

Scottish Parliamentary
election 2016

Guidance for candidates and agents

Part 3 of 6 – Spending
and donations

Translations and other formats

For information about 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

Terms and expressions we use

You will normally be doing enough to comply with the law if you follow this guidance.

We use '**must**' when we refer to a specific requirement. We use '**should**' for items we consider to be minimum good practice, but which are not legal or regulatory requirements.

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 2016 Scottish Parliamentary election on 5 May 2016.

The document covers:

- types of candidates
- 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 explanations:

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

Introduction

Candidates and their agents at the Scottish Parliamentary election 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 2016 Scottish Parliamentary election.

Section A sets out the different types of candidates, 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 report.**

If an election agent is appointed, they have the main responsibility for complying with these rules.

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.

There are different types of candidates at the Scottish Parliamentary election. The different types of candidates have different spending limits and reporting obligations. You should read this guidance carefully to ensure you understand your reporting obligations.

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](#).

Important

Party candidates standing for election on a regional list will only have to submit a declaration of personal expenses.

Spending on promoting regional party list candidates must be reported by the party.

For more information see our [guidance on party spending](#).

Section A - Your spending

This section explains the types of candidates that can stand for election at the Scottish Parliamentary election, the rules on what a candidate can spend, the activities covered by the rules and what information needs to be recorded.

An overview of the rules

The rules on spending apply to spending on activities to promote your candidacy or to criticise other candidates during the regulated period.

The regulated period is a set time when the spending limits and rules apply.

There are different types of candidates at the Scottish Parliamentary election and different spending limits and reporting obligations. A summary of these can be found in the table on page 9.



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 or 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

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

Types of candidates

At the Scottish Parliamentary election you can stand for election as:

- a constituency candidate
- a regional party list candidate
- an independent regional candidate
- a dual candidate (a candidate that stands as a constituency and a regional candidate)

Constituency candidates

Constituency candidates are candidates standing for election in one of the 73 constituencies in Scotland. You can stand as either a party or independent candidate.

Regional party list candidates

Regional party list candidates are candidates standing on a party list for one of the 56 regional seats in Scotland. A party can list up to 12 regional candidates in each of the 8 regions in Scotland.

Independent regional candidates

Independent regional candidates who are not standing on behalf of a party can stand for election in one of the 8 regions in Scotland.

There are 56 regional seats in total. There are 7 seats in each of the 8 regions.

For constituency and independent regional candidates, the election agent is responsible for recording and reporting all campaign spending and donations.

For regional party list candidates, campaign spending and donations are recorded and reported by the **party**. Any spending will count towards the party's spending limit.

A candidate can stand as a constituency candidate and also as a regional candidate simultaneously. We call this a "dual candidate".

However you can only stand in a constituency within the region you are standing in as a regional candidate.

Regional list candidates must record their personal expenses. For more information on personal expenses, see page 12.

Dual candidates

If you are standing as a dual candidate, all campaign spending and donations to promote your candidacy in the constituency seat must be recorded and reported by your election agent.

If you are standing as a regional party list candidate as well as a constituency candidate, all campaign spending towards your regional candidacy will be regarded as party campaign spending and must be reported by the party.

However, if you are standing as an independent regional candidate and a constituency candidate, your election agent will need to keep separate records of campaign spending and donations to promote your regional and constituency candidacies. This is because you need to submit separate returns for both your constituency and regional campaigns.

You may find that you need to split your costs between activities and materials that count as campaign spending for your constituency and regional candidacy. For more information on splitting spending, please see page 17.

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 Scottish Parliamentary election in 2016 is divided into two periods: the 'long campaign' and the 'short campaign'. Each period has its own spending limit.

You must keep within the spending limit for each period. You should also keep separate records of your spending for each period.

You must record donations received and used in your short campaign. It does not matter when the donation was received. Donations used to cover spending on the short campaign must be reported in the short campaign donations and spending return after the election. For more information on donations and loans, please see page 23.

Long campaign

The long campaign begins on 5 January 2016. It will end on **the day** you officially become a candidate

Short campaign

The short campaign begins on the day **after** you officially become a candidate and ends on polling day, 5 May 2016.

The earliest date you can officially become a candidate is on the day that the Scottish Parliament is dissolved, this is expected to be 24 March 2016. 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 you start spending money on campaigning but later decide not to stand as a candidate, or your nomination is rejected for any reason, you will not need to account for your expenses during the regulated period or submit a return.

