

Combined Authority Mayoral Elections in England 2018

Candidates and agents

Part 3 of 6 – Spending and donations

This guidance is for the combined authority
mayoral elections being held on 3 May 2018.

Translations and other formats

For information on obtaining this publication in another language or in a large-print or Braille version please contact the Electoral Commission:

Tel: 020 7271 0500

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

About this guidance

We use 'you' to refer to both the agent and the candidate. We make it clear where the legal obligation is solely on the candidate, or on the agent.

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.

What happens if you don't follow the rules?

If you do not comply with the legal or regulatory requirements you may be subject to criminal sanctions. If you win the election and someone succeeds in an election petition against your campaign activities or reporting, you could be barred from holding office.

If you take donations that you can't legally accept, you may commit a criminal offence and we may apply to the courts for them to be forfeited.

You can find more information about the Commission's regulatory role at:

<http://www.electoralcommission.org.uk/our-work/roles-and-responsibilities/our-role-as-regulator-of-political-party-finances>

Spending and donations

This document explains:

The rules on spending and donations for candidates and agents in the run-up to the combined authority mayoral elections in England on 3 May 2018.

The document covers:

- the regulated period
- how much you can spend
- the activities covered by the rules
- which donations you can accept
- how to check donations you receive
- what information needs to be recorded and reported

Forms and explanatory notes:

- [Return of candidate spending and donations](#)
- [Candidate's declaration](#)
- [Agent's declaration](#)

Introduction

Candidates and their agents at combined authority mayoral elections must follow certain rules about how much they can spend, who they can accept donations from, and what they must report after the election.

This document explains the rules for the combined authority mayoral elections in England to be held on 3 May 2018. It does not set out the rules for local or other mayoral elections which can be found [here](#).

Section A sets out the rules on how much you can spend, the activities covered by the rules, and what information needs to be recorded.

Section B sets out the rules on donations, how to check if you can accept them and what records you must keep. Donations include contributions of money, goods or services towards your spending.

Section C explains how to report your campaign finances after the election. **Even if you don't spend any money, you must still submit a return.**

The election agent has the main responsibility for complying with these rules, even if they appoint a sub-agent to help you with your expenses.

However, after the election, both the candidate and the agent must sign declarations to say that their spending and donation return is complete and correct to the best of their knowledge.

This means that candidates also need to be fully aware of the rules, and ensure that their agent is following them.

We use 'you' to cover both the candidate and the agent.

This document is part of our suite of guidance for candidates and agents.

You can find out more about other aspects of standing for election on our [guidance page for candidates and agents](#).

Section A - Your spending

This section explains the rules on how much a candidate can spend, the activities covered by the rules, and what information needs to be recorded.

An overview of the rules

The rules apply to spending on activities to promote your candidacy, or to criticise other candidates, during a particular period in the run-up to the election.

This period is called the regulated period. When we use the term 'regulated period' we mean the time when spending limits and rules apply.

Candidate spending includes any expenses incurred, whether on goods, services, property or facilities, for the purposes of the candidate's election during the regulated period.

This includes:

- items or services bought before the regulated period begins, but used during it
- the value of items or services given to you free of charge or at a non-commercial discount of more than 10%

There are rules covering:

- who can authorise spending and pay for items and services
- how much you can spend
- which activities count towards your spending limit
- deadlines for receiving and paying invoices
- what records you must keep
- how and when you report your spending

It is **your** responsibility to fully and accurately report candidate spending. You should ensure you understand the rules and that all spending is properly authorised, recorded and reported.

By 'incur' we mean make a legal commitment to spend money, such as confirming an order.

Candidate spending is often known as 'expenses'. Sometimes people think this means that spending can be reclaimed from the local authority, or from us. This is not the case. You are not entitled to recover any spending from public funds.



When do the candidate spending and donation rules apply?

We call the time when the spending and donation rules apply the 'regulated period'.

The regulated period

The regulated period for the 2018 combined authority mayoral elections in England begins on the **day after the date** you officially become a candidate and ends on polling day, **3 May 2018**.

