

Political Parties and Elections Bill

COMMONS DISAGREEMENTS AND AMENDMENTS IN LIEU

[The page and line references are to HL Bill 26, the bill as first printed for the Lords.]

Clause 8

LORDS AMENDMENT NO. 11

11 Page 6, line 8, at end insert—

“(1A) In section 54 of the 2000 Act (permissible donors), in subsection (2)(a), after “register” there is inserted “who is resident in the United Kingdom for the purposes of Part 14 of the Income Tax Act 2007 and is not a non-domiciled United Kingdom resident.”

COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

The Commons disagree to Lords Amendments Nos. 11 and 12, but propose Amendments 12A to 12F in lieu.

LORDS AMENDMENT NO. 12

12 Page 6, line 31, at end insert—

“(3A) A declaration under this section must also state that the person P is resident in the United Kingdom for the purposes of Part 14 of the Income Tax Act 2007 and is not a non-domiciled United Kingdom resident.”

COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

The Commons disagree to Lords Amendments Nos. 11 and 12, but propose Amendments 12A to 12F in lieu—

12A Page 8, line 19, at end insert the following new Clause:—

“Non-resident donors

- (1) In section 54 of the 2000 Act (permissible donors), in subsection (1) (circumstances in which party may not accept donation), in paragraph (aa) (inserted by section 8 above), for “as required by section 54A” there is substituted “that is required to be given by section 54A or section 54B”.
- (2) In subsection (2)(a) of that section (individuals who are permissible donors), for “registered in an electoral register” there is substituted “who is registered in an electoral register and satisfies the condition set out in subsection (2ZA)”.
- (3) After subsection (2) of that section there is inserted –

“(2ZA) The condition referred to in subsection (2)(a) is that either –

 - (a) the individual’s liability to income tax for the preceding tax year falls to be determined on the basis that the individual was resident, ordinarily resident and domiciled in the United Kingdom in that year, or
 - (b) the individual is an Irish citizen.

In paragraph (a) “tax year” has the meaning given by section 4 of the Income Tax Act 2007.”
- (4) After that section there is inserted –

“54B Declaration as to whether residence etc condition satisfied

- (1) An individual who causes an amount exceeding £7,500 to be received by a registered party by way of a donation must give to the party a declaration stating whether or not the individual satisfies the condition set out in section 54(2ZA).
- (2) A declaration under this section must also state the individual’s full name and address.
- (3) A person who knowingly or recklessly makes a false declaration under this section commits an offence.”
- (5) In Schedule 6 to the 2000 Act (details to be given in donation reports), in paragraph 1A (inserted by section 8 above) –
 - (a) in the heading, at the end there is inserted “*or as to whether residence etc condition satisfied*”;
 - (b) after “section 54A” there is inserted “or 54B”.
- (6) In Schedule 20 to the 2000 Act (penalties) the following entry is inserted at the appropriate place –

“Section 54B(3) (making a false declaration as to whether residence etc condition satisfied)

On summary conviction in England and Wales or Scotland: statutory maximum or 12 months

On summary conviction in Northern Ireland: statutory maximum or 6 months

On indictment: fine or 1 year

- (7) Schedule (*Declaration as to whether residence etc condition satisfied*) has effect. That Schedule makes amendments to—
- (a) Schedules 7, 11 and 15 to the 2000 Act (control of donations to individuals and members associations; to recognised third parties; and to permitted participants), and
 - (b) Schedule 20 to the 2000 Act (penalties),
- corresponding to those made by subsections (1) to (6).”

12B Page 8, line 19, at end insert the following new Clause:—

“Non-resident lenders etc

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

“71HA Declaration that residence etc condition is satisfied

- (1) A registered party must not be a party to a regulated transaction with a value of more than £7,500 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) A declaration under this section must also state the individual’s full name and address.
 - (3) A person who knowingly or recklessly makes a false declaration under this section commits an offence.”
- (2) In Schedule 6A to the 2000 Act (details to be given in transaction reports), after paragraph 1 there is inserted—

“Declarations as to whether residence etc condition satisfied

- 1A (1) In relation to each recordable transaction in the case of which a declaration under section 71HA has been given, a quarterly or weekly report must either—
- (a) state that no reason was found to think that the declaration was untruthful or inaccurate, or
 - (b) give details of any respects in which the declaration was found or suspected to be untruthful or inaccurate.”
- (3) In Schedule 20 to the 2000 Act (penalties) the following entry is inserted at the appropriate place—

“Section 71HA(3) (making a false declaration as to whether residence etc condition satisfied)

On summary conviction in England and Wales or Scotland: statutory maximum or 12 months

On summary conviction in Northern Ireland: statutory maximum or 6 months

On indictment: fine or 1 year”.