More information on becoming a candidate is available on our website:

[Guidance for candidates and agents](#)

If your intention to stand has not been announced by the day of the dissolution of Parliament, you will officially become a candidate on the earlier of:

- the date you or another person declare your intention to stand
- the date when you are nominated

How much can I spend in the long and short campaigns?

The amount that a candidate can spend in **each** period depends on whether the person is a candidate in a constituency or in a region.

For candidates standing in a constituency the spending limit for both the long and short campaigns is calculated by adding together a base amount and a variable top up that takes into account the number of registered electors in the constituency you are contesting. For independent candidates standing for election in a region the spending limit for both the long and the short campaigns is the total of the maximum limit for each constituency in the region.

The number of Parliamentary electors in a particular constituency is based on the electoral register as it stands on the last date for publication of the notice of election. This means that you will not know the exact figure you can spend in the long campaign until it has ended.

Your local Electoral Registration Officer will be able to give you current elector numbers on request, which will help you to plan your expenses in the long campaign.

You are able to find information about which constituencies are burghs and which are counties, either by contacting your local Electoral Registration Officer or the Boundary Commission for Scotland.



You can find the contact details for:

Your local Electoral Registration Officer at www.aboutmyvote.co.uk

The Boundary Commission for Scotland at <http://www.bcomm-scotland.independent.gov.uk/>

The long campaign

The table below sets out the fixed amounts for the long campaign, along with the variable amounts that apply to different types of parliamentary constituency

Spending limits for the **long campaign** apply from 5 January 2016 ending on the day you officially become a candidate.

Type of candidate	Type of seat	Spending limit
Constituency candidate	Burgh constituency	£21,500 + 4.2p per elector
Constituency candidate	County constituency	£21,500 + 6.3p per elector
Independent regional candidate	Region	The total of the maximum limit for each constituency in the region for the long campaign
Regional party list candidate	Region	Cannot incur expenses on their own behalf, and spending incurred by the party counts towards party's regional spending limit
Independent dual candidate	Burgh and region or County and region	£21,500 + 4.2p per elector towards burgh constituency campaign or £21,500 + 6.3p per elector towards county constituency campaign and the maximum limit for each constituency in the region for the long campaign towards the regional campaign
Party dual candidate	Burgh and region or County and region	£21,500 + 4.2p per elector towards burgh constituency campaign or £21,500 + 6.3p per elector towards county constituency campaign Regional list party candidates cannot incur expenses on their own behalf, and spending incurred by the party counts towards party's regional spending limit

For more information on party spending [see our guidance](#)

The short campaign

Spending limits for the **short campaign** apply from the **day after you become** a candidate and end on polling day 5 May 2016.

Type of candidate	Type of seat	Spending limit
Constituency candidate	Burgh constituency	£8,700 + 6p per elector
Constituency candidate	County constituency	£8,700 + 9p per elector
Independent regional candidate	Region	The total of the maximum limit for each constituency in the region for the short campaign
Regional party list candidate	Region	Cannot incur expenses on their own behalf, and spending incurred by the party counts towards party's regional spending limit
Independent dual candidate	Burgh and region or County and region	£8,700 + 6p per elector per elector towards burgh constituency campaign or £8,700 + 9p per elector per elector towards county constituency campaign and the maximum limit for each constituency in the region for the 'short campaign' towards the regional campaign
Party dual candidate	Burgh and region or County and region	£8,700 + 6p per elector per elector towards burgh constituency campaign or £8,700 + 9p per elector per elector towards county constituency campaign Regional list party candidates cannot incur expenses on their own behalf, and spending incurred by the party counts towards party's regional spending limit

For more information on party spending see our guidance for [parties](#) at the Scottish Parliamentary election

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 for you or your campaigners. For example, hire cars or public transport.
- public meetings
- staff. 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.
- administration. For example, telephone bills, stationery, photocopying and the use of databases.

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.

Personal expenses

Personal expenses do **not** count towards your spending limit, but you **must** report them after the election .

Personal expenses includes:

- the reasonable travel expenses of the candidate
- reasonable living expenses of the candidate (such as the cost of hotel accommodation)
- any expenses that are reasonably attributable to a candidate's disability

Expenses that are reasonably attributable to a candidate's disability do not count towards the limit for either election expenses or personal expenses.

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 county constituency, it may be reasonable to hire a four-wheel-drive vehicle to access remote areas.

