[redacted]

From: FOI
Sent: 15 June 2023 08:07
To: [redacted]
Subject: FOI 063-23 - Response
Attachments: 2023-03-27-The Reclaim Party-RP4_Redacted.pdf; 2020-10-14 - Brexit Express (BE) – RP4_Redacted.pdf; 2020-10-19 -The Reclaim Party - Financial Scheme_Redacted.pdf

Dear [redacted],

Our Ref: FOI-063-23

Thank you for your email to the Electoral Commission dated 17 May 2023.

The Commission aims to respond to requests for information promptly and has done so within the statutory timeframe of twenty working days.

Your request is shown below followed by our response.

Following response to FOI-019-23. I would like to request further information regarding the Reclaim Party's uncertified accounts from 2021. My understanding is an investigation was opened 18 January 2023 as to wether a "reasonable excuse" applied as to why the statement of accounts submitted to you on 17th April 2022 were not certified by an auditor and presuamably why 13 months later the issue has still not been rectified.

My understanding is that inorder to remain a registered political party The Reclaim Party must have provided a copy of their Financial Scheme. I would be grateful if you could provide the following information about their registered financial scheme:

1. Does it confirm that the registered Treasurer, David Bailey, is responsible for the whole partys compliance with requirements of the Political Parties, Elections and Referendum Act 2000?

2. Does it commit to the submission of annual accounts and confirm that the party is aware of the requirement to submit an auditors certificate in any year income or expenditure exceeds £250,000?

3. Does it confirm arrangements are put in place to ensure annual SOA is prepared, approved and audited where necessary?

4. Does it confirm that the party understands the record keeping and retention requirements?

5. Does it confirm the party understands that the commission may impose penalties if the party fail to comply with their legal obligations and that failiure to comply with some legal requirements are a criminal offence?

6. Does it confirm the party will have processes in place to ensure compliance with its legal obligations and ultimately it is the treasurer who will ensure the leader, officers and members of the party have sufficient knowledge of the financial obligations under the act and to ensure the party as a

whole complies with those obligations?

Also could you provide copies of all RP8 annual confirmation of registered details forms submitted by the party. And also any change of registered officers forms (RP4/RP5)

Our response is as follows:

We hold some of the information you have requested.

In relation to your six questions, we are disclosing to you the registered financial scheme of The Reclaim Party, which will enable you to satisfy yourself as to the answers to your questions. The financial scheme sets out the arrangements for regulating the financial affairs of the party for the purposes of the Political Parties Elections and Referendums Act 2000 (PPERA).

The registered treasurer of the party is David Bailey, who has held this post since the party's registration on 13 March 2019.

Also could you provide copies of all RP8 annual confirmation of registered details forms submitted by the party. And also any change of registered officers forms (RP4/RP5)

Please find attached RP4 forms. These forms refer to a notification to register a replacement party officer. Please note that The Reclaim Party originally registered under the name 'Brexit Express (BE)', before changing their registered name to 'The Reclaim Party' on 05 February 2021. As such, the RP4 form dated 14 October 2020 refers to the party by their previously registered name.

We do not hold RP5 forms for this party, as this is a form that refers to a notification of appointment or termination of appointment of a deputy treasurer or deputy campaigns officer. The party has never submitted a notification of this basis.

In order for a party to remain registered, every year the treasurer must confirm that the party's registered details are correct, and pay a £25 fee. This is called an annual confirmation of registered details.

We do not hold RP8 forms for this party, which is the form used for a party's annual confirmation of registered details. We do not hold RP8 forms for this party because it has submitted each annual confirmation of registered details electronically through our online system, PEF Online. We can confirm that confirmations of registered details have been submitted by the party on the following dates: 28 February 2020, 25 August 2021, 05 August 2022.

Exemptions under section 40(2)

You will notice that certain personal details have been redacted from the documents we are releasing. Section 40(2) provides exemption where the information requested constitutes personal data as defined by the Data Protection Act 2018 (DPA), and where release of the information requested would breach one of the data protection principles. Some of the information contained in the requested information falls within the description of personal data as defined by the DPA because the information relates directly to an identifiable living individual.