When does a person officially become a candidate

The earliest date you can officially become a candidate is the last date for publication of the notice of election, which will be Tuesday 27 March 2018.

You will become a candidate on this date if you or others have already announced your intention to stand. For example, your party may have issued a press release when you were selected, or you might have announced your intention at a residents' meeting.

If your intention to stand has not been announced by 27 March 2018, you will officially become a candidate on the earlier of:

- the date your intention to stand is announced
- the date when you submit your nomination papers

This must be prior to the close of nominations, which is 4pm on Friday, 6 April 2018.

For information on becoming a candidate see:

<http://www.electoralcommission.org.uk/i-am-a/candidate-or-agent/mayoral-elections-in-england2>

How much can I spend?

The spending limit for the regulated period is calculated using a fixed amount of £2,362

- **multiplied** by the total number of constituent councils,
- **plus** 5.9p for every entry in the register of electors to be used at the election.

For example:

You are standing in an electorate area that has 10 constituent councils and 800,000 electors

£2,362 multiplied by the number of constituent councils

$$£2,362 \times 10 = £23,620$$

Plus 5.9p for every entry in the register of electors

$$800,000 \times 5.9p = £47,200$$

Add the two totals together

$$£23,620 \text{ plus } £47,200 = £70,820 \text{ (total spending limit)}$$

How do I get the number of constituent councils and registered electors?

To assist you in calculating your spending limit, the combined authority returning officer (CARO) will be able to provide you with

- the number of constituent councils in the combined authority area
- the number of electors in the combined authority area

You must request this information in writing and the CARO must provide it as soon as practicable after they receive your request. Please contact your CARO about when this information will be made available to you.

The CARO may also have put in place arrangements to co-ordinate requests for copies of all the registers and lists of absent voters for the combined authority area. For further information on when you will be able to receive copies of the registers and lists and how to make any requests, see part 4; [The Campaign](#).

What counts as candidate spending?

Candidate spending includes the costs of:

- advertising of any kind. For example, posters, newspaper adverts, websites or YouTube videos.
- unsolicited material sent to voters. For example, letters, leaflets or emails you send that aren't in response to specific queries.
- transport costs. For example, hire cars or public transport for you (although see 'Personal expenses' on p11) or your campaigners.
- public meetings
- staff costs. For example, an agent's salary, or staff seconded to you by their employer. You do not need to include time spent on your campaign by volunteers.
- accommodation. For example, your campaign office.
- administrative costs. For example, telephone bills, stationery, photocopying and the use of databases.

Payments made for digital campaigning must be reported. The same rules apply to candidate spending on advertising whether you are using long standing techniques, such as printed mailshots, or newer ones such as online adverts.



Important

For each activity, you must include all the associated costs. For example, if you are producing leaflets or advertising, you must include the design and distribution costs.

You do not need to include people's travel, food and accommodation costs while they campaign on your behalf, unless you reimburse them.

Candidates can choose to have an election address in the information booklet produced by the CARO. An election address is a campaign statement that a mayoral candidate

makes to persuade voters to vote for them **If you do, you must record the amount you pay as election spending.** More information can be found in [Part 4, The Campaign.](#)

What doesn't count as candidate spending?

- payment of a candidate's deposit
- anything (except adverts) appearing in a newspaper or on a licensed broadcast channel
- facilities you use because you are entitled to do so as a candidate, such as a public room for a meeting
- volunteer time including time spent by your staff that you do not pay them for
- use of someone's main residence, provided free of charge
- use of someone's personal car or other means of transport acquired principally for that person's personal use and provided free of charge
- general computer equipment bought for the candidate's personal use

Public meetings

You do not need to include the costs of:

- events that are for party members only
- events held mainly for purposes other than your campaign, where your attendance is incidental – for example an annual social event at which you say a few words

You should make an honest assessment based on the facts as to whether the meeting is genuinely being held for other purposes.

You may also be invited to attend hustings events run by local organisations or community groups. We have published

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separate [hustings guidance](#) that explains when the spending rules may apply to these events.

