

POLITICAL PARTIES AND ELECTIONS BILL

EXPLANATORY NOTES

INTRODUCTION

1. These explanatory notes relate to the Political Parties and Elections Bill as introduced in the House of Commons on 17th July 2008. They have been prepared by the Ministry of Justice in order to assist the reader of the Bill and to help inform debate on it. They do not form part of the Bill and have not been endorsed by Parliament.
2. These notes need to be read in conjunction with the Bill. They are not, and are not meant to be, a comprehensive description of the Bill. So where a clause or part of a clause does not seem to require any explanation or comment, none is given.

SUMMARY AND BACKGROUND

3. On 16th June 2008, the Secretary of State for Justice announced the publication of a Government white paper on *Party Finance and Expenditure in the United Kingdom*. This set out the Government's intention to bring forward immediate legislation to tighten controls on spending by political parties and candidates. The Bill is intended to fulfil that commitment.
4. The main features of the Bill:
 - Strengthen the regulatory role of the Electoral Commission through making available to it a wider range of investigatory powers and sanctions, through clarifying its advisory role and through reform of its governance arrangements;
 - Change the arrangements for regulating candidate expenditure before an election better to ensure that *all* relevant expenditure is caught;
 - Put in place arrangements to improve the transparency of donations to political parties.

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The Bill also makes two reforms to the current system for administering elections in the United Kingdom, which are designed better to ensure the successful delivery of elections in the future. These will:

- Enable electoral registration officers to make amendments to the electoral register in response to applications for registration made on annual canvass forms, before the register is republished at the conclusion of the canvass, if an election is held during the annual canvass period; and
- Provide for European Parliamentary elections in England, Wales and Scotland to be administered at a local level by local authority returning officers, rather than Parliamentary returning officers. Further consequential provision will then be made to ensure each is responsible for the poll in their local authority area.

TERRITORIAL EXTENT AND APPLICATION

5. The Bill extends to the whole of the United Kingdom. The provisions contained in clause 8 (declaration as to source of donation) include a power enabling the Secretary of State to modify how these provisions (and the accompanying provisions in Schedule 3) apply to Northern Ireland. This is necessary to take account of the different arrangements that exist in Northern Ireland for the regulation of the funding of political parties.
6. Some of the amendments made by the Bill are to provisions in the Political Parties, Elections and Referendums Act 2000 (“the 2000 Act”) which extend to Gibraltar. The amendments do not extend there, but there is a power in section 12 of the European Parliament (Representation) Act 2003 which could be used to extend them to Gibraltar.
7. Because the Sewel Convention provides that Westminster will not normally legislate with regard to devolved matters in Scotland without the consent of the Scottish Parliament, if there are amendments relating to such matters which trigger the Convention, the consent of the Scottish Parliament will be sought for them.
8. The Bill does not have any special effect on Wales and does not affect the National Assembly for Wales.

COMMENTARY ON CLAUSES

Clause 1: Compliance with controls imposed by the 2000 Act etc

9. *Subsections (1) and (2)* of clause 1 amend section 145 of the 2000 Act to provide that, in addition to its existing function of monitoring compliance with various requirements (relating to registered party accounting, political donations, campaign

and election expenditure, and referendums), the Commission shall have the function of taking such steps as it considers appropriate to secure compliance with those requirements. The purpose of this provision is to clarify that the Commission is required to both monitor and regulate compliance. *Subsection (3)* allows the Commission to publish guidance as to what conduct it considers to be necessary or sufficient in order to comply with the legislative requirements, and what conduct it considers to be best practice in view of the purpose of those requirements.

Clause 2: Investigatory powers of the Commission

10. *Subsection (1)* of this clause substitutes a new section 146 of the 2000 Act (investigatory powers of the Commission). This new section gives effect to new Schedule 19A which is inserted into the 2000 Act by *subsection (2)* of the clause. Schedule 1 to the Bill contains new Schedule 19A (which is discussed in more detail at paragraphs 51 to 66 below). Schedule 19A provides the Commission with investigatory powers, designed to enable it to require access to financial records and information, and to enter premises to inspect and make copies of relevant documents. *Subsection (3)* makes provision as to the penalties for offences under the new Schedule (which largely mirror the penalties for existing offences).

Clause 3: Civil sanctions

11. Clause 3 gives the Electoral Commission new powers to apply a range of civil sanctions to offences and contraventions under the 2000 Act.
12. *Subsection (1)* substitutes a new section 147 of the 2000 Act (civil sanctions). This new section gives effect to new Schedule 19B which is inserted into the 2000 Act by *subsection (2)*. Schedule 2 to the Bill contains new Schedule 19B. It sets out the range of new civil penalties available to the Commission, including monetary penalties, discretionary requirements, stop notice and enforcement undertakings. The new Schedule also explains how and when the Commission is able to apply these sanctions, who they apply to and what appeal processes are available to an individual or organisation subject to a sanction. *Subsection (3)* provides for the penalty for commission of the offence, under the new Schedule, of failing to comply with a stop notice.
13. *Subsection (4)* inserts new subsection (4A) into section 156 of the 2000 Act. This specifies that an order made under paragraph 16 of new Schedule 19B relating to the following matters is subject to the affirmative resolution procedure:
 - An order prescribing the offences or restrictions and requirements of the 2000 Act in respect of which the Commission can impose a fixed monetary penalty (see paragraph 1(1) to (4) of the new Schedule 19B);
 - An order prescribing the offences or restrictions and requirements in respect of which the Commission can impose a discretionary requirement on a person (see paragraph 5(1) to (4) of Schedule 19B);

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- An order prescribing the offences or restrictions and requirements the occurrence or likely occurrence of which the Commission must hold a reasonable suspicion about in order to consider imposing a stop notice (see paragraph 10(2)(b) and (3)(b) of Schedule 19B);
- An order prescribing the offences or restrictions and requirements the occurrence of which the Commission must hold a reasonable suspicion about in order to consider imposing enforcement undertakings (see paragraph 15 (1)(a) of Schedule 19B); and
- Any order amending an Act.

