

**2009 No. 3084 (C. 136)**

**REPRESENTATION OF THE PEOPLE**

**The Political Parties and Elections Act 2009 (Commencement  
No.2 and Transitional Provisions) Order 2009**

*Made* - - - - *24th November 2009*

The Secretary of State, in exercise of the powers conferred by section 43(1) and (2) of the Political Parties and Elections Act 2009(a), makes the following Order:

**Citation and interpretation**

1. This Order may be cited as the Political Parties and Elections Act 2009 (Commencement No.2 and Transitional Provisions) Order 2009.

2. In this Order,

- (a) “the Act” means the Political Parties and Elections Act 2009;
- (b) “the 2000 Act” means the Political Parties, Elections and Referendums Act 2000(b);
- (c) “controlled transaction” has the meaning given by paragraph 2 of Schedule 7A(c) to the 2000 Act;
- (d) “members association” has the meaning given by paragraph 1(6) of Schedule 7 to the 2000 Act.

**Appointed Dates**

3. The following provisions of the Act come into force on 25th November 2009 —

- (a) section 21 (limitation of pre-candidacy election expenses for certain general elections);
- (b) section 39 (amendments and repeals) in so far as it relates to the entries in paragraphs (c) and (d);
- (c) paragraphs 6 and 7 of Schedule 6 (minor and consequential amendments); and
- (d) the entry in Schedule 7 (repeals) relating to section 76A(2)(d) of the Representation of the People Act 1983(e).

4. The following provisions of the Act come into force on 1st January 2010 —

- (a) section 12 (defence to charge of failing to return donation from impermissible donor);
- (b) section 13 (“reasonable excuse” in relation to certain offences under the 2000 Act);

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(a) 2009 c.12.

(b) 2000 c. 41.

(c) Schedule 7A to the 2000 Act was inserted by section 61(7) of and paragraphs 97, 99 and 102 of Schedule 1 to the Electoral Administration Act 2006 (c.22) (“the 2006 Act”).

(d) New section 76A was substituted for section 76A by section 133(1) of the 2000 Act.

(e) 1983 c.2.

- (c) section 14 (control of donations to members associations: responsible persons);
- (d) section 15 (control of donations to holders of elective office: compliance officers);
- (e) section 16 (control of loans etc to members associations: responsible persons);
- (f) section 17 (control of loans etc to holders of elective office: compliance officers);
- (g) section 18 (person may not be “responsible person” for more than one third party);
- (h) section 20 (increased thresholds in relation to donations etc);
- (i) section 39 in so far as it relates to the entries in paragraphs (j) and (k);
- (j) paragraph 24 of Schedule 6; and
- (k) the entries in Schedule 7 relating to the following provisions of the 2000 Act:
  - (i) section 47(2) and (3);
  - (ii) section 65(5);
  - (iii) section 71S(6)(a);
  - (iv) section 149(1);
  - (v) paragraph 12(3) of Schedule 7; and
  - (vi) paragraphs 1(7)(d) and 12(3) of Schedule 7A.

### **Transitional provisions**

5. The coming into force of section 13 of the Act has no effect in relation to an offence committed before 1st January 2010.

6. A members association shall not be obliged by sections 14 or 16 of the Act to appoint a responsible person by reason of a donation received or controlled transaction entered into, as the case may be, before 1st January 2010.

24th November 2009

*Jack Straw*  
Secretary of State  
Ministry of Justice

### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order brings into force a number of provisions of the Political Parties and Elections Act 2009 (“the Act”) (c.12) and makes appropriate transitional provision.

Section 21 of the Act provides for new controls on certain types of expenditure incurred and used by a candidate for the purposes of a parliamentary general election campaign and is brought into force on 25th November 2009. Related consequential amendments and repeals enacted by section 39 of and Schedule 6 and 7 to the Act are also brought into force on the same date.

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(a) Section 71S was inserted by section 61(1) of the 2006 Act.

The following provisions of the Act are brought into force by this Order on 1st January 2010. Section 12 clarifies that there exists a defence to an offence under section 56(3) of the Political Parties, Elections and Referendums Act 2000 (c.41) (“the 2000 Act”). Section 13 amends a series of offences in the 2000 Act relating to matters required to be reported to the Electoral Commission under that Act. Consequently, certain acts or omissions will only be offences where done or not done “without reasonable excuse”. Section 14 amends Schedule 7 to the 2000 Act to impose an obligation on a members association to appoint a responsible person where such an association receives a certain donation and does not have a treasurer. Section 15 amends Schedule 7 to enable holders of relevant elective office within the meaning of the 2000 Act to appoint a compliance officer to assist in the reporting of donations. Section 16 makes equivalent provision to section 14, but does so in respect of Schedule 7A to the 2000 Act in respect of loans and similar transactions. Section 17 makes equivalent provision to section 15 but does so in respect of Schedule 7A to the 2000 Act in respect of loans and similar transactions. Section 18 amends section 88 of the 2000 Act to provide that an individual may not be appointed as responsible person for more than one third party. Section 20 amends various provisions in the 2000 Act to increase thresholds above which certain reporting obligations are imposed on specified individuals or organisations in respect of certain donations received or certain loans or similar transactions entered into. In addition, consequential amendments and repeals relating to the provisions described in this paragraph and enacted by section 39 of, and Schedule 6 and 7 to, the Act are brought into force by this Order on 1st January 2010.

The Order also makes appropriate transitional provision in relation to the coming into force of sections 13, 14 and 16 of the Act.

#### **NOTE AS TO EARLIER COMMENCEMENT ORDERS**

*(This note is not part of the Order)*

The following provisions of the Political Parties and Elections Act 2009 have been brought into force by a commencement order made before the date of this Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 23	04.09.2009	2009/2395
Section 24	04.09.2009	2009/2395
Section 39 (partially)	04.09.2009	2009/2395
Schedule 6 (partially)	04.09.2009	2009/2395
Schedule 7 (partially)	04.09.2009	2009/2395

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STATUTORY INSTRUMENTS

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