
Fixed monetary penalties

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. We use a fixed monetary penalty to sanction isolated cases of lower level non-compliance with the rules.

What is a fixed monetary penalty?

A fixed monetary penalty is a fixed fine of £200 issued by the Commission to proportionately sanction lower level breaches of the law. You must pay the fine after an initial notice and final notice have been issued.

Why have I been issued with a fixed monetary penalty

We use fixed monetary penalties to sanction some breaches of requirements or restrictions of the Political Parties Elections and Referendums Act 2000 (PPERA). You will find details of the grounds for imposing the sanction in the initial and final notices. We must be satisfied to the criminal standard of proof (beyond reasonable doubt) that the breach has occurred before we can issue a fixed monetary penalty.

What will you use fixed monetary penalties for?

We use fixed monetary penalties to sanction isolated cases of low level non-compliance. Examples may include but are not limited to:

- failure to submit statements of accounts on time
- failure to deliver donation reports to us on time
- failure to deliver transaction reports to us on time.
- failure to deliver campaign expenditure returns and auditor's reports to us on time

You can view details of all the offences and contraventions in PERA covered by civil sanctions on our website: www.electoralcommission.org.uk/__data/assets/pdf_file/0006/106737/Table-of-offences-and-sanctions.pdf.

Who can you issue a fixed monetary penalty to?

We may issue a fixed monetary penalty to a regulated person or organisation who has breached certain requirements or restrictions of PERA. Regulated people and organisations include 'third party' organisations campaigning at elections, campaigners in referendums, and other regulated donees (which include members of political parties, holders of elective office, and associations mainly consisting of party members).

What is an initial notice?

We send an initial notice to notify a person or organisation, where we are satisfied beyond reasonable doubt that they have breached PPERA to let them know that we propose to sanction that breach by imposing a fixed monetary penalty. The initial notice will contain the following information:

- the name and address of the person or organisation that this penalty is levied against
- our reason for proposing a fixed monetary penalty including details of the breach that we believe has occurred
- how to make written representations and objections to the Commission about the proposal to impose a fixed monetary penalty
- how to discharge liability by paying the £200 penalty at this point so that we take no further action in relation to the breach that has occurred
- what we will do next. If you do not discharge liability the Commission will decide whether to impose the penalty
- who to contact at the Commission regarding the initial notice

What does 'discharge liability' mean?

If you pay the £200 penalty within 14 days of receipt of an initial notice, you will have discharged liability this means

that we will treat the matter as closed and will not take any further action in respect of the breach identified in the initial notice.

How can I discharge liability?

You may discharge liability for the fixed monetary penalty by making payment of £200 to the Commission within 14 days of receiving the initial notice. We will include payment instructions in the initial notice. Alternatively, you may await a final notice.

I do not agree with your proposal to impose a fixed monetary penalty. What should I do?

If you have received an initial notice, explaining our proposal to impose a fixed monetary penalty, and you wish to make representations or objections, you must do so in writing within 14 days of receiving the initial notice.¹ Details of how to make representations and objections will be included the initial notice.

How are representations considered?

A senior officer of the Commission who was not involved in making the initial decision to impose the penalty will consider any representations that you make. That officer will apply the same decision making criteria as in the initial decision, in accordance with our enforcement policy, to establish whether a breach has occurred beyond reasonable doubt and that the sanction is reasonable.

Following this we may decide to take no further action or, if we decide that a sanction is still appropriate, we will issue a final notice. We will write to you confirming that either:

- we accept your representations and will take no further action in enforcing the penalty; or
- in light of additional information we consider the breach is more appropriately dealt with by way of an alternative sanction or
- if we decide that the penalty is still appropriate and we are satisfied beyond reasonable doubt that it occurred we will issue a final notice

What is a final notice?

A final notice confirms that we are imposing a fixed monetary penalty. Before issuing a final notice we reassess your case and consider any additional information you have supplied. The final notice will contain the following information:

- the name and address of the person or organisation that this penalty is levied against
- our reason for imposing the sanction, including details of the breach that we believe has occurred
- information on how to pay the £200 fixed monetary penalty
- how to appeal the final notice
- information about late payment charges
- what may happen if you do not pay the penalty

1. If there are reasons why you are unable to make representations within 14 days you may seek an extension up to a maximum of a further 14 days.

How do I appeal against a final notice?

You may appeal the Commission's decision to impose the sanction by applying to the County Court (or in Scotland to the Sheriff). You must do this within 28 days of receipt of the final notice.

The penalty will be suspended pending appeal until a decision is made by the County Court or Sheriff, or the appeal is withdrawn.

How do I pay a fixed monetary penalty?

Information about how to make the payment will be contained in the initial and final notices. You have 28 days from receipt of a final notice to pay the penalty.

What happens if I pay late or don't pay at all?

If you have not paid the fixed monetary penalty within 28 days after receipt of the final notice, a late payment charge of £50 will be added. If the fixed monetary penalty and late payment charge have not been paid 56 days after receipt of the final notice, the late payment charge will increase to £100. We may instigate civil debt recovery proceedings if no payment has been received after 84 days from the receipt of a final notice and no appeal has been commenced.

What happens to the money that the Electoral Commission receives from fixed monetary penalties?

All money received from fixed monetary penalties is paid into the government's central bank account (this is known as the Consolidated Fund).

Where can I get more information on fixed monetary penalties?

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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Fax: 020 7271 0505

Email: [info@](mailto:info@electoralcommission.org.uk)

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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