Volunteer time

You need to be sure if someone working for your campaign is a volunteer or if you should count their time towards your spending limit. For example, they may offer similar services professionally to the ones they are performing for you.

They will be a volunteer if:

- their employer is not paying them for the time they spend on your campaign or;
- they are using their annual leave, or
- where they are self-employed, you won't benefit from any professional insurances they hold

If they use specialist equipment or materials, it is likely this will be notional spending.

Personal expenses

Personal expenses include the reasonable travel and living expenses (such as hotel costs) of the candidate. Personal expenses do **not** count towards your spending limit, but you **must** report them on your spending return.

Personal expenses may include car hire for the candidate if the candidate does not already own a car, or if their car is not suitable for campaigning. For example, if you are standing in a rural constituency, it may be reasonable to hire a four-wheel-drive vehicle to access remote areas.

Candidates must provide a written statement of their personal expenses to the agent within 21 days of the result being declared.

Downloadable material

If you put material on a website for people to print off for their personal use, such as window posters or petition forms, the design and website costs count as candidate spending.

You do not need to count people's print costs against your spending limit, unless people are printing documents on your behalf.

If the material could be printed and distributed to voters – for instance a leaflet – you will need to make it clear how you expect people to use it.

If you authorise wider use of the material, the production costs will count as candidate spending whoever does the printing.

Items received free of charge or at a discount

You may find that you pay for items or activities at a lower cost than their commercial value.

For example:

- a supplier who supports your campaign gives you a reduced rate for goods or services
- your party lets you use an office or other facilities, or pays for leaflets on your behalf

You must record the **full** commercial value of these items or activities as candidate spending if:

- you receive the item free of charge or at a non-commercial discount of more than 10%, and;
- the difference in value between the commercial rate and what you pay is over £50

If you receive a discount of 10% or less, or the difference in value is £50 or less, you only need to record the amount you paid.

The difference in value between the commercial rate and the price you pay is called 'notional spending'.

Notional spending with a value of more than £50 will also be a donation. You can find out more about the rules on donations in Section B.

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Commercial discounts are those available to other similar customers, such as discounts for bulk orders or seasonal reductions.

Non-commercial discounts are special discounts that you are given by suppliers. This includes any special rate which is not available on the open market.



Valuing notional spending

If the supplier is a commercial provider, you should use the rates they charge other customers. If this information isn't available, you should find out what similar providers charge for the same goods or services and use this.

You should keep a record of how you reached your valuation and keep copies of any quotes you receive.

After the election, the agent must make a declaration of the value of each item of notional spending. The value you declare must be a fair and honest assessment of the commercial value.

If you are not sure how to value something, please [email](#) or call us for advice.

Valuing seconded staff

If an employer secondes a member of staff to your campaign, you must record their gross salary and any additional allowances as notional spending.

You do not need to include the employer's national insurance or pension contributions. You will need to include the value of any expenses, such as travel or food, that you or the employer refunds.

Splitting spending

Sometimes, you may need to split your costs between activities that count as candidate spending and those that don't.

For example, between:

- items used both before and during the regulated period
- your campaign spending and spending on other activities such as an office that you share with your local party

For more information on splitting party campaign spending, see:

[Expert paper: splitting spending](#)

In all cases, you should make an honest assessment, based on the facts, of the proportion of expenditure that can fairly be attributed to your candidate spending.

For example, if you are sharing a party office, the telephone bill may only provide a breakdown of the cost of calls over a certain value.

In these cases, you should consider the best way of making an honest assessment on the information you have. For example, you could compare the bill with one that does not cover a regulated period.

It is your responsibility to fully and accurately report your candidate spending. You should ensure you understand the rules and that all spending is properly authorised, recorded and reported.



After the election, candidates and agents have to sign a declaration that the return is complete and correct to the best of their knowledge and belief.

It is an offence to knowingly make a false declaration.

If you are still not sure, call us or [email](#) us for advice.

Who is responsible for candidate spending?

