political Parties and Elections Act 2009. (See end of Document for details)*

- 11B (1) The chief executive of the Commission may by giving notice to the Speaker's Committee—
- (a) designate a particular post on the staff of the Commission, and
  - (b) specify as the relevant period for that post, for the purposes of paragraph 11A(2)(b), a period of two years or more,
- if the chief executive reasonably believes that it is necessary to do so in order to maintain public confidence in the effectiveness of the Commission in carrying out any of its functions.
- (2) The period specified under sub-paragraph (1)(b) may not be more than five years.
- (3) In deciding what that period should be, the chief executive of the Commission shall take into account—
- (a) the level of seniority of the post;
  - (b) how likely it is that any holder of the post will be required to deal with politically sensitive matters.
- (4) Each notice under sub-paragraph (1) must relate to only one post.
- (5) A notice under sub-paragraph (1)—
- (a) has effect from the day on which it is received by the Speaker's Committee, and
  - (b) (subject to sub-paragraphs (6) and (7)) expires at the end of the period of three years beginning with that day.
- (6) Sub-paragraph (5)(b) does not prevent a further notice being given under sub-paragraph (1) in relation to the post in question, either—
- (a) before the previous notice would have expired, or
  - (b) at any time after the expiry of the previous notice.
- A further notice received by the Speaker's Committee before the previous notice would have expired supersedes the previous notice.
- (7) If the chief executive of the Commission gives notice (a “cancellation notice”) to the Speaker's Committee cancelling a notice under sub-paragraph (1), the notice under that sub-paragraph ceases to have effect—
- (a) on the day on which the cancellation notice is received by the Speaker's Committee, or
  - (b) (if later) on such date as may be specified in the cancellation notice.
- (8) Before giving a notice under this paragraph the chief executive of the Commission shall consult the Speaker's Committee.
- (9) The Commission shall publish, in such manner as they consider appropriate, information setting out the effect of all notices under sub-paragraph (1) that are in force at any particular time.”
- (3) The amendment made by subsection (2) does not apply to the appointment of a person—
- (a) to assist the Boundary Committee for England in the performance of its functions,

**Status:** Point in time view as at 01/10/2010. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Political Parties and Elections Act 2009. (See end of Document for details)

- (b) to assist the Commission in carrying out functions transferred to them by an order under section 18(1) of the 2000 Act (transfer of functions of Local Government Commission for England), or
- (c) to perform duties including either or both of those.

VALID FROM 01/01/2011

## **8 Education about systems of government and EU institutions**

In section 13 of the 2000 Act (education about electoral and democratic systems), paragraphs (b) and (c) of subsection (1) (Commission's duty to promote public awareness of systems of government and EU institutions) are omitted.

## **PART 2**

### **POLITICAL DONATIONS ETC AND EXPENDITURE**

#### *Donations etc*

PROSPECTIVE

## **9 Declaration as to source of donation**

- (1) In section 54 of the 2000 Act (permissible donors), in subsection (1) (circumstances in which party may not accept donation), after paragraph (a) there is inserted—
  - “(aa) in the case of a donation of an amount exceeding £7,500, the party has not been given a declaration as required by section 54A; or”.
- (2) After that section there is inserted—

### **“54A Declaration as to source of donation**

- (1) Where a person (P) causes an amount exceeding £7,500 to be received by a registered party by way of a donation, a written declaration must be given to the party—
  - (a) by P, if P is an individual, or
  - (b) 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 subsection (2) applies to the donation.
- (2) This subsection applies to the donation if—
  - (a) 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
  - (b) the money, or the value of the benefit, is more than £7,500.
- (3) Where a declaration under this section contains a statement to the effect that subsection (2) applies to the donation, it must also—

**Status:** Point in time view as at 01/10/2010. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Political Parties and Elections Act 2009. (See end of Document for details)

- (a) state whether or not, in the opinion of the person making the declaration—
    - (i) subsection (4) of section 54 applies to the donation;
    - (ii) subsection (6) of that section applies to it;
  - (b) if the person's opinion is that neither of those subsections applies to the donation, give the person's reasons for that opinion.
- (4) A declaration under this section must also state the full name and address of the person by whom it is made and, where subsection (1)(b) applies—
- (a) state that the person is authorised by P to make the declaration;
  - (b) describe the person's role or position in relation to P.
- (5) A person who knowingly or recklessly makes a false declaration under this section commits an offence.
- (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 subsection (2).”
- (3) In section 56 of the 2000 Act (acceptance or return of donations: general), in subsection (2) (steps to be taken if donation to be refused)—
- (a) in paragraph (a), for “section 54(1)(b)” there is substituted “ section 54(1)(aa) or (b) ”;
  - (b) after that paragraph there is inserted—
    - “(aa) if the donation falls within section 54(1)(aa) (but not section 54(1)(b)), the donation, or a payment of an equivalent amount, must be sent back to the person appearing to be the donor.”;
  - (c) in paragraph (b), for “that provision” there is substituted “ section 54(1)(b) ”.
- (4) Before subsection (4) of that section there is inserted—
- “(3B) Where—
- (a) subsection (2)(aa) applies in relation to a donation, and
  - (b) the donation is not dealt with in accordance with that provision,
- the party and the treasurer of the party are each guilty of an offence.”
- (5) In Schedule 6 to the 2000 Act (details to be given in donation reports), after paragraph 1 there is inserted—

**“Declarations as to source of donation**

- 1A In relation to each recordable donation in the case of which a declaration under section 54A has been given, a quarterly or weekly report must either—
- (a) state that no reason was found to think that the declaration was untruthful or inaccurate, or
  - (b) give details of any respects in which the declaration was found or suspected to be untruthful or inaccurate.”
- (6) In paragraph 6 of that Schedule (donations from impermissible donors)—
- (a) in the heading, at the end there is inserted “ *or without required declaration* ”;
  - (b) for “section 54(1)(a)” there is substituted “ section 54(1)(a) or (aa) ”;



*Status:* Point in time view as at 01/10/2010. This version of this Act contains provisions that are not valid for this point in time.

*Changes to legislation:* There are currently no known outstanding effects for the Political Parties and Elections Act 2009. (See end of Document for details)

- (c) in paragraph (a), after “the donor” there is inserted “ or the person appearing to be the donor ”;
- (d) in paragraph (b), for “section 56(2)(a)” there is substituted “ section 56(2)(a) or (aa) ”.

(7) In Schedule 20 to the 2000 Act (penalties) the following entry is inserted at the appropriate place—

“Section 54A(5) (making a false declaration as to source of donation)	On summary conviction in England and Wales or Scotland: statutory maximum or 12 months On summary conviction in Northern Ireland: statutory maximum or 6 months On indictment: fine or 1 year”.
---	---

(8) Schedule 3 has effect.

That Schedule makes amendments to—

- (a) Schedules 7, 11 and 15 to the 2000 Act (control of donations to individuals and members associations; to recognised third parties; and to permitted participants), and
- (b) Schedule 20 to the 2000 Act (penalties),

corresponding to those made by subsections (1) to (7).

(9) The Secretary of State, after consulting the Electoral Commission, may make an order that—

- (a) amends or modifies a provision of the 2000 Act inserted by this section or Schedule 3 so far as it applies in relation to Northern Ireland;
- (b) makes provision that is consequential on or supplemental to that made by virtue of paragraph (a) (including provision amending or modifying any provision of the 2000 Act).

(10) The power to make an order under subsection (9) is exercisable by statutory instrument.

(11) No order may be made under subsection (9) unless a draft of the instrument containing the order has been laid before and approved by a resolution of each House of Parliament.

PROSPECTIVE

## 10 Non-resident donors etc

(1) In section 54 of the 2000 Act (permissible donors), in subsection (1) (circumstances in which party may not accept donation), for paragraph (aa) (inserted by section 9 above) there is substituted—

“(aa) any declaration required to be made in respect of the donation by section 54A or 54B has not been received by the party; or”.

(2) In subsection (2)(a) of that section (individuals who are permissible donors), for “registered in an electoral register” there is substituted “ who is registered in an

*Status: Point in time view as at 01/10/2010. This version of this Act contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Political Parties and Elections Act 2009. (See end of Document for details)*

electoral register and (subject to subsection (2ZB)) satisfies the condition set out in subsection (2ZA) ”.

(3) After subsection (2) of that section there is inserted—

“(2ZA) The condition referred to in subsection (2)(a) is that the individual's liability to income tax for the current tax year (including eligibility to make any claim) falls to be determined (or would fall to be determined) on the basis that the individual is resident, ordinarily resident and domiciled in the United Kingdom in that year.

In this subsection “tax year” has the meaning given by section 4 of the Income Tax Act 2007.

(2ZB) The condition set out in subsection (2ZA) applies in relation to a donation only if—

- (a) it is a donation of more than £7,500, or
- (b) when the donation is added to any other relevant benefit or benefits accruing in the same calendar year as the donation, the aggregate amount of the benefits is more than £7,500.

(2ZC) For the purposes of subsection (2ZB)(b) “relevant benefit” and “accruing” have the meaning given by section 62(3A).”

(4) After section 54A (inserted by section 9 above) there is inserted—

**“54B Declaration as to whether residence etc condition satisfied**

- (1) An individual making to a registered party a donation in relation to which the condition set out in section 54(2ZA) applies must give to the party a written declaration stating whether or not the individual satisfies that condition.
- (2) A declaration under this section must also state the individual's full name and address.
- (3) A person who knowingly or recklessly makes a false declaration under this section commits an offence.
- (4) The Secretary of State may by regulations make provision requiring a declaration under this section to be retained for a specified period.
- (5) The requirement in subsection (1) does not apply where, by reason of section 71B(1)(a), the individual by whom the donation would be made is a permissible donor in relation to the donation at the time of its receipt by the party.”

(5) In section 56 of the 2000 Act (acceptance or return of donations: general), after subsection (1) there is inserted—

“(1A) In so far as subsection (1) requires steps to be taken to verify or ascertain whether an individual satisfies the condition set out in section 54(2ZA), the requirement is treated as having being complied with if—

- (a) the individual has given to the party a declaration under section 54B stating that the individual satisfies that condition, and
- (b) the party had no reasonable grounds for thinking that the statement was incorrect.”