We have redacted the names of individuals who are no longer registered officers of a party. We have not redacted the names of current officers, as this information lawfully appears on our website and is therefore in the public domain.

The Commission strives to be an open, transparent authority and I trust that this information satisfies your request.

If you are not satisfied with this response, please note that the Commission operates a review procedure, details of which can be found on the Commission website at: https://www.electoralcommission.org.uk/freedom-information/make-a-freedom-information-request.

Please also note that if you have exhausted all internal Commission review procedures and you are still not satisfied you have the right to appeal to the Information Commissioner. Details of this procedure can be found on the ICO website: https://ico.org.uk/.

Yours sincerely

Information Officer
FOI@electoralcommission.org.uk

The Electoral Commission
electoralcommission.org.uk

RECEIVED
01 MAR 2023

The Electoral Commission

Application to register a replacement party officer

Important: the accompanying explanatory notes should be read before completing this form.
Please note that you will have to complete a form for each officer to be replaced.

1 Details of registered party

Party name: The Reclaim Party

Party reference: [redacted]

2 Declaration and signature

I wish to notify The Electoral Commission of the following changes to the registered details of the above party, in accordance with section 31 of the Political Parties, Elections & Referendums Act (PPERA) 2000.

To be signed by the current registered treasurer

Signed: [redacted]

Printed name: D.J. Bailey

Date: 22 (dd) 02 (mm) 2023 (yyyy)

3 Details of officer to be registered

Position in party: National Nominating Officer

Full name: Gordon Davies

Address: [redacted]

Town: [redacted] County: [redacted] Postcode: [redacted]

I declare that I accept the position of: National Nominating Officer

Signed: [redacted]

Printed name: G. Davies

Date: 22 (dd) 02 (mm) 2023 (yyyy)

4 Signatures

Registered party leader

Signed [redacted]

Printed name Laurence Fox

Date 22 (dd) 02 (mm) 2023 (yyyy)

Registered nominating officer

Signed [redacted]

Printed name [redacted]

Date 22 (dd) 02 (mm) 2023 (yyyy)

Registered treasurer

Signed [redacted]

Printed name David Bailey

Date 22 (dd) 02 (mm) 2023 (yyyy)

Additional officer (if applicable)

I declare that I am authorised to sign on behalf of: _____ (name)

the party's registered: _____ (position in party)

who is unable to sign this form because: _____ (state reason)

Signed _____

Date _____ (dd) _____ (mm) _____ (yyyy)

Printed name _____

Position _____

Please return the form to:

Party and Election Finance
The Electoral Commission
3 Bunhill Row
London EC1Y 8YZ

Tel: 020 7271 0616
Fax: 020 7271 0505
Email: pef@electoralcommission.org.uk
Website: www.electoralcommission.org.uk

For Electoral Commission use

Date of receipt | dd | mm | yyyy

Checked by

Date entered in database | dd | mm | yyyy

File reference number

RECEIVED
14 OCT 2020

The Electoral Commission

Application to register a replacement party officer

Section 1 Details of registered party

Party name: BREXIT EXPRESS (BE)

Party reference: [redacted]

Section 2 Declaration and signature

I wish to notify The Electoral Commission of the following changes to the registered details of the above party, in accordance with section 31 of the Political Parties, Elections and Referendums Act (PPERA) 2000.

To be signed by the current registered treasurer

Signed: [redacted]

Printed name: DAVID BAILEY

Date: 09/10/2020

Or alternatively, where the treasurer has died or had their position terminated for any other reason, signed by the registered officer currently taking the role of treasurer

Signed:

Evidence provided: ☐

Printed name:

Date:

Currently registered as:

Leader ☐

Nominating officer ☐

Additional officer ☐

Section 3 Details of officer to be registered

Position in party: PARTY LEADER

Full name: Laurence Paul Fox

Address: [redacted]

Town: [redacted] County: [redacted] Postcode: [redacted]

Telephone: [redacted]

Email address: [redacted]

I declare that I accept the position of: PARTY LEADER

Signed: [redacted]

