

Offences and proposed sanctions

The Electoral Commission has a duty under the Political Parties, Elections and Referendums Act 2000 (PPERA) to regulate political funding and spending. Section 145 of PERA says that we 'must monitor, and take all reasonable steps to secure, compliance with' various aspects of PERA.

There are also rules for candidates, agents and some other campaigners in the Representation of the People Act 1983 (RPA 1983). We monitor whether these rules are being followed but do not have powers to investigate breaches or impose sanctions.

We enforce the PERA rules by investigating potential breaches, and imposing sanctions, where it is necessary and proportionate to do so.

Our [Enforcement Policy](#) sets out how we decide when to impose sanctions and which sanction to impose.

The range of sanctions available to the Commission depends on the provision in PERA that has been breached. The following tables set out all the offences and contraventions in PERA.

How to read the tables

- The summaries in the final column of each table set out the offence in general terms, and are intended to be used as a guide only. They do not represent the exact wording of the legislation. You should consult [PPERA](#) if you wish to understand the detail of any offence.
- An 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. For other offences the maximum is £20,000.
- Where it is noted that an offence is 'not yet in force' this means that the offence exists in the legislation but does not yet apply.

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
Registered political parties	
* section 39	making a false statement to the Commission on behalf of or purportedly on behalf of a registered party in connection with party registration requirements in Part II of PPERA
section 44(4)	making a false statement to an auditor appointed to audit a party's statement of accounts under section 43 of PPERA
section 54A(5) (not yet in force)	making a false declaration as to source of a donation
section 54B(3) (not yet in force)	knowingly or recklessly making a false declaration as to residence condition of a donor satisfied
section 61(1)	knowingly entering into or furthering an arrangement to facilitate making an impermissible donation
section 61(2)(a)	knowingly giving a registered party treasurer false information about donations
section 61(2)(b)	withholding information about donations from a registered party treasurer with intent to deceive
section 66(5)	making a false declaration in a registered party treasurer's declaration accompanying a party donation report
section 71L(9)	facilitating a regulated transaction involving an unauthorised participant
section 71T(5)	making a false declaration in a registered party treasurer's declaration accompanying a party transaction report
section 73(8)	making a false declaration in a campaign expenditure return about value of property, services or facilities used in campaign
section 83(3)(a)	making a false declaration in a registered party treasurer's declaration accompanying a campaign expenditure return
Third party campaigners	
section 86(8)	making a false declaration in a campaign expenditure return about value of property, services or facilities used in campaign
section 94F(6)	making a false declaration about amount of

	expenditure incurred by or on behalf of third party and targeted at the registered party
section 95C(2)	making a false declaration in a responsible person's declaration accompanying a third party's quarterly or weekly donation report
section 99(4) (a)	making a false declaration in a responsible person's declaration accompanying a third party's campaign expenditure return
section 99A(3) (a)	making a false declaration in a responsible person's declaration accompanying a third party's statement of accounts
paragraph 6A(5), Schedule 11 (not yet in force)	making a false declaration as to source of donation to a third party
Permitted participants in a referendum	
section 112(8)	making a false declaration about value of property, services or facilities used in campaign in a declaration by responsible person accompanying a campaign expenditure return by a permitted participant
section 123(4) (a)	making a false declaration in responsible person's declaration accompanying a permitted participant's campaign expenditure return
paragraph 6A(5), Schedule 15 (not yet in force)	making a false declaration as to source of donation to a permitted participant
General offences	
section 148(1)	alteration, concealment, suppression or destruction of documents to evade any of the provisions of PPERA
section 148(2) (b)	knowingly giving false information to a person in a supervised organisation which is requested for the purposes of PPERA
section 148(3)	withholding information from a person in a supervised organisation or a supervised individual which is required for the purposes of PPERA, with intent to deceive
* paragraph 13(2), Schedule 19B	intentionally obstructing a person authorised to investigate possible offences under PPERA
paragraph 13(3), Schedule 19B	knowingly or recklessly providing false information to a person authorised to investigate possible offences under PPERA
Regulated donees	
paragraph 6A(5), Schedule 7 (not yet in force)	making a false declaration as to source of a donation to a regulated donee
paragraph 17(4), Schedule 7	knowingly giving a compliance officer appointed by a regulated donee false information about donations