**Status:** Point in time view as at 01/10/2010. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Political Parties and Elections Act 2009. (See end of Document for details)

(6) In Schedule 6 to the 2000 Act (details to be given in donation reports), in paragraph 1A (inserted by section 9 above)—

- (a) in the heading, at the end there is inserted “ *or as to whether residence etc condition satisfied* ”;
- (b) at the end of that paragraph (which becomes sub-paragraph (1)) there is inserted—

“(2) In relation to each recordable donation in the case of which a declaration under section 54B has been given, a quarterly report must either—

- (a) state that no reason was found for thinking that the declaration was incorrect, or
- (b) give details of any respects in which the declaration was found or suspected to be incorrect.”

(7) In Schedule 20 to the 2000 Act (penalties) the following entry is inserted at the appropriate place—

“Section 54B(3) (making a false declaration as to whether residence etc condition satisfied)	On summary conviction in England and Wales or Scotland: statutory maximum or 12 months On summary conviction in Northern Ireland: statutory maximum or 6 months On indictment: fine or 1 year”.
--	---

(8) Schedule 4 has effect.

That Schedule makes amendments to—

- (a) Schedules 7, 11 and 15 to the 2000 Act (control of donations to individuals and members associations; to recognised third parties; and to permitted participants), and
- (b) Schedule 20 to the 2000 Act (penalties),

corresponding to those made by subsections (1) to (7).

PROSPECTIVE

## 11 Non-resident lenders etc

(1) After section 71H of the 2000 Act there is inserted—

### “71HZA Declaration that residence etc condition is satisfied

- (1) A registered party must not be a party to a regulated transaction to which this section applies unless the registered party has received a written declaration from each of the other parties to the transaction who is an individual stating that the individual satisfies the condition set out in section 54(2ZA).
- (2) This section applies to a regulated transaction—
  - (a) if the value of the transaction is more than £7,500, or

*Status: Point in time view as at 01/10/2010. This version of this Act contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Political Parties and Elections Act 2009. (See end of Document for details)*

- (b) if the aggregate amount of it and any other relevant benefit or benefits accruing in the same calendar year as the transaction is more than £7,500.
- (3) For the purposes of subsection (2)(b) “relevant benefit” and “accruing” have the meaning given by section 71M(3).
- (4) A declaration under this section must also state the individual's full name and address.
- (5) A person who knowingly or recklessly makes a false declaration under this section commits an offence.
- (6) The Secretary of State may by regulations make provision requiring a declaration under this section to be retained for a specified period.
- (7) The reference in subsection (1) to each of the other parties to the transaction does not include any individual who, at the time the transaction is entered into, is an authorised participant in relation to it by reason of section 71Z1(1)(a).”
- (2) In section 71L of the 2000 Act (offences relating to regulated transactions), after subsection (9) there is inserted—
- “(9A) An offence cannot be committed under subsection (1), (2), (5) or (6) on the basis that a person (P) ought reasonably to have known that a particular individual does not satisfy the condition set out in section 54(2ZA) (and is therefore not an authorised participant) if—
- (a) the individual has given a declaration under section 71HZA stating that the individual satisfies that condition, and
- (b) P had no reasonable grounds for thinking that the statement was incorrect.”
- (3) In Schedule 6A to the 2000 Act (details to be given in transaction reports), after paragraph 1 there is inserted—
- “Declaration as to whether residence etc condition satisfied**
- 1A In relation to each recordable transaction in the case of which a declaration under section 71HZA has been given, a quarterly report must either—
- (a) state that no reason was found to think that the declaration was incorrect, or
- (b) give details of any respects in which the declaration was found or suspected to be incorrect.”
- (4) In Schedule 7A to the 2000 Act (control of loans etc to individuals and members associations), after paragraph 4 there is inserted—
- “Declaration that residence etc condition satisfied**
- 4A (1) A regulated participant must not be a party to a controlled transaction to which this paragraph applies unless the regulated participant has received a written declaration from each of the other parties to the transaction who is an individual stating that the individual satisfies the condition set out in section 54(2ZA).

**Status:** Point in time view as at 01/10/2010. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Political Parties and Elections Act 2009. (See end of Document for details)

- (2) This paragraph applies to a controlled transaction—
- (a) if the value of the transaction is more than £7,500, or
  - (b) if the aggregate amount of it and any other relevant benefit or benefits accruing in the same calendar year as the transaction is more than £7,500.
- (3) For the purposes of sub-paragraph (2) “relevant benefit” and “accruing” have the meaning given by section 71M(3).
- (4) A declaration under this paragraph must also state the full name and address of the person by whom it is made.
- (5) A person who knowingly or recklessly makes a false declaration under this paragraph commits an offence.
- (6) The Secretary of State may by regulations make provision requiring a declaration under this paragraph to be retained for a specified period.
- (7) The reference in sub-paragraph (1) to each of the other parties to the transaction does not include any individual who, at the time the transaction is entered into, is an authorised participant in relation to it by reason of section 71Z1(1)(a).”
- (5) In paragraph 8 of that Schedule (offences), after sub-paragraph (9) there is inserted—
- “(9A) A person (P) cannot commit an offence under sub-paragraph (1), (2), (5) or (6) on the basis that P ought reasonably to have known that a particular individual does not satisfy the condition set out in section 54(2ZA) (and is therefore not an authorised participant) if—
- (a) the individual has given a declaration under paragraph 4A stating that the individual satisfies that condition, and
  - (b) P had no reasonable grounds for thinking that the statement was incorrect.”
- (6) In paragraph 9 of that Schedule (transaction reports: transactions with authorised participants)—
- (a) in sub-paragraph (9)(a) and (10), for “paragraphs 2” there is inserted “paragraphs 1A, 2”;
  - (b) in sub-paragraph (10), after paragraph (b) there is inserted—
    - “(ba) any reference to section 71HZA must be construed as a reference to paragraph 4A above;”.
- (7) In Schedule 20 to the 2000 Act (penalties) the following entries are inserted at the appropriate places—

“Section 71HZA(5) (making a false declaration as to whether residence etc condition satisfied)

On summary conviction in England and Wales or Scotland: statutory maximum or 12 months  
On summary conviction in Northern Ireland: statutory maximum or 6 months  
On indictment: fine or 1 year”

**Status:** Point in time view as at 01/10/2010. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Political Parties and Elections Act 2009. (See end of Document for details)

“Paragraph 4A(5) of Schedule 7A (making a false declaration as to whether residence etc condition satisfied)	On summary conviction in England and Wales or Scotland: statutory maximum or 12 months On summary conviction in Northern Ireland: statutory maximum or 6 months On indictment: fine or 1 year”.
--	---

## 12 Defence to charge of failing to return donation from impermissible donor

In section 56 of the 2000 Act (acceptance or return of donations: general), after subsection (3) there is inserted—

“(3A) Where a party or its treasurer is charged with an offence under subsection (3), it shall be a defence to prove that—

- (a) all reasonable steps were taken by or on behalf of the party to verify (or ascertain) whether the donor was a permissible donor, and
- (b) as a result, the treasurer believed the donor to be a permissible donor.”

### Commencement Information

**I3** S. 12 in force at 1.1.2010 by S.I. 2009/3084, art. 4(a)

## Offences

## 13 “Reasonable excuse” in relation to certain offences under the 2000 Act

- (1) The 2000 Act is amended as follows.
- (2) In section 47 (failure by registered party to submit proper statement of accounts to Commission)—
  - (a) in paragraph (a) of subsection (1), after “are” there is inserted “, without reasonable excuse,”;
  - (b) in paragraph (b) of that subsection, after “is” there is inserted “, without reasonable excuse,”;
  - (c) subsections (2) and (3) are omitted.
- (3) In section 65 (submission of donation reports to Commission)—
  - (a) in subsections (3) and (4), after “commits an offence if” there is inserted “, without reasonable excuse,”;
  - (b) subsection (5) is omitted.
- (4) In section 71S (submission of transaction reports to Commission)—
  - (a) in subsections (4) and (5), after “commits an offence if” there is inserted “, without reasonable excuse,”;
  - (b) subsection (6) is omitted.
- (5) In paragraph 12 of Schedule 7 (failure to deliver donation report)—
  - (a) in sub-paragraph (1), between “is” and “not delivered” there is inserted “, without reasonable excuse”;

**Status:** Point in time view as at 01/10/2010. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Political Parties and Elections Act 2009. (See end of Document for details)

- (b) in sub-paragraph (2), after “which” there is inserted “ , without reasonable excuse, ”;
  - (c) sub-paragraph (3) is omitted.
- (6) In paragraph 12 of Schedule 7A (failure to deliver transaction report)—
- (a) in sub-paragraph (1), between “is” and “not delivered” there is inserted “ , without reasonable excuse, ”;
  - (b) in sub-paragraph (2), after “which” there is inserted “ , without reasonable excuse, ”;
  - (c) sub-paragraph (3) is omitted.