Printed name: LAURENCE FOX Date: 09/10/2020

Section 4 Signatures

Registered party leader

Signed: [redacted]

Printed name: [redacted] Date: 09/10/2020

Registered nominating officer

Signed: [redacted]

Printed name: [redacted] Date: 09/10/2020

Registered treasurer

Signed [redacted]

Printed name DAVID BAILEY Date 09/10/2020

Additional officer (if applicable)
I declare that I am authorised to sign on behalf of _____ (name)

the party's registered _____ (position in party)

who is unable to sign this form because: _____ (state reason)

Signed _____

Printed name _____ Date _____

Position _____

Reclaim

Reason-Reform-Progress

Financial Scheme

Introduction

1.1 This scheme sets out how Reclaim (hereinafter the Party) will organise its financial affairs to comply with the Political Parties, Elections and referendum Acts 200 (the 'Act').

Constitution

1.2 A copy of the constitution setting out our structure and organisation, and how we take decisions about the management of the party, is attached to this scheme or has been provided separately to the Electoral Commission.

Accounting Units

The Party does not wish to register any separate accounting units with the Commission.

Organisations within the party

1.3 For purposes of compliance with the Act, the financial affairs of any local branches or affiliated organisations of the party, whether currently existing or to be established in future, *will be wholly controlled by the party treasurer.*

Financial year

1.4 The party's financial year will run from 1 January to 31 December.

Role of the party treasurer

The registered treasurer of the Party is responsible for the whole Party's compliance with the requirements of the Act, including the following:

Annual Accounts

1.5 The Party will submit our annual statement of accounts to the Commission by the required date, being 30 April of the year following the end of the financial year if both our expenditure and income are under £250,000 in that year, or 7th July of the year following the end of our financial year if either our expenditure or income exceeds £250,000 in that year. We understand that if out income or expenditure exceeds £250,000 our accounts must be submitted with an auditor's certificate.

1.6 In order to comply with this requirement, The Treasurer has:

- put in place arrangements for ensuring that annual statements of accounts for the party are prepared, approved, audited where necessary and submitted to the Commission by the prescribed deadline for each register the party is on
- put in place accounting processes capable of meeting the Act's accounting record keeping requirements and of any regulations made by the Commission about the format of statements of accounts

Donations and Loans (regulated transactions)

1.7 The Party will report the donations and loans it receives each quarter to the Commission, for each of the registers it is registered on, within the following timescales:

- quarter 1 (1 January – 31 March) by 30 April of that year
- quarter 2 (1 April – 30 June) by 30 July of that year
- quarter 3 (1 July – 30 September) by 30 October of that year
- quarter 4 (1 October – 31 December) by 30 January of the following year

1.8 In order to comply with this requirement, the Treasurer, David Bailey, will:

For donations:

- record information for all donations of more than £500, including:

– amount or value of the donation

– full name of donor

– registered address of donor

– company registration number (if applicable)

– date on which the donation was received

– date on which the donation was accepted or returned

– information about the trust (if applicable)

- check the permissibility of any donations over £500 within 30 days of receipt ensure that impermissible or unidentifiable donations of more than £500 to the party are recorded as outlined above and returned to the sender or financial institution that transferred the money or, if that is not possible, surrendered to the Commission.
- ensure that a submission of quarterly donation reports covering donations exceeding £7,500 (including aggregates of donations and regulated transactions) and any impermissible or anonymous donations of more than £500 is made to the Commission
- within the above timescales; submitting a nil return if there are no reportable donations

- provide weekly donation reports to the Commission during UK Parliamentary election campaigns if we are contesting the election

1.9 We understand that if we submit four consecutive quarterly nil donation returns, we will then be exempt from submitting further quarterly returns in respect of donations until we receive a reportable donation.

