

Situations and procedures – GB and NI

Permissibility checks for candidates

This document is for candidates and agents at elections in the United Kingdom who want to know more about how to check if a donor is permissible.

Contents:

[Who is a permissible donor](#)

[How to check permissibility](#)

[What you need to record](#)

Terms and expressions we use

We use 'must' when we refer to a specific legal or regulatory requirement. We use 'should' for items we consider to be minimum good practice, but which are not legal requirements.

You do not have to follow this guidance, but if you do, you will normally be doing enough to comply with the law.

Our approach to enforcement

If you do not comply with legal or regulatory requirements you or your organisation may be subject to civil or criminal sanctions. You can find more information about the Commission's approach to enforcement at www.electoralcommission.org.uk/party-finance/enforcement.

Permissibility checks for candidates

Who this document is for:

Candidates and agents at elections in the United Kingdom who want to know more about how to check if a donor is permissible.

This covers:

- Who is a permissible donor
- How to check permissibility
- What you need to record

Related documents:

- [Overview of donations to candidates](#)

2

Summary

Donations to candidates at elections are regulated by the Representation of the People Act 1983 (RPA) or similar legislation.

They can only be accepted from certain sources, mainly UK-based.

This guidance explains how to check if you can accept a donation from a particular source, and tells you the information you need to record.

The information you record will help you complete your spending return which you must submit after the election.

Checking permissibility

Who is responsible for checking permissibility?

The candidate is responsible for checking donations, unless an election agent is appointed. If an election agent is appointed, they are responsible for checking donations.

Once an election agent is appointed, donations must be passed to them as quickly as possible.

In this guidance, we use '**you**' to cover the person who is responsible for checking donations.

Before you accept any donation of more than £50 for the purpose of meeting election expenses, you must take all reasonable steps to:

- make sure you know the identity of the true source
- check that the source is permissible

How long do I have to check permissibility?

When you receive any donation of more than £50, you must immediately make sure you know who the donor is **and** that the donation is from a permissible source. If someone has passed on a donation on someone else's behalf, you must treat this as a donation from the original source, and not from the person passing it on.

You have 30 days to verify the source and decide if you can accept the donation.

For more information, see this document:

- [Overview of donations to candidates](#)

Important

If it is not completely clear who you should treat as the donor, you should check the facts to make sure.

4

What is a permissible source?

A permissible source is:

- An individual registered on a UK electoral register, including overseas electors and those leaving bequests
- A Great Britain registered political party
- A Northern Ireland registered political party (only if you are standing for election in Northern Ireland)
- A UK-registered company which is incorporated within the European Union (EU) and carries on business in the UK
- A UK-registered trade union
- A UK-registered building society
- A UK-registered limited liability partnership (LLP) that carries on business in the UK
- A UK-registered friendly society
- A UK-based unincorporated association that is based in and carries on business or other activities in the UK

You can also accept donations from certain types of trust and from bequests. The rules on these donations are complicated, so please get in touch with us for more information.

Although electoral law allows you to accept donations from charities that are registered companies, charities are not usually allowed to make political donations under charity law. You should check that any charity offering a donation has taken advice from the Charity Commission before accepting it.

How to check if an individual is permissible

What makes an individual permissible?

Individuals must be on a UK electoral register at the time of the donation. This includes overseas electors.

How do you check permissibility?

You can use the electoral register to check if an individual is permissible. You are entitled to a free copy of the full electoral register in the run-up to an election. You must only use the register for checking if a donor is permissible or other electoral purposes. You must not pass it on to anyone else.

You should contact the elections department at your local council for your copy, explaining that you are asking for it as a candidate at an election or as the election agent on behalf of the candidate.

You should also ask them to send you all the updates.

You must check the register and updates carefully to make sure that the person was on the register on the date you received the donation.

In special circumstances, people have an anonymous registration. If a donor is anonymously registered, please contact us for advice on how to confirm permissibility.

For more information about when a person becomes a candidate at an election for the purposes of obtaining the electoral register, see our guidance page for [candidates and agents](#).



Important

What do you need to record?

You must record:

- The full name of the donor
- The address as it is shown on the electoral register, or if the person is an overseas elector, their home address

6

How to check if a company is permissible

What makes a company a permissible donor?

A company is permissible if it is:

- registered as a company at Companies House
- incorporated in a Member State of the EU, and
- carrying on business in the UK

You must be sure that the company meets all three criteria.

How do I check company registration and EU incorporation?

You should check the register at Companies House, using the free Webcheck service at www.companieshouse.gov.uk.

You should look at the full register entry for the company.

To check that the company is permissible, you need to look at its registered number. Some companies will have a number only. Other companies have a letter as a prefix to the number.

The table below shows you if a company with a particular prefix is permissible, as long as it is also carrying on business in the UK.