Constituency candidates can incur up to £600 in personal expenses. Any further personal expenses must be authorised by the election agent.

The personal expenses of a constituency or an independent regional candidate must be reported in the spending return after the election.

A candidate standing for election as an independent regional candidate or on a **regional party list** can incur up to £900 in personal expenses. Any further personal expenses must be authorised by the regional election agent.

After the election the regional party list candidate must give a written statement to their agent of personal expenses paid within 21 days of the election result being declared, and submit a declaration to the Regional Returning Officer confirming their

personal expenses within 35 days after the day on which the result is declared.

What isn't included in candidate spending?

Spending on the following does not count towards your spending limit:

- 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
- use of someone's personal car or other means of transport
- 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

Sometimes, it may not be easy to decide if an event should be included. In these cases, you should make an honest assessment based on the facts as to whether the meeting is genuinely being held for other purposes.



Any spending to promote the party or the regional list party candidates will be regarded as party spending not candidate spending.

For more information on party spending, please see the link below.

[Party campaign spending](#)

You may also be invited to attend hustings events run by local organisations or community groups. We have published separate [hustings guidance](#) that explains when the spending rules may apply to these events.

Volunteer time

Sometimes you may not 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 are likely to be a volunteer if:

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

If they use specialist equipment or materials, you should consider whether their use is notional spending. You can find out more about notional spending on page 15.

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 and 'notional spending'

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.

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

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.

The internet is a good resource for finding out the market rate for

must be a fair and honest assessment of the commercial value.

For example:

A local printer's normal commercial rate to print 12,000 A5 double sided colour leaflets is £600.

The printer supports your campaign so they give you a 30% discount (£180) on the cost of the leaflets. You only pay £420. This discount is **not** available to other customers.

Commercial value	Price you pay	Notional spending
£600	£420	£180

You will need to record notional spending of £180 towards your spending limit as well as the £420 that you paid.

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

You may need to split your costs between activities and materials that count as candidate spending and those that don't.

For example, between:

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

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.

Sometimes it may be difficult to make an exact split. 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.

Spending between your constituency and regional campaign

Candidates standing for election in a constituency and a region will need to split their spending based on whether it promotes their regional or constituency campaign.

Party candidates standing for election in both a constituency and a region will need to make an honest assessment of whether the items used promotes their constituency or regional campaign. Items used in the constituency campaign must be reported by the candidate after the election, and items used to promote the candidate in the region must be reported by the party.

Independent candidates standing for election in both a constituency and a region must make an honest assessment of whether items used to promote their candidacy counts towards



For more information on splitting spending, please see our guidance:

[Expert paper: Splitting Spending](#)

After the election, you will have to sign a return to declare that it is complete and correct to the best of your knowledge and belief.

It is an offence to make a false declaration knowingly or recklessly.

their regional or constituency campaign and must be reported in the correct spending return after the election.

Political party campaign spending

Political parties also have spending limits for campaigning. These are separate from a candidate's long and short campaign spending limits.

Deciding if an item is candidate spending or party spending

Spending does not need to be counted against both the candidate's and the party's spending limit. An item of spending will fall into one category or the other:

- items that promote the candidate contesting a constituency seat, or an independent regional candidate contesting a regional seat, will count towards the candidate's spending limit
- items that promote the party, including a regional party list of candidates for a regional seat, will be covered by the rules on party campaign expenditure

The regulated period for political parties for the Scottish Parliamentary election begins on **5 January 2016** and ends on polling day, **5 May 2016**.

For more information on political party campaign spending, see our guidance on [party campaign spending](#).

Who is responsible for candidate spending?

There are rules to make sure that spending can be controlled and accurately recorded and reported.

During the regulated period, only the following people are allowed to **incur** election spending. By '**incur**' we mean making a legal commitment to spend the money:

For constituency and independent regional candidates

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

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 up to £600 in personal expenses, and regional candidates can pay for up to £900 in personal expenses;
- 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
- expenses that are reasonably attributable to a candidate's disability can be paid by a candidate but must be reported

Candidates can also act as their own election agents, and independent candidates standing for election in both a constituency and a region can appoint the same agent for both campaigns.

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

 Important

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

In county constituencies only, an election agent can appoint a sub-agent to assist them in their work. A sub-agent acts on behalf of the agent, but the election agent is ultimately responsible for anything that the sub-agent does.

More information about appointing a sub-agent is available on our [website](#)

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.