1.10 We also understand that separate quarterly donation returns must be submitted if we appear on the Northern Ireland register of political parties

For loans (regulated transactions):

- record information about all regulated transactions (loans, credit facilities, etc.) of more than £500, including:

– value of benefit of the transaction

– name of all authorised participants

– registered addresses of participants

– company registration number (if applicable)

– nature of the transaction

– date agreement entered

– the terms of the transaction

- ensure that the party does not enter into any regulated transactions over £500 with unauthorised participants
- ensure that a submission of quarterly transaction reports covering transactions exceeding £7,500 (including aggregates of donations and regulated transactions) and any void transactions or transactions of more than £500 entered into with an unauthorised participant is made to the Commission within the prescribed timescales;
- submit a nil return if there are no reportable transactions ensure weekly regulated transaction reports can be submitted during UK.
- Parliamentary election periods if we are contesting the election

1.11 We understand that if the party has submitted four consecutive quarterly nil loans returns, we will then be exempt from submitting further quarterly returns until we enter into a reportable loan.

1.12 We also understand that separate quarterly loan returns must be submitted if we appear on the Northern Ireland register of political parties.

<u>Campaign expenditure</u>

1.13 The party will submit a campaign expenditure return if we have candidates contesting a UK Parliamentary election, European election, Scottish Parliamentary election, National Assembly of Wales election, or Northern Ireland Assembly election. The campaign expenditure return will be submitted within three months of the date of the election if our expenditure is less than £250,000 or within six months of the date of the election if our expenditure exceeds £250,000. We note that if our expenditure during the campaign exceeds £250,000 our return must be submitted with an auditor's certificate.

1.14 In order to ensure compliance with the legislation, Campaigns officer if registered, otherwise Registered treasurer will:

- ensure that campaign expenditure and claims payments are duly authorised, received and paid on time and that all relevant receipts and invoices are kept.
- put in place budgeting and monitoring arrangements to ensure that campaign expenditure is within the statutory limits.
- ensure the compilation, auditing (if necessary) and timely submission to the Commission of a campaign expenditure return within the statutory deadlines.

Referendums

1.15 If the party participates in a referendum to which Part VII of the Act applies, the Party will develop and put in place arrangements for complying with the controls on referendum expenditure. We will do this by adapting our arrangements for the control of campaign expenditure.

Grants

1.16 The Party will ensure that any grants from the Commission to the party are spent in accordance with the conditions of grant imposed by the Commission. We agree to cooperate with any associated audit requirements specified by the Commission.

Changes to registered details

1.17 The Party will ensure that the party's details that are registered with the Commission are kept up to date. We will inform the Commission of any changes to registered officers within 14 days of the change and any other changes within 28 days.

1.18 We will ensure that our RP8 annual confirmation of registered details and £25 fee are submitted to the Commission with the annual statement of accounts by 30 April of the following year (if our expenditure or income is less than £250,000) or by 7 July of the following year (if our expenditure or income exceeds £250,000).

1.19 We note that failure to submit our RP8 annual confirmation of registered details within the prescribed timescale will result in our statutory removal from the register of political

parties. We understand that this would mean that the party would no longer be able to field candidates at elections under the party name.

Penalties and offences

1.20 The Party understands that the Commission may impose civil penalties on parties that fail to comply with their legal obligations, including failures to submit statutory returns on time. The party also understands that failure to comply with certain legal requirements of being a registered political party is a criminal offence.

Role of other party officers

1.21 Should the appointment of the registered party treasurer terminate for any reason, then the registered party leader will, until a new Treasurer is appointed, be treated as the party treasurer and will be responsible for ensuring that the party complies with its legal obligations.

1.22 Should the Treasurer whose appointment is terminated also be party leader, then the nominating officer will, until a new treasurer is appointed, be treated as party treasurer.

1.23 Should the Treasurer whose appointment is terminated also be party leader and nominating officer, then the other registered officer will, until a new treasurer is appointed, be treated as the party treasurer.

Promoting compliance with the Act

1.24 The Party will have processes in place to ensure compliance with its legal obligations. The registered treasurer will ensure that the registered leader and all other officers and members of the Party have sufficient knowledge of our financial obligations under the Act to ensure the party as a whole complies with these obligations.

Amendments to the financial scheme

1.25 The registered treasurer, will ensure that any proposed amendment to this financial scheme are submitted to the Commission for approval.

As amended by the Party Board at its meeting on 9th October 2020 and minuted.