There are rules to make sure that spending can be controlled and accurately recorded and reported. It is **your** responsibility to fully and accurately report your candidate spending. You should ensure you understand the rules and that all spending is properly authorised, recorded and reported.



During the regulated period, only the following people are allowed to **incur** election spending:

- the agent
- the candidate, and
- anyone authorised by the candidate or agent

By '**incur**' we mean making a legal commitment to spend the money. The agent rather than the candidate must make **payments** for most candidate spending during the regulated period. There are three exceptions:

- the candidate can pay for items before the agent is appointed
- the candidate can pay for personal expenses for travel and accommodation
- the agent can authorise in writing someone to pay for minor expenses such as stationery or postage. The authorisation must include the amount of the payment.

Candidates can also act as their own election agents. Once appointed, the agent must keep invoices or receipts for any payments made of £20 and above.

You should make sure that your volunteers and campaigners are aware of these rules and know who can and cannot incur or pay costs.

If you authorise someone to incur candidate spending, you must do so in writing and be clear how much they can spend and on what.

Separate guidance on the appointment of election agents is available on our [website](#).

The records you must keep

You must record all your candidate spending. You will need to include this information in your spending return after the election.

Once appointed, the agent is responsible for all payments for election expenses and must keep invoices or receipts for any payments of £20 or over.

What you need to record

For each election and personal expense, you should record the following information to put into your spending return:

- what the spending was for - for example, leaflets or advertising
- the name and address of the supplier
- the amount or value
- the date that you spent the money

All costs must include VAT, even if you can recover VAT payments.

You must include the full commercial value of items or services given free of charge or at a non-commercial discount of more than 10% where the value of the item or service is greater than £50.

See page 12 for more information.

After the election

After the election, the agent must meet deadlines for:

- receiving and paying invoices, and
- sending a spending and donations return to the CARO.

You can find the spending return here: [Candidate spending return](#)

Both the agent and the candidate must also submit declarations that the return is complete and accurate.

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You must still submit a return and declarations even if you haven't spent any money. This is called a 'nil return'.

You can find these deadlines, and more information on reporting, in Section C of this document.

Section B – Your donations

This section explains the rules on donations, how to check if a donation can be accepted and what information needs to be recorded.

An overview of the rules

Candidates can only accept donations of money, items or services towards their campaign spending from certain mainly UK-based sources, and must report them to the CARO after the election.

This includes donations from your local party.

If an agent is appointed, donations must be passed to them as quickly as possible. The agent must then check whether or not the donation can be accepted.

Both the candidate and agent must sign a declaration on their expenses return to say that the donation return is complete and correct to the best of their knowledge. So the candidate needs to make sure that their agent is following the rules.

If no agent has been appointed, the candidate is responsible for handling and checking donations.

In this section, we use 'you' to refer to the person who is responsible at the time for dealing with donations.

This section of the guidance has two parts.

Part One explains the rules on donations, and who you can accept them from.

Part Two explains the checks you need to make on different types of donor, and the information you need to record.

You can find out more about reporting donations after the election in Section C of this document.

Part One - About donations

What counts as a donation

A donation is money, property, goods or services which are given:

- towards your candidate spending;
- without charge or on non-commercial terms

and has a value of over £50. Anything with a value of £50 or less does not count as a donation.

Some examples of donations include:

- a gift of money or other property
- payment of an invoice for candidate spending that would otherwise be paid by you
- a loan that is not on commercial terms
- sponsorship of an event or publication
- free or specially discounted use of property or facilities, for example the free use of an office

You should include donations towards candidate spending even if you receive them before you become a candidate.

For more information on sponsorship, see this document:
[Factsheet: Sponsorship](#)

 Important

Local party fighting funds

Many political parties run local fighting funds for candidates. If the fund is managed and controlled by the party and not the candidate, donations to the fund are usually treated as made to the party and you do not need to treat them as donations to the

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candidate. However, you will need to report donations from the local party that are made for the purpose of meeting your campaign spending.

Who can you accept a donation from?

