

Minutes of the meeting of the Electoral Commission held on Friday 30 January 2009 via teleconference

Present: Jennifer Watson (JW) Chair
Max Caller (MC)
Henrietta Campbell (HC)
John McCormick (JMcC)
Ian Kelsall (IK)

Peter Wardle (PW)
Lisa Klein (LK)
Stephen Rooney (SR)
Bob Posner (BP)
Vera Markos (VM)

Apologies were received from Karamjit Singh

1 Law on impermissible donations and forfeiture

- 1.1 The legal advice papers before the Commission Board for consideration comprised those despatched on 22 January, with a further paper on 29 January 2009 (EC03/09). This provided background context and information on the legislation, the UKIP case, proceedings in the magistrates' court, as well as details and analysis of the High Court judicial review judgement, including wider implications and options.
- 1.2 The Commission Board was presented with a brief summary of the legal impact of the judgement in relation to future operational and working practices for regulating compliance with the statutory provisions on permissibility of donations. The Commission Board was presented with advice on the options available to take in light of the High Court judgement in the UKIP case.
- 1.3 Commissioners requested and received clarification on a number of points in relation to the judgement and its operational impact. The Commission registered its disappointment that the judgement had not provided sufficient clarity to enable the Commission to establish clear guidelines and certainty for it as a regulator and for the regulated community on how the law on forfeiture operates for future cases.
- 1.4 The Commission agreed to seek review of the High Court decision in the Court of Appeal in order that greater clarity and certainty be established

on how the law on forfeiture operates. Commissioners were concerned that the decision may be misrepresented by external stakeholders and requested that due care be given to the handling and presentation of the decision.