The records you must keep

Constituency candidates and independent regional candidates must record:

- all of their candidate spending for the long campaign
- all of their candidate spending for the short campaign
- donations used for spending in the short campaign

You will need to include this information in your spending returns after the election.

Spending on promoting regional party list candidates is party spending, and reported by the party. Please see the table below. Once appointed, the election agent is responsible for this. See **part C** for further information.

Type of candidate	Spending & Donations	Personal expenses
Constituency candidate	Reported by candidate	Reported by candidate
Regional party list candidate	Reported by party	Reported by candidate
Independent Regional candidate	Reported by candidate	Reported by candidate
Dual candidates (candidates standing on a regional list and a constituency in that region)	Reported by candidate, but split into spending on constituency or regional campaign	Reported by candidate but split into personal expenses for constituency and regional campaign

What you need to record

For each item of candidate spending and personal expenses, you should record the following information to put in 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

Once appointed, the agent must keep invoices or receipts for any payments of £20 and above.

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 local Returning Officer.

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

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 guidance.



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%.

See page 15 on notional spending for more information.

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 Returning Officer after the election.

This includes donations from your own political party, including from your local party branch.

The candidate and election agent may both receive donations towards candidate spending, but once an election agent is appointed, donations must be passed to them as quickly as possible. The election agent must check that donations are within the rules before accepting them.

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**.

Important

If you are standing for election as a regional party list candidate you do not need to report donations received after the election.

Part One - About donations

What counts as a donation?

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

- towards your candidate spending in the short campaign
- 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 property or facilities, for example the free use of an office

You must include donations towards candidate spending in the short campaign even if you receive them before you become a candidate.

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. You do not need to treat them as donations to the candidate.

Any donation made to party list candidates are regarded as a donation to the party. The party will declare this donation if it falls within the rules on donations, on their quarterly donations and loans return.

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

However, you **will** need to report donations from the party that are made to your campaign and used during the short campaign.

Crowdfunding

Candidates can raise donations from crowdfunding websites towards their campaign. The candidate must know who the money comes from so that they can carry out the permissibility checks, and ensure that there are measures in place to return donations that are from impermissible sources. For more information please see our factsheet on [crowdfunding](#).

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
- most UK registered companies
- 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 is based in and carries on business or other activities 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 UK 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 towards regional party candidates must be reported by the party. It is the responsibility of the party to check that the donation is permissible if the donation received is more than £500.

Donations given on behalf of others

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

- that the donation is on behalf of someone else

- the actual donor's details

An example of someone acting as an agent is where an event organiser is handing over the proceeds from a dinner held specifically to raise funds for your organisation.

If you have reason to believe that someone might be acting as an agent but has not told you, you should 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.**

If the donation isn't from a permissible donor, or for any reason you can't be sure of the true identity of the source, you must return it within the 30 day period.

When do you 'receive' a donation?

You usually 'receive' a donation on the day you take ownership 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 you check your account or are notified of its receipt by the bank, whichever is earlier.

How do you return a donation?

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

If the donation is from an unidentified source (for example, an anonymous £100 cash donation), you must return within 30 days of receiving it 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 of more than 10%, 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 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 commercial value.

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

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

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 that is not available on the open market

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.

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

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 address 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 and record these details:

- the amount or nature of the donation and its value
- 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)

If you receive a donation from a source which you cannot identify (for example an anonymous cash donation of £100), you must return it to either:

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

After the election

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

If you cannot identify either the person who transferred the donation to you, or the financial institution used to transfer the donation, you must send the donation to us. We will pay it into the Government's consolidated fund.

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, or to cover campaigning activity before the start of the regulated period.

Holders of elective office are:

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

If you hold one of these elected offices and intend to stand in the Scottish Parliamentary election, 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](#)

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

accepting it. If you are an MSP and you accepted the donation before parliament was dissolved you must also report these donations to the Scottish Parliament.

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 candidate spending, 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 the courts to have it forfeited to us.

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

You can find the contact details for your local Electoral Registration Officer on www.aboutmyvote.co.uk

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.

To obtain a copy of the register, you should contact the Electoral Registration Officer as appropriate, 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, and must check the register and updates carefully to make sure that the person is on the register on the date you received the donation. This is important because an elector

Following the Scottish elections (Reduction of voting age) Bill 16 and 17 year olds, as well as qualifying attainders can register to vote for Scottish elections.

This change means that under 18s who are on the electoral register will be permissible sources for donations.