paragraph 8(1), Schedule 7A	individual regulated participant entering knowingly into a controlled transaction with an unauthorised participant, where the individual knew or ought reasonably to have known that the participant was unauthorised
paragraph 8(2), Schedule 7A	members association entering knowingly into a regulated transaction with an unauthorised participant, where the responsible person knew or ought reasonably to have known that the participant was unauthorised
paragraph 8(5), Schedule 7A	individual regulated participant knowingly benefiting from a connected transaction with an unauthorised participant, where the individual knew or ought reasonably to have known that one of the other parties was unauthorised
paragraph 8(6), Schedule 7A	members association knowingly benefiting from a connected transaction with an unauthorised participant, where the responsible person knew or ought reasonably to have known that one of the other parties was unauthorised
paragraph 8(9), Schedule 7A	knowingly entering into or furthering an arrangement to facilitate involvement of a regulated participant in a controlled transaction with an unauthorised participant
Unincorporated associations	
paragraph 6(3), Schedule 19A	making a false declaration in a notification or report by an unincorporated association

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

For all offences where civil sanctions are available, the Commission has discretion to impose the sanction on an organisation where the offence was committed by an individual.

PPERA provision	Offence
Registered political parties	
* section 24(8)	registering as a treasurer of a party after being convicted of any offence under PPERA or of any other offence committed in connection with a relevant election or relevant referendum
section 43(7)	failure to deliver statement relating to auditor's resignation etc.
* section 47(1) (a)	registered treasurer of a party failing to deliver proper statement of accounts
* section 47(1) (b)	registered treasurer of a party failing to deliver statement of accounts within specified

	time
section 54(7)	agent and/or principal donor failing to provide information to registered treasurer of a party about the principal donor
section 56(3), or (4)	failing to return impermissible donations to the donor or otherwise surrendering within 30 days of receipt
* section 65(3)	registered treasurer of a party failing to deliver donation reports within specified time
section 65(4)	registered treasurer of a party failing 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)	registered treasurer of party entering into regulated transaction with unauthorised participant
section 71L(3)	registered treasurer of a party failing to repay money obtained under regulated transaction with unauthorised participant (offence by party where it was unaware that participant was unauthorised)
section 71L(4)	registered treasurer of a party failing to repay money obtained under regulated transaction with unauthorised participant (offence by treasurer where treasurer was unaware participant was unauthorised)
section 71L(5)	party benefiting from connected transaction to which an unauthorised participant is a party (offence by party where an officer was or should have been aware participant was unauthorised)
section 71L(6)	registered treasurer of a party which benefits from connected transaction to which an unauthorised participant is a party (offence by treasurer where he was or should have been aware participant was unauthorised)
section 71L(7)	registered treasurer of a party failing to repay benefit obtained in consequence of security given by unauthorised participant (offence by party where it was unaware that participant was unauthorised)
section 71L(8)	registered treasurer of a party failing to repay benefit obtained in consequence of security given by unauthorised participant (offence by treasurer where treasurer was unaware participant was unauthorised)
* section 71S(4)	registered treasurer of a party failing to deliver a transaction report within specified time

