

Offences and proposed sanctions

The range of sanctions available to the Commission depends on the provision in the Political Parties, Elections and Referendums Act (PPERA) that has been breached. The following tables set out all the offences and contraventions in PERA where sanctions are available.

Table 1: Offences where only criminal proceedings are available

The only course of action available for certain offences is referral for criminal investigation and / or prosecution. These offences generally relate to deliberate intent to mislead or get around the law.

PPERA provision	Offence
* section 39	false statement to the Commission on behalf of or purportedly on behalf of a party
section 44(4)	false statement to an auditor appointed under section 43
section 54A(5)	knowingly or recklessly making a false declaration as to source or value of a donation to party
section 54A(6)	knowingly or recklessly making a false declaration as to source or value of a donation to party
section 61(1)	facilitating making an impermissible donation
section 61(2)(a)	knowingly giving a treasurer false information about donations
section 61(2)(b)	withholding information about donations with intent to deceive
section 66(5)	making a false declaration re donation report
section 71L(9)	facilitating a regulated transaction involving an unauthorised participant
section 71T(5)	false declaration regarding transaction report
section 73(8)	making false declaration about value of property used in campaign
section 83(3)(a)	false declaration to Commission when delivering return
section 86(8)	false declaration as to controlled expenditure incurred by third party
section 99(4)(a)	statement accompanying campaign expenditure return contains knowing or reckless false declaration
section 112(8)	making a false declaration about the value of property used in a referendum campaign
section 123(4)(a)	makes a false declaration to the Commission in statement accompanying expenditure return
section 148(1)	alteration, concealing suppression etc of documents
section 148(2)(b)	knowingly supplying relevant person with false information
section 148(3)	withholding info from relevant person with intent to deceive
paragraph 6A(5), Schedule 7	making false declaration as to source of donation
paragraph 17(4), Schedule 7	knowingly giving a compliance officer false information relating to the amount of donation made to the office-holder, or the person or body making the donation

paragraph 8(1), Schedule 7A	entering knowingly into a regulated transaction with an unauthorised participant
paragraph 8(2), Schedule 7A	entering knowingly into a regulated transaction with an unauthorised participant
paragraph 8(5), Schedule 7A	knowingly benefiting from a connected transaction in which another party is an unauthorised participant
paragraph 8(6), Schedule 7A	association benefiting from a connected transaction in which responsible person knows another party is an unauthorised participant
paragraph 8(9), Schedule 7A	entering into an arrangement to facilitate involvement of a regulated participant in a controlled transaction with an unauthorised participant
paragraph 6A(5), Schedule 11	making false declaration as to source of donation (recognised third party)
paragraph 6A(5), Schedule 15	making false declaration as to source of donation (permitted participant)
paragraph 6(3), Schedule 19A	an unincorporated association making a false declaration in a notification or report
* paragraph 13(2), Schedule 19B	a person intentionally obstructing an investigator
paragraph 13(3), Schedule 19B	knowingly or recklessly providing false information in purported compliance

Table 2: Offences where criminal proceedings and civil sanctions are available

The asterisk (*) indicates the breach is either a summary offence or prescribed contravention, which means that where civil sanctions are available, any variable monetary penalty will have a cap of £5,000.

PPERA provision	Offence
* section 24(8)	registration as treasurer where convicted of certain offences
section 43(7)	failure to deliver statement relating to auditor's resignation etc.
* section 47(1)(a)	failure to deliver proper statement of accounts
* section 47(1)(b)	failure to deliver accounts within time limits
section 54(7)	failure to provide information about donors
section 56(3), (3B) or (4)	failure to return donations
* section 65(3)	failure to deliver donation reports to Commission within time limits
section 65(4)	failure to comply with requirements for recording donations in donation report
section 71L(1)	registered party entering into regulated transaction with unauthorised participant
section 71L(2)	treasurer of party entering into regulated transaction with unauthorised participant

section 71L(3)	party liable if treasurer fails to repay money obtained under regulated transaction with unauthorised participant
section 71L(4)	treasurer failing to repay money obtained under regulated transaction with unauthorised participant
section 71L(5)	party benefiting from connected transaction to which an unauthorised participant is a party
section 71L(6)	treasurer of registered party which benefits from connected transaction to which an unauthorised participant is a party
section 71L(7)	party liable if treasurer fails to repay benefit obtained in consequence of security given by unauthorised participant
section 71L(8)	treasurer failing to repay benefit obtained in consequence of security given by unauthorised participant
* section 71S(4)	failure to deliver transaction reports to Commission within time limits
section 71S(5)	failure to comply with requirements for recording transactions in transaction report
* section 74(4)	acceptance by ineligible person of office of deputy treasurer
* section 75(2)	incurring campaign expenditure without authority
* section 76(4)(a)	making payments in respect of campaign expenditure without authority
*section 76(4)(b)	failure to notify treasurer of payments in respect of campaign expenditure
* section 77(3)(a)	paying claim in respect of campaign expenditure where failure to comply with procedure
* section 77(3)(b)	paying claim in respect of campaign expenditure outside specified time period
section 79(2)	exceeding limits on campaign expenditure
* section 82(4)(a)	failure of treasurer to deliver return and auditor's report to Commission
section 82(4)(b)	failure to comply with requirements for returns
* section 82(4)(c)	failure of treasurer to deliver return and court order to Commission
section 83(3)(b)	failure to deliver signed declaration with return to Commission
* section 90(2)	incurring controlled expenditure without authority
* section 91(4)(a)	making payments in respect of controlled expenditure without authority
* section 91(4)(b)	failure to notify responsible person of payments in respect of controlled expenditure
* section 92(3)(a)	paying claim in respect of controlled expenditure where failure to comply with procedure
* section 92(3)(b)	paying claim in respect of controlled expenditure outside specified time period
section 94(2) or (4)	exceeding limits on controlled expenditure
* section 98(4)(a)	failure of responsible person to deliver return and auditor's report to Commission
section 98(4)(b)	failure to comply with requirements for returns
* section 98(4)(c)	failure to deliver return and court order to Commission
section 99(4)(b)	failure to deliver signed declaration with return to Commission
* section 113(2)	incurring referendum expenses without authority

