



Political Parties and Elections Act 2009

2009 CHAPTER 12

PART 2

POLITICAL DONATIONS ETC AND EXPENDITURE

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—

“Appointment of responsible person by members association with no treasurer

- 1A (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)—

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- (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—
- (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

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- (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.
- (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.

Offence of failing to comply with paragraph 1A

- 1B 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”.
