

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: Political Parties, Elections and Referendums Act 2000, Part 4A is up to date with all changes known to be in force on or before 14 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*



# Political Parties, Elections and Referendums Act 2000

## 2000 CHAPTER 41

### [<sup>F1</sup>PART 4A

#### REGULATION OF LOANS AND RELATED TRANSACTIONS

##### Textual Amendments

- F1** Pt. 4A (ss. 71F-71X) inserted (11.9.2006 for E.W.S. for specified purposes, 1.1.2007 for N.I. for specified purposes, 1.7.2008 for N.I. for specified purposes, 15.9.2014 for N.I. in so far as not already in force) by [Electoral Administration Act 2006 \(c. 22\)](#), [ss. 61\(1\)](#), [77\(2\)](#); [S.I. 2006/1972](#), [art. 3](#), [Sch. 1 para. 20\(a\)](#) (subject to [art. 4](#), [Sch. 2](#)) (as substituted by [S.I. 2006/2268](#), [art. 3](#)); [S.I. 2006/3412](#), [art. 4](#) (subject to [art. 6](#), [Sch. 2](#)); [S.I. 2008/1656](#), [art. 2](#) (subject to [art. 3](#), [Sch. 1](#)); [S.I. 2014/1809](#), [art. 2](#)

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

- C1** Pt. 4A modified (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\)](#), [s. 13\(2\)](#), [Sch. 2 para. 10\(2\)](#); [S.I. 2016/69](#), [reg. 2](#)
- C2** Pt. 4A modified (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\)](#), [s. 13\(2\)](#), [Sch. 1 para. 28](#); [S.I. 2016/69](#), [reg. 2](#)

### [<sup>F2</sup>CHAPTER 1

##### Textual Amendments

- F2** Pt. 4A (ss. 71F-71Y) renumbered (1.7.2008) as Pt. 4A Ch. 1 by [The Electoral Administration Act 2006 \(Regulation of Loans etc: Northern Ireland\) Order 2008 \(S.I. 2008/1319\)](#), [arts. 1\(2\)](#), [3\(1\)](#)

#### <sup>x1</sup>71F Regulated transactions

- (1) In this Part, a reference to a regulated transaction must be construed in accordance with this section.

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- (2) An agreement between a registered party and another person by which the other person makes a loan of money to the party is a regulated transaction.
- (3) An agreement between a registered party and another person by which the other person provides a credit facility to the party is a regulated transaction.
- (4) Where—
  - (a) a registered party and another person (A) enter into a regulated transaction of a description mentioned in subsection (2) or (3) or a transaction under which any property, services or facilities are provided for the use or benefit of the party (including the services of any person), and
  - (b) A also enters into an arrangement whereby another person (B) gives any form of security (whether real or personal) for a sum owed to A by the party under the transaction mentioned in paragraph (a),the arrangement is a regulated transaction.
- (5) An agreement or arrangement is also a regulated transaction if—
  - (a) the terms of the agreement or arrangement as first entered into do not constitute a regulated transaction by virtue of subsection (2), (3) or (4), but
  - (b) the terms are subsequently varied in such a way that the agreement or arrangement becomes a regulated transaction.
- (6) References in subsections (2) and (3) to a registered party include references to an officer, member, trustee or agent of the party if he makes the agreement as such.
- (7) References in subsection (4) to a registered party include references to an officer, member, trustee or agent of the party if the property, services or facilities are provided to him, or the sum is owed by him, as such.
- (8) Except so far as the contrary intention appears, references to a registered party in the context of—
  - (a) the making of a loan to a registered party,
  - (b) the provision of a credit facility to a registered party, or
  - (c) a sum being owed by a registered party,must, in the case of a party with accounting units, be construed as references to the central organisation of the party or any of its accounting units.
- (9) A reference to a connected transaction is a reference to the transaction mentioned in subsection (4)(b).
- (10) In this section a reference to anything being done by or in relation to a party or a person includes a reference to its being done directly or indirectly through a third person.
- (11) A credit facility is an agreement whereby a registered party is enabled to receive from time to time from another party to the agreement a loan of money not exceeding such amount (taking account of any repayments made by the registered party) as is specified in or determined in accordance with the agreement.
- (12) An agreement or arrangement is not a regulated transaction—
  - (a) to the extent that, in accordance with any enactment, a payment made in pursuance of the agreement or arrangement falls to be included in a return as to election expenses in respect of a candidate or candidates at a particular election, or

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(b) if its value is not more than [<sup>F3</sup>£500].

(13) The Secretary of State may, by order, specify circumstances or any description of circumstances in which an agreement or arrangement falling within any of subsections (2) to (5) is not a regulated transaction.

#### Editorial Information

**X1** The insertion of the new heading "Chapter 1" in Pt. 4A on 1.7.2008 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

#### Textual Amendments

**F3** Sum in s. 71F(12)(b) substituted (1.1.2010) by [Political Parties and Elections Act 2009 \(c. 12\)](#), [ss. 20\(1\)](#), 43; [S.I. 2009/3084](#), [art. 4\(h\)](#)

### <sup>X2</sup>71G Valuation of regulated transaction

- (1) The value of a regulated transaction which is a loan is the value of the total amount to be lent under the loan agreement.
- (2) The value of a regulated transaction which is a credit facility is the maximum amount which may be borrowed under the agreement for the facility.
- (3) The value of a regulated transaction which is an arrangement by which any form of security is given is the contingent liability under the security provided.
- (4) For the purposes of subsections (1) and (2), no account is to be taken of the effect of any provision contained in a loan agreement or an agreement for a credit facility at the time it is entered into which enables outstanding interest to be added to any sum for the time being owed in respect of the loan or credit facility, whether or not any such interest has been so added.

#### Editorial Information

**X2** The insertion of the new heading "Chapter 1" in Pt. 4A on 1.7.2008 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

### <sup>F4</sup>71GA Prohibition on increase in value of Gibraltar regulated transaction following European parliamentary election

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#### Textual Amendments

**F4** S. 71GA repealed (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), [reg. 1](#), [Sch. 1 Pt. 1](#) (as amended by [S.I. 2019/1389](#), [regs. 1](#), [2\(2\)](#))

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## 71H <sup>X3</sup> Authorised participants

- (1) A registered party must not—
- (a) be a party to a regulated transaction to which any of the other parties is not an authorised participant;
  - (b) derive a benefit in consequence of a connected transaction if any of the parties to that transaction is not an authorised participant.
- (2) This section does not apply to a regulated transaction if it was entered into before the commencement of section 61 of the Electoral Administration Act 2006.
- (3) In this Part, an authorised participant is a person who is a permissible donor within the meaning of section 54(2).
- <sup>F5</sup>(3A) . . . . .
- <sup>F5</sup>(3B) . . . . .
- (4) The Secretary of State may, by order, specify circumstances or any description of circumstances in which a person who is not a permissible donor is to be treated as an authorised participant.

### Editorial Information

- X3** The insertion of the new heading "Chapter 1" in Pt. 4A on 1.7.2008 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

### Textual Amendments

- F5** S. 71H(3A)(3B) repealed (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, **Sch. 1 Pt. 1** (as amended by [S.I. 2019/1389](#), regs. 1, 2(2))

### Modifications etc. (not altering text)

- C3** S. 71H(2) modified (30.1.2009) by [The European Parliamentary Elections \(Loans and Related Transactions and Miscellaneous Provisions\) \(United Kingdom and Gibraltar\) Order 2009 \(S.I. 2009/185\)](#), arts. 1(2), 2(2), **Sch. para. 4(a)**

PROSPECTIVE

### <sup>F6</sup>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
  - (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.