Clause 4: Selection of prospective Electoral Commissioners and Commission chairman

14. Clause 4 amends section 3 of the 2000 Act, which governs the appointment of Electoral Commissioners and the Commission chairman. *Subsection (2)* of the clause inserts a new subsection (2) into section 3 which expands the series of requirements which must be met in relation to the appointment procedures. Her Majesty will continue to appoint Commissioners on presentation of an Address from the House of Commons; but, in addition to the existing requirements set out in current subsection (2) that the Speaker agree to the making of the motion and that the leader of each party which has two or more members in the House of Commons be consulted on the motion, paragraph (c) of the substituted subsection (2) requires that each person proposed for appointment must have been selected in accordance with a procedure put in place and overseen by the Speaker's Committee.
15. *Subsection (3)* inserts a subsection (5A) into section 3 of the 2000 Act, providing that a Commissioner may be re-appointed without undergoing a fresh selection procedure if recommended by the Speaker's Committee.

Clause 5: Four Electoral Commissioners to be put forward by parties

16. Clause 5 makes provision facilitating the appointment to the Commission of four Commissioners with recent political experience ("nominated Commissioners"). *Subsection (1)* inserts new subsection (4A) into section 3 of the 2000 Act which disapplies, for the nominated Commissioner positions, the restrictions which would normally prevent a person who belongs to a political party or has been engaged in recent political activity from being appointed. Subsection (4A) does not affect the prohibition on appointing a serving officer or employee of a political party or the holder of a relevant elected office.
17. *Subsection (2)* inserts new section 3A into the 2000 Act, which makes provision about the appointment of nominated Commissioners. Subsections (1) and (2) of the new section provide that there shall be four nominated Commissioners, each of whom shall be nominated by the leader of a party with two or more representatives in the House of Commons ("a qualifying party"). Subsections (3) and (4) provide that, of those four Commissioners, three must be selected from the three largest parties (measured

according to the criteria set out in subsection (7) of new section 3A) that have nominated more than one candidate for appointment or that have nominated an individual who was appointed and is expected to continue to hold office.

18. Subsection (5) of the new section prevents the appointment of two or more nominated Commissioners from the same political party. The effect of this provision is to ensure that the fourth nominated Commissioner must be nominated by the leader of a party which is not one of the three largest parties. Subsection (6) prevents a nominated Commissioner from being appointed as Chair of the Electoral Commission. Subsection (8) provides that Members of the House of Commons who have not sworn the oath required by the Parliamentary Oaths Act 1866 (or the corresponding affirmation) or who have been disqualified from sitting and voting in the House are not counted for the purposes of the new section.
19. *Subsection (3)* of clause 5 amends section 14 of the 2000 Act, which sets out the Commission's boundary functions, to prevent a nominated Commissioner from being appointed to a Boundary Committee.

Clause 6: Number of Electoral Commissioners

20. This clause amends section 1 of the 2000 Act to increase the minimum and maximum number of Electoral Commissioners that may be appointed. The effect of the clause is to increase the minimum from 5 to 9, and the maximum from 9 to 10. The increase in the minimum is intended to ensure that the nominated Commissioners will always be a minority of Commissioners.

Clause 7: Political restrictions on Electoral Commissioners and staff

21. Clause 7 relaxes the restrictions that apply to the political activities of Electoral Commissioners (other than nominated Commissioners) and Electoral Commission staff.
22. *Subsection (1)* of clause 7 amends section 3 of the 2000 Act so that a person will only be prohibited from appointment as an Electoral Commissioner if they have engaged in certain political activities within the past five years, rather than the past 10 years as is currently the case.
23. *Subsection (2)* inserts a new paragraph 11A in Schedule 1 to the 2000 Act which reduces the restrictions which currently apply to the political activities of Electoral Commission staff, both on appointment and while they hold office. Sub-paragraph (1) of paragraph 11A specifies that staff cannot be appointed to the Electoral Commission if they have been engaged in certain political activities within the "relevant period". Sub-paragraph (2) defines this period (which was previously the last 10 years for all staff) as the last five years for the post of chief executive of the Commission and the last 12 months for all other members of staff.
24. Sub-paragraph (3) of the new paragraph 11A makes clear that the chief executive of the Commission cannot be a member of a registered party. Sub-paragraph (4)

provides that the appointment of a member of staff shall be terminated if, after appointment, they become engaged in any of the types of political activity that would have prevented their appointment.

25. Some of the provisions of the new paragraph 11A restate sub-paragraphs (2) and (4) of paragraph 11 of Schedule 1 to the 2000 Act, and these sub-paragraphs are accordingly repealed (in Schedule 5).

Clause 8: Declaration as to source of donation

26. Clause 8 makes amendments to the disclosure requirements currently imposed on donors by the 2000 Act. It places a new responsibility on those causing donations of over £200 to be received by a political party to clarify the source of the donations; and imposes a responsibility on recipients of donations to return the donation if a declaration under this clause has not been received (see *subsection (1)*).
27. *Subsection (2)* of this clause inserts new section 54A into the 2000 Act. Subsections (1) and (2) of new section 54A require the apparent donor of over £200 to a political party to make a declaration as to whether another person is providing them with any money or other benefit worth more than £200 in connection with the making of the donation. This is designed to reveal whether the person apparently making the donation is the true donor or is acting on behalf of someone else. If the person states that they are receiving a benefit worth more than £200 in connection with making the donation, but they are nonetheless the true donor, they must state why they believe this (*subsection (3)* of the new section).
28. Subsection (4) of new section 54A provides that the declaration must provide the full name and address of the person who makes it. If the declaration is made by a person authorised to do so on behalf of a body it must also state that the person is authorised to make it and describe their role or position in the body in question. Subsection (5) of new section 54A makes it a criminal offence for a person knowingly or recklessly to make a false declaration about a donation. Subsection (6) of the new section requires a party receiving a declaration to take all reasonable steps to verify it.
29. Subsection (7) provides that the Secretary of State may make provision in regulations as to how the value of a benefit is to be calculated for the purposes of subsection (2). By virtue of section 156 of the 2000 Act, the regulations must be made by statutory instrument, subject to the negative resolution procedure.
30. *Subsection (3)* of the clause makes changes to section 56 of the 2000 Act so that the donation, or an equivalent amount, must be returned to the person appearing to be the donor if a declaration under section 54A has not been received. *Subsection (4)* makes the party and the treasurer guilty of an offence for failure to do so.
31. *Subsection (5)* inserts in Schedule 6 to the 2000 Act a new paragraph 1A requiring that where a donation report is required to be made in respect of a particular donation the report must include a statement from the party confirming that a declaration under

new section 54A has been received, that all reasonable steps have been taken to verify the declaration, and either that the party has no reason to suspect that the declaration is untruthful or, if it suspects it to be untruthful, why this is so. Schedule 6 is also amended so that where a donation is made without a declaration the party must report this to the Commission under paragraph 6 of the Schedule (*subsection (6)*).