#### Commencement Information

- I4** S. 13 wholly in force at 1.1.2010; s. 13 not in force at Royal Assent see s. 43(1); s. 13 in force at 1.1.2010 by [S.I. 2009/3084](#), [art. 4\(b\)](#) (with [art. 5](#))

### *Responsible persons and compliance officers*

## **14 Control of donations to members associations: responsible persons**

- (1) Schedule 7 to the 2000 Act (control of donations to members associations etc) is amended as set out in subsections (2) to (4).
- (2) In paragraph 1(9) (meaning of “the responsible person”), for paragraph (b) there is substituted—
  - “(b) otherwise, the person who is the responsible person by virtue of a notice in force under paragraph 1A.”
- (3) After paragraph 1 there is inserted—

### **1A “Appointment of responsible person by members association with no treasurer**

- (1) A members association which does not have a treasurer—
  - (a) may appoint an individual to be the responsible person in relation to the association by giving notice to the Commission;
  - (b) shall do so within the period of 30 days beginning with the date on which the association—
    - (i) accepts a controlled donation which is a recordable donation for the purposes of paragraph 10, or
    - (ii) receives a controlled donation falling within paragraph 6(1) (a) or (b),if a notice under this sub-paragraph is not in force on that date.
- (2) A notice under sub-paragraph (1)—
  - (a) must be signed on behalf of the members association;
  - (b) must contain a statement signed by the individual to be appointed as the responsible person confirming that the individual is willing to be appointed.
- (3) A notice under sub-paragraph (1) must state—

*Status: Point in time view as at 01/10/2010. This version of this Act contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Political Parties and Elections Act 2009. (See end of Document for details)*

- (a) the name and address of the members association;
  - (b) the full name of the individual to be appointed as the responsible person;
  - (c) the individual's home address in the United Kingdom, or (if there is no such home address) the individual's home address elsewhere.
- (4) Subject to the following provisions of this paragraph, a notice under sub-paragraph (1) (“the original notice”)—
- (a) shall be in force as from the date on which it is received by the Commission, but
  - (b) shall lapse at the end of the period of 12 months beginning with that date unless the members association or the responsible person gives the Commission a notice (a “renewal notice”) that they both wish the original notice to remain in force.
- (5) A renewal notice—
- (a) has the effect of extending the validity of the original notice for a further 12 months beginning with the time when it would otherwise have lapsed (whether under sub-paragraph (4)(b) or on the expiry of a previous extension under this sub-paragraph);
  - (b) must be received by the Commission during the period of one month ending at that time.
- (6) A renewal notice must either—
- (a) confirm that all the statements contained in the original notice, as it has effect for the time being, are accurate; or
  - (b) indicate that any statement contained in that notice, as it so has effect, is replaced by some other statement conforming with the relevant provision of sub-paragraph (3).
- A renewal notice must be signed on behalf of the members association and by the responsible person.
- (7) The members association or the responsible person may, at any time after giving the original notice, give the Commission a notice (a “notice of alteration”) indicating that any statement contained in the original notice, as it has effect for the time being, is replaced by some other statement—
- (a) contained in the notice of alteration, and
  - (b) conforming with the relevant provision of sub-paragraph (3).
- A notice of alteration takes effect on the day on which it is received by the Commission or (if later) on such date as may be specified in the notice.
- (8) A notice of alteration must be signed—
- (a) on behalf of the members association, and
  - (b) by the responsible person or, in the case of a notice substituting a different individual as the responsible person, by that individual.
- (9) A notice under sub-paragraph (1) that has been in force for at least 12 months ceases to have effect on receipt by the Commission of a notice terminating it (a “notice of termination”)—
- (a) given by and signed on behalf of the members association, or
  - (b) given and signed by the responsible person.



**Status:** Point in time view as at 01/10/2010. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Political Parties and Elections Act 2009. (See end of Document for details)

- (10) On receipt of a notice of termination given by the members association or by the responsible person, the Commission must inform the other party as soon as is reasonably practicable (unless the notice was signed both on behalf of the members association and by the responsible person).
- (11) A reference in this paragraph to a notice being signed on behalf of a members association is to the notice being signed by the secretary of the association or by a person who acts in a similar capacity in relation to the association.
- (12) A notice under the Schedule 7A version of this paragraph also has effect as a notice under this paragraph.

The “Schedule 7A version” of this paragraph means this paragraph as it applies, in relation to controlled transactions, by virtue of paragraph 1(7A) of Schedule 7A.

#### **1B Offence of failing to comply with paragraph 1A**

A members association commits an offence if—

- (a) it is subject to the requirement in paragraph 1A(1)(b), and
- (b) without reasonable excuse it fails to comply with the requirement.”

- (4) In paragraph 12 (offence of failing to deliver donation report), in sub-paragraph (1) and in sub-paragraph (2), for paragraphs (a) and (b) and the words following paragraph (b) there is substituted—

- “(a) in the case of a regulated donee other than a members association, the regulated donee is guilty of an offence;
- (b) in the case of a members association, the association and the responsible person are guilty of an offence.”

- (5) In Schedule 20 to the 2000 Act the following entry is inserted at the appropriate place—

“Paragraph 1B of Schedule 7 (failure by members association to comply with requirement to appoint responsible person)

On summary conviction: Level 5”.

#### **Commencement Information**

- I5** S. 14 wholly in force at 1.1.2010; s. 14 not in force at Royal Assent see s. 43(1); s. 14 in force at 1.1.2010 by [S.I. 2009/3084](#), [art. 4\(c\)](#) (with [art. 6](#))

#### **15 Control of donations to holders of elective office: compliance officers**

- (1) In Schedule 7 to the 2000 Act (control of donations to individuals etc), at the end there is inserted—

---

*Status: Point in time view as at 01/10/2010. This version of this Act contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Political Parties and Elections Act 2009. (See end of Document for details)*

---

## “PART 7

### COMPLIANCE OFFICERS

#### Functions and liabilities of compliance officers

- 17 (1) A regulated donee who is the holder of a relevant elective office (the “office-holder”) may, by giving a notice to the Commission which complies with paragraph 18(1), appoint an individual as compliance officer for the office-holder.
- (2) Where a notice under this paragraph is for the time being in force—
- (a) any duty imposed on the office-holder by virtue of paragraph 8, or under paragraph 10, 11 or 13, may be discharged either by the office-holder or by the compliance officer;
  - (b) section 56(3), (3B) and (4) as applied by paragraph 8, and paragraph 12(1) and (2), apply to the compliance officer as well as the office-holder (so that either or both of them may be charged with any offence under those provisions);
  - (c) if the compliance officer makes a declaration under paragraph 13, paragraph 13(4) applies to the compliance officer instead of the office-holder.
- (3) The compliance officer for an office-holder cannot be guilty of an offence under paragraph 12(1) or (2) in respect of any controlled donation received by the office-holder at a time when the notice under this paragraph was not in force.
- (4) A person commits an offence if, at a time when a notice under this paragraph is in force in relation to an office-holder, the person knowingly gives the compliance officer any information relating to—
- (a) the amount of any controlled donation made to the office-holder, or
  - (b) the person or body making such a donation,
- which is false in a material particular.

#### Notices of appointment, renewal, alteration and termination

- 18 (1) A notice under paragraph 17—
- (a) must be signed by the office-holder, and
  - (b) must contain a statement signed by the individual to be appointed as compliance officer confirming that the individual is willing to be appointed.
- (2) A notice under paragraph 17 must state—
- (a) the full name of the office-holder,
  - (b) the relevant elected office that the person holds,
  - (c) the office-holder's home address in the United Kingdom, or (if there is no such home address) the office-holder's home address elsewhere, and

---

**Status:** Point in time view as at 01/10/2010. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Political Parties and Elections Act 2009. (See end of Document for details)

---

- (d) if the office-holder is a member of a registered party, the party's registered name and the address of its registered headquarters.
- (3) A notice under paragraph 17 must also state—
- (a) the full name of the individual to be appointed as compliance officer,
  - (b) if the individual holds a relevant elected office, what that office is,
  - (c) the individual's home address in the United Kingdom, or (if there is no such home address) the individual's home address elsewhere, and
  - (d) if the individual is a member of a registered party, the party's registered name and the address of its registered headquarters.
- (4) Subject to the following provisions of this paragraph, a notice under paragraph 17 (“the original notice”)—
- (a) shall be in force as from the date on which it is received by the Commission, but
  - (b) shall lapse at the end of the period of 12 months beginning with that date unless the office-holder or the compliance officer gives the Commission a notice (a “renewal notice”) that they both wish the original notice to remain in force.
- (5) A renewal notice—
- (a) has the effect of extending the validity of the original notice for a further 12 months beginning with the time when it would otherwise have lapsed (whether under sub-paragraph (4)(b) or on the expiry of a previous extension under this sub-paragraph);
  - (b) must be received by the Commission during the period of one month ending at that time.
- (6) A renewal notice must either—
- (a) confirm that all the statements contained in the original notice, as it has effect for the time being, are accurate; or
  - (b) indicate that any statement contained in that notice, as it so has effect, is replaced by some other statement conforming with the relevant provision of sub-paragraph (2) or (3).

A renewal notice must be signed by the office-holder and the compliance officer.

- (7) The office-holder or the compliance officer may, at any time after giving the original notice, give the Commission a notice (a “notice of alteration”) indicating that any statement contained in the original notice, as it has effect for the time being, is replaced by some other statement—
- (a) contained in the notice of alteration, and
  - (b) conforming with the relevant provision of sub-paragraph (2) or (3).

A notice of alteration takes effect on the day on which it is received by the Commission or (if later) on such date as may be specified in the notice.

- (8) A notice of alteration must be signed—
- (a) by the office-holder, and

*Status: Point in time view as at 01/10/2010. This version of this Act contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Political Parties and Elections Act 2009. (See end of Document for details)*

- (b) by the compliance officer or, in the case of a notice substituting a different individual as the compliance officer, by that individual.
- (9) A notice under paragraph 17 ceases to have effect on receipt by the Commission of a notice terminating it (a “notice of termination”) given and signed by the office-holder or by the compliance officer.
- (10) On receipt of a notice of termination given by the office-holder or by the compliance officer, the Commission must inform the other party as soon as is reasonably practicable (unless the notice was signed both by the office-holder and by the compliance officer).

### Register of compliance officers

- 19 (1) The Commission shall maintain a register of all notices given to them under paragraph 17 which are for the time being in force.
  - (2) The register shall be maintained by the Commission in such form as they may determine and shall contain, in the case of each such notice, all the information contained in the notice as it has effect for the time being in accordance with paragraph 18.
  - (3) Where any notice is given to the Commission under paragraph 17 or sub-paragraph (4)(b) or (7) of paragraph 18, they shall cause all the information contained in the notice, or (as the case may be) any new information contained in it, to be entered in the register as soon as is reasonably practicable.
  - (4) The information to be entered in the register in respect of any individual shall, however, not include the individual's home address.”
- (2) In Schedule 20 to the 2000 Act the following entry is inserted at the appropriate place—

“Paragraph 17(4) of Schedule 7 (knowingly giving compliance officer false information about donations)	On summary conviction in England and Wales or Scotland: statutory maximum or 12 months On summary conviction in Northern Ireland: statutory maximum or 6 months On indictment: fine or 1 year”.
--	---

#### Commencement Information

**I6** S. 15 in force at 1.1.2010 by S.I. 2009/3084, art. 4(d)

### 16 Control of loans etc to members associations: responsible persons

- (1) Schedule 7A to the 2000 Act (control of loans etc to members associations etc) is amended as follows.
- (2) In paragraph 1 (operation and construction of Schedule)—
  - (a) in sub-paragraph (7)(d), the words after “(in relation to a members association)” are omitted;
  - (b) after sub-paragraph (7) there is inserted—

**Status:** Point in time view as at 01/10/2010. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Political Parties and Elections Act 2009. (See end of Document for details)

“(7A) Paragraphs 1A and 1B of Schedule 7 apply for the purposes of this Schedule, in relation to controlled transactions, as they apply for the purposes of that Schedule in relation to controlled donations.