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- (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).]

#### Textual Amendments

**F6** S. 71HZA inserted (prosp.) by [Political Parties and Elections Act 2009 \(c. 12\)](#), **ss. 11(1)**, 43

#### **<sup>F7</sup>71HA Financial limit on Gibraltar donations and Gibraltar regulated transactions**

#### Textual Amendments

**F7** S. 71HA repealed (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), **reg. 1, Sch. 1 Pt. 1** (as amended by [S.I. 2019/1389](#), **regs. 1, 2(2)**)

#### **<sup>x4</sup>71I Regulated transaction involving unauthorised participant**

- (1) This section applies if a registered party is a party to a regulated transaction in which another participant is not an authorised participant.
- (2) The transaction is void.
- (3) Despite subsection (2)—
  - (a) any money received by the registered party by virtue of the transaction must be repaid by the treasurer of the party to the person from whom it was received, along with interest at such rate as is determined in accordance with an order made by the Secretary of State;
  - (b) that person is entitled to recover the money, along with such interest.
- (4) If—
  - (a) the money is not (for whatever reason) repaid as mentioned in subsection (3) (a), or
  - (b) the person entitled to recover the money refuses or fails to do so,the Commission may apply to the court to make such order as it thinks fit to restore (so far as is possible) the parties to the transaction to the position they would have been in if the transaction had not been entered into.

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- (5) An order under subsection (4) may in particular—
- (a) where the transaction is a loan or credit facility, require that any amount owed by the registered party be repaid (and that no further sums be advanced under it);
  - (b) where any form of security is given for a sum owed under the transaction, require that security to be discharged.
- (6) In the case of a regulated transaction where a party other than a registered party—
- (a) at the time the registered party enters into the transaction, is an authorised participant, but
  - (b) subsequently, for whatever reason, ceases to be an authorised participant, the transaction is void and subsections (3) to (5) apply with effect from the time when the other party ceased to be an authorised participant.
- (7) This section does not apply to a regulated transaction if it was entered into before the commencement of section 61 of the Electoral Administration Act 2006.

#### Editorial Information

- X4** The insertion of the new heading "Chapter 1" in Pt. 4A on 1.7.2008 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

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

- C4** S. 71I modified (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\)](#), s. 13(2), **Sch. 2 para. 12**; S.I. 2016/69, reg. 2
- C5** S. 71I(7) modified (30.1.2009) by [The European Parliamentary Elections \(Loans and Related Transactions and Miscellaneous Provisions\) \(United Kingdom and Gibraltar\) Order 2009 \(S.I. 2009/185\)](#), arts. 1(2), 2(2), **Sch. para. 6**

### <sup>x5</sup>71J Guarantees and securities: unauthorised participants

- (1) This section applies if—
- (a) a registered party and another person (A) enter into a transaction of a description mentioned in section 71F(4)(a),
  - (b) A is party to a regulated transaction of a description mentioned in section 71F(4)(b) (“the connected transaction”) with another person (B), and
  - (c) B is not an authorised participant.
- (2) Section 71I(2) to (5) applies to the transaction mentioned in subsection (1)(a).
- (3) The connected transaction is void.
- (4) Subsection (5) applies if (but only if) A is unable to recover from the party the whole of the money mentioned in section 71I(3)(a) (as applied by subsection (2) above), along with such interest as is there mentioned.
- (5) Despite subsection (3), A is entitled to recover from B any part of that money (and such interest) that is not recovered from the party.
- (6) Subsection (5) does not entitle A to recover more than the contingent liability under the security provided by virtue of the connected transaction.

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- (7) In the case of a connected transaction where B—
- (a) at the time A enters into the transaction, is an authorised participant, but
  - (b) subsequently, for whatever reason, ceases to be an authorised participant, subsections (2) to (6) apply with effect from the time when B ceased to be an authorised participant.
- (8) This section does not apply to a regulated transaction if it was entered into before the commencement of section 61 of the Electoral Administration Act 2006.
- (9) If the transaction mentioned in section 71F(4)(a) is not a regulated transaction of a description mentioned in section 71F(2) or (3), references in this section and section 71I(2) to (5) (as applied by subsection (2) above) to the repayment or recovery of money must be construed as references to (as the case may be)—
- (a) the return or recovery of any property provided under the transaction,
  - (b) to the extent that such property is incapable of being returned or recovered or its market value has diminished since the time the transaction was entered into, the repayment or recovery of the market value at that time, or
  - (c) the market value (at that time) of any facilities or services provided under the transaction.

#### Editorial Information

- X5** The insertion of the new heading "Chapter 1" in Pt. 4A on 1.7.2008 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

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

- C6** S. 71J(8) modified (30.1.2009) by [The European Parliamentary Elections \(Loans and Related Transactions and Miscellaneous Provisions\) \(United Kingdom and Gibraltar\) Order 2009 \(S.I. 2009/185\)](#), arts. 1(2), 2(2), [Sch. para. 7](#)

### <sup>X6</sup>71K Transfer to unauthorised participant invalid

If an authorised participant purports to transfer his interest in a regulated transaction to a person who is not an authorised participant the purported transfer is of no effect.

#### Editorial Information

- X6** The insertion of the new heading "Chapter 1" in Pt. 4A on 1.7.2008 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

### 71L <sup>X7</sup>Offences relating to regulated transactions

- (1) A registered party commits an offence if—
- (a) it enters into a regulated transaction of a description mentioned in section 71F(2) or (3) in which another participant is not an authorised participant, and

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- (b) an officer of the party knew or ought reasonably to have known of the matters mentioned in paragraph (a).
- (2) A person commits an offence if—
- (a) he is the treasurer of a registered party,
  - (b) the party enters into a regulated transaction of a description mentioned in section 71F(2) or (3) in which another participant is not an authorised participant, and
  - (c) he knew or ought reasonably to have known of the matters mentioned in paragraph (b).
- (3) A registered party commits an offence if—
- (a) it enters into a regulated transaction of a description mentioned in section 71F(2) or (3) in which another participant is not an authorised participant,
  - (b) no officer of the party knew or ought reasonably to have known that the other participant is not an authorised participant, and
  - (c) as soon as practicable after knowledge of the matters mentioned in paragraph (a) comes to the treasurer of the party he fails to take all reasonable steps to repay any money which the party has received by virtue of the transaction.
- (4) A person who is the treasurer of a registered party commits an offence if—
- (a) the party enters into a regulated transaction of a description mentioned in section 71F(2) or (3) in which another participant is not an authorised participant,
  - (b) subsection (2)(c) does not apply to him, and
  - (c) as soon as practicable after knowledge of the matters mentioned in paragraph (a) comes to him he fails to take all reasonable steps to repay any money which the party has received by virtue of the transaction.
- (5) A registered party commits an offence if—
- (a) it benefits from or falls to benefit in consequence of a connected transaction to which any of the parties is not an authorised participant, and
  - (b) an officer of the party knew or ought reasonably to have known of the matters mentioned in paragraph (a).
- (6) A person commits an offence if—
- (a) he is the treasurer of a registered party,
  - (b) the party benefits from or falls to benefit in consequence of a connected transaction to which any of the parties is not an authorised participant, and
  - (c) he knew or ought reasonably to have known of the matters mentioned in paragraph (b).
- (7) A registered party commits an offence if—
- (a) it is a party to a transaction of a description mentioned in section 71F(4)(a),
  - (b) it benefits from or falls to benefit in consequence of a connected transaction to which any of the parties is not an authorised participant,
  - (c) no officer of the party knew or ought reasonably to have known of the matters mentioned in paragraphs (a) and (b), and
  - (d) as soon as practicable after knowledge of the matters mentioned in paragraphs (a) and (b) comes to the treasurer of the party he fails to take all reasonable



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steps to pay to any person who has provided the party with any benefit in consequence of the connected transaction the value of the benefit.