Use Companies House free Webcheck service at:
www.companieshouse.gov.uk

Prefix letter	Is it permissible?
None	Yes
NI, SC, RC	Yes
FC, NF, SF	Yes, if 'country of origin' on the register entry is an EU Member State
OC3, SO3	Yes, as a limited liability partnership – see separate section below
IP, SP, NP	Maybe – see industrial and provident societies in the 'Other types of donor' section on page 10
Any other prefix	No

How do you check if the company is carrying on business in the UK?

You must be satisfied that the company is carrying on business in the UK. The business can be non-profit-making.

Even if you have direct personal knowledge of the company, you should check the Companies House register to see if:

- the company is in liquidation, dormant, or about to be struck off
- the company's accounts and annual return are overdue

A company may still be carrying on business if it is in liquidation, dormant or late in filing documents, but you should make extra checks to satisfy yourself that this is the case.

For any company, you should consider looking at:

- the company's website
- relevant trade, telephone directories or reputable websites
- the latest accounts filed at Companies House

If you are still not sure if the company is carrying on business in the UK, you should ask for written confirmation of its business activities from the company's directors.

If you're still uncertain that a company is permissible, please call or email us for advice.

8

What do you need to record?

You must record:

- The name as it is shown on the register
- The company's registered office address
- The registered company number

Limited liability partnerships

What makes a limited liability partnership a permissible donor?

A limited liability partnership (LLP) is a permissible donor if it is:

- registered as an LLP at Companies House
- carrying on business in the UK

How do you check permissibility?

You should check the register at Companies House, using the free Webcheck service at www.companieshouse.gov.uk.

You need to look at the LLP's registered number. Only numbers beginning with OC3 or SO3 are permissible LLPs.

You can find more information in the previous section 'How do you check if the company is carrying on business in the UK?' on the previous page.

Use Companies House free Webcheck service at:
www.companieshouse.gov.uk

What do you need to record?

You must record:

- The name as it is shown on the register
- The LLP's registered office address

Unincorporated associations

What makes an unincorporated association a permissible donor?

An unincorporated association is a permissible donor if:

- it has more than one member
- the main office is in the UK
- it is carrying on business or other activities in the UK

How do you check permissibility?

There is no register of unincorporated associations.

Permissibility is a matter of fact in each case.

In general, an unincorporated association should have:

- an identifiable membership, and
- rules or a constitution, and
- a separate existence from its members

For example, members' clubs are sometimes unincorporated associations.

If you are not sure that an association meets the criteria, you should consider whether the donation is actually from individuals within it (rather than the association) or if someone within the association is acting as an agent for others.

If you think this is the case, you must check the permissibility of all individuals who have contributed more than £50 and treat them as the donors.

You can find more information on carrying on business in the previous section 'How do you check if the company is carrying on business in the UK?' on page 7.

If you would like more guidance on permissibility and unincorporated associations, please call or email us.

What do you need to record?

You will need to record:

- The name of the unincorporated association
- The company's main office address

10

Other types of donor

The table below shows how you check permissibility for other types of donor.

Type of donor	Requirement	Where to check
Political party	<p>If you are standing for election in Great Britain, the party must be registered on the Great Britain register of political parties.</p> <p>If you are standing for election in Northern Ireland, the political party must be registered on the Great Britain register OR the Northern Ireland register of political parties.</p>	<p>The Electoral Commission www.electoralcommission.org.uk</p>
Trade union	Listed as a trade union by the Certification Officer	<p>The Certification Officer www.certoffice.org</p>
Building society	A building society within the meaning of the Building Societies Act 1986	<p>The Financial Services Authority http://mutuals.fsa.gov.uk</p>
Friendly/ industrial provident society	Registered under the Friendly Societies Act 1974 or the Industrial and Provident Societies Act 1965	<p>The Financial Services Authority http://mutuals.fsa.gov.uk</p>

What do you need to record?

You will need to record:

- The name of the donor
- The address, as shown on the relevant register

12

How we can help

You can find more information in the guidance documents we have suggested in this document, or you can view our full range of guidance and up-to-date resources on our website.

If it's easier, you can also contact us on one of the phone numbers or email addresses below. We are here to help, so please get in touch.

Call us on:

- **England:** 020 7271 0616
pef@electoralcommission.org.uk
- **Scotland:** 0131 225 0200
infoscotland@electoralcommission.org.uk
- **Wales:** 029 2034 6800
infowales@electoralcommission.org.uk
- **Northern Ireland:** 028 9089 4020
infonorthernireland@electoralcommission.org.uk

Visit us at www.electoralcommission.org.uk

We welcome feedback on our guidance – just email us at:
pef@electoralcommission.org.uk

Translations and other formats

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