32. *Subsection (7)* of the clause amends Schedule 20 to the 2000 Act to set out the sanctions for making a false declaration.
33. *Subsection (8)* gives effect to Schedule 3, which makes equivalent provision to the above in respect of regulated recipient, recognised third parties and permitted participants as defined by the 2000 Act. *Subsection (9)* provides that, after consultation with the Electoral Commission, the Secretary of State may by order amend the insertions made by this clause or the related Schedule, in their application to Northern Ireland; and may make consequential or supplemental provision. *Subsections (10)* and *(11)* require orders made under this provision to be by way of a statutory instrument, which is subject to affirmative resolution of both Houses.

Clause 9: Defence to charge of failing to return donation to impermissible donor

34. Clause 9 amends section 56 of the 2000 Act by inserting a new subsection (3A). New subsection (3A) clarifies that if a party or a treasurer is charged with an offence of accepting an impermissible donation, the party or party treasurer will not be guilty if they can show that they took all reasonable steps to verify that the donation was from a permissible donor.

Clause 10: Election spending for person not yet a candidate

35. Restrictions on candidates' expenses are currently imposed by Part 2 of the Representation of the People Act 1983 ("the 1983 Act"). Clause 10 amends Part 2 of the 1983 Act to change the point from which expenditure limits set out in section 76(2) of that Act start to apply.
36. *Subsection (2)* of this clause amends subsection (1) of section 90ZA of the 1983 Act so that, in relation to parliamentary general elections, the definition of "election expenses" in that Act (i.e. matters listed in Schedule 4A to the Act) is capable of applying to expenses used by a person prior to the dissolution of Parliament or a person's formal nomination or declaration as a candidate (as well as those used after then). Consequently, those expenses will be caught by the relevant expenditure limits provided that the expenses in question are incurred for the purposes of the candidate's election.
37. *Subsection (3)* inserts new subsection (1A) into section 90ZA to make clear that whether election expenses that are incurred by a candidate at a parliamentary by-election or a local government election in England and Wales fall within the limit will continue to be determined by when the expenses are used: if they are used before the

person becomes a candidate they will fall outside the limit, and if used after then they will fall within it.

38. *Subsection (4)* substitutes subsection (5) of section 90ZA to clarify that the expenditure limit will apply to expenses incurred by a person who becomes a candidate at a later date. Taken together, the effect of subsections (1) to (3) is that when determining whether election expenses are subject to the section 76 limits the key question will be whether the expenses in question are incurred for the purposes of the candidate's election in a parliamentary general election. If they are incurred for this purpose, the time at which they are used, and whether or not at that time the person concerned is formally a candidate, will be immaterial.
39. *Subsection (5)* makes clear that the provisions in this clause will not apply to any expenses incurred before these provisions are commenced.

Clause 11: Election expenses: guidance by the Commission

40. Clause 11 amends paragraph 14 of Schedule 4A to the 1983 Act. In addition to their existing power to issue guidance to candidates on the matters that are caught by the list of election expenses set out in paragraph 1 of that Schedule, the Electoral Commission will have a new power to issue guidance about the circumstances in which those expenses are to be regarded as having been incurred for the purpose of a candidate's election.

Clause 12: Election falling within canvass period

41. Clause 12 introduces new arrangements designed to expedite the registration of eligible electors in the event of an election falling within a canvass period. *Subsection (1)* inserts new section 13BB into the 1983 Act, which enables electoral registration officers to amend the published register of electors before the election is held to show details of new electors or other changes that have been recorded on a canvass form.
42. Subsection (1) of the new section provides that the power to amend the register is triggered when an application for registration is made on a canvass form and notice of an election is published, the poll for which will be held in the period between 1 July and 1 December in the year of that canvass.
43. Subsection (2) of the new section provides that when the power to amend the register is triggered, the elector shall be treated as if they made their application for registration on the date the form is received by the returning officer or the date the notice of election is published, whichever is later. This subsection also allows the Secretary of State to prescribe circumstances in which the application should not be treated as made on either date (for instance where the elector has not yet taken up residence at the relevant address).
44. Subsection (3) of the section provides that the registration officer not determine an application as if it were made before the election if the canvass form was received by

the returning officer after the last point at which it can be determined before the poll (currently the 11th day before the poll). Subsection (4) requires that amendments to the register must be made by way of a notice specifying the appropriate alterations. Subsection (5) provides that where, as a result of the determination that a person is entitled to be registered, that person's entry falls to be removed from the register for another area, and an election is going to be held in that other area during the canvass period, then the registration officer for the other area must (if they are informed about the determination in time) also amend their register to delete that person's entry.

45. Subsections (6) of the new section provides that a notice altering the register must be issued on the appropriate publication date (the 5th or 6th day before the poll) and that the alteration comes into effect from the beginning of the day on which it is published. Subsection (7) provides that the requirement to publish a notice altering the register will not apply if the registration officer publishes a revised register taking the changes into account before the 5th or 6th day before the poll date.
46. *Subsection (2)* of clause 12 inserts new subsection (1A) into section 13 of the 1983 Act. The effect of this new provision is that, in the event of an election taking place during the period from 1st July to 1st December, the electoral registration officer may suspend publication of the electoral register from 1st December until 1st February in the following year to allow time to compile the revised register.

Clause 13: Local Returning Officers for elections to the European Parliament

47. Clause 13 substitutes a new definition of "local returning officer" for that in section 6(5A)(a) of the European Parliamentary Elections Act 2002. The effect of the new definition is that the local returning offices for European Parliamentary elections held in England, Wales and Scotland will be the persons who are returning officers for local authority elections in those countries rather than the persons who are returning officers for UK Parliamentary elections.

Clause 14: Interpretation

48. Clause 14 defines phrases which are used in the Bill.

Clause 15: Amendments and repeals

49. Clause 15 gives effect to Schedules 4 and 5, which contain minor and consequential amendments and repeals.

Clause 16: Transitional provision

50. Clause 16 is a transitional provision which is needed because certain provisions of the Criminal Justice Act 2003 increasing the power of magistrates' courts to impose imprisonment (in England and Wales) are not yet in force.