You must only accept donations from a permissible source. A permissible source is:

- an individual registered on a UK electoral register, including overseas electors
- a Great Britain registered political party
- a UK registered company which is incorporated within the 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 carries on business or other activities wholly or mainly in the UK and has its main office in the UK

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

Although you can legally 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 relevant charity regulator before accepting it.

How do you decide if you can accept a donation?

When you receive any donation of more than £50, you must immediately make sure that you know who the donor is and that the donation is from a permissible source.

When you receive a donation, you have 30 days to decide if you can accept it.

You should ask yourself:

- ‘am I sure that I know who this donation is from?’
- ‘is the donor permissible?’

If

- the donation is not from a permissible donor, or
- for any reason you cannot be sure of the true identity of the source

you must return it within the 30-day period.

If you don't, you will be deemed to have accepted it, you may commit a criminal offence and we may apply to the courts to have the donation forfeited.

If you've accepted an impermissible donation, you should tell us as soon as possible.

Donations given on behalf of others

If you are given a donation on behalf of someone else, the person giving you the donation must tell you:

- that the donation is on behalf of someone else
- the actual donor's details

An example of this is where an event organiser is handing over the proceeds from a dinner held specifically to raise funds for your campaign.

If you have reason to believe that someone might have made a donation on behalf of someone else but has not told you, you must find out the facts so that you can make the right checks.

if you are uncertain who the actual donor is you must not accept the donation.

When do you 'receive' a donation?

You usually 'receive' a donation on the day you take possession of it.

For example:

- if you are given free leaflets, you receive the donation when the leaflets are handed over to you.
- if you are given a cheque, you receive the donation on the date that the cheque clears
- if a donation is transferred directly into your bank account, you receive the donation on the date that it is received into your account.

How do you return a donation?

If you know who the donor is, you must return it to them within 30 days of receiving the donation.

If the donation is from an unidentified source (for example, an anonymous £100 donation), you must return it within 30 days of receiving the donation to:

- the person who transferred the donation to you; or
- the financial institution used to transfer the donation

If you do not return the donation within the 30 days, you must send the donation to us. We will pay it into the Government's consolidated fund.

How do you value a donation?

You must put a value on any donation that is not money. The value of a donation is the difference between the value of what you receive and the amount (if any) you pay for it.

If you are given property, goods or services free of charge, or at a non-commercial discount, you must value them at the market rate.

For example:

Market rate for goods	-	Price you pay	=	Value of donation
£200	-	£100	=	£100

Or:

Market rate for services	-	Price you pay	=	Value of donation
£150	-	£0	=	£150

If the donor is a commercial provider, you should use the rates they charge other similar customers. If this information isn't available, you should find out what similar providers charge for the same property, goods or services and use this as the market rate.

You should keep a record of how you reached your valuation.

Valuing a donation by sponsorship

If someone sponsors a publication or event on the candidate's behalf, the value of the donation is the full amount that they pay.

You must not make any deduction for any benefit that they receive from the sponsorship.

Valuing other types of donation

You can find more information on valuing office space and seconded staff in [Expert paper: Splitting campaign spending](#).

Commercial discounts are those available to other similar customers, such as discounts for bulk orders or seasonal reductions.

Non-commercial discounts are special discounts that you are given by suppliers. This includes any special rate which is not available on the open market.

For more information see our factsheet: [Sponsorship](#)

If you are still not sure how to value a donation, please call or [email](#) us for advice.

What records do you need to keep?

Donations you have accepted

If you accept a donation over £50, you must record these details:

- the donor's name and address
- if the donor is a company, their registered company number
- the amount (for a monetary donation) or nature and the value of the donation (for a non-monetary donation)
- the date on which you received the donation
- the date on which the donation was accepted

For more information on how to check donations, see Part 2 of this section.

If the donor is an individual, you must record their address as it is shown on the relevant electoral register. If the donor is an overseas elector, you must record their home address. This is because no address will appear on the electoral register.

If the donor is a company, you must record the registered name, registered office and company number as it is shown on the Companies House register.

If the donor is an unincorporated association, you must record the main office address. This is because there is no register of unincorporated associations to refer to.