(7B) Paragraph 1A(1)(b) of Schedule 7, as it applies by virtue of sub-paragraph (7A) above, has effect as if for sub-paragraphs (i) and (ii) there were substituted—

“(i) enters into a controlled transaction which is a recordable transaction for the purposes of paragraph 9 of Schedule 7A, or

(ii) enters into a controlled transaction falling within paragraph 5 or 6(1)(b) of that Schedule.”

(7C) A notice under paragraph 1A of Schedule 7 also has effect as a notice under the Schedule 7A version of that paragraph.

The “Schedule 7A version” of paragraph 1A of Schedule 7 means that paragraph as it applies, in relation to controlled transactions, by virtue of sub-paragraph (7A) above.”

(3) In paragraph 12 (offence of failing to deliver transaction report), in sub-paragraph (1) and in sub-paragraph (2), for paragraphs (a) and (b) and the words following paragraph (b) there is substituted—

“(a) in the case of a regulated participant other than a members association, the regulated participant is guilty of an offence;

(b) in the case of a members association, the association and the responsible person are guilty of an offence.”

#### Commencement Information

**17** S. 16 wholly in force at 1.1.2010; s. 16 not in force at Royal Assent see s. 43(1); s. 16 in force at 1.1.2010 by S.I. 2009/3084, **art. 4(e)** (with **art. 6**)

### 17 Control of loans etc to holders of elective office: compliance officers

In Schedule 7A to the 2000 Act (control of loans etc to individuals etc), at the end there is inserted—

#### “Compliance officers

18 (1) This paragraph applies where a regulated participant who is the holder of a relevant elective office (the “office-holder”) has given a notice to the Commission under paragraph 17 of Schedule 7 appointing an individual as compliance officer for the office-holder.

(2) Where the notice is for the time being in force—

(a) any duty imposed on the office-holder under paragraph 9, 10, 11 or 13 may be discharged either by the office-holder or by the compliance officer;

**Status:** Point in time view as at 01/10/2010. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Political Parties and Elections Act 2009. (See end of Document for details)

- (b) paragraph 12(1) and (2) applies to the compliance officer as well as the office-holder (so that either or both of them may be charged with an offence under paragraph 12(1) or (2));
  - (c) if the compliance officer makes a declaration under paragraph 13, paragraph 13(4) applies to the compliance officer instead of the office-holder.
- (3) The compliance officer for an office-holder cannot be guilty of an offence under paragraph 12(1) or (2) in respect of any controlled transaction entered into by the office-holder at a time when the notice was not in force.”

#### Commencement Information

**18** S. 17 in force at 1.1.2010 by S.I. 2009/3084, art. 4(f)

### **18 Person may not be “responsible person” for more than one third party**

- (1) Section 88 of the 2000 Act (third parties recognised for the purposes of Part 6 of that Act) is amended as follows.
- (2) In subsection (2)(a), after “(as defined by section 54(8))” there is inserted “ who is not the responsible person in relation to another third party ”.
- (3) After subsection (3) there is inserted—
  - “(3A) A notification given by a third party does not comply with the requirement in subsection (3)(b)(iii) or (c)(ii) (to state the name of the person who will be responsible for compliance) if the person whose name is stated is—
    - (a) the responsible person in relation to another third party,
    - (b) an individual who gives a notification under subsection (1) at the same time, or
    - (c) the person whose name is stated, in purported compliance with the requirement in subsection (3)(b)(iii) or (c)(ii), in a notification given at the same time by another third party.

In this subsection “the person”, in relation to a notification to which subsection (3)(c) applies, is to be read as “the person or officer”.”

- (4) Where—
  - (a) a third party gives a notification under section 88(4)(b) of the 2000 Act (“the renewal notification”) in respect of a notification under section 88(1) (“the original notification”) that was given before the commencement of this section, and
  - (b) the original notification contained a statement under section 88(3)(b)(iii) or (c)(ii) naming someone who, at the time when the renewal notification is given, is the responsible person in relation to another third party,
 the renewal notification must indicate (under section 88(6)(b)) that the statement is replaced by a statement naming someone who is not the responsible person in relation to another third party.

**Status:** Point in time view as at 01/10/2010. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Political Parties and Elections Act 2009. (See end of Document for details)

### Commencement Information

**19** S. 18 in force at 1.1.2010 by S.I. 2009/3084, art. 4(g)

### *Unincorporated associations*

## **19 Reports of gifts received by unincorporated associations making political contributions**

(1) After section 140 of the 2000 Act there is inserted—

*“Reports to Commission by unincorporated associations making political contributions*

### **140A Reports of gifts received by unincorporated associations**

Schedule 19A, which requires unincorporated associations making political contributions to report gifts received by them to the Commission, has effect.”

(2) Before Schedule 19B to the 2000 Act (inserted by section 2 above) there is inserted, as Schedule 19A, the Schedule set out in Schedule 5 to this Act.

(3) In Schedule 20 to the 2000 Act the following entries are inserted at the appropriate place—

“Paragraph 6(1) of Schedule 19A (failure to give notification or report within specified period)	On summary conviction: Level 5
Paragraph 6(2) of Schedule 19A (giving notification or report that fails to comply with requirements of that Schedule)	On summary conviction in England and Wales or Scotland: statutory maximum or 12 months On summary conviction in Northern Ireland: statutory maximum or 6 months On indictment: fine or 1 year
Paragraph 6(3) of Schedule 19A (making false declaration in notification or report)	On summary conviction in England and Wales or Scotland: statutory maximum or 12 months On summary conviction in Northern Ireland: statutory maximum or 6 months On indictment: fine or 1 year”.

(4) In section 62 of the Electoral Administration Act 2006 (c. 22) (regulation of loans: power to make provision for candidates, third parties and referendums), after subsection (3) there is inserted—

“(3A) The provision that may be made by virtue of subsection (3)(e) includes, in particular, provision amending paragraph 1 of Schedule 19A to the 2000 Act (requirement for unincorporated associations to notify Commission of political contributions over £25,000) so that, in the case of a recognised third party or a permitted participant in a referendum, a “political contribution” includes a relevant matter.”

---

*Status: Point in time view as at 01/10/2010. This version of this Act contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Political Parties and Elections Act 2009. (See end of Document for details)*

---

- (5) The Secretary of State, after consulting the Electoral Commission, may make an order that—
- (a) amends or modifies the Schedule inserted into the 2000 Act by Schedule 5 so far as it applies in relation to Northern Ireland;
  - (b) makes provision that is consequential on or supplemental to that made by virtue of paragraph (a) (including provision amending or modifying any provision of the 2000 Act).
- (6) The power to make an order under subsection (5) is exercisable by statutory instrument.
- (7) No order may be made under subsection (5) unless a draft of the instrument containing the order has been laid before and approved by a resolution of each House of Parliament.
- (8) In the Schedule inserted into the 2000 Act by Schedule 5 to this Act—
- (a) the reference in paragraph 1(1) to a calendar year does not include any year before 2010;
  - (b) a reference in paragraph 2 to a gift does not include any gift received before the day on which this Act is passed.

### *Thresholds*

## **20 Increased thresholds in relation to donations etc**

- (1) In the following provisions of the 2000 Act, for “£200” there is substituted “ £500 ”
- section 52(2)(b);
  - section 54(4)(b) and (6)(b);
  - section 71F(12)(b);
  - in Schedule 7, paragraphs 4(3)(b) and 6(2) and (4)(b);
  - in Schedule 7A, paragraph 2(4)(b);
  - in Schedule 11, paragraphs 4(2) and 6(4) and (6)(b);
  - in Schedule 15, paragraphs 4(2) and 6(5) and (7)(b).
- (2) In the following provisions of the 2000 Act, for “£1,000” there is substituted “ £1,500 ”
- section 62(6A)(a) and (b), (7)(b) and (11)(b);
  - section 71M(7)(a) and (b), (8)(b) and (11)(b);
  - in Schedule 7, paragraph 10(1A)(a) and (b) and (2)(b);
  - in Schedule 7A, paragraph 9(2)(a) and (b) and (7)(b).
- (3) In the following provisions of the 2000 Act, for “£5,000” there is substituted “ £7,500 ”
- section 62(4)(a) and (b), (5)(b) and (11)(b);
  - section 63(3);
  - section 71M(4)(a) and (b), (5)(b) and (11)(b);
  - section 71Q(3);
  - in Schedule 7, paragraph 10(1A)(a) and (b) and (2)(b);
  - in Schedule 7A, paragraph 9(2)(a) and (b) and (7)(b);
  - in Schedule 11, paragraph 10(2)(a);
  - in Schedule 15, paragraph 10(2)(a).



**Status:** Point in time view as at 01/10/2010. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Political Parties and Elections Act 2009. (See end of Document for details)

(4) In section 155 of the 2000 Act (power to vary specified sums), after subsection (2) there is inserted—

“(3) Subsection (4) applies in relation to the sums specified in—

- (a) Part 4;
- (b) Part 4A;
- (c) Schedule 11;
- (d) Schedule 15;
- (e) Schedule 19A.

(4) In each Parliament, other than a Parliament that is dissolved less than two years after the date of its first sitting, the Secretary of State must either—

- (a) make an order in pursuance of subsection (2)(a), or
- (b) lay before Parliament a statement setting out the Secretary of State's reasons for not doing so.”

(5) The amendment made by subsection (4) does not apply in relation to the Parliament during which this Act is passed.

#### Commencement Information

**I10** S. 20 in force at 1.1.2010 by S.I. 2009/3084, art. 4(h)

### *Election expenses*

## **21 Limitation of pre-candidacy election expenses for certain general elections**

(1) In the Representation of the People Act 1983 (c. 2) (“the 1983 Act”), after section 76 there is inserted—

### **“76ZA Limitation of pre-candidacy election expenses for certain general elections**

(1) This section applies where—

- (a) a Parliament is not dissolved until after the period of 55 months beginning with the day on which that Parliament first met (“the 55-month period”),
- (b) election expenses are incurred by or on behalf of a candidate at the parliamentary general election which follows the dissolution, and
- (c) the expenses are incurred in respect of a matter which is used during the period beginning immediately after the 55-month period and ending with the day on which the person becomes a candidate at that election.