Due to data protection 14 and 15 year olds do not appear on the register, and you will therefore have to obtain a written confirmation from the ERO that the donor is on the electoral register.

may be removed from the register and therefore be impermissible at the time of 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.

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

Donations from companies

What makes a company a permissible donor?

A company is permissible if it is:

- registered under the Companies Act 2006
- incorporated in a 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.gov.uk/companies-house.

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 will 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 41
RC, SR, NR	Maybe – you should check with Companies House
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 out 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 you are still not sure if the company is carrying on business in the UK, you should ask for written confirmation of its business activities from the company's directors.

What information must you record?

You must record:

- the name as it is shown on the Companies House register
- the companies registered office address and
- the registered company number.

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

Donations from 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.gov.uk/companies-house.

You need to look at the LLP's registered number. Only numbers beginning with OC, SO or NC are permissible LLPs.

As with companies, you must be satisfied that the LLP is carrying on business in the UK. You can find more information in the previous section 'How do you check if the company is carrying on business in the UK?' on page 36.

What information must you record?

You must record:

- the name as it is shown on the register
- the LLPs registered office address and

You should also record the LLPs registered number.

Donations from 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 should 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 that an 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.

If you are not sure you should make further enquiries and not accept the donation unless you are satisfied who the true donor is.

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 36.

If you would like further advice on checking permissibility for unincorporated associations, 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	If you are standing for election in Great Britain, the party must be registered on the Great Britain register of political parties	The Electoral Commission http://www.electoralcommission.org.uk
Trade union	Listed as a trade union by the Certification Officer	The Certification Officer www.certoffice.org
Building society	A building society within the meaning of the Building Societies Act 1986	The Financial Services Authority http://mutuals.fsa.gov.uk
Friendly/ industrial provident society	Registered under the Friendly Societies Act 1974 or the Industrial and Provident Societies Act 1965	The Financial Services Authority http://mutuals.fsa.gov.uk

What information must you record?

You must record:

- the name of the donor
- the address, as shown, in the relevant register

Section C – After the election

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

What you must do after the election and the deadlines

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
- a return for the long campaign detailing the candidate's spending and a return for the short campaign detailing the candidate's spending and donations are reported to the Returning Officer together with a declaration confirming the returns are complete and correct no later than 35 days after the election result is declared.
- in the case of regional party list candidates the candidate must give a written statement to their agent of personal expenses paid within 21 days of the election result being declared, and complete a declaration of personal expenses to the Returning Officer within 35 days of the election result being declared. Spending and donations for regional list party candidates must be reported by the party.

Constituency and individual regional candidates must submit a declaration confirming that the return is correct to the Returning Officer within 7 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.

Important

For the Scottish Parliamentary election in 2016 you only need to report donations in your short campaign return.

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

	Latest date to		
Date result is declared	Receive your invoices	Pay your invoices	Submit your return
5 May 2016	26 May 2016	2 June 2016	9 June 2016
6 May 2016	27 May 2016	3 June 2016	10 June 2016

Invoices received or paid outside of the deadlines

We call claims (invoices for your candidate spending) that are not received by the election agent within the 21 day deadline, **unpaid claims**.

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

We call claims that have not been paid within 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 returning officer within **seven days** of payment, and be accompanied by a copy of the court order.

 **Important**

It is an offence to pay an unpaid claim without a court order.

Completing your return

The spending and donations report is known as a 'return'. For **independent regional candidates** or **party candidates standing for election in a constituency** the return should separately show expenses that have been incurred during the long and short campaign and 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 any unpaid or disputed claims
- details of any notional spending, and a declaration of its value
- invoices and receipts for any payment of £20 and above

The return for the short campaign must also include:

- details of all donations over £50
- the total of donations received under £50

You can find more information on the details you must report for each donation in Section B of this guidance document.

The candidate and agent must also sign a declaration that the return is complete and correct to the best of their knowledge and belief.

For **party candidates standing for election on a regional list** a return detailing personal expenses during the regulated period must be submitted after the election.

Important

It is a criminal offence to knowingly or recklessly make a false declaration

Where you can find the return and declaration forms

We produce forms and explanatory notes you can use for your return and declarations. You can find these on our guidance page for [candidates and agents](#). They cover all the information you must include.

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.

You can also contact us on one of the phone number or email addresses below. We are here to help, so please get in touch.

Call us on: 0333 103 1928

Email us at: infoscotland@electoralcommission.org.uk

Visit us at www.electoralcommission.org.uk

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