Schedule 1: Investigatory powers of the Commission: Schedule to be inserted into the 2000 Act

51. Schedule 1 of the Bill contains new Schedule 19A to the 2000 Act. This gives the Electoral Commission increased investigatory powers.
52. Paragraph 1 of the new Schedule restates with some changes powers that the Electoral Commission have in relation to registered parties and others and which are contained in the current section 146 of the 2000 Act. Sub-paragraph (1) lists the individuals and organisations to which the investigatory powers set out in paragraph 1 can be applied. Broadly, these individuals and organisations are those considered to be the primary focus of the Commission's function of monitoring compliance as, together, they are the individuals and organisations on whom obligations under the 2000 Act are principally imposed.
53. Sub-paragraphs (2) and (3) allow the Commission, after issuing a "disclosure notice", to require an individual, or an officer of an organisation, to produce or provide documents or an explanation in relation to income or expenditure where the information in question is reasonably required by the Commission to carry out their functions. Sub-paragraph (4) obliges the person to comply with a requirement set out in a disclosure notice within a reasonable time. It is a criminal offence not to do so without reasonable excuse, under paragraph 12 of the Schedule. Sub-paragraph (5) enables a person authorised by the Commission to enter premises at any reasonable time and inspect relevant documentation, to enable the Commission to carry out their functions.
54. The substantive difference between the powers contained in paragraph 1 and those contained in its precursor in the original section 146 is that in the latter the power to enter premises was restricted so that it could be used only in relation to registered parties, permitted participants and candidates at elections (excluding local and Scottish electoral candidates). The power is not so limited in paragraph 1 and can be used in respect of any of the individuals or entities listed in sub-paragraph (1).
55. Paragraph 2 provides the Commission with a new power in cases where they form a reasonable suspicion that an offence under the 2000 Act has been committed or that a contravention of any restriction or requirement of the Act has taken place. Where the Commission hold such a suspicion they may, under sub-paragraph (2), issue a notice to a person requiring that person to produce or provide any documents or explanation reasonably required for an investigation by them of the suspected offence or contravention. Sub-paragraph (3) obliges the person to comply with the disclosure notice within a reasonable time. It is a criminal offence not to do so without reasonable excuse, under paragraph 12 of the same Schedule. This power is wider than that set out in paragraph 1 because it is not restricted to documentation or information relating to income or expenditure nor is it restricted to a list of specified individuals or bodies.

56. Sub-paragraph (4) allows an investigator authorised by the Commission to require a person to come and answer in person any questions that the investigator reasonably considers relevant to the investigation. The powers created by paragraph 2 can be used in relation to a person who is also covered by paragraph 1, albeit for a different purpose (i.e. that of investigating purported wrongdoing), and may be used against any other person who holds, or is thought to hold, information reasonably required for an investigation by the Commission. It follows that use of the power is not limited to the individual or body suspected by the Commission of having committed an offence or contravention.
57. Paragraph 3 allows a justice of the peace (or a sheriff in Scotland) to issue a warrant, following the giving of information on oath by the Commission, if satisfied that there are reasonable grounds for believing that there has been an offence under, or contravention of, the 2000 Act and that there are certain documents on any premises. These may be documents that a person has failed to produce in response to a disclosure requirement under paragraph 2(2), or they may be other documents relevant to an investigation by the Commission of the suspected offence or contravention.
58. Sub-paragraph (3) provides that the warrant authorises a constable to use reasonable force to enter the premises, to search the premises and to take other necessary steps in order to take possession of and preserve the documents to which the warrant relates. It also authorises the constable to require an explanation about the documents or their location from any person named in the warrant. Sub-paragraph (4) specifies that a warrant issued under this paragraph will be valid for one month.
59. Paragraph 4 specifies that documents seized under paragraph 3 may be retained for three months. However, if during that time any relevant criminal proceedings are begun, or notices are issued or penalties imposed under the new civil sanctions powers given by Schedule 19B, the documents may generally be retained until they are no longer required in relation to the proceedings or civil sanctions.
60. Paragraph 5 provides that the Commission, or a person authorised by the Commission, may make copies or records of relevant information or explanations obtained under the Schedule.
61. Paragraph 6 requires that any authorisation of a person by the Commission made under this Schedule must be in writing.
62. Paragraph 7 requires the person entering premises to provide evidence of their right to do so if the person on the premises asks for this.
63. Paragraph 9 deals with documents held in electronic form. Sub-paragraph (1)(a) gives the Commission a power to require such documents to be made available in a legible,

non-encrypted form. Sub-paragraph (1)(b) enables a person authorised to inspect documents to require any person on premises being searched to give reasonable assistance to allow the inspector to make legible copies of electronic documents, or records of information contained in them. Under this power an inspector can also inspect and check any computer or associated apparatus used in connection with the information.

64. Paragraph 10 exempts information subject to legal professional privilege (or confidentiality of communications in Scotland) from any requirement to produce information (in whatever form) under any power provided by this Schedule. The appropriate test is whether a claim to legal professional privilege or confidentiality of communications could be maintained in legal proceedings in respect of the material in question.
65. Paragraph 11 deals with the admissibility of statements provided under compulsion. Sub-paragraph (1) provides that a statement made in response to a requirement under the Schedule may be used in any proceedings, provided that it complies with any other rules of evidence in those proceedings. But sub-paragraph (2) provides that the statement is not admissible against the maker of the statement in criminal proceedings or proceedings under the new Schedule 19B, unless evidence about the statement is relied on, or a question about it is asked, by the maker, or unless the proceedings are for an offence mentioned in sub-paragraphs (3) and (4). (These offences are similar to perjury.)
66. Paragraph 12 provides that it is an offence to fail to comply with any requirement imposed under the Schedule (for example, to refuse to supply the Commission with information requested under paragraph 1 or 2); to obstruct intentionally somebody performing functions under the Schedule; or knowingly or recklessly provide false information in response to a requirement imposed under the Schedule.

Schedule 2: Civil sanctions: Schedule to be inserted into the 2000 Act

67. Schedule 2 to the Bill inserts new Schedule 19B into the 2000 Act. It sets out the range of new civil sanctions available to the Commission.

Part 1: Fixed monetary penalties

68. Paragraph 1 allows the Electoral Commission to impose fixed monetary penalties where they are satisfied beyond reasonable doubt that a prescribed offence under the 2000 Act has been committed or that a contravention of a prescribed requirement or restriction contained in that Act has taken place. “Prescribed” means prescribed in an order by the Secretary of State. The penalty can be imposed on the person who has committed the breach (sub-paragraph 1). Also, sub-paragraphs (2) to (4) allow the Commission to impose a fixed monetary penalty on a political party, a recognised third party or a permitted participant respectively for whom the individual is an office holder or responsible person. Sub-paragraph (5) explains that the imposition of a fixed monetary penalty will require the individual or other person concerned to pay a prescribed amount of money to the Commission. Sub-paragraph (6) states that where

an individual is issued with a fixed monetary penalty for an offence triable summarily (whether or not it can also be tried on indictment) and punishable on summary conviction by a fine, the penalty imposed must not be higher than the maximum fine available in summary proceedings.