For the purposes of this section, section 90ZA(1) has effect with the omission of the words “after the date when he becomes a candidate at the election”.

(2) Election expenses incurred as mentioned in subsection (1) must not in the aggregate exceed the permitted amount, which is the relevant percentage of the following sum—

---

*Status: Point in time view as at 01/10/2010. This version of this Act contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Political Parties and Elections Act 2009. (See end of Document for details)*

---

- (a) for a candidate at an election in a county constituency, £25,000 plus 7p for every entry in the register of electors;
- (b) for a candidate at an election in a borough constituency, £25,000 plus 5p for every entry in the register of electors.

(3) The relevant percentage is—

- (a) 100% where the dissolution was during the 60th month of the Parliament;
- (b) 90% where the dissolution was during its 59th month;
- (c) 80% where the dissolution was during its 58th month;
- (d) 70% where the dissolution was during its 57th month;
- (e) 60% where the dissolution was during its 56th month.

For the purposes of this subsection, the “56th month” of a Parliament is the month beginning immediately after the 55-month period; and so on.

(4) In subsection (2) above “the register of electors” means the register of parliamentary electors for the constituency in question as it has effect on the last day for publication of notice of the election.

(5) Where election expenses are incurred as mentioned in subsection (1) in excess of the permitted amount, any candidate or election agent who—

- (a) incurred, or authorised the incurring of, the election expenses, and
- (b) knew or ought reasonably to have known that the expenses would be incurred in excess of that amount,

shall be guilty of an illegal practice.

(6) The candidate's personal expenses do not count towards the permitted amount.”

(2) The amendments made by this section do not apply in relation to any expenses—

- (a) incurred before the commencement of this section, or
- (b) incurred in respect of any matters used before 1 January 2010.

## 22 Election expenses: guidance by Commission

In Schedule 4A to the 1983 Act (election expenses), in paragraph 14 (guidance by Electoral Commission), for the words in sub-paragraph (1) from “giving guidance” to the end there is substituted “giving—

- (a) guidance as to the matters which do, or do not, fall within Part 1 or Part 2 of this Schedule;
- (b) guidance (supplementing the definition in section 90ZA(3) above) as to the cases or circumstances in which expenses are, or are not, to be regarded as incurred for the purposes of a candidate's election.”

*Status: Point in time view as at 01/10/2010. This version of this Act contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Political Parties and Elections Act 2009. (See end of Document for details)*

---

### PART 3

#### ELECTIONS

#### 23 Election falling within canvass period

(1) After section 13BA of the 1983 Act there is inserted—

##### “13BB Election falling within canvass period

- (1) This section applies where—
- (a) in connection with a canvass under section 10 above, the form returned in respect of an address (“the relevant address”) is completed in such a way that, by virtue of section 10A(2) above, an application for registration is treated as having been made in respect of that address; and
  - (b) notice is published of an election to which section 13B above applies that is to be held—
    - (i) in an area which includes the relevant address,
    - (ii) during the period starting with 1st July in the year of the canvass and ending with 1st December in that year.
- (2) The application shall be treated as made—
- (a) when the notice of election is published (if the canvass form has already been returned),
  - (b) when the form is returned (if the notice has already been published), or
  - (c) at such other time as may be prescribed.
- (3) Subsection (2) above does not apply if—
- (a) the canvass form is returned after the appropriate publication date; or
  - (b) the form is returned too late for the application to be determined in accordance with regulations on or before that date (even without there being any delay in dealing with the application or any objections to the registration).
- (4) Where, in consequence of the determination of the application, an entry relating to a person falls to be made in (or removed from) a register covering the relevant address, the registration officer by whom that register is maintained shall issue, in the prescribed manner, a notice specifying the appropriate alteration.
- (5) Where—
- (a) in consequence of the determination of the application, a person's entry in respect of an address other than the relevant address falls to be removed from a register maintained by a registration officer other than the one referred to in subsection (4) above,
  - (b) at the time of the determination, notice has been published of an election to which section 13B above applies that is to be held—
    - (i) in an area which includes that other address,
    - (ii) during the period starting with 1st July in the year of the canvass and ending with 1st December in that year,

*Status: Point in time view as at 01/10/2010. This version of this Act contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Political Parties and Elections Act 2009. (See end of Document for details)*

- and
- (c) the determination is made before the appropriate publication date for that election,
- the other registration officer shall, on being informed of the determination, issue in the prescribed manner a notice specifying the appropriate alteration.
- (6) A notice under subsection (4) or (5) above shall be issued on the appropriate publication date for the election in question, and the alteration shall take effect as from the beginning of that day.
- (7) A requirement imposed by subsection (4) or (5) above does not apply if, before the appropriate publication date for the election in question, the registration officer concerned publishes a revised version of the register incorporating the appropriate alteration.
- (8) In this section—
- “the appropriate publication date” has the same meaning as in section 13B above;
- “canvass form” means the form mentioned in subsection (1)(a) above.
- (9) For the purposes of this section, a canvass form is “returned” when it is received by the registration officer.”
- (2) In section 13 of that Act (publication of registers), after subsection (1) there is inserted—
- “(1A) Subsection (1)(a) above has effect, in the case of a registration officer acting for an area in which (or in part of which) an election to which section 13B below applies is held during the period—
- (a) starting with 1st July in the year in question, and
- (b) ending with 1st December in that year,
- as if for “1st December in that year” there were substituted “1st February in the following year”.”

#### Commencement Information

**III** S. 23 wholly in force at 4.9.2009; s. 23 not in force at Royal Assent see s. 43(1); s. 23 in force at 4.9.2009 by S.I. 2009/2395, art. 2(a) (with art. 3)

## 24 Candidate at parliamentary election may withhold home address from publication

- (1) Schedule 1 to the 1983 Act (parliamentary elections rules) is amended as follows.
- (2) In rule 6 (nomination of candidates)—
- (a) sub-paragraph (b) of paragraph (2) is omitted;
- (b) after paragraph (3) there is inserted—
- “(4) The nomination paper must be accompanied by a form (in this Schedule referred to as the “home address form”) which states the candidate's—

---

**Status:** Point in time view as at 01/10/2010. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Political Parties and Elections Act 2009. (See end of Document for details)

---

- (a) full names, and
- (b) home address in full.

Provision in paragraph (1) above about delivery of the nomination paper applies also to the home address form.

(5) The home address form—

- (a) may contain a statement made and signed by the candidate that he requires the home address not to be made public; and
- (b) if it does so, must state the constituency within which that address is situated (or, if that address is outside the United Kingdom, the country within which it is situated)."

(3) In rule 11 (right to attend nomination)—

- (a) in paragraph (3), after “nomination paper” there is inserted “ and associated home address form ”;
- (b) after paragraph (4) there is inserted—

“(5) The returning officer shall not permit a home address form to be inspected otherwise than in accordance with this rule, or for some other purpose authorised by law.”

(4) In rule 12 (validity of nomination papers), in paragraph (1)—

- (a) after “consent to it” there is inserted “ and the home address form ”;
- (b) after sub-paragraph (a) there is inserted—

“(aa) the returning officer decides that the home address form does not comply with rule 6(4); or”.

(5) In rule 14 (publication of statement of persons nominated), after paragraph (3) there is inserted—

“(3A) In relation to a nominated person in whose case the home address form (or, if the person is nominated by more than one nomination paper, any of the home address forms) contains—

- (a) the statement mentioned in rule 6(5)(a), and
- (b) the information mentioned in rule 6(5)(b),

the reference in paragraph (2) to the person's address shall be read as a reference to the information mentioned in rule 6(5)(b).”

(6) After paragraph (4) of that rule there is inserted—

“(4A) Where—

- (a) two or more of the names shown on the statement are the same or so similar as to be likely to cause confusion,
- (b) paragraph (3A) applies in relation to each of the persons in question, and
- (c) the information mentioned in rule 6(5)(b) is the same for each of them,

the returning officer may cause any of their particulars to be shown on the statement with such amendments or additions as the officer thinks appropriate in order to reduce the likelihood of confusion.

*Status: Point in time view as at 01/10/2010. This version of this Act contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Political Parties and Elections Act 2009. (See end of Document for details)*

- (4B) Where it is practicable to do so before the publication of the statement, the returning officer shall consult any person whose particulars are to be amended or added to under paragraph (4A).
  - (4C) The returning officer must give notice in writing to any person whose particulars are amended or added to under paragraph (4A).
  - (4D) Anything done by a returning officer in pursuance of paragraph (4A) must not be questioned in any proceedings other than proceedings on an election petition.
  - (4E) A returning officer must have regard to any guidance issued by the Electoral Commission for the purposes of paragraph (4A).”
- (7) Before rule 54 there is inserted—

### 53A “Destruction of home address forms

The returning officer shall destroy each candidate's home address form—

- (a) on the next working day following the 21st day after the officer has returned the name of the member elected; or
- (b) if an election petition questioning the election or return is presented before that day, on the next working day following the conclusion of proceedings on the petition or on appeal from such proceedings.”

#### Commencement Information

**I12** S. 24 wholly in force at 4.9.2009; s. 24 not in force at Royal Assent see s. 43(1); s. 24 in force at 4.9.2009 by S.I. 2009/2395, art. 2(b) (with art. 3)

## 25 Disposal of election documents in Scotland

In the 1983 Act—

- (a) in section 63 (breach of official duty), in subsection (3)(b), the words “sheriff clerk,” are omitted;
- (b) in Schedule 1 (parliamentary elections rules), for rule 58 there is substituted—

“58

- (1) This rule modifies rules 55 to 57 in relation to elections in Scotland.
- (2) In relation to such elections—
  - (a) the documents mentioned in rule 55(1)—
    - (i) are not to be forwarded by the returning officer as required by that rule,
    - (ii) instead, are to remain in the returning officer's custody (and be endorsed by the officer as required by that rule);
  - (b) the references in rules 56 and 57 to the relevant registration officer are to be read as references to the returning officer (and rule 55(1A) is to be disregarded);

**Status:** Point in time view as at 01/10/2010. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Political Parties and Elections Act 2009. (See end of Document for details)

- (c) the reference in rule 57(1) to the documents to be retained is to be read as a reference to the documents remaining in the returning officer's custody under sub-paragraph (a)(ii)."