section 71S(5)	registered treasurer of a party failing to comply with requirements for recording transactions in a transaction report
* section 74(4)	accepting the office of deputy treasurer when ineligible to do so
* section 75(2)	incurring party campaign expenditure without proper authority
* section 76(4) (a)	making payments in respect of party campaign expenditure without proper authority
*section 76(4) (b)	failing to notify treasurer of a registered party of payments in respect of party campaign expenditure
* section 77(3) (a)	paying claim in respect of party campaign expenditure where the claim was received outside specified time period
* section 77(3) (b)	paying claim in respect of party campaign expenditure outside specified time period
section 79(2)	party exceeding limits on campaign expenditure
* section 82(4) (a)	registered treasurer of party failing to deliver campaign expenditure return and auditor's report within specified time
section 82(4) (b)	registered treasurer of a party failing to comply with requirements for campaign expenditure return
* section 82(4) (c)	registered treasurer of a party failing to deliver a return of sums paid and court order within specified time, where the party obtained leave to make payment of those sums for campaign expenses after the statutory deadline
section 83(3) (b)	registered treasurer of a party failing to deliver signed declaration with campaign expenditure return
Third party campaigners	
* section 90(2)	third party incurring controlled expenditure without proper authority
* section 91(4) (a)	third party making payment of campaign expenditure without proper authority
* section 91(4) (b)	failing to notify responsible person of a third party of payments in respect of campaign expenditure
* section 92(3) (a)	paying claim in respect of controlled expenditure where the claim was received outside the specified time period
* section 92(3) (b)	responsible person paying claim in respect of controlled expenditure outside specified time period
section 94(2) or (4)	third party exceeding limits on controlled expenditure
section 94E(2) or (3)	exceeding limits on targeted controlled expenditure when not authorised

* section 95C(1) (a)	responsible person of a third party failing to deliver donation report (weekly or quarterly) within specified time
section 95C(1) (b)	responsible person of a third party failing to deliver signed declaration with quarterly or weekly donation report
section 95C(1) (c)	responsible person of a third party delivering a quarterly or weekly donation report that does not comply with requirements
* section 98(4) (a)	responsible person of a third party failing to deliver campaign expenditure return and auditor's report within specified time
* section 98(4) (aa)	responsible person of a third party failing to deliver statement of accounts and auditor's report within specified time
section 98(4) (b)	third party failing to comply with requirements for campaign expenditure returns
section 98(4) (ba)	third party failing to comply with requirements for statements of accounts
* section 98(4) (c)	responsible person failing to deliver a return of sums paid and court order within specified time, where the third party obtained leave to make payment of those sums for campaign expenses after the statutory deadline
section 99(4) (b)	responsible person of a third party failing to deliver signed declaration with campaign expenditure return
section 99A(3) (b)	responsible person of a third party failing to deliver signed declaration with statement of accounts
Permitted participants in a referendum	
* section 113(2)	permitted participant incurring referendum expenses without proper authority
* section 114(4) (a)	permitted participant making payments in respect of referendum expenses without proper authority
* section 114(4) (b)	failing to notify responsible person of a permitted participant of payments in respect of referendum expenses
* section 115(3) (a)	permitted participant paying claim in respect of referendum expenses where the claim was received outside the specified time period
* section 115(3) (b)	permitted participant paying claim in respect of referendum expenses outside specified time period
section 117(2)	individual campaigner (other than permitted participant) exceeding limits on referendum expenses
section 117(3)	campaign group (other than permitted

or (4)	participant) exceeding limits on referendum expenses
section 118(2)	permitted participant exceeding limits on referendum expenses
* section 122(4) (a)	responsible person of a permitted participant failing to deliver referendum expenditure return and auditor's report within specified time
section 122(4) (b)	responsible person of a permitted participant failing to comply with requirements for referendum expenditure returns
* section 122(4) (c)	responsible person of a permitted participant failing to deliver a return of sums paid and court order within specified time, where the permitted participant obtained leave to make payment of those sums for campaign expenses after the statutory deadline
section 123(4) (b)	responsible person of a permitted participant failing to deliver signed declaration with referendum expenditure return of a permitted participant
* section 126(8) and (9)	printing or publishing referendum material without details of printer or publisher
General offences	
* section 143(8) or (9)	printing or publishing election material without details of printer or publisher
* section 148(2) (a)	failing to provide information to a person in a supervised organisation which is requested for the purposes of PPERA
* paragraph 13(1) of Schedule 19B	failing to comply with any requirement imposed under the Commission's investigative powers
Regulated donees	
* paragraph 1B of Schedule 7	members association failing to appoint responsible person when required to do so
paragraph 6(5) of Schedule 7	agent and/or principal donor failing to provide information to a regulated donee about the principal donor
* paragraph 12(1) of Schedule 7	regulated donee failing to deliver donation report within specified time
paragraph 12(2) of Schedule 7	regulated donee failing to comply with requirements for recording donations in donation report
paragraph 8(3) of Schedule 7A	individual regulated participant failing to repay money obtained under controlled transaction with unauthorised participant, where the individual was unaware the participant was unauthorised
paragraph 8(4)	responsible person for a members association