69. Paragraph 2 requires the Commission to serve notice of any intention to impose a fixed monetary penalty on a person (sub-paragraph (1)). This notice must offer the person the opportunity to discharge the penalty at that point by paying a prescribed amount, which cannot exceed the amount of the proposed penalty (sub-paragraph (2)). Alternatively, the person can opt to make written representations and objections to the Commission against the proposal to impose the penalty (sub-paragraph (3)). If the deadline for making representations and objections passes without the person having paid the prescribed amount under sub-paragraph (2), the Commission must decide whether to impose the penalty. If the Commission does decide to impose it, a further notice recording that must be served on the relevant person (sub-paragraph (4)). Sub-paragraph (5) provides that if the person's representations or objections have raised any matter which means that the Commission no longer suspects the person of having committed a prescribed offence or contravened a prescribed requirement or restriction of the 2000 Act, the Commission may not impose the penalty. That sub-paragraph also enables the Secretary of State to prescribe other circumstances in which a penalty may not be imposed. The person may appeal against the decision to impose the penalty on the grounds set out in sub-paragraph (6).
70. Paragraph 3 explains what information the Commission must include when giving notice of an intention to impose a fixed monetary penalty on a person or when giving notice of a subsequent decision to impose the penalty.
71. Paragraph 4 limits the criminal proceedings that can be taken against a person for a prescribed offence or other breach of the 2000 Act that may be dealt with by way of fixed monetary penalty. Under sub-paragraph (1) if the Commission notifies the person of their intention to impose a fixed monetary penalty for the breach, no criminal proceedings for the breach can be brought during the period when liability can be discharged under paragraph 2(2). This sub-paragraph also precludes such proceedings being taken against a person who does discharge liability by making a payment under paragraph 2(2). Finally, paragraph 4(2) precludes a person on whom the Commission imposes a fixed monetary penalty under paragraph 2(4) from being convicted of an offence for the breach.

Part 2: Discretionary requirements

72. Paragraph 5 allows the Electoral Commission to impose a discretionary requirement on a person, political party, recognised third party or permitted participant where they are satisfied beyond reasonable doubt that a person has committed a prescribed offence or contravened a prescribed restriction or requirement of the 2000 Act (sub-paragraphs (1) to (4)). Sub-paragraph (5) defines a discretionary requirement as a sanction that can take the form of a monetary penalty or, alternatively, an instruction to take certain actions designed to either prevent the recurrence of the offence or

contravention or restore the position to what it would have been had the offence or contravention not occurred. Sub-paragraph (6) limits the use of discretionary requirements by preventing the Commission from imposing a discretionary requirement on a person more than once for the same act or omission. Sub-paragraph (8) sets the financial limit of a variable monetary penalty for offences which are triable summarily, stating that, where such offences are punishable by a fine, the variable monetary penalty must not be greater than the maximum fine.

73. Paragraph 6 requires that, where the Commission intends to impose a discretionary requirement on a person for a prescribed offence or other breach of the 2000 Act, they must first notify the person of their intention. Sub-paragraph (2) allows the person to make written representations and objections to the Commission against the proposed penalty. If anything is raised which leads the Commission to no longer be satisfied that the prescribed offence or contravention took place, the Commission may not impose the penalty. In all other cases, the Commission may proceed to serve on the person a notice formally imposing the discretionary requirement, which will specify what the requirement is (sub-paragraph (5)). The person may appeal to a county court (or Sheriff in Scotland) against the decision to impose the discretionary requirement, on a number of specified grounds (sub-paragraph (6)).
74. Paragraph 7 explains what information the Commission must include when giving the initial notice of an intention to impose a discretionary requirement on a person. This includes the grounds for imposing the requirement and the period for appeal (no less than 28 days from the day on which the notice is received). Sub-paragraph (3) sets out the information that must be provided by the Commission when they are imposing a discretionary requirement. This is: the grounds for the proposed discretionary requirement, details of any monetary penalty, rights of appeal and the consequences of non-compliance.
75. Paragraph 8 limits the use of other sanctions against a person who has had a discretionary requirement imposed upon them. It explains that if a discretionary requirement is imposed on a person for an offence or a contravention of a restriction or requirement under the 2000 Act, this protects them from being convicted in a criminal court for the same offence. However, this protection from future prosecution does not apply in cases where the discretionary requirement imposed was non-monetary, no variable monetary penalty was imposed, and the person failed to comply with the non-monetary discretionary requirement.
76. Paragraph 9 allows the Commission to impose a “non-compliance penalty” on a person who fails to comply with a non-monetary discretionary requirement; and also sets out the grounds and avenue of appeal against a non-compliance penalty (sub-paragraphs (3) and (4)).

Part 3: Stop notices

77. Paragraph 10 provides that the Electoral Commission can impose a stop notice on a person in order to prevent them from continuing or repeating a particular activity

which the Commission reasonably believes is (or is likely to be) a prescribed offence or a contravention of a prescribed requirement or restriction under the 2000 Act. A stop notice can also be imposed where the Commission believes that a person's behaviour is likely to lead to them committing an offence or acting in contravention of a prescribed requirement or restriction contained in the 2000 Act. In both cases the Commission must believe that the activity, or potential activity, is seriously damaging to public confidence in the effectiveness of the controls in the 2000 Act on income or expenditure by registered parties and others, or that it significantly risks doing so.

78. Paragraphs 11 to 14 set out the details and limitations of how the stop notice system operates. Paragraph 11 lists the information to be included in a stop notice. Paragraph 12 requires the Commission to issue a "completion certificate" once they are satisfied that the person has taken the steps set out in the stop notice (at which point it will cease to have effect). The person upon whom a notice has been imposed may apply for a completion certificate at any time and the Commission must make a decision on the application within 14 days of receipt. Paragraph 13 explains how a person may appeal against the imposition of a stop notice, or against a decision not to issue a completion certificate, and provides that any appeal will be heard by a county court (or sheriff in Scotland). It also sets out the grounds for appeal in both circumstances. Paragraph 14 provides that a person who does not comply with a stop notice is guilty of an offence.