- (8) A person who is the treasurer of a registered party commits an offence if—
- (a) the party is a party to a transaction of a description mentioned in section 71F(4)(a),
  - (b) the party benefits from or falls to benefit in consequence of a connected transaction to which any of the parties is not an authorised participant,
  - (c) subsection (6)(c) does not apply to him, and
  - (d) as soon as practicable after knowledge of the matters mentioned in paragraphs (a) and (b) comes to him he fails to take all reasonable steps to pay to any person who has provided the party with any benefit in consequence of the connected transaction the value of the benefit.
- (9) A person commits an offence if he—
- (a) knowingly enters into, or
  - (b) knowingly does any act in furtherance of,
- any arrangement which facilitates or is likely to facilitate, whether by means of concealment or disguise or otherwise, the participation by a registered party in a regulated transaction with a person other than an authorised participant.
- (10) It is a defence for a person charged with an offence under subsection (2) to prove that he took all reasonable steps to prevent the registered party entering the transaction.
- (11) It is a defence for a person charged with an offence under subsection (6) to prove that he took all reasonable steps to prevent the registered party benefiting in consequence of the connected transaction.
- (12) A reference to a registered party entering into a regulated transaction includes a reference to any circumstances in which the terms of a regulated transaction are varied so as to increase the amount of money to which the party is entitled in consequence of the transaction.
- (13) A reference to a registered party entering into a transaction in which another participant is not an authorised participant includes a reference to any circumstances in which another party to the transaction who is an authorised participant ceases (for whatever reason) to be an authorised participant.
- (14) This section does not apply to a transaction which is entered into before the commencement of section 61 of the Electoral Administration Act 2006.

#### **Editorial Information**

- X7** The insertion of the new heading "Chapter 1" in Pt. 4A on 1.7.2008 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

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

- C7** S. 71L modified (1.2.2016) by [European Union Referendum Act 2015 \(c. 36\), s. 13\(2\), Sch. 2 para. 13](#); S.I. 2016/69, reg. 2
- C8** S. 71L(14) modified (30.1.2009) by [The European Parliamentary Elections \(Loans and Related Transactions and Miscellaneous Provisions\) \(United Kingdom and Gibraltar\) Order 2009 \(S.I. 2009/185\), arts. 1\(2\), 2\(2\), Sch. para. 8](#)

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### <sup>x8</sup>71M Quarterly reports of regulated transactions

- (1) The treasurer of a registered party must, in the case of each year, prepare a report under this subsection in respect of each of the following periods—
  - (a) January to March;
  - (b) April to June;
  - (c) July to September;
  - (d) October to December.
- (2) The reports prepared under subsection (1) for any year must, in the case of each authorised participant who enters into or is party to a regulated transaction with the party in that year, comply with—
  - (a) the following provisions of this section so far as they require any such transaction to be recorded in such a report;
  - (b) section 71N so far as it requires any changes in relation to any such transaction to be so recorded.
- (3) In this section—
 

“transaction report” means a report prepared under subsection (1);

“reporting period”, in relation to such a report, means the period mentioned in any of paragraphs (a) to (d) of that subsection to which the report relates;

“relevant transaction”, in relation to an authorised participant and a year, means a regulated transaction entered into by the participant and the registered party in that year;

“relevant benefit”, in relation to any person and any year, means—

  - (a) a relevant donation within the meaning of section 62(3) accepted by the party from that person as a donor, or
  - (b) a relevant transaction entered into by the party and that person as a participant,

and a relevant benefit accrues when it is accepted (if it is a donation) or entered into (if it is a transaction).
- (4) Where no previous relevant benefit or benefits has or have been required to be recorded under this subsection or section 62(4), a relevant transaction must be recorded—
  - (a) if the value of the transaction is more than [<sup>F8</sup>£11,180], or
  - (b) if the aggregate amount of it and any other relevant benefit or benefits is more than [<sup>F9</sup>£11,180].
- (5) A transaction to which subsection (4) applies must—
  - (a) if it falls within paragraph (a) of that subsection, be recorded in the transaction report for the reporting period in which the transaction is entered into, or
  - (b) if it falls within paragraph (b) of that subsection, be recorded (together with any other relevant transaction or transactions included in the aggregate amount mentioned in that paragraph) in the transaction report for the reporting period in which the benefit which causes that aggregate to be more than [<sup>F10</sup>£11,180] accrues.
- (6) Where any previous relevant benefit or benefits has or have been required to be recorded under subsection (4) or section 62(4), a relevant transaction must be recorded at the point when a relevant transaction falling within subsection (7) has been entered into—

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- (a) since the benefit or benefits required to be recorded under that provision, or
  - (b) if any relevant benefit or benefits has or have previously been required to be recorded under this subsection or section 62(6), since the benefit or benefits last required to be so recorded.
- (7) A relevant transaction falls within this subsection—
- (a) if the value of the transaction is more than [<sup>F11</sup>£2,230], or
  - (b) if, when it is added to any other relevant benefit or benefits accruing since the time mentioned in subsection (6)(a) or (b), the aggregate amount of the benefits is more than [<sup>F12</sup>£2,230].
- (8) A transaction to which subsection (6) applies on any occasion must—
- (a) if it is the only benefit required to be recorded on that occasion, be recorded in the transaction report for the reporting period in which it is entered into, or
  - (b) in any other case, be recorded (together with any other relevant transaction or transactions included in the aggregate amount mentioned in subsection (7)) in the transaction report for the reporting period in which the benefit which causes that aggregate amount to be more than [<sup>F13</sup>£2,230] accrues.
- (9) A transaction report must also record any regulated transaction which is entered into by the party and a person who is not an authorised participant and is dealt with during the reporting period in accordance with section 71I or 71J.
- (10) If during any reporting period no transactions have been entered into by the party which, by virtue of the preceding provisions of this section, are required to be recorded in the transaction report for that period, the report must contain a statement to that effect.
- (11) Where a registered party is a party with accounting units, subsections (2) to (10) apply separately in relation to the central organisation of the party and each of its accounting units—
- (a) as if any reference to the party were a reference to the central organisation or (as the case may be) to such an accounting unit; but
  - (b) with the substitution, in relation to such an accounting unit, of “[<sup>F14</sup>£2,230]” for “[<sup>F15</sup>£11,180]” in each place where it occurs in subsections (4) and (5).
- (12) However, for the purposes of subsections (2) to (9) in their application to the central organisation and any year by virtue of subsection (11), any transaction—
- (a) which is entered into by an authorised participant and any of the accounting units during that year, but
  - (b) which is not required to be recorded under subsection (4) or (6) (as they apply by virtue of subsection (11)) as a transaction entered into by the accounting unit,
- must be treated as a transaction entered into by the authorised participant and the central organisation.
- (13) Schedule 6A has effect with respect to the information to be given in transaction reports.

