

POLITICAL PARTIES AND ELECTIONS ACT 2009

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Political Donations Etc and Expenditure

Section 14: Control of donations to members associations: responsible persons

61. *Subsection (1)* of section 14 amends Schedule 7 to the 2000 Act which deals with the reporting of donations by regulated donees. It places a requirement on a members association with no treasurer to appoint a responsible person, in circumstances where the association is in receipt of a reportable permissible donation (that is a transaction with a value of more than £7,500), or an impermissible recordable donation above £500.
62. *Subsection (3)* inserts new paragraphs 1A and 1B into Schedule 7. Paragraph 1B sets out the procedure that must be followed once a members association becomes subject to the requirement to appoint a “responsible person”. It provides that such a person must be appointed by giving notice to the Electoral Commission within 30 days of receipt of the relevant donation if there is not already an appointment in place. In addition, a members association may appoint a responsible person under this provision even if it has not become subject to the requirement to do so.
63. Sub-paragraphs (1) to (3) of new paragraph 1A set out the procedure that must be followed by a members association when appointing a reasonable person, and also set out the form and content of the notice to be given.
64. Sub-paragraph (4) provides that a notice shall take effect from the date it is received by the Electoral Commission and will be valid for 12 months from that date unless the members association or responsible person gives the Commission a renewal notice within one month of the date on which the original notice will expire. Any such renewal notice will extend the validity of the original notice for a further 12 months and must either confirm that all the statements contained in the original notice are still accurate or update the previous information. New paragraph 1A also makes provision for alteration or termination of notices issued under the paragraph.
65. New paragraph 1B provides that it is an offence to fail to appoint, without reasonable excuse, a responsible person as required under paragraph 1A. Any offence under this paragraph may attract a fine to level 5 on the standard scale in the event of summary conviction. *Subsection (4)* provides that where an offence is committed under paragraph 12 of Schedule 7 (failure to deliver a donation report) in respect of a members association, both the members association and the responsible person may be liable.