Part 4: Enforcement undertakings

79. Paragraph 15 outlines the powers of the Commission to accept an enforcement undertaking from a person whom the Commission has reasonable grounds for believing has committed a prescribed offence or contravened a prescribed restriction or requirement of the 2000 Act. An enforcement undertaking may be offered by the person suspected of the offence or contravention and outlines the action they will take (within a specified period). The action may be with a view to preventing the recurrence of the offence or contravention or returning the position to what it would have been had the offence or contravention not taken place or it may be action of a kind that has been prescribed in an order by the Secretary of State. Sub-paragraph (1)(d) requires that the undertaking will take effect only if the Commission accepts it. Sub-paragraph (2) makes clear that a person who has complied with the accepted undertaking will generally be exempt from other sanctions, including criminal proceedings, in relation to the acts or omissions on which the undertaking is based as long as the undertaking is complied with.

Part 5: Power to make supplementary provision etc by order

80. Paragraph 16 gives the Secretary of State the power to make orders that are supplemental to, consequential on or incidental to this Schedule. Such provisions may include transitional provision. This includes the power to amend, repeal or revoke any enactment.

81. Paragraph 17 sets out the consultation process that the Secretary of State must carry out prior to making a supplementary order under paragraph 16. As part of this

process the Electoral Commission must be consulted, along with other persons that the Secretary of State considers appropriate. Under sub-paragraph (2) further consultation is required where, following the outcome of the initial consultation, it is apparent that substantial changes to an order will be necessary. Any consultations which are conducted prior to the commencement of this Schedule may count for these purposes.

82. Paragraph 18 sets out the details of what can be included in a supplementary order regarding the Commission's power to impose financial sanctions, including fixed monetary penalties, variable monetary penalties and non-compliance penalties. In particular, provision made by virtue of this paragraph may include detail about early payment discounts, late payment penalties, late payment interest and enforcement.
83. Paragraph 19 sets out the details of what can be included in a supplementary order in relation to enforcement undertakings. The order may include a wide range of detail about procedural matters relating to undertakings, for example, how undertakings are entered into and in what circumstances undertakings are regarded as having been complied with.
84. Paragraph 20 states that a supplementary order may extend the time available to institute criminal proceedings against a person in certain instances. The first of these is where a non-monetary discretionary requirement (but no variable monetary penalty) has been imposed and the person has failed to comply with the non-monetary discretionary requirement. The second is where there has been a breach of all or part of an enforcement undertaking.
85. Paragraph 21 allows a supplementary order to set out the details of the appeals process in relation to the imposition of a requirement or the service of a notice under this Schedule. Such an order may include provision conferring relevant powers on courts (for example, to withdraw the requirement or notice against which there is an appeal).

Part 6: General and supplemental

86. Paragraph 22 limits the use of fixed monetary penalties, discretionary requirements and stop notices. It explains that a fixed monetary penalty may not be imposed on a person if they are already subject to a discretionary requirement or stop notice for a breach. Additionally, if a person has had a fixed monetary penalty imposed on them for a breach or has paid a sum to discharge liability for a fixed monetary penalty, they cannot be given a discretionary requirement or a stop notice in relation to the breach.
87. Paragraph 23 provides that, if someone is required under Schedule 19A to the 2000 Act to make a statement as part of an investigation by the Commission, the Commission must not take account of that statement when deciding whether to impose a civil sanction on the person. The only exception is for the offence of providing false information set out in paragraph 12(3) of Schedule 19A to the 2000 Act.

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88. Paragraph 24 stipulates that any financial penalty imposed on an unincorporated association must be paid from its own funds.
89. Paragraph 25 requires the Commission to publish guidance about enforcement of the 2000 Act. The guidance must include details of the sanctions available (both civil and criminal), the circumstances in which civil sanctions may be used and the rights of appeal available. Sub-paragraph (7) requires the Commission to carry out consultations with persons that they consider appropriate prior to publishing guidance. Under sub-paragraph (8) the Commission is required to have regard to the guidance when exercising its functions.
90. Paragraph 26 stipulates that all monetary penalties paid to the Commission as a result of the imposition of the civil sanctions under the Schedule must be paid into the Consolidated Fund.
91. Paragraph 27 requires the Commission to publish reports listing the cases in which they have imposed fixed monetary penalties, discretionary notices or stop notices (except where these sanctions have been successfully appealed against); cases in which liability for a fixed monetary penalty has been avoided through payment of a sum; and cases in which an enforcement undertaking has been accepted. Sub-paragraph (2) enables the Commission to exclude information if it might be unlawful for the report to include it (for example, because its inclusion might breach the right to respect for private and family life protected by Article 8 of the European Convention on Human Rights, or there is a statutory restriction on its disclosure).
92. Paragraph 28 lists the public bodies from which the Commission may request information when exercising the powers under the Schedule. It also precludes disclosures that would contravene certain other relevant legislation on data protection, and provides that powers of disclosure that are independent of this power are not affected by it.

Part 7: Interpretation

93. Paragraph 28 sets out definitions of words and expressions used in the Schedule.

Schedule 3: Declaration as to source of donation

94. Schedule 3 makes amendments in relation to donations to individuals and members associations, recognised third parties and permitted participants, which correspond to the amendments made in relation to donations to registered political parties by clause 8. Paragraph 1 inserts new paragraph 6A into Schedule 7 to the 2000 Act (control of donations to individuals and members associations), and paragraphs 2 and 3 make consequential changes to that Schedule. Paragraph 4 inserts new paragraph 6A into Schedule 11 to the 2000 Act (control of donations to recognised third parties) and

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paragraphs 5 and 6 make consequential changes to that Schedule. Paragraph 7 inserts new paragraph 6A into Schedule 15 to the 2000 Act (control of donations to permitted participants) and paragraphs 8 and 9 make consequential changes to that Schedule.

95. Paragraph 10 amends Schedule 20 to the 2000 Act to specify the penalties which will be incurred for making a false declaration as to the source of a donation to individuals and members associations, recognised third parties and permitted participants.

Schedule 4: Minor and consequential amendments and Schedule 5: Repeals

96. Clause 15 gives effect to Schedules 4 and 5. Schedule 4 makes minor and consequential amendments. (All of these are amendments that are consequential on other provisions in the Bill, except those at paragraphs 9 and 15 which make minor drafting changes.) Schedule 5 makes a number of repeals.