#### Commencement Information

**I13** S. 25 in force at 26.3.2010 by S.I. 2010/969, art. 2(a) (with art. 3)

## 26 Filling vacant European Parliament seats in Northern Ireland

- (1) In section 5 of the European Parliamentary Elections Act 2002 (c. 24) (filling vacant seats), after subsection (3) there is inserted—

“(4) As regards a seat in Northern Ireland, the regulations may, in specified circumstances, require it to be filled as follows—

- (a) where the previous MEP stood in the name of a registered party when elected (or most recently elected), by a person nominated by the nominating officer of that party;
- (b) where the previous MEP stood in the names of two or more registered parties when elected (or most recently elected), by a person jointly nominated by the nominating officers of those parties;
- (c) where paragraph (a) or (b) does not apply but the previous MEP gave a notice in accordance with regulations under this Act naming one or more persons as substitutes, by a person so named.

- (5) In subsection (4)—

“nominating officer”, in relation to a registered party, means the person registered as its nominating officer under the Political Parties, Elections and Referendums Act 2000 in the Northern Ireland register (within the meaning of that Act);

“registered party” means a party registered under that Act in that register;

“the previous MEP”, in relation to a vacancy, means the person who was the MEP immediately before the vacancy arose.”

- (2) Regulations containing provision made by virtue of this section may specify that the provision has effect in relation to any seat that is vacant at the time the provision comes into force and in respect of which notice of a by-election has not been published at that time.

VALID FROM 22/01/2013

## 27 Returning officers for elections to the European Parliament

- (1) Section 6 of the European Parliamentary Elections Act 2002 (returning officers) is amended as follows.
- (2) In subsection (2) (returning officer for electoral region in England etc), in paragraph (a), after “the Representation of the People Act 1983 (c. 2)” there is inserted “ or is the proper officer of the Greater London Authority for the purposes of section 35(2C) of that Act ”.

*Status: Point in time view as at 01/10/2010. This version of this Act contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Political Parties and Elections Act 2009. (See end of Document for details)*

(3) In subsection (5A) (meaning of “local returning officer”), for paragraph (a) there is substituted—

“(a) a person who, by virtue of section 35 of the Representation of the People Act 1983, is a returning officer for—

- (i) elections of councillors of a district or London borough,
- (ii) elections of councillors of a county in which there are no district councils,
- (iii) elections to the Council of the Isles of Scilly, or
- (iv) elections of councillors of a county or county borough in Wales,

or who by virtue of section 41 of that Act is a returning officer for elections of councillors for a local authority in Scotland; or”.

(4) After subsection (8) there is inserted—

“(9) Where functions are conferred on the proper officer of the Greater London Authority under subsection (5) in relation to the London electoral region, the Authority must place the services of its employees at his disposal for the purpose of assisting him in the discharge of those functions.”

## PART 4

### ELECTORAL REGISTRATION

PROSPECTIVE

#### *Co-ordinated on-line record of electors*

#### **F128 Establishment of corporation sole to be CORE keeper**

.....

##### **Textual Amendments**

- F1** S. 29 repealed (2.4.2013) by [Electoral Registration and Administration Act 2013 \(c. 6\)](#), ss. **23(2)**, 27(1); S.I. 2013/702, art. 3(e)

#### **F129 Use of CORE information**

.....

##### **Textual Amendments**

- F1** S. 29 repealed (2.4.2013) by [Electoral Registration and Administration Act 2013 \(c. 6\)](#), ss. **23(2)**, 27(1); S.I. 2013/702, art. 3(e)



*Status:* Point in time view as at 01/10/2010. This version of this Act contains provisions that are not valid for this point in time.

*Changes to legislation:* There are currently no known outstanding effects for the Political Parties and Elections Act 2009. (See end of Document for details)

### Identifying information

VALID FROM 10/06/2014

#### **30 Voluntary provision of identifying information**

- (1) In this section “identifying information”, in relation to a person, means—
  - (a) the person's signature or, if the person is someone to whom subsection (2) applies, an indication to that effect;
  - (b) the person's date of birth;
  - (c) the person's national insurance number or, if the person has no national insurance number, an indication to that effect.
- (2) This subsection applies to a person for whom it is not reasonably practicable to sign in a consistent and distinctive way because he or she is blind or has some other disability, or cannot read.
- (3) A registration officer, in carrying out his or her functions, including in particular—
  - (a) maintaining registers under section 9 of the 1983 Act,
  - (b) conducting canvasses under section 10 of that Act, and
  - (c) determining applications for registration under section 10A or 13A of that Act,must take steps to obtain identifying information from each person who is, or who claims to be, entitled to be or to remain registered in any of the officer's registers.
- (4) The steps taken under subsection (3) to collect identifying information must include—
  - (a) asking for the information, and
  - (b) explaining how collecting identifying information can help to improve the accuracy of the registers,but in taking those steps a registration officer must make clear that it is not obligatory to provide the information.
- (5) A registration officer must keep a record showing the identifying information obtained under this section.
- (6) The duties under this section do not apply at any time before 1 July 2010.

VALID FROM 01/01/2011

#### **31 Regulations amending or supplementing section 30**

- (1) The Secretary of State may by regulations—
  - (a) amend subsection (1) or (2) of section 30;
  - (b) make any other amendments to that section or this section that appear to the Secretary of State to be necessary or desirable in consequence of an amendment made by virtue of paragraph (a);
  - (c) make provision supplementing that section.

**Status:** Point in time view as at 01/10/2010. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Political Parties and Elections Act 2009. (See end of Document for details)

- (2) The provision that may be made by virtue of subsection (1)(c) includes in particular—
- (a) provision as to forms on which identifying information may be provided;
  - (b) provision as to explanations or other material to be provided by registration officers, either on forms of the kind mentioned in paragraph (a) or otherwise;
  - (c) provision about the form and manner in which records under section 30(5) are to be kept;
  - (d) provision for the disclosure by the authority responsible for national insurance numbers (the “relevant authority”) to a registration officer or CORE keeper, following a request by that person, of—
    - (i) the national insurance number recorded in respect of an individual specified or described in the request, or the fact that the individual is not recorded as having a national insurance number, and
    - (ii) in the case of such an individual recorded as having a national insurance number, any further information about the individual that is recorded by the relevant authority,
 for the purpose of checking the accuracy of any information that appears in a register or other record kept by a registration officer (including a record under section 30(5)) or checking a person's entitlement to be registered in a register;
  - (e) provision authorising the relevant authority to charge fees to a person making a request of the kind mentioned in paragraph (d) to cover the authority's reasonable expenses in complying with such requests;
  - (f) provision for the disclosure by a CORE keeper to a registration officer, for the purpose mentioned in paragraph (d), of information within subparagraph (i) or (ii) of that paragraph;
  - (g) provision as to action to be taken by a registration officer who suspects (whether as a result of checks of the kind referred to in paragraph (d) or otherwise) that any information collected under section 30 is false.
- (3) Information obtained by a registration officer or CORE keeper under regulations made by virtue of subsection (2)(d) or (f) may not be disclosed by the officer or CORE keeper except—
- (a) for the purpose mentioned in subsection (2)(d), or
  - (b) for the purposes of any criminal or civil proceedings,
- or, in the case of information obtained by a registration officer, to a person to whom the officer may delegate his or her functions.
- (4) A person who discloses information in breach of subsection (3) is guilty of an offence and liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding two years, or to a fine, or to both;
  - (b) on summary conviction in England and Wales and Scotland, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both;
  - (c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding the statutory maximum, or to both.
- (5) Regulations under this section may contain transitional or saving provision.

*Status: Point in time view as at 01/10/2010. This version of this Act contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Political Parties and Elections Act 2009. (See end of Document for details)*

- (6) The power to make regulations under this section is exercisable by statutory instrument.
- (7) Before making regulations under this section, the Secretary of State—
  - (a) must consult the Electoral Commission, and
  - (b) in the case of regulations containing provision amending subsection (1) or (2) of section 30, must seek the Commission's views as to whether, if it was obligatory for every registered person to provide identifying information, the provision would help or hinder the achievement of the registration objectives.
- (8) For the purposes of this Part, the registration objectives are to secure, so far as is reasonably practicable—
  - (a) that persons who are entitled to be registered in a register are registered in it,
  - (b) that persons who are not entitled to be registered in a register are not registered in it, and
  - (c) that none of the information relating to a registered person that appears in a register or other record kept by a registration officer is false.
- (9) The first regulations under this section, and any subsequent ones that amend section 30 or this section, may not be made unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, each House of Parliament.
- (10) Any regulations under this section not falling within subsection (9) are subject to annulment in pursuance of a resolution of either House of Parliament.
- (11) In this section—
 

“CORE keeper” has the same meaning as in Part 1 of the Electoral Administration Act 2006 (c. 22);

“identifying information” has the same meaning as in section 30.

### **32 Report by Electoral Commission on provision of identifying information**

- (1) The Electoral Commission must keep under review the operation of section 30 and any supplementary regulations.
- (2) In each calendar year beginning with the year after that in which the duties under that section first arise, the Commission must—
  - (a) submit to the Secretary of State a report on the operation of that section and any supplementary regulations, and
  - (b) publish the report in whatever way the Commission think appropriate.
- (3) A report under this section must contain an assessment by the Commission—
  - (a) as to the adequacy of the electoral registration system in Great Britain, with particular reference to the effectiveness of registration officers in meeting the registration objectives;
  - (b) as to what (if any) changes with regard to that system would be necessary or desirable for meeting those objectives if the provision of identifying information was made obligatory.

