
Stop notices

Our job is to make sure people and organisations follow the rules on party and election finance.

We have a range of proportionate sanctions to use when these rules are broken. A stop notice is a sanction that prohibits regulated people or organisations carrying out a certain activity.

What is a stop notice?

A stop notice is a notice issued by the Commission that prohibits a person from carrying out an activity. This is the only sanction that we can use before a breach of the law takes place, in order to prevent that breach. Before we can issue a stop notice we must:

- reasonably believe that the person is carrying out or is likely to carry out the activity
- reasonably believe that the activity involves, or is likely to involve, the person committing a breach of the Political Parties, Elections and Referendums Act 2000 (PPERA), and
- reasonably believe that the activity is likely to seriously damage confidence in the controls of PERA.

Why have I been issued with a stop notice?

If you are a regulated person or organisation and we reasonably believe that you have breached or are about to breach the law, we may issue a stop notice to prevent you from carrying out or starting that activity. We may also issue a stop notice if we

reasonably believe you have done, or are about to do, something that will seriously damage confidence in the controls of the law (PPERA).

Who can be issued with a stop notice?

We may issue a stop notice to any regulated person or organisation that we reasonably believe has, or is about to breach the law (PPERA) or is about to do something that will seriously damage confidence in the controls of the law (PPERA). Regulated persons and organisations include registered political parties, recognised third party organisations campaigning at elections, campaigners in referendums, and other regulated donees' (which may include members of political parties, holders of elective office and associations mainly consisting of party members).

What information does a stop notice contain?

The stop notice sets out:

- our grounds for serving the notice
- the steps you must take to comply with the stop notice

- the consequences of not complying, and
- your rights of appeal

How does the appeals process work?

You can appeal the Commission's decision to impose a stop notice by applying to the County Court (or in Scotland to the Sheriff). You can appeal against a stop notice on the basis that:

- it was based on an error of fact
- it is wrong in law
- it is based on an unreasonable decision
- any step specified in the notice is unreasonable
- you have not committed or are not likely to commit a breach and you would not have done so

If you wish to appeal against our decision to impose the stop notice you must do so within 28 days of receipt of the notice.

The stop notice will not be suspended pending appeal unless the County Court (or in Scotland the Sheriff) orders a suspension.

I think I have complied with the stop notice, what should I do?

When you think you have complied with the actions set out in the notice, you should apply to the Commission for a completion certificate. Your application should be in writing and must demonstrate how you have complied with the terms of the notice. We will then review your application and respond to you within 14 days. If you have completed the steps specified in the stop notice, we will issue a completion certificate and the matter will be closed.

If we refuse to issue a completion certificate and you think our decision is wrong. You can appeal to the County Court (or in Scotland to the Sheriff). You must appeal within 28 days of being notified of our decision not to issue a completion

certificate.

What happens if I fail to comply with a stop notice?

It is a criminal offence not to comply with a stop notice, which carries the following penalty:

- on summary conviction in England and Wales – £20,000 or 12 months' imprisonment
- on summary conviction in Northern Ireland – £20,000 or six months' imprisonment
- on indictment – fine or two years' imprisonment

Where can I get more information on stop notices?

You can read our enforcement policy and other information about our enforcement work at www.electoralcommission.org.uk/party-finance/enforcement.

Further information

Please contact:

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electoralcommission.org.uk

www.electoralcommission.org.uk

We are an independent body set up by the UK Parliament. Our aim is integrity and public confidence in the democratic process. We regulate party and election finance and set standards for well-run elections. For more information see: www.electoralcommission.org.uk

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