12C Page 52, line 4, at end insert the following new Schedule—

“SCHEDULE

DECLARATION AS TO WHETHER RESIDENCE ETC CONDITION SATISFIED

Schedule 7 to the 2000 Act (control of donations to individuals and members associations)

- 1 (1) In paragraph 6 of Schedule 7 to the 2000 Act (prohibition on accepting donations from impermissible donors), in paragraph (aa) of sub-paragraph (1) (inserted by Schedule 3 above), for “as required by paragraph 6A” there is substituted “that is required to be given by paragraph 6A or paragraph 6B”.
- (2) After paragraph 6A of that Schedule (inserted by Schedule 3 above) there is inserted—

“Declaration as to whether residence etc condition satisfied

- 6B (1) An individual who causes an amount exceeding £7,500 to be received by a regulated donee by way of a donation must give to the donee a declaration stating whether or not the individual satisfies the condition set out in section 54(2ZA).
 - (2) A declaration under this paragraph must also state the individual’s full name and address.
 - (3) A person who knowingly or recklessly makes a false declaration under this paragraph commits an offence.”
- 2 (1) Paragraph 10 of that Schedule (donation reports: donations from permissible donors) (as amended by Schedule 3 above) is amended as follows.
 - (2) In sub-paragraph (1)(b), after “paragraph 6A” there is inserted “or 6B”.
 - (3) In sub-paragraph (5), at the end of paragraph (aa) there is inserted “, and any reference to section 54B shall be read as a reference to paragraph 6B above”.

Schedule 11 to the 2000 Act (control of donations to recognised third parties)

- 3 (1) In paragraph 6 of Schedule 11 to the 2000 Act (prohibition on accepting donations from impermissible donors), in paragraph (aa) of sub-paragraph (1) (inserted by Schedule 3 above), for “as required by paragraph 6A” there is substituted “that is required to be given by paragraph 6A or paragraph 6B”.
- (2) After paragraph 6A of that Schedule (inserted by Schedule 3 above) there is inserted—

“Declaration as to whether residence etc condition satisfied

- 6B (1) An individual who causes an amount exceeding £7,500 to be received by a recognised third party by way of a donation must give to the recognised third party a declaration stating whether or not the individual satisfies the condition set out in section 54(2ZA).
- (2) A declaration under this paragraph must also state the full name and address of the person by whom it is made.
- (3) A person who knowingly or recklessly makes a false declaration under this paragraph commits an offence.”
- 4 In paragraph 9A of that Schedule (inserted by Schedule 3 above) —
- (a) in the heading, after “*paragraph 6A*” there is inserted “*or 6B*”;
- (b) after “a declaration under paragraph 6A” there is inserted “or 6B”.

Schedule 15 to the 2000 Act (control of donations to permitted participants)

- 5 (1) In paragraph 6 of Schedule 15 to the 2000 Act (prohibition on accepting donations from impermissible donors), in paragraph (aa) of subparagraph (1) (inserted by Schedule 3 above), for “as required by paragraph 6A” there is substituted “that is required to be given by paragraph 6A or paragraph 6B”.
- (2) After paragraph 6A of that Schedule (inserted by Schedule 3 above) there is inserted —

“Declaration as to whether residence etc condition satisfied

- 6B (1) An individual who causes an amount exceeding £7,500 to be received by a permitted participant by way of a donation must give to the permitted participant a declaration stating whether or not the individual satisfies the condition set out in section 54(2ZA).
- (2) A declaration under this paragraph must also state the individual’s full name and address.
- (3) A person who knowingly or recklessly makes a false declaration under this paragraph commits an offence.”
- 6 In paragraph 9A of that Schedule (inserted by Schedule 3 above) —
- (a) in the heading, after “*paragraph 6A*” there is inserted “*or 6B*”;
- (b) after “a declaration under paragraph 6A” there is inserted “or 6B”.

Schedule 20 to the 2000 Act (penalties)

- 7 In Schedule 20 (penalties) the following entries are inserted at the appropriate places —

<p>“Paragraph 6B(3) of Schedule 7 (making a false declaration as to whether residence etc condition satisfied)</p>	<p>On summary conviction in England and Wales or Scotland: statutory maximum or 12 months</p> <p>On summary conviction in Northern Ireland: statutory maximum or 6 months</p> <p>On indictment: fine or 1 year”</p>
<p>“Paragraph 6B(3) of Schedule 11 (making a false declaration as to whether residence etc condition satisfied)</p>	<p>On summary conviction in England and Wales or Scotland: statutory maximum or 12 months</p> <p>On summary conviction in Northern Ireland: statutory maximum or 6 months</p> <p>On indictment: fine or 1 year”</p>
<p>“Paragraph 6B(3) of Schedule 15 (making a false declaration as to whether residence etc condition satisfied)</p>	<p>On summary conviction in England and Wales or Scotland: statutory maximum or 12 months</p> <p>On summary conviction in Northern Ireland: statutory maximum or 6 months</p> <p>On indictment: fine or 1 year”.</p>

12D Page 59, line 30, at end insert –

- “ In that section as amended by paragraph 13 –
- (a) after “section 54A” there is inserted “or 54B”;
 - (b) after “paragraph 6A” there is inserted “or 6B”.

12E Page 61, line 20, at end insert –

- “() In sub-paragraph (3) of that paragraph (inserted by sub-paragraph (2) above), after “paragraph 6A” there is inserted “or 6B”.

12F Page 61, line 33, at end insert –

- “() In sub-paragraph (3) of that paragraph (inserted by sub-paragraph (2)(b) above), after “paragraph 6A” there is inserted “or 6B”.