*Status: This version of this part contains provisions that are prospective.*

**Changes to legislation:** Political Parties, Elections and Referendums Act 2000, Part 4A is up to date with all changes known to be in force on or before 14 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

### Editorial Information

- X8** The insertion of the new heading "Chapter 1" in Pt. 4A on 1.7.2008 gives rise to a change in the structure of this legislation which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

### Textual Amendments

- F8** Sum in s. 71M(4)(a) substituted (1.1.2024) by [The Representation of the People \(Variation of Election Expenses, Expenditure Limits and Donation etc. Thresholds\) Order 2023 \(S.I. 2023/1235\)](#), arts. 1(3), [4\(3\)\(c\)](#)
- F9** Sum in s. 71M(4)(b) substituted (1.1.2024) by [The Representation of the People \(Variation of Election Expenses, Expenditure Limits and Donation etc. Thresholds\) Order 2023 \(S.I. 2023/1235\)](#), arts. 1(3), [4\(3\)\(c\)](#)
- F10** Sum in s. 71M(5)(b) substituted (1.1.2024) by [The Representation of the People \(Variation of Election Expenses, Expenditure Limits and Donation etc. Thresholds\) Order 2023 \(S.I. 2023/1235\)](#), arts. 1(3), [4\(3\)\(c\)](#)
- F11** Sum in s. 71M(7)(a) substituted (1.1.2024) by [The Representation of the People \(Variation of Election Expenses, Expenditure Limits and Donation etc. Thresholds\) Order 2023 \(S.I. 2023/1235\)](#), arts. 1(3), [4\(2\)\(b\)](#)
- F12** Sum in s. 71M(7)(b) substituted (1.1.2024) by [The Representation of the People \(Variation of Election Expenses, Expenditure Limits and Donation etc. Thresholds\) Order 2023 \(S.I. 2023/1235\)](#), arts. 1(3), [4\(2\)\(b\)](#)
- F13** Sum in s. 71M(8)(b) substituted (1.1.2024) by [The Representation of the People \(Variation of Election Expenses, Expenditure Limits and Donation etc. Thresholds\) Order 2023 \(S.I. 2023/1235\)](#), arts. 1(3), [4\(2\)\(b\)](#)
- F14** Sum in s. 71M(11)(b) substituted (1.1.2024) by [The Representation of the People \(Variation of Election Expenses, Expenditure Limits and Donation etc. Thresholds\) Order 2023 \(S.I. 2023/1235\)](#), arts. 1(3), [4\(2\)\(b\)](#)
- F15** Sum in s. 71M(11)(b) substituted (1.1.2024) by [The Representation of the People \(Variation of Election Expenses, Expenditure Limits and Donation etc. Thresholds\) Order 2023 \(S.I. 2023/1235\)](#), arts. 1(3), [4\(3\)\(c\)](#)

### <sup>x9</sup>71N Changes to be recorded in quarterly reports

- (1) If during any reporting period, in the case of any recorded transaction—
- another authorised participant becomes party to the transaction (whether in place of or in addition to any existing participant),
  - there is any change in the details given in relation to the transaction in pursuance of paragraph 5, 6 or 7 of Schedule 6A, or
  - the transaction comes to an end,
- the change must be recorded in the transaction report for that period.
- (2) For the purposes of subsection (1)(c), a loan comes to an end if—
- the whole debt (or all the remaining debt) is repaid;
  - the creditor releases the whole debt (or all the remaining debt);
- and in such a case the transaction report must state how the loan has come to an end.
- (3) A transaction report must also record any change by which a person who is not an authorised participant becomes party to the transaction (whether in place of or in addition to any existing participant) and in consequence of which the transaction is dealt with in accordance with section 71I or 71J.

*Status: This version of this part contains provisions that are prospective.*

**Changes to legislation:** Political Parties, Elections and Referendums Act 2000, Part 4A is up to date with all changes known to be in force on or before 14 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (4) If during any reporting period there have been no changes (as mentioned in subsection (1) or (3)) to any recorded transaction, the report must contain a statement to that effect.
- (5) A recorded transaction, in relation to a reporting period, is a regulated transaction which is or has been recorded in a transaction report for that or a previous reporting period.
- (6) Where a registered party is a party with accounting units, subsections (1) to (5) apply separately in relation to the central organisation of the party and each of its accounting units; and the reference in subsection (5) to a transaction report for a previous reporting period is a reference to a report prepared in relation the central organisation or accounting unit, as the case may be.
- (7) In this section, “reporting period” and “transaction report” have the meanings given in section 71M.

**Editorial Information**

**X9** The insertion of the new heading "Chapter 1" in Pt. 4A on 1.7.2008 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

**<sup>x10</sup>71O Existing transactions**

- (1) This section applies in relation to the first report prepared under section 71M(1) by the treasurer of a party which, at the date on which that section comes into force, is a registered party.
- (2) Sections 71M and 71N have effect, in the case of a person (whether or not an authorised participant) who is a party to an existing transaction, as if—
  - (a) that transaction had been entered into in the reporting period to which the report relates;
  - (b) any change (as mentioned in section 71N(1) or (3)) to the transaction had occurred during that period;
  - (c) references in section 71M to a relevant benefit did not include references to a relevant donation.
- (3) An existing transaction is a regulated transaction which, at the date on which section 71M comes into force, has not come to an end for the purposes of section 71N(1)(c).

<sup>F16</sup>(4) . . . . .

**Editorial Information**

**X10** The insertion of the new heading "Chapter 1" in Pt. 4A on 1.7.2008 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

*Status: This version of this part contains provisions that are prospective.*

**Changes to legislation:** Political Parties, Elections and Referendums Act 2000, Part 4A is up to date with all changes known to be in force on or before 14 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

### Textual Amendments

- F16** S. 71O(4) repealed (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, **Sch. 1 Pt. 1** (as amended by [S.I. 2019/1389](#), regs. 1, 2(2))

### <sup>x11</sup>71P Exemption from requirement to prepare quarterly reports

- (1) This section applies if each of four consecutive transaction reports prepared by the treasurer of a registered party in pursuance of subsection (1) of section 71M contains—
  - (a) in the case of a party without accounting units, a statement under subsection (10) of that section and a statement under subsection (4) of section 71N, or
  - (b) in the case of a party with accounting units, statements under each of those subsections in relation to the central organisation of the party and each of its accounting units.
- (2) The treasurer is not required to prepare any further transaction reports in pursuance of subsection (1) of section 71M until—
  - (a) a recordable transaction is entered into by the registered party, or
  - (b) a recordable change is made to a recorded transaction.
- (3) A recordable transaction is a transaction which is required to be recorded by virtue of any of subsections (4) to (9) of section 71M (including those subsections as applied by subsection (11) of that section).
- (4) A recordable change is a change which is required to be recorded by virtue of subsection (1) of section 71N (including that subsection as applied by subsection (6) of that section).
- (5) If a recordable transaction is entered into or a recordable change is made, nothing in this section affects the operation of section 71M or 71N in relation to—
  - (a) the reporting period in which the recordable transaction is entered into or the recordable change is made, or
  - (b) any subsequent reporting period which falls before the time (if any) when this section again applies in relation to the party.
- (6) In this section—
 

“transaction report” and “reporting period” have the same meaning as in section 71M;

“recorded transaction” has the same meaning as in section 71N.