* section 114(4)(a)	making payments in respect of referendum expenses without authority
* section 114(4)(b)	failure to notify responsible person of payments in respect of referendum expenses
* section 115(3)(a)	paying claim in respect of referendum expenses where failure to comply with procedure
* section 115(3)(b)	paying claim in respect of referendum expenses outside specified time period
section 117(2)	individual (other than permitted participant) exceeding limits on referendum expenses
section 117(3) or (4)	body (other than permitted participant) exceeding limits on referendum expenses
section 118(2)	permitted participant exceeding limits on referendum expenses
* section 122(4)(a)	failure to deliver return and auditor's report to Commission
section 122(4)(b)	failure to comply with requirements for returns
* section 122(4)(c)	failure to deliver return and court order to Commission
section 123(4)(b)	failure to deliver signed declaration with return to Commission
* section 126(8) and (9)	printing or publishing referendum material without details of printer or publisher
* section 143(8) or (9)	printing or publishing election material without details of printer or publisher
* section 148(2)(a)	failure to supply relevant person with information
* paragraph 1B of Schedule 7	failure by members association to comply with requirement to appoint responsible person
paragraph 6(5) of Schedule 7	failure to provide information about donors
* paragraph 12(1) of Schedule 7	failure to deliver donation report to Commission within time limit
paragraph 12(2) of Schedule 7	failure to comply with requirements for recording donations in donation reports
paragraph 8(3) of Schedule 7A	individual regulated participant failing to repay money obtained under controlled transaction with unauthorised participant
paragraph 8(4) of Schedule 7A	responsible person failing to repay money obtained by members association under controlled transaction with unauthorised participant
paragraph 8(7) of Schedule 7A	individual regulated participant failing to repay value of benefit obtained in consequence of connected transaction involving unauthorised participant
paragraph 8(8) of Schedule 7A	responsible person failing to repay value of benefit obtained by members association in consequence of connected transaction involving unauthorised participant
* paragraph 12(1) of Schedule 7A	failure to deliver transaction report to Commission within time limit
paragraph 12(2) of Schedule 7A	failure to comply with requirements for recording transactions on transaction reports
paragraph 6(7) of Schedule 11	failure to provide information about donors
paragraph 6(8) of Schedule 15	failure to provide information about donors

* paragraph 6(1) of Schedule 19A	failure to give notification or report within specified period
paragraph 6(2) of Schedule 19A	giving notification or report that fails to comply with requirements of that Schedule
* paragraph 13(1) of Schedule 19B	failure to comply with investigation requirement

Table 3: Prescribed restrictions or requirements where civil sanctions are the only available sanction

If a breach is a prescribed contravention then only civil sanctions will be available. The following breaches are prescribed contraventions.

PPERA reference	Contravention
* section 31(1) or (3A)	failure to notify the Commission of changes in a political party's officers or other relevant details
* section 34 (3)	failure to submit annual details from minor party on time
* section 41(1)	failure by the treasurer of a registered political party or the treasurer of a registered accounting unit to keep accounts
* section 41(4)	failure by the treasurer of a registered political party or the treasurer of a registered accounting unit to maintain accounts for six years
* section 41(5)	failure by the treasurer of de-registered political party to maintain accounts during the six year period
* section 74 (6)	requirement to notify the Commission of details of deputy registered treasurer
* paragraph 4 (1) and (3), Schedule 6	failure by a registered political party to give the details of the nature of a non-cash donation

Table 4: Prescribed restrictions or requirements where the party or organisation can be liable for the actions of an office holder or responsible person

PPERA reference	Restriction or requirement
* section 31(1) or (3A)	failure to notify the Commission of changes in a political party's officers or other relevant details
* section 34 (3)	failure to submit annual details from minor party on time
* section 41(1)	failure by the treasurer of a registered political party or the treasurer of a registered accounting unit to keep accounts
* section 41(4)	failure by the treasurer of a registered political party or the treasurer of a registered accounting unit to maintain accounts for six years

* section 41(5)	failure by the treasurer of de-registered political party to maintain accounts during the six year period
* section 45(1) or (2)	requirement to deliver party annual statement of accounts, notification of an auditor's report
* section 65 (1) or (2)	failure to submit donation report (weekly or quarterly) within time limit
* section 74 (6)	requirement to notify the Commission of details of deputy registered treasurer
* section 82 (1), (2), or (3)	failure to submit return or auditors report (party)
* section 98 (1), (2) or (3)	failure to submit return or auditors report (permitted participant)
* section 122 (1), (2) or (3)	failure to submit referendums expenses audit report (permitted participant)
* paragraph 4 (1) and (3), Schedule 6	failure by a registered political party to give the details of the nature of a non-cash donation