---

**Status:** Point in time view as at 01/10/2010. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Political Parties and Elections Act 2009. (See end of Document for details)

---

- (4) The report for 2014 must contain (as well as the assessment mentioned in subsection (3))—
- (a) the Commission's assessment, on the basis of the available evidence (including in particular evidence as to the operation of section 30 and any supplementary regulations), as to whether it would help or hinder the achievement of the registration objectives to make the provision of identifying information obligatory;
  - (b) the Commission's recommendation as to whether or not the provision of identifying information should be made obligatory.
- (5) The report for 2014 must be—
- (a) submitted to the Secretary of State by 31 July in that year, and
  - (b) laid before Parliament as soon as possible by the Secretary of State.
- (6) If—
- (a) the recommendation in the report for 2014 is that the provision of identifying information should be made obligatory, and
  - (b) the recommendation is approved by a resolution of each House of Parliament,
- the Secretary of State must as soon as reasonably practicable make an order under section 43(1) bringing section 33 into force.
- The Secretary of State may not make such an order if those conditions are not met.
- (7) If—
- (a) the report for 2014 does not contain a recommendation that the provision of identifying information should be made obligatory, or
  - (b) the report does contain such a recommendation, but it is not approved by a resolution of each House of Parliament,
- within 12 months after the day on which the report is submitted by the Electoral Commission (in the case mentioned in paragraph (a)) or disapproved in Parliament (in the case mentioned in paragraph (b)), the Secretary of State must require the Commission to submit, by a specified date, a further report under this section containing the things mentioned in subsection (4).
- (8) For the purposes of subsection (7)—
- (a) a report is disapproved in Parliament when either House decides against resolving to approve the report (or, if both Houses so decide on different days, when the first of them so decides);
  - (b) the date specified by the Secretary of State must be at least one year, but no more than two years, after the day on which the requirement under that subsection is imposed.
- (9) Subsections (5)(b) and (6) to (8) apply to a report submitted in response to a requirement under subsection (7) as they apply to the report for 2014.
- (10) A registration officer must comply with any request made in writing by the Electoral Commission for assistance that they reasonably require in connection with the preparation of a report under this section.
- (11) In this section—
- “identifying information” has the same meaning as in section 30;
- “obligatory” means obligatory for every person registered in a register;

**Status:** Point in time view as at 01/10/2010. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Political Parties and Elections Act 2009. (See end of Document for details)

“supplementary regulations” means regulations under section 31 made by virtue of subsection (1)(c) of that section.

### Commencement Information

**I14** S. 32 partly in force; s. 32(6) in force at Royal Assent, see s. 43(5)

VALID FROM 10/06/2014

### 33 Obligatory provision of identifying information

(1) With effect from the commencement of this section, the amendments made to the 1983 Act by section 1 of the Electoral Fraud (Northern Ireland) Act 2002 (c. 13) extend to the whole of the United Kingdom.

(2) The 1983 Act is amended as follows.

(3) In section 10 (maintenance of registers: annual canvass)—

(a) for subsection (4) there is substituted—

“(4) The form to be used for the purposes of a canvass shall be—

(a) a form prescribed for those purposes, or

(b) a form to the same effect.

Paragraph (b) does not apply in Northern Ireland and, in Great Britain, does not apply if or to the extent that regulations so provide.”;

(b) in subsection (4A), for “a canvass in Northern Ireland” there is substituted “a canvass”;

(c) in subsection (4A)(c), at the beginning of sub-paragraph (ii) there is inserted “in the case of a canvass in Northern Ireland,”;

(d) in subsection (4B), for “The Chief Electoral Officer for Northern Ireland” there is substituted “A registration officer”;

(e) after that subsection there is inserted—

“(4C) In relation to each person without a national insurance number to whom the form mentioned in subsection (4) above relates, regulations may require the form to be accompanied by such other evidence to identify the person as may be prescribed.

(4D) A registration officer shall keep a record showing the information obtained under subsection (4A) above or by virtue of subsection (4C) above.”

(4) In section 10ZB (the relevant registration objectives)—

(a) in the heading, the words “(Northern Ireland)” are omitted;

(b) in subsection (3), for “the Chief Electoral Officer for Northern Ireland” there is substituted “a registration officer”;

(c) in subsections (4) and (5)(a), for “the Chief Electoral Officer” there is substituted “the registration officer concerned”.

(5) In section 10A (maintenance of registers: registration of electors)—

**Status:** Point in time view as at 01/10/2010. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Political Parties and Elections Act 2009. (See end of Document for details)

- (a) in subsection (1A), the words “in respect of an address in Northern Ireland” are omitted;
- (b) in subsection (1A)(c), at the beginning of sub-paragraph (ii) there is inserted “ in the case of an application for registration in respect of an address in Northern Ireland, ”;
- (c) in subsection (1B), for “The Chief Electoral Officer for Northern Ireland” there is substituted “ A registration officer ”;
- (d) after that subsection there is inserted—

“(1C) In relation to each person without a national insurance number to whom an application for registration relates, regulations may require the application to be accompanied by such other evidence to identify the person as may be prescribed.

(1D) A registration officer shall keep a record showing the information obtained under subsection (1A) above or by virtue of subsection (1C) above.”;

- (e) in subsection (2)(a), for the words from “the form” to “in a register” there is substituted “ a completed form specifies any person as a person who is entitled to be registered in a register in respect of a particular address ”;
- (f) in subsection (5)(a), for sub-paragraph (i) there is substituted—
  - “(i) no canvass form was returned showing the elector as resident at that address on that date, or”;
- (g) in subsection (5A), for the words in paragraph (a) from the beginning to “does not include” there is substituted “ a canvass form has been returned showing the elector as resident at that address but the form does not include ”;
- (h) in subsection (7), for the words after “in cases where” there is substituted “ no canvass form has been returned in respect of the person in question ”;
- (i) in subsection (9), before the definition of “determines” there is inserted—
  - ““canvass form” means the form mentioned in section 10(4) above;”.

(6) In section 13A (alteration of registers)—

- (a) in subsection (2A), the words “in respect of an address in Northern Ireland” are omitted;
- (b) in subsection (2A)(c), at the beginning of sub-paragraph (ii) there is inserted “ in the case of an application for registration in respect of an address in Northern Ireland, ”;
- (c) in subsection (2B), for “The Chief Electoral Officer for Northern Ireland” there is substituted “ A registration officer ”;
- (d) after that subsection there is inserted—

“(2C) In relation to each person without a national insurance number to whom an application for registration under subsection (1)(a) above relates, regulations may require the application to be accompanied by such other evidence to identify the person as may be prescribed.

(2D) A registration officer shall keep a record showing the information obtained under subsection (2A) above or by virtue of subsection (2C) above.”

**Status:** Point in time view as at 01/10/2010. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Political Parties and Elections Act 2009. (See end of Document for details)

- (7) In section 13BB (election falling within canvass period) (inserted by section 23 above), in subsection (1)(a)—
- (a) for “the form returned in respect of an address (“the relevant address”)” there is substituted “ a form ”;
  - (b) for “an application for registration is treated as having been made in respect of that address” there is substituted “ an application for registration in respect of a particular address (“the relevant address”) is treated as having been made ”.
- (8) In section 13D (provision of false information), in subsection (2), for “the Chief Electoral Officer for Northern Ireland” there is substituted “ a registration officer ”.
- (9) In section 201 (regulations), after subsection (2A) there is inserted—
- “(2B) In the case of regulations under section 10(4C), 10A(1C) or 13A(2C), in carrying out the consultation required by section 7 of the Political Parties, Elections and Referendums Act 2000 the Secretary of State shall seek the views of the Electoral Commission as to whether the provision to be made by the regulations would help or hinder the achievement of the registration objectives (within the meaning given by section 10ZB).”
- (10) In Schedule 2 (provisions which may be contained in regulations as to registration etc), in paragraph 1—
- (a) after sub-paragraph (4) there is inserted—
    - “(4ZA) Provisions for the disclosure (otherwise than by virtue of sub-paragraph (4) above) by the authority responsible for national insurance numbers (the “relevant authority”) to a registration officer or a CORE keeper, following a request by that person, of—
      - (a) the national insurance number recorded in respect of an individual specified or described in the request, or the fact that the individual is not recorded as having a national insurance number, and
      - (b) in the case of such an individual recorded as having a national insurance number, any further information about the individual that is recorded by the relevant authority,
 for the purpose of checking the accuracy of any information that appears in a register or other record kept by a registration officer or checking a person's entitlement to be registered in such a register.
    - (4ZB) Provisions authorising the relevant authority to charge fees to a person making a request of the kind mentioned in sub-paragraph (4ZA) to cover the authority's reasonable expenses in complying with such requests.
    - (4ZC) Provisions for the disclosure by a CORE keeper to a registration officer, for the purpose mentioned in sub-paragraph (4ZA), of information within paragraph (a) or (b) of that sub-paragraph.”;
  - (b) in sub-paragraph (4A), for “such authority or person” there is substituted “ authority or person within paragraph (a) or (b) of sub-paragraph (4) ”, and for “such records” there is substituted “ any records within sub-paragraph (4) ”;
  - (c) in sub-paragraph (5), for “sub-paragraph (4) or (4A)” there is substituted “ sub-paragraph (4), (4ZA) or (4A) ”;

*Status: Point in time view as at 01/10/2010. This version of this Act contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Political Parties and Elections Act 2009. (See end of Document for details)*

(d) for sub-paragraph (6) there is substituted—

“(6) But provision made under sub-paragraph (4ZA), (4ZC) or (4A) may not permit information obtained by a registration officer or CORE keeper under that provision to be disclosed by the officer or CORE keeper except—

(a) for the purpose mentioned in sub-paragraph (4ZA) or, as the case may be, sub-paragraph (4A), or

(b) for the purposes of any criminal or civil proceedings, or, in the case of information obtained by a registration officer, to a person to whom the officer may delegate functions.”;

(e) after sub-paragraph (6) there is inserted—

“(6A) In sub-paragraphs (4ZA) and (4ZC) “CORE keeper” has the same meaning as in Part 1 of the Electoral Administration Act 2006.”;

(f) sub-paragraph (8) is omitted.

(11) In paragraph 13 of that Schedule, for sub-paragraph (1ZA) there is substituted—

“(1ZA) Provisions making a person who discloses information in breach of paragraph 1(6) guilty of an offence punishable—

(a) on conviction on indictment, by imprisonment for a term not exceeding two years or a fine, or both;

(b) on summary conviction in England and Wales and Scotland, by imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum, or both;

(c) on summary conviction in Northern Ireland, by imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum, or both.”