### Editorial Information

- X11** The insertion of the new heading "Chapter 1" in Pt. 4A on 1.7.2008 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

*Status: This version of this part contains provisions that are prospective.*

**Changes to legislation:** Political Parties, Elections and Referendums Act 2000, Part 4A is up to date with all changes known to be in force on or before 14 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## <sup>X12</sup>71Q Weekly transaction reports during general election periods

- (1) Subject to section 71R, the treasurer of a registered party must, in the case of any general election period, prepare a report under this subsection in respect of each of the following periods—
  - (a) the period of seven days beginning with the first day of the general election period,
  - (b) each succeeding period of seven days falling within the general election period, and
  - (c) any final period of less than seven days falling within that period.
- (2) In this section—

“weekly report” means a report prepared under subsection (1);

“reporting period”, in relation to such a report, means the period mentioned in any of paragraphs (a) to (c) of that subsection to which the report relates.
- (3) The weekly report for any reporting period must record each regulated transaction which has a value of more than [<sup>F17</sup>£11,180] entered into during that period—
  - (a) by the party (if it is not a party with accounting units), or
  - (b) by the central organisation of the party (if it is a party with accounting units).
- (4) If during any reporting period no transactions falling within subsection (3) have been entered into as mentioned in that subsection, the weekly report for that period must contain a statement to that effect.
- (5) Schedule 6A has effect with respect to the information to be given in weekly reports.
- (6) The weekly report for any reporting period must also record any change (as mentioned in section 71N(1) or (3)) during that period to a regulated transaction recorded—
  - (a) by the party (if it is not a party with accounting units), or
  - (b) by the central organisation of the party (if it is a party with accounting units).
- (7) For the purposes of subsection (6), a transaction is recorded by a party or the central organisation of a party if it is or has been recorded in—
  - (a) a transaction report prepared under section 71M(1), or
  - (b) a weekly report prepared for that or a previous reporting period falling within the general election period.
- (8) If during any reporting period there have been no changes falling within subsection (6), the weekly report for that period must contain a statement to that effect.
- (9) In this section and section 71R “general election period” has the meaning given in section 63.

### Editorial Information

**X12** The insertion of the new heading "Chapter 1" in Pt. 4A on 1.7.2008 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

*Status: This version of this part contains provisions that are prospective.*

**Changes to legislation:** Political Parties, Elections and Referendums Act 2000, Part 4A is up to date with all changes known to be in force on or before 14 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

#### Textual Amendments

- F17** Sum in s. 71Q(3) substituted (21.11.2023) by [The Representation of the People \(Variation of Election Expenses, Expenditure Limits and Donation etc. Thresholds\) Order 2023 \(S.I. 2023/1235\)](#), arts. 1(2), 4(3)(d)

### <sup>x13</sup>71R Exemptions from section 71Q

- (1) Section 71Q(1) does not apply in relation to a registered party in respect of a general election period if the party has made an exemption declaration under section 64 which covers the general election in question.

<sup>F18</sup>(1A) . . . . .

- (2) In its application (in accordance with subsection (1)) in relation to section 71Q, section 64 is to be read subject to the following modifications—
- (a) the reference in subsection (5) to section 63 is to be read as a reference to section 71Q;
  - (b) subsection (6) is omitted.

#### Editorial Information

- X13** The insertion of the new heading "Chapter 1" in Pt. 4A on 1.7.2008 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

#### Textual Amendments

- F18** S. 71R(1A) repealed (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, **Sch. 1 Pt. 1** (as amended by [S.I. 2019/1389](#), regs. 1, 2(2))

### <sup>x14</sup>71S Submission of transaction reports to Commission

- (1) A transaction report under section 71M must be delivered to the Commission by the treasurer of the party in question within the period of 30 days beginning with the end of the reporting period to which it relates.
- (2) A transaction report under section 71Q must be delivered to the Commission by the treasurer of the party in question—
  - (a) within the period of 7 days beginning with the end of the reporting period to which it relates, or
  - (b) if that is not possible in the case of any party to which section 71Q applies by virtue of section 64(5) (as applied by section 71R), within the period of 7 days beginning with the first day on which the party has a candidate at the election in question.
- (3) If a transaction report under section 71M or 71Q states that the registered party has seen evidence of such description as is prescribed by the Secretary of State in regulations that an individual participant has an anonymous entry in the electoral register (within the meaning of the Representation of the People Act 1983 <sup>F19</sup>...), the report must be accompanied by a copy of the evidence.



*Status: This version of this part contains provisions that are prospective.*

**Changes to legislation:** Political Parties, Elections and Referendums Act 2000, Part 4A is up to date with all changes known to be in force on or before 14 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (4) The treasurer of a registered party commits an offence if [<sup>F20</sup>, without reasonable excuse,] he fails to comply with the requirements of subsection (1) or (2) in relation to a transaction report.
- (5) The treasurer of a registered party also commits an offence if [<sup>F20</sup>, without reasonable excuse,] he delivers a transaction report to the Commission which does not comply with any requirements of this Part as regards the recording of transactions, or changes to transactions, in such a report.
- (6) <sup>F21</sup> . . . . .
- (7) Where the court is satisfied, on an application made by the Commission, that any failure to comply with any such requirements in relation to—
  - (a) any transaction entered into by a registered party, or
  - (b) any change made to a transaction to which the registered party is a party,was attributable to an intention on the part of any person to conceal the existence or true value of the transaction, the court may make such order as it thinks fit to restore (so far as is possible) the parties to the transaction to the position they would have been in if the transaction had not been entered into.
- (8) An order under subsection (7) may in particular—
  - (a) where the transaction is a loan or credit facility, require that any amount owed by the registered party be repaid (and that no further sums be advanced under it);
  - (b) where any form of security is given for a sum owed under the transaction, or the transaction is an arrangement by which any form of security is given, require that the security be discharged.
- (9) The reference in subsection (2) to a party having a candidate at an election must be construed in accordance with section 64(9).

**Editorial Information**

**X14** The insertion of the new heading "Chapter 1" in Pt. 4A on 1.7.2008 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

**Textual Amendments**

**F19** Words in s. 71S(3) repealed (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, [Sch. 1 Pt. 1](#) (as amended by S.I. 2019/1389, regs. 1, 2(2))

**F20** Words in s. 71S(4)(5) inserted (1.1.2010) by [Political Parties and Elections Act 2009 \(c. 12\)](#), [ss. 13\(4\)\(a\)](#), 43; S.I. 2009/3084, [art. 4\(b\)](#) (with art. 5)

**F21** S. 71(S)(6) repealed (1.1.2010) by [Political Parties and Elections Act 2009 \(c. 12\)](#), [ss. 13\(4\)\(b\)](#), 39, 43, [Sch. 7](#); S.I. 2009/3084, [art. 4\(b\)\(k\)](#) (with art. 5)

<sup>X15</sup>**71T Declaration by treasurer in transaction report**

- (1) Each transaction report under section 71M or 71Q must, when delivered to the Commission, be accompanied by a declaration made by the treasurer which complies with subsection (2), (3) or (4).