Donations you have returned

If you receive a donation from an impermissible source, the election agent must return it or pay it to the Commission, so we can pay it in to the consolidated fund, and record these details:

- the amount (for a monetary donation) or nature and value of the donation (for a non-monetary donation)
- the name and address of the donor (unless the donation was given anonymously)

- if the donation was given anonymously, details of how the donation was made
- the date you received the donation
- the date you returned the donation
- the action you took to return the donation (for example, the person or institution you returned it to)

After the election

You will need to report these details in your spending and donations return. You can find more information about the return, and when you need to submit it, in Section C.

**Important**

Candidates who are party members or holders of elected office

If you are a member of a registered political party or you already hold some relevant elected office, you need to follow rules about donations and loans to you that relate to political activity before the regulated period. For instance, you may be given donations to help fund your campaign to be selected as a candidate.

Holders of elective office are:

- a member of the UK Parliament
- a member of the European Parliament elected in the UK
- a member of the Scottish Parliament
- a member of the National Assembly for Wales
- a member of the Northern Ireland Assembly
- a combined authority mayor
- a member of any local authority in the UK, excluding parish or community councils
- a member of the Greater London Assembly
- the Mayor of London or any other elected mayor
- a Police and Crime Commissioner

We call these individuals 'regulated donees'. If you are a regulated donee and you receive certain donations or loans of more than £500, you can only accept them from permissible sources. You have 30 days from receipt to decide whether to accept them.

If you accept a donation or loan of more than £1,500 (or donations or loans from one source that in aggregate amount

If you hold one of these elected offices and intend to stand for local government, you should make sure that neither office disqualifies you from holding the other. More information about disqualifications is available in our guidance on [standing for election](#)

to more than £1,500), you must report it to us within 30 days of accepting it.

If you are elected, you will also be covered by these rules after you are elected.

You can find our guidance on these rules on our [website](#).

Part Two – How to check permissibility

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

You have 30 days to do this, and return the donation if you can't accept it. If you keep a donation longer than 30 days, you are deemed to have accepted it.

If you keep an impermissible donation after this time, you may commit a criminal offence and we may apply to court to have it forfeited to us for payment into the consolidated fund.

If it is not completely clear who you should treat as the donor, you must take steps to be certain as to who the donor is.

Donations from individuals

What makes an individual permissible?

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

How do you check permissibility?

You can use the electoral register to check if an individual is permissible. Candidates and their agents 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 electoral registration 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 to the register. This is important because an elector may be removed from the registrar and so at the time of making the donation not be a permissible donor.

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

What information must you 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 (whether in the UK or elsewhere).

You may find it helpful to note the donor's electoral number as a record of your checks.

In special circumstances, people may have an anonymous registration. If a donor is anonymously registered, please contact us for advice.



Important

How to check if a company is permissible

What makes a company a permissible donor?

A company is permissible if it is:

- registered under the Companies Act 2006; and
- incorporated within the UK or in another 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 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.

Prefix letter	Is it permissible?
None	Yes
NI, SC	Yes
FC, NF, SF	Yes, if 'country of origin' on the register entry is an EU Member State
OC, SO, NC	Yes, as a limited liability partnership – see separate section below
IP, SP, NP, NO	Maybe – see industrial and provident societies in the 'Other types of donor' section on page 36
Any other prefix	No

To check whether a company is incorporated in a Member State of the EU, you should check the European Business Register using the free company search function at www.gbrdirect.eu.

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 after carrying out your checks you are still uncertain that a company is permissible, please [email](#) or call us for advice.

What information must you record?

You must record:

- the name as it is shown on the Companies House register
- the company's registered office address and
- 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 OC, SO or NC are permissible LLPs.

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 33

What information must you record?

You must record:

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

You should also record the LLP's registered number.

Unincorporated associations

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 wholly or mainly 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 has more than one member and is likely to 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 an unincorporated 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 must ensure that the unincorporated association has more than one member and has its main office in the UK. You must check that the unincorporated association is carrying on business or other activities in the

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 33.