FINANCIAL EFFECTS

97. The provisions that relate to European Parliament elections have no associated costs and are intended to make the administration of those elections simpler and easier to plan. The provisions that relate to the annual canvass are intended to assist with the registration of electors before an autumn poll. While they do create a new type of administrative burden in the event of an autumn poll being held, the Department does not envisage that this will give rise to increased costs if administrators follow Electoral Commission guidance in this respect; and a much larger burden may arise if no action is taken.
98. The Electoral Commission is directly financed by Parliament (paragraph 14 of Schedule 1 to the 2000 Act). The Commission submits annual estimates to the Speaker's Committee and the Committee examines the estimates, considers advice from HM Treasury and the Comptroller and Auditor General, and lays the estimates before Parliament (explaining any modifications which it has made if relevant). Additional costs from this Bill will be financed in the same way. The Commission has already re-staffed its party and election finance team with a view to the forthcoming legislative changes. The Commission's provisional estimate is that the additional costs arising to it as a result of the changes to its powers and governance in the Bill will amount to approximately £650,000 per annum. The Commission will consider the extent to which this can be met from within its existing settlement.
99. There would be no cost to the National Loans Fund.

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PUBLIC SECTOR MANPOWER

100. As indicated above, a small increase in the manpower of the Electoral Commission may be required in order for it to fulfil its expanded role. The Department does not envisage that there would be any other impact on public manpower as a result of the provisions of the Bill.

SUMMARY OF IMPACT ASSESSMENTS

101. The completed impact assessments for the Bill analyse the costs and potential benefits of the proposals and assess their probable impact on race, gender and disability equality. These are available in the Vote Office.
102. The impact of the Bill will depend upon how the Electoral Commission decides to implement internal changes as a result of its changed role. The level of extra costs which the Commission might incur is estimated above, though this figure does not account for reprioritisation within the Commission and there is likely to be some scope for meeting some of the costs from within the Commission's existing settlement.
103. Under the provision that relates to candidate spending, candidates will be required to report all spending incurred for electoral purposes, not just that which is used between dissolution of Parliament and the election. The level of spending to be reported will be the same, as the spending limit will not change, but the time period during which campaign activities are reportable is likely to be longer. Whilst this may increase the administrative burden for some candidates and their agents, the burden will be no greater than it was under the pre-2000 triggering regime and this change to reporting requirements is considered to be a necessary consequence of effective regulation.
104. The provisions that relate to European Parliament elections have no associated costs and are intended to make the administration of those elections simpler and easier to plan. The provisions that relate to the annual canvass are intended to improve the registration of electors before any autumn poll. While they do create a new type of administrative burden in the event of an autumn poll being held, a much larger burden may arise if no action is taken.
105. Under the arrangements for greater transparency of donations, donors will be required to make a declaration as to whether or not, to the best of their knowledge, a third party has given the donor more than £200 with a view to, or otherwise in connection with, the making of the donation. The main impact of this policy will be the extra administrative burden placed on donors in completing the declaration, and on recipients, who will have to process the declarations and take reasonable steps to verify them. The simplicity of completing and processing declarations should ensure that the administrative burden is not significant. The Department estimates that the total cost to all donors and political parties will be approximately £7,000-£10,500 per

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annum. This will be justified by the need to ensure that the real source of money donated to parties is disclosed.

COMPATIBILITY WITH THE EUROPEAN CONVENTION OF HUMAN RIGHTS

106. Section 19 of the Human Rights Act 1998 (“HRA”) requires the Minister in charge of a Bill in either House of Parliament to make a statement before second reading about the compatibility of the provisions of the Bill with the Convention rights (as defined by section 1 of that Act).

107. Jack Straw, the Secretary of State for Justice, made the following statement of compatibility in accordance with section 19:

“In my view the provisions of the Political Parties and Elections Bill are compatible with the Convention rights.

108. In making the statement the Justice Secretary has given consideration to the fact that the following provisions of the Bill may raise issues in relation to convention rights. For the purposes of what follows the Electoral Commission is considered to be a public authority as defined in section 6(3) of the HRA.

Clause 12

109. Clause 12, which makes provision in relation to voter registration, may be said to engage Article 3 of Protocol 1 (the right to free elections by secret ballot). It is arguable whether this Article is even engaged. However, if it is engaged the provision made by this Bill is compatible as it seeks to ensure effective voter registration, rather than to restrict it.

Schedules 1 and 2

110. While compatible with Convention rights, Schedules 1 and 2 to the Bill provide powers which, when used, may give rise to issues relating to Convention rights. In each case it will be the duty of the Commission (and any other public authority able to exercise a power) to ensure that a power is exercised compatibly with Convention rights in accordance with section 6 of the HRA. The relevant powers have built into them some important safeguards to ensure that each power is capable of being exercised fully compatibly with Convention rights.

Schedule 1 (inserting Schedule 19A in the 2000 Act)

111. Paragraphs 1 to 3 of the Schedule contain various powers to require the disclosure of documents and to make copies of, or inspect, those documents or related information. These powers raise a number of issues around Convention rights.
112. Where disclosure is sought under paragraphs 1 to 3 it is a criminal offence under paragraph 12 to refuse to comply with any requirement imposed by the Commission. Use of evidence provided under such a “compulsory” power in proceedings that may incriminate the person providing it could infringe the privilege against self-incrimination, a key component of the procedural fairness guarantees provided by Article 6 (right to a fair trial). Paragraph 11 is designed to ensure that the privilege is protected by prohibiting the use of self-incriminating evidence against the person who provided it in criminal or civil proceedings, except where the proceedings relate to the making of false statements. This is supplemented by paragraph 24 of Schedule 19B, which ensures that this type of evidence may not be relied on by the Commission when deciding whether to impose a fixed monetary penalty or a discretionary requirement. An additional safeguard is the power in paragraph 10, which prevents disclosure of information that is subject to legal professional privilege.
113. Obtaining information under the various methods in paragraphs 1 to 3 may result in the production or inspection of personal information, with the result that Article 8 (right to respect for private and family life) may be engaged. In each case the powers feature appropriate safeguards relating to the nature of the documentation that may be required and the purpose for which it can be examined. In the case of paragraph 3, there is the additional safeguard of needing to obtain a warrant from a justice of the peace before the power can be exercised. In each case, these requirements should help to ensure that any use of the power to obtain disclosure is justified and proportionate in the pursuit of a legitimate aim of helping the Commission perform its monitoring functions. However, an individual judgement will need to be made in each case, and the Commission will have to consider justification and proportionality carefully each time it proposes to exercise the power.
114. The powers of entry under paragraph 1 and 3, possibly using reasonable force under the latter, may raise a specific issue under Article 1 of Protocol 1 (protection of property). Both paragraphs feature safeguards designed to ensure that the powers will be exercised compatibly with Convention rights. The fact that under paragraph 3(1), a warrant may not be issued unless the Commission can demonstrate to a justice of the peace that they hold the same reasonable suspicion as to wrongdoing as under paragraph 2 ensure that the legitimate aim of investigating a breach of the law is pursued by the granting of any warrant and subsequent entry authorised by it. Further, a warrant may only authorise the use of such force as is reasonable to enter the

premises and to take documents named in the warrant that are relevant to the investigation. For these reasons the power should be capable of being used in a way that is fully compatible with Convention rights. Again, this will be matter for careful consideration by the Commission in each case.