*Status: This version of this part contains provisions that are prospective.*

**Changes to legislation:** Political Parties, Elections and Referendums Act 2000, Part 4A is up to date with all changes known to be in force on or before 14 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (2) In the case of a report under section 71M (other than one making a nil return), the declaration must state that, to the best of the treasurer's knowledge and belief—
- (a) all the transactions recorded in the report were entered into by the party with authorised participants,
  - (b) during the reporting period no transaction has been entered into by the party which is required to be recorded in the report but is not so recorded,
  - (c) during the reporting period no change has been made to a regulated transaction which is required to be recorded in the report but is not so recorded, and
  - (d) during the reporting period the party has not entered into any regulated transaction with a person or body other than an authorised participant.
- (3) For the purposes of subsection (2) a return under section 71M makes a nil return if it contains such a statement as is mentioned in subsection (10) of that section and a statement as is mentioned in subsection (4) of section 71N; and in the case of such a report the declaration must state that, to the best of the treasurer's knowledge and belief—
- (a) those statements are accurate, and
  - (b) during the reporting period the party has not entered into any regulated transaction with a person or body other than an authorised participant.
- (4) In the case of a report under section 71Q, the declaration must state that, to the best of the treasurer's knowledge and belief—
- (a) no transaction has been entered into by the party, or (if section 71Q(3)(b) applies) by its central organisation, during the reporting period which is required to be recorded in the report but is not so recorded, and
  - (b) no change has been made to a regulated transaction during the reporting period which is required to be recorded in the report but is not so recorded.
- (5) A person commits an offence if he knowingly or recklessly makes a false declaration under this section.

#### **Editorial Information**

**X15** The insertion of the new heading "Chapter 1" in Pt. 4A on 1.7.2008 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

#### **71U <sup>X16</sup>Weekly donation reports in connection with elections other than general elections**

- (1) The Secretary of State may, after consulting the Commission and all registered parties, by order make provision for—
- (a) sections 71Q and 71R, together with Schedule 6A,
  - (b) sections 71S and 71T, and
  - (c) section 147 so far as applying in relation to section 71S(1) or (2),
- to apply in relation to the specified election period in the case of one or more relevant elections with such modifications as are specified in the order.
- (2) In this section “specified election period” and “relevant election” have the meanings given in section 67.

*Status: This version of this part contains provisions that are prospective.*

**Changes to legislation:** Political Parties, Elections and Referendums Act 2000, Part 4A is up to date with all changes known to be in force on or before 14 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

F22(3) .....

#### Editorial Information

**X16** The insertion of the new heading "Chapter 1" in Pt. 4A on 1.7.2008 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

#### Textual Amendments

**F22** S. 71U(3) repealed (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, **Sch. 1 Pt. 1** (as amended by [S.I. 2019/1389](#), regs. 1, 2(2))

### <sup>x17</sup>71V Register of recordable transactions

- (1) The Commission must maintain a register of all transactions (and all changes) reported to them under this Part.
- (2) The register must be maintained by the Commission in such form as they may determine and must contain the following details in the case of each such transaction—
  - (a) the value of the transaction;
  - (b) (subject to subsection (3)) such other details as have been given in relation to the transaction in pursuance of any of paragraphs 2 to 7 of Schedule 6A;
  - (c) the relevant date for the transaction within the meaning of paragraph 8 of that Schedule.
- (3) The details required by virtue of subsection (2) do not include, in the case of any transaction entered into by an authorised participant who is an individual, the individual's address.
- (4) Where—
  - (a) any transaction or transactions is or are reported to the Commission under this Part, or
  - (b) any change or changes is or are so reported to them,they must cause the details mentioned in subsection (2) to be entered or, as the case may be, changed in the register in respect of the transaction or transactions as soon as is reasonably practicable.

#### Editorial Information

**X17** The insertion of the new heading "Chapter 1" in Pt. 4A on 1.7.2008 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

### <sup>x18</sup>71W Proceedings under sections 71I and 71S

- (1) This section has effect in relation to proceedings on applications under sections 71I(4) and 71S(7).
- (2) The court is—

*Status: This version of this part contains provisions that are prospective.*

**Changes to legislation:** Political Parties, Elections and Referendums Act 2000, Part 4A is up to date with all changes known to be in force on or before 14 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) in England and Wales, the county court;
  - (b) in Scotland, the sheriff, and the proceedings are civil proceedings;
  - (c) in Northern Ireland, the county court.
  - <sup>F23</sup>(d) .....
- (3) The standard of proof is that applicable to civil proceedings.
- (4) An order may be made whether or not proceedings are brought against any person for an offence under section 71L, 71S or 71T.
- (5) An appeal against an order made by the sheriff may be made to the Court of Session.
- (6) Rules of court <sup>F24</sup>... may make provision—
- (a) with respect to applications or appeals from proceedings on such applications;
  - (b) for the giving of notice of such applications or appeals to persons affected;
  - (c) for the joinder, or in Scotland sisting, of such persons as parties;
  - (d) generally with respect to procedure in such applications or appeals.
- (7) Subsection (6) does not affect any existing power to make rules.

#### Editorial Information

**X18** The insertion of the new heading "Chapter 1" in Pt. 4A on 1.7.2008 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

#### Textual Amendments

- F23** S. 71W(2)(d) repealed (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, **Sch. 1 Pt. 1** (as amended by [S.I. 2019/1389](#), regs. 1, 2(2))
- F24** Words in s. 71W(6) repealed (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, **Sch. 1 Pt. 1** (as amended by [S.I. 2019/1389](#), regs. 1, 2(2))

#### <sup>X19</sup>71X Construction of Part 4A

- (1) In this Part—
- “authorised participant” must be construed in accordance with section 71H;
  - “connected transaction” has the meaning given by section 71F(9);
  - “credit facility” has the meaning given by section 71F(11);
  - <sup>F25</sup> ...
  - <sup>F25</sup> ...
  - <sup>F25</sup> ...
  - “regulated transaction” must be construed in accordance with section 71F.
- (2) For the purposes of any provision relating to the reporting of transactions, anything required to be done by a registered party in consequence of its being a party to a regulated transaction must also be done by it, if it is a party to a transaction of a description mentioned in section 71F(4)(a), as if it were a party to the connected transaction.

*Status: This version of this part contains provisions that are prospective.*

**Changes to legislation:** Political Parties, Elections and Referendums Act 2000, Part 4A is up to date with all changes known to be in force on or before 14 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

### Editorial Information

**X19** The insertion of the new heading "Chapter 1" in Pt. 4A on 1.7.2008 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

### Textual Amendments

**F25** Words in s. 71X repealed (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, **Sch. 1 Pt. 1** (as amended by [S.I. 2019/1389](#), regs. 1, 2(2))

X20  
F26  
71Y

### Control of loans etc: individuals and members associations

Schedule 7A, which makes provisions for controlling loans and certain other transactions to individual members of registered parties, associations of such members, and certain elected office holders, shall have effect.]]