VALID FROM 10/06/2014

### **34 Provision supplementing section 33**

(1) Where on the commencement of section 33 a person is registered in a register maintained by a registration officer, the person's name is not to be removed from the register by virtue of section 10A(5A) of the 1983 Act (canvass form not including required information, etc) until the conclusion of the third canvass to be concluded after the commencement of that section.

(2) An order bringing section 33 into force may—

(a) repeal any provision of sections 30, 31 and 32;

(b) make amendments to any enactment that are consequential on the coming into force of section 33.

(3) The Secretary of State may (either before, at the same time as or after section 33 is brought into force) by regulations—

(a) amend section 10(4A) or (4B), section 10A(1A) or (1B) or section 13A(2A) or (2B) of the 1983 Act;



**Status:** Point in time view as at 01/10/2010. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Political Parties and Elections Act 2009. (See end of Document for details)

- (b) make any other amendments to the 1983 Act that appear to the Secretary of State to be necessary or desirable in consequence of an amendment made by virtue of paragraph (a).
- (4) Regulations under subsection (3)—
  - (a) may make different provision for different purposes or different areas;
  - (b) may make transitional or saving provision.
- (5) The power to make regulations under subsection (3) is exercisable by statutory instrument.
- (6) Before making regulations under subsection (3) the Secretary of State must—
  - (a) consult the Electoral Commission, and
  - (b) in the case of regulations containing provision amending section 10(4A) or (4B), section 10A(1A) or (1B) or section 13A(2A) or (2B) of the 1983 Act, seek the Commission's views as to whether the provision would help or hinder the achievement of the registration objectives.
- (7) An order containing provision made by virtue of paragraph (b) of subsection (2), or regulations under subsection (3), may not be made unless a draft of the statutory instrument containing the order or regulations has been laid before, and approved by a resolution of, each House of Parliament.

VALID FROM 01/01/2011

### *Data schemes*

#### **35 Schemes for provision of data to registration officers**

- (1) The Secretary of State may by order made by statutory instrument make provision (referred to below as a “scheme”) authorising or requiring specified persons to provide to a specified registration officer, for the purpose mentioned in subsection (2), information contained in records kept by those persons.
- (2) The purpose is assisting the registration officer to meet the registration objectives and, in particular, assisting the officer—
  - (a) to ascertain to what extent those objectives are being met, and
  - (b) to determine what steps should be taken for meeting them.
- (3) A scheme may authorise or require information to be provided at specified times or in specified circumstances.
- (4) A scheme may not authorise or require information to be provided by a person other than—
  - (a) a local or public authority, or
  - (b) a person providing services to, or authorised to exercise any function of, a local or public authority.
- (5) An order under this section may include more than one scheme.
- (6) An order under this section has effect despite any statutory or other restriction on the disclosure of information (but may not permit disclosure in breach of subsection (7)).

*Status: Point in time view as at 01/10/2010. This version of this Act contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Political Parties and Elections Act 2009. (See end of Document for details)*

- (7) Information provided to a registration officer under an order under this section may not be disclosed to a person other than one to whom the officer may delegate his or her functions, except—
- (a) for the purpose mentioned in subsection (2), or
  - (b) for the purposes of any criminal or civil proceedings.
- (8) A person who discloses information in breach of subsection (7) is guilty of an offence and liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding two years, or to a fine, or to both;
  - (b) on summary conviction in England and Wales and Scotland, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both;
  - (c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding the statutory maximum, or to both.
- (9) An order under this section may contain incidental, supplemental, transitional or saving provision.
- (10) An order under this section must not be made unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, each House of Parliament.
- (11) In this section “specified” means specified in an order under this section.

### **36 Schemes under section 35: proposals, consultation and evaluation**

- (1) A scheme may be included in an order under section 35 only if a proposal has been submitted to the Secretary of State by the registration officer to whom the scheme relates and the scheme gives effect to the proposal, either—
- (a) without modification, or
  - (b) with modifications suggested by the Secretary of State and agreed to by the officer.
- (2) The Secretary of State may not make an order under section 35 without first consulting—
- (a) the Electoral Commission;
  - (b) any person authorised or required by the order to provide information to a registration officer;
  - (c) the Information Commissioner.
- (3) An order under section 35 must specify a date (the “evaluation date”) for each scheme included in the order.
- The Electoral Commission must prepare a report on the operation of each scheme and, no later than the evaluation date, give a copy of it—
- (a) to the registration officer concerned, and
  - (b) to the Secretary of State.
- (4) A report under subsection (3) must set out the terms of the scheme and must contain—

**Status:** Point in time view as at 01/10/2010. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Political Parties and Elections Act 2009. (See end of Document for details)

- (a) a description of the scheme;
  - (b) an assessment of the matters set out in subsection (5);
  - (c) anything else specified in the order under section 35.
- (5) The matters are—
- (a) the extent to which the scheme has achieved the purpose mentioned in section 35(2);
  - (b) whether there was any objection to the scheme, and if so how much;
  - (c) how easy the scheme was to administer;
  - (d) the extent to which the scheme resulted in savings of time and costs, or the opposite.
- (6) The registration officer concerned—
- (a) must give the Electoral Commission whatever assistance they reasonably require in connection with the preparation of the report;
  - (b) must publish the report in whatever way the officer thinks appropriate.
- (7) In this section “scheme” has the same meaning as in section 35.

VALID FROM 01/01/2011

### *Interpretation*

#### **37 Meaning of expressions relating to registration**

In this Part (except in section 33)—

“false”, in relation to a signature, means that the signature is not the usual signature of, or was written by a person other than, the person whose signature it purports to be;

“register”, in relation to a registration officer, means a register maintained by that officer under section 9 of the 1983 Act;

“registered person” means a person registered in such a register;

“registration objectives” has the meaning given by section 31(8);

“registration officer” has the same meaning as in the 1983 Act (see section 8 of that Act) except that it does not include the Chief Electoral Officer for Northern Ireland.

## **PART 5**

### **GENERAL**

#### **38 Meaning of “the 1983 Act” and “the 2000 Act”**

In this Act—

“the 1983 Act” means the Representation of the People Act 1983 (c. 2);

“the 2000 Act” means the Political Parties, Elections and Referendums Act 2000 (c. 41).

*Status: Point in time view as at 01/10/2010. This version of this Act contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Political Parties and Elections Act 2009. (See end of Document for details)*

## [<sup>F2</sup>38A. Functions of the Lord President of the Council

See the Lord President of the Council Order 2010 by virtue of which functions of the Secretary of State under this Act are exercisable concurrently with the Lord President of the Council.]

### Textual Amendments

- F2** S. 38A inserted (18.8.2010) by Lord President of the Council Order 2010 (S.I. 2010/1837), art. 1(2), Sch. para. 13

## 39 Amendments and repeals

Schedules 6 (minor and consequential amendments) and 7 (repeals) have effect.

### Commencement Information

- I15** S. 39 partly in force; s. 39 in force for certain purposes at Royal Assent see s. 43(5); s. 39 in force for certain purposes at 4.9.2009 by S.I. 2009/2395, art. 2(c) (with art. 3); for certain purposes at 25.11.2009 and 1.1.2010 by S.I. 2009/3084, arts. 3(b)(c)(d), 4(i)
- I16** S. 39 in force at 26.3.2010 for specified purposes by S.I. 2010/969, art. 2(b) (with art. 3)

## 40 Transitional provision

In relation to England and Wales, a reference in this Act to imprisonment for a term not exceeding 12 months (including any such reference inserted in any other Act) is to be read, in the case of an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (c. 44) (general limit on magistrates' court's power to impose imprisonment), as a reference to imprisonment for a term not exceeding six months.

## 41 Money

- (1) There shall be paid out of money provided by Parliament any increase attributable to this Act in the sums payable under any other Act out of money so provided.
- (2) There shall be charged on and paid out of the Consolidated Fund any increase attributable to this Act in the sums to be charged on and paid out of that Fund under any other Act.
- (3) There shall be paid into the Consolidated Fund any increase attributable to this Act in the sums payable into that Fund under any other Act.

## 42 Extent

- (1) This Act extends to England and Wales, Scotland and Northern Ireland.
- (2) The following provisions extend also to Gibraltar—
  - section 1(1) and (3);
  - section 4;
  - sections 5 to 7, paragraphs 9, 10, 11 and 27 of Schedule 6 and the entry in Schedule 7 relating to Schedule 1 to the 2000 Act;

**Status:** Point in time view as at 01/10/2010. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Political Parties and Elections Act 2009. (See end of Document for details)

section 12.

### 43 Commencement

- (1) This Act comes into force on whatever day or days the Secretary of State appoints by order made by statutory instrument.
- (2) An order under subsection (1)—
  - (a) may make different provision for different purposes or different areas;
  - (b) may make transitional or saving provision.
- (3) An order under subsection (1) bringing into force any provision of section 10 or 11, or Schedule 4, may make such supplementary, incidental or consequential provision as the Secretary of State considers appropriate—
  - (a) for the general purposes, or any particular purposes, of those sections or that Schedule, or
  - (b) in consequence of, or for giving full effect to, any provision of those sections or that Schedule.
- (4) An order made by virtue of subsection (3) may make provision amending this Act or the 2000 Act.

An order that makes any such provision must not be made unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, each House of Parliament.

- (5) Subsection (1) does not apply to—
  - (a) section 1(1) and (3),
  - (b) sections 4, 5 and 7, paragraphs 9, 10, 11 and 27 of Schedule 6 and the entry in Schedule 7 relating to Schedule 1 to the 2000 Act,
  - (c) section 19 and Schedule 5,
  - (d) section 22,
  - (e) section 26,
  - (f) section 32(6),
  - (g) section 38,
  - (h) section 39 so far as relating to provisions in Schedules 6 and 7 mentioned above, and
  - (i) sections 40 to 44,

which accordingly come into force on the day on which this Act is passed.

#### Subordinate Legislation Made

- P1** S. 43(1)(2)(b) power partly exercised: 4.9.2009 appointed for specified provisions by {[S.I. 2009/2395](#)}, art. 2 (with transitional provisions in art. 3); different dates appointed for specified provisions by {[S.I. 2009/3084](#)}, arts. 3, 4 (with arts. 5, 6)

### 44 Short title

This Act may be cited as the Political Parties and Elections Act 2009.

**Status:**

Point in time view as at 01/10/2010. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:**

There are currently no known outstanding effects for the Political Parties and Elections Act 2009.