Schedule 2 (inserting Schedule 19B in the 2000 Act)

115. The provision of civil sanctioning powers in Schedule 19B to the 2000 Act, as inserted by Schedule 2 to the Bill, raises a number of issues around Convention rights. The most significant issues relate to Article 6 (right to a fair trial) and the Bill contains appropriate safeguards to ensure compatibility with that and other Convention Rights.
116. The first safeguard as regards Article 6 relates to the standard of proof. Before a fixed monetary penalty or a discretionary requirement (monetary or otherwise) may be imposed the Commission must be satisfied to the criminal standard of proof (i.e. beyond reasonable doubt) that a prescribed offence has been committed or a prescribed restriction or requirement has been breached. In contrast a stop notice is essentially preventative in nature. Because of this, a different standard of proof (reasonable belief) applies.
117. Whether the criminal or civil limb of Article 6 is engaged, the Article requires access to an independent and impartial tribunal in certain circumstances. In recognition of this, a final decision of the Commission to impose a fixed monetary penalty, discretionary requirement (whether monetary or otherwise) or stop notice is subject to an appeal to a county court. Other related enforcement decisions (including a decision to impose a non-compliance penalty for failure to comply with a discretionary requirement and a refusal to issue a completion certificate in respect of a stop notice) allow the same right of appeal. These appeal rights are sufficient to ensure that the provisions are compatible with Article 6 by providing a direct right of appeal to the county court, which stands free of any additional right to seek judicial review.
118. There is no right of appeal as regards enforcement undertakings. Given the voluntary nature of these arrangements, the absence of any dispute between the parties and the fact that failure to comply does not have direct consequences in terms of civil or criminal liability, neither limb of Article 6 is engaged.
119. A third safeguard, contained in paragraphs 4(1) and 8(1) of the inserted Schedule, is that no criminal conviction may be pursued where a decision has been taken to impose a civil penalty that is potentially capable of classification under the criminal limb of Article 6. There are exceptions to this where the sanctions in question do not feature a punitive element. For discretionary requirements an exception to this rule applies where a person fails to comply with a non-monetary discretionary requirement and a variable monetary requirement has not also been imposed. A similar exception

is made in respect of enforcement undertakings that are not complied with. Because these sanctions are not punitive in nature the possibility of further criminal or civil proceedings should be preserved in case the entirely preventative requirement is not complied with.

120. In order for this measure to be fully effective, time limits for criminal prosecution in the event of such failure may be extended by order (see paragraph 21 of the inserted Schedule). In making any order of this type the Secretary of State would be bound by section 6 of the HRA to ensure that these time limits are not given retrospective effect so as to contravene Article 7 of the ECHR (no punishment without law).
121. A requirement in a stop notice to cease carrying on an activity could impose a constraint on the ability of an individual or organisation involved in the political process to act in certain ways. A requirement of this sort could be said to engage Article 10 of the ECHR (freedom of expression). Article 10 is unlikely to be engaged as it does not provide a right to participate in the political process in breach of domestic law regulating such participation. Even if Article 10 is engaged, there should be no interference as a stop notice seeks to prevent unlawful acts rather than lawful participation in the political process. In any event, the high threshold to be satisfied before a stop notice can be issued should ensure that any decision to do so is justified and proportionate in pursuit of a legitimate aim.
122. In addition, Article 1 of Protocol 1 (protection of property) might be said to be engaged, depending on the factual circumstances. However, if engaged, then, for the same reasons given in respect of Article 10, any interference would be justified and proportionate in the pursuit of a legitimate aim.
123. Paragraph 27 imposes an obligation on the Commission to publish reports summarising the cases in which civil sanctions have been imposed. There is a wide discretion about what a report may contain and the power should be capable of being exercised fully compatibly with Article 8 (right to respect for private and family life) should it be engaged. As an extra safeguard, paragraph 27(2) enables the Commission to omit anything that it thinks would be unlawful to publish (e.g. because publication would be incompatible with Article 8).
124. Paragraph 28(1) enables specified bodies to provide information which they hold, or which is held on their behalf, to the Commission for the purposes of enabling the Commission to exercise any powers provided by Schedule 19B. It will be for the named bodies to ensure that the power is exercised compatibly with Convention rights, notably Article 8. In all cases, the exercise of the power should be in pursuit of a legitimate aim (i.e. that of enabling the Commission to perform its regulatory role properly and effectively). Whether the purported exercise is proportionate to that aim will be a matter for the disclosing body to consider in each case.

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COMMENCEMENT DATES

125. By virtue of clause 19, the following clauses will enter into force on Royal Assent:
- Clause 1(1) and (3) (compliance with controls imposed by the 2000 Act etc);
 - Clause 4 (selection of prospective Electoral Commissioners and Commission chairman);
 - Clause 5 (four Electoral Commissioners to be persons put forward by parties);
 - Clause 7 (political restrictions on Electoral Commissioners and staff);
 - Clause 10 (election expenses incurred for person not yet a candidate);
 - Clause 11 (election expenses: guidance by Commission);
 - Clause 14 (interpretation);
 - Various provisions in Schedules 4 (minor and consequential amendments) and 5 (repeals) relating to the above clauses, and clause 15 (amendments and repeals) as it relates to those provisions;
 - Clauses 16 to 20 (various general and supplemental provisions).
126. All other clauses will come into force on a date to be appointed by the Secretary of State, by an order made by statutory instrument.
127. *Subsection (3)* of clause 19 provides the Secretary of State with a power to amend regulations created under powers contained in the European Parliamentary Elections Act 2002, in a way that is incidental to or consequential to an order bringing clause 13 into force (local returning officers for elections to the European Parliament).

POLITICAL PARTIES AND ELECTIONS BILL

EXPLANATORY NOTES

*These notes refer to the Political Parties and Elections Bill
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