If you would like further advice on checking the permissibility of unincorporated associations in specific cases, please contact us.

What information must you record?

You must record:

- the name of the unincorporated association

- the unincorporated association's main address.

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	Registered on the Great Britain register of political parties	The Electoral Commission www.electoralcommission.org.uk
Trade union	Listed as a trade union by the Certification Officer	The Certification Officer (GB) www.certoffice.org The Certification Officer (NI) http://www.nicertoffice.org.uk/
Building society	A building society within the meaning of the Building Societies Act 1986	The Financial Conduct Authority http://mutuals.fsa.gov.uk
Friendly/ industrial provident society	Registered under the Friendly Societies Act 1974 or the Co-operative and Community Benefit Societies Act 2014 or the Industrial and Provident Societies Act 1969 (NI)	The Financial Conduct Authority http://mutuals.fsa.gov.uk

What information must you record?

You must record:

- the name of the donor
- the address of the Donor's principal or registered office, as shown, in the relevant register.

Section C – After the election

This section explains how to report your campaign finances after the election.

After the election

After the election, the **agent** must make sure that:

- all invoices are received no later than 21 days after the election result is declared
- all invoices are paid no later than 28 days after the election result is declared
- details of the candidate's spending and donations are reported to the CARO together with a declaration confirming the return is complete and correct no later than 35 days after the election result is declared

Date result is declared	Latest date to		
	Receive your invoices	Pay your invoices	Submit your return and agent declaration
3 May 2018	24 May 2018	31 May 2018	7 June 2018
4 May 2018	25 May 2018	1 June 2018	8 June 2018

The **candidate** must also send the CARO a declaration confirming that the return is complete and correct.

This must be done within seven working days of the return being submitted.

If the candidate is outside the United Kingdom when the declaration is due, the deadline is extended to 14 days after they come back.

You can find a copy of the spending return and the declarations you need to complete [here](#).

You must submit a return even if you haven't spent any money. This is called a 'nil return'.

Invoices received or paid outside of the deadlines

We call claims (invoices for your candidate spending) that are received by the election agent later than the deadline of 21 days **unpaid claims**.

Unpaid claims cannot legally be paid unless a court order is gained granting leave to pay the claim.

We call claims (invoices) that were submitted within the deadline of 21 days but remain unpaid later than the deadline of 28 days, **disputed claims**.

Disputed claims cannot legally be paid without a court order first being gained granting leave to pay the claim.

Any claim paid:

- after the 21 day deadline for receipt; or
- after the 28-day deadline for payments,

following a **successful** application to the court and **after** the deadline for submission of election spending returns, **must** be reported in writing to the CARO within seven working days of payment and be accompanied by a copy of the court order. You should also forward a copy of the Order to the Electoral Commission.

It can be an offence to pay an unpaid or disputed claim without a court order

Completing your return

The spending and donations report is known as a 'return'. The agent must complete the return, which must include the following for each item of spending:

- what the spending was for – for example, leaflets or advertising
- the name and address of the supplier
- the amount or value
- details of when it was incurred and paid
- details of any unpaid or disputed amounts
- details of any notional spending, and a declaration of its value
- invoices and receipts for any payment of £20 or over
- detail of any personal expenses

The return must also include details of all donations over £50. There is more information on the details that you need to report in Section B on page 18.

The candidate and agent must also sign a declaration that the return is complete and correct to the best of their knowledge and belief. It is your responsibility to fully and accurately report candidate spending.

It is a criminal offence to make a false declaration knowingly

We produce forms and explanatory notes you can use for your return and declarations. They cover all the information you must include.

- [Return of candidate spending](#)
- [Candidate declaration](#)
- [Agents declaration](#)

Combined authority mayoral elections in England 2018: Part 3 of 6 – spending and donations

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 call us using our phone number below or email us. We are here to help, so please get in touch.

Call us on 0333 103 1928

Email us at: pef@electoralcommission.org.uk

Or you can visit us at: www.electoralcommission.org.uk

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