### Editorial Information

**X20** The insertion of the new heading "Chapter 1" in Pt. 4A on 1.7.2008 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

### Textual Amendments

**F26** S. 71Y inserted (11.9.2006 for E.W.S. for certain purposes, 1.7.2008 for N.I., and otherwise prosp.) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 61(7), 77(2), **Sch. 1 para. 98**; [S.I. 2006/1972](#), **art. 3**, **Sch. 1 paras. 20(a), 25(m)(i)** (subject to [art. 4](#), **Sch. 2**) (as amended by [S.I. 2008/2268](#), **art. 4**); [S.I. 2008/1656](#), **art. 2** (subject to [art. 3](#), **Sch. 1**)

## [<sup>F27</sup> CHAPTER 2

### SPECIAL PROVISION IN CONNECTION WITH NORTHERN IRELAND

### Textual Amendments

**F27** Pt. 4A Ch. 2 inserted (1.7.2008) by [The Electoral Administration Act 2006 \(Regulation of Loans etc: Northern Ireland\) Order 2008 \(S.I. 2008/1319\)](#), arts. 1(2), **3(2)**

### 71Z Introduction

- (1) The following provisions have effect for the interpretation of this Chapter.
- (2) “Northern Ireland participant” means —
  - (a) a party registered in the Northern Ireland register, or
  - (b) a regulated participant who is—
    - (i) an individual ordinarily resident in Northern Ireland, or
    - (ii) a members association wholly or mainly consisting of members of a Northern Ireland party.

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: Political Parties, Elections and Referendums Act 2000, Part 4A is up to date with all changes known to be in force on or before 14 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (3) “Regulated participant” and “members association” have the same meaning as in Schedule 7A.
- (4) “Prescribed” means prescribed by an order made by the Secretary of State after consulting the Commission.

<sup>F28</sup> [ Such information may be disclosed if the Commission believe, on reasonable grounds, (4A) that—

- (a) each relevant person has consented to the disclosure, and
- (b) the consent was given in accordance with any prescribed requirements.

(4B) “Relevant person” means a party to the transaction to which the information relates other than—

- (a) a registered party whose treasurer is required under this Part to prepare a report to the Commission giving details of the transaction, or
- (b) any other party to the transaction who is required under this Part to prepare such a report.]

#### **Textual Amendments**

**F28** S. 71Z(4A)(4B) inserted (13.3.2014 for specified purposes) by [Northern Ireland \(Miscellaneous Provisions\) Act 2014 \(c. 13\), ss. 2\(2\), 28\(1\)\(b\)\(ii\)](#)

### **71Z1 Extension of categories of authorised participants in relation to Northern Ireland participants**

- (1) In relation to a regulated transaction or controlled transaction involving a Northern Ireland participant, section 71H(3) and paragraph 4(3) of Schedule 7A have effect as if the following were also authorised participants—
- (a) an Irish citizen in relation to whom any prescribed conditions are met;
- (b) a body which is of a prescribed description or category and in relation to which any prescribed conditions are met.
- (2) A description or category of body must not be prescribed for the purposes of subsection (1)(b) unless the Secretary of State is satisfied that a body of that description or category would be entitled under Irish law to enter into a transaction which corresponds to a regulated or controlled transaction in relation to an Irish political party.

### **71Z2 Northern Ireland participants are not authorised participants in relation to Great Britain**

- (1) In relation to a regulated transaction or controlled transaction to which—
- (a) a registered party which is registered in the Great Britain register, or
- (b) a regulated participant resident or carrying on activities in Great Britain, is a party, section 71H(3) and paragraph 4(3) of Schedule 7A, have effect as if a party registered in the Northern Ireland register is not an authorised participant.

<sup>F29</sup>(2) .....

*Status: This version of this part contains provisions that are prospective.*

**Changes to legislation:** Political Parties, Elections and Referendums Act 2000, Part 4A is up to date with all changes known to be in force on or before 14 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

### Textual Amendments

- F29** S. 71Z2(2) repealed (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, **Sch. 1 Pt. 1** (as amended by [S.I. 2019/1389](#), regs. 1, 2(2))

### <sup>F30</sup>71Z3 Duty to verify transaction reports

- (1) The Commission must take such steps as are prescribed for the purposes of verifying the information given in Northern Ireland report
- (2) “Northern Ireland report” means a report to the Commission which—
- is prepared by a Northern Ireland participant, and
  - contains, or purports to contain, information required to be given by Schedule 6A or 7A.

### Textual Amendments

- F30** Ss. 71Z3, 71Z4 inserted (1.7.2008) by [The Electoral Administration Act 2006 \(Regulation of Loans etc: Northern Ireland\) Order 2008 \(S.I. 2008/1319\)](#), arts. 1(2), 5, **Sch. 1 para. 1** (as amended: (2.8.2010) by [S.I. 2010/2061](#), arts. 1, 3; (1.3.2011) by [S.I. 2011/431](#), arts. 1(2), 3; (28.2.2013) by [S.I. 2013/320](#), arts. 1(2), 3; and (13.3.2014) by [2014 c. 13](#), ss. 2(1)(a), 28(1)(b)(i))

### 71Z4 Duty not to disclose contents of transaction reports

[ Subject to subsections (A2) and (A3), this section applies only to a transaction entered <sup>F31</sup>(A1) into by a Northern Ireland participant before 1 July 2017.

- (A2) This section does not apply to a transaction entered into before 1 July 2017 which is required to be recorded in a report—
- under section 71M in respect of a period beginning on or after 1 July 2017 because the transaction is required by that section to be aggregated with a transaction entered into or a donation received on or after that date, or
  - under paragraph 9 of Schedule 7A delivered on or after 1 July 2017 because the transaction is required by that paragraph to be aggregated with a transaction entered into or a donation received on or after that date.
- (A3) This section does not apply to a transaction entered into on or after 1 January 2014 and before 1 July 2017—
- if a change to that transaction is required to be recorded in a report under section 71M in respect of a period beginning on or after 1 July 2017 because the change falls within section 71N(1) or (3), or
  - if a change to that transaction which takes effect on or after 1 July 2017 is required to be recorded in a report under paragraph 11 of Schedule 7A because the change falls within sub-paragraph (3) or (5) of that paragraph.
- (A4) In subsection (A3), a reference to a change within section 71N(1) or paragraph 11(3) of Schedule 7A does not include a reference to a repayment of the whole of a debt (or all of the remaining debt) under a loan.]