of Schedule 7A	failing to repay money obtained under controlled transaction with unauthorised participant, where the responsible person was unaware the participant was unauthorised
paragraph 8(7) of Schedule 7A	individual regulated participant failing to repay value of benefit obtained in consequence of connected transaction involving unauthorised participant, where the individual was unaware the participant was unauthorised
paragraph 8(8) of Schedule 7A	responsible person of a members association failing to repay value of benefit obtained by members association in consequence of connected transaction involving unauthorised participant, where the responsible person was unaware the participant was unauthorised
* paragraph 12(1) of Schedule 7A	regulated donee failing to deliver a transaction report within specified time
paragraph 12(2) of Schedule 7A	regulated donee failing to comply with requirements for recording transactions in a transaction report
paragraph 6(7) of Schedule 11	agent and/or principal donor failing to provide information to a third party about the principal donor
paragraph 6(8) of Schedule 15	Agent and/or principal donor failing to provide information to a permitted participant about the principal donor
Unincorporated associations	
* paragraph 6(1) of Schedule 19A	unincorporated association failing to give a required notification or report within specified time
paragraph 6(2) of Schedule 19A	unincorporated association giving required notification or report that fails to comply with requirements of Schedule 19A

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)	registered treasurer failing to notify the Commission of changes in a party's officers or other relevant details within specified time
* section 34(3)	registered leader of a minor party failing to submit annual notification of details within

	specified time
* section 41 (1)	registered treasurer of a party or accounting unit failing to keep accounts sufficient to show and explain transactions
* section 41 (4)	registered treasurer of a political party or accounting unit failing to preserve accounts for six years after being produced
* section 41 (5)	registered treasurer of a de-registered political party failing to maintain accounts for six years after being produced
* section 74 (6)	registered treasurer of a party failing to notify the Commission of change in particulars of deputy registered treasurer within specified time
* paragraph 4(1) and (3), Schedule 6	registered party failing to provide details of the nature of a non-cash donation in a donation report

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)	registered treasurer failing to notify the Commission of changes in a party's officers or other relevant details within specified time
* section 34 (3)	registered leader of a minor party failing to submit notification of annual details within specified time
* section 41 (1)	registered treasurer of a party or accounting unit failing to keep accounts sufficient to show and explain transactions
* section 41 (4)	registered treasurer of a political party or accounting unit failing to preserve accounts for six years after being produced
* section 41 (5)	registered treasurer of a de-registered political party failing to maintain accounts for six years after being produced
* section 45 (1) or (2)	registered treasurer of a party failing to deliver the party's annual statement of accounts, confirmation of registered particulars, and auditor's report where applicable
* section 65 (1) or (2)	registered treasurer of a party failing to deliver donation report (weekly or quarterly) within specified time
* section 74 (6)	registered treasurer of a party failing to notify the Commission of change in particulars of deputy registered treasurer

* section 82(1), (2), or (3)	registered treasurer of a party failing to deliver campaign expenditure return, auditors report or court order where applicable within specified time
* section 98(1), (2) or (3)	responsible person of a recognised third party failing to deliver campaign expenditure return, auditors report or court order where applicable within specified time
* section 122(1), (2) or (3)	responsible person of a permitted participant failing to deliver referendum expenditure return, auditors report or court order where applicable within specified time
* paragraph 4(1) and (3), Schedule 6	registered party failing to provide details of the nature of a non-cash donation in a donation report