*Status: This version of this part contains provisions that are prospective.*

**Changes to legislation:** *Political Parties, Elections and Referendums Act 2000, Part 4A is up to date with all changes known to be in force on or before 14 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (1) A person who is or has been a member or employee of the Commission must not disclose any information which –
- (a) relates to a transaction to which [<sup>F32</sup>this section applies], and
  - (b) has been obtained by the Commission in the exercise of their functions under this Part,
- except in the following cases.
- (2) Such information may be disclosed–
- (a) to a member or employee of the Commission, or
  - (b) to such bodies as may be prescribed,
- for the purpose of verifying information given in a Northern Ireland report.
- (3) Such information may be disclosed for the purposes of any criminal or civil proceedings.
- (4) Such information may be disclosed in accordance with any prescribed requirements if it relates to a transaction which the Commission believe, on reasonable grounds, was a transaction which was required to be dealt with under section 71I or 71J or paragraph 5 or 6 of Schedule 7A (transactions involving unauthorised participants).
- (5) A person who contravenes subsection (1) is guilty of an offence.
- [ A person does not contravene subsection (1) if that person discloses information
- <sup>F33</sup>(6) relating to a transaction to which this section applies where—
- (a) the transaction was entered into on or after 1 January 2014 but before 1 July 2017,
  - (b) the Northern Ireland report recording the transaction does not state that the transaction was entered into before 1 July 2017, and
  - (c) when the disclosure is made, the person believes that the transaction was entered into on or after 1 July 2017 and is reasonably entitled to hold that belief.
- (7) A person does not contravene subsection (1) if that person discloses information relating to a transaction to which this section applies where—
- (a) the transaction was entered into on or after 1 January 2014 but before 1 July 2017,
  - (b) a change to the transaction which took effect before 1 July 2017 is required to be recorded in a report under section 71M or paragraph 11 of Schedule 7A,
  - (c) the Northern Ireland report recording the change does not state that it took effect before 1 July 2017, and
  - (d) when the disclosure is made, the person believes that the change took effect on or after 1 July 2017 and is reasonably entitled to hold that belief.
- (8) A person does not contravene subsection (1) merely because—
- (a) the person discloses information relating to a transaction within subsection (A3), and
  - (b) that disclosure suggests that a transaction was entered into before 1 July 2017 with which the transaction has been aggregated in accordance with section 71M (quarterly reports of regulated transactions: aggregation) or paragraph 9 of Schedule 7A (transactions reports: aggregation).
- (9) A person does not contravene subsection (1) merely because—



*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: Political Parties, Elections and Referendums Act 2000, Part 4A is up to date with all changes known to be in force on or before 14 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (a) the person discloses information relating to a donation or a transaction in accordance with this section or section 71E, and
- (b) the disclosure suggests that a transaction was entered into before 1 July 2017 as a result of which section 71M(6) or 62(6) applies in relation to the transaction or donation mentioned in paragraph (a).]]]]

#### Textual Amendments

- F30** Ss. 71Z3, 71Z4 inserted (1.7.2008) by The Electoral Administration Act 2006 (Regulation of Loans etc: Northern Ireland) Order 2008 (S.I. 2008/1319), arts. 1(2), 5, **Sch. 1 para. 1** (as amended: (2.8.2010) by S.I. 2010/2061, **arts. 1, 3**; (1.3.2011) by S.I. 2011/431, **arts. 1(2), 3**; (28.2.2013) by S.I. 2013/320, **arts. 1(2), 3**; and (13.3.2014) by 2014 c. 13, **ss. 2(1)(a), 28(1)(b)(i)**)
- F31** S. 71Z4(A1)-(A4) inserted (8.3.2018) by The Transparency of Donations and Loans etc. (Northern Ireland Political Parties) Order 2018 (S.I. 2018/328), arts. 1(2), **3(2)** (with art. 12)
- F32** Words in s. 71Z4(1)(a) substituted (8.3.2018) by The Transparency of Donations and Loans etc. (Northern Ireland Political Parties) Order 2018 (S.I. 2018/328), arts. 1(2), **3(3)** (with art. 12)
- F33** S. 71Z4(6)-(9) inserted (8.3.2018) by The Transparency of Donations and Loans etc. (Northern Ireland Political Parties) Order 2018 (S.I. 2018/328), arts. 1(2), **3(4)** (with art. 12)

**Status:**

This version of this part contains provisions that are prospective.

**Changes to legislation:**

Political Parties, Elections and Referendums Act 2000, Part 4A is up to date with all changes known to be in force on or before 14 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 2(2A) inserted by [2022 c. 37 s. 18\(1\)](#)
- s. 4A-4E and cross-heading inserted by [2022 c. 37 s. 16](#)
- s. 8(3)(d) inserted by [2011 c. 13 Sch. 10 para. 12](#)
- s. 13ZA and cross-heading inserted by [2022 c. 37 s. 17\(1\)](#)
- s. 54(1)(aa) inserted by [2009 c. 12 s. 9\(1\)](#)
- s. 54(1)(aa) substituted by [2009 c. 12 s. 10\(1\)](#)
- s. 54(2ZA)-(2ZC) inserted by [2009 c. 12 s. 10\(3\)](#)
- s. 56(1A) inserted by [2009 c. 12 s. 10\(5\)](#)
- s. 56(2)(aa) inserted by [2009 c. 12 s. 9\(3\)\(b\)](#)
- s. 56(3B) inserted by [2009 c. 12 s. 9\(4\)](#)
- s. 71H(3ZA) inserted by [2009 c. 12 Sch. 6 para. 19](#)
- s. 71L(9A) inserted by [2009 c. 12 s. 11\(2\)](#)
- Sch. 1 para. 2(1) Sch. 1 para. 2 renumbered as Sch. 1 para. 2(1) by [2022 c. 37 s. 19\(2\)](#)
- Sch. 1 para. 2(2) inserted by [2022 c. 37 s. 19\(4\)](#)
- Sch. 1 para. 2(1) words inserted by [2022 c. 37 s. 19\(3\)\(a\)](#)
- Sch. 1 para. 2(1) words omitted by [2022 c. 37 s. 19\(3\)\(b\)](#)
- Sch. 2 para. 2(1A) inserted by [2022 c. 37 s. 18\(2\)](#)
- Sch. 2 para. 4 and cross-heading inserted by [2022 c. 37 s. 17\(2\)](#)
- Sch. 7 para. 6(1)(aa) inserted by [2009 c. 12 Sch. 3 para. 1\(1\)](#)
- Sch. 7 para. 8(1A) inserted by [2009 c. 12 Sch. 4 para. 2](#)
- Sch. 7 para. 10(5)(aa) inserted by [2009 c. 12 Sch. 3 para. 2\(5\)\(b\)](#)
- Sch. 7 para. 6(1)(aa) substituted by [2009 c. 12 Sch. 4 para. 1\(1\)](#)
- Sch. 7 para. 10(5)(aa) words inserted by [2009 c. 12 Sch. 4 para. 3\(3\)](#)
- Sch. 7A para. 8(9A) inserted by [2009 c. 12 s. 11\(5\)](#)
- Sch. 7A para. 9(10)(ba) inserted by [2009 c. 12 s. 11\(6\)\(b\)](#)
- Sch. 11 para. 4(3) inserted by [2009 c. 12 Sch. 6 para. 29\(2\)](#)
- Sch. 11 para. 6(1)(aa) inserted by [2009 c. 12 Sch. 3 para. 4\(1\)](#)
- Sch. 11 para. 7(2)(aa) inserted by [2009 c. 12 Sch. 4 para. 5](#)
- Sch. 11 para. 6(1)(aa) substituted by [2009 c. 12 Sch. 4 para. 4\(1\)](#)
- Sch. 11 para. 4(3) words inserted by [2009 c. 12 Sch. 6 para. 29\(3\)](#)
- Sch. 15 para. 4(3)(4) inserted by [2009 c. 12 Sch. 6 para. 30\(2\)\(b\)](#)
- Sch. 15 para. 6(1)(aa) inserted by [2009 c. 12 Sch. 3 para. 7\(1\)](#)
- Sch. 15 para. 7(2)(aa) inserted by [2009 c. 12 Sch. 4 para. 8](#)
- Sch. 15 para. 6(1)(aa) substituted by [2009 c. 12 Sch. 4 para. 7\(1\)](#)
- Sch. 15 para. 4(3) words inserted by [2009 c. 12 Sch. 6 para. 30\(3\)](#)