The Electoral Commission

Situations and procedures

Petition to recall a Member of Parliament – guidance for petition campaigners

This document is for people campaigning in a recall petition who want to understand the rules on spending and donations

Contents:

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Translations and other formats

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

Tel: 020 7271 0500

Email: publications@electoralcommission.org.uk

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 take donations that you can't legally accept, 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 in relation to a recall petition.

The document covers:

- the regulated period
- how much you can spend
- the activities covered by the rules
- which donations you can accept
- how to check donations you receive
- recording and reporting spending

Forms and explanations:

Return of petition spending and donations

- PDF
- Excel
- Explanatory notes

Introduction

The Recall of MPs Act 2015 introduced a process by which an MP can lose their seat in the House of Commons if there is a successful petition to recall them. The Act sets out the conditions for triggering a recall petition and introduces rules which govern people and organisations who campaign for or against a recall petition.

We call people and organisations who campaign in a recall petition **'petition campaigners'.** There are rules petition campaigners must follow about how who they can accept donations from and how much they can spend. Registered petition campaigners must also report their donations and spending after the petition has closed.

The Electoral Commission's role in the process is to provide advice and guidance to help people understand the rules. We may apply to the courts for forfeiture of impermissible donations Otherwise; we do **not** regulate the rules on spending and donations. Decisions on the investigation and prosecution of any offences are a matter for the police and the CPS, and allegations on non-compliance are for them to consider.

This document explains the rules on spending and donations.

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

Section B sets out the rules on donations for registered petition campaigners. This covers how to check if you can accept a donation and what records you must keep. Donations include contributions of money, goods or services towards your spending.

Section C explains the deadlines and responsibilities after the petition has closed.

If you are a registered petition campaigner, you must report your petition spending to the Petition Officer in the UK or the Chief Electoral Officer for Northern Ireland after the petition has closed. Registered petition campaigners must also report donations they have received unless they are a political party.

This guidance explains how you should manage your spending and donations so that you can properly report them after the petition has closed.

This document is part of our suite of guidance for petition campaigners.

You can find out more about other aspects of contesting a recall petition on our guidance page for petition campaigners.

When will a recall petition be triggered?

The Act introduces a process by which an MP will lose their seat in the House of Commons if a petition to recall them is successful. The Petition Officer will open a recall petition after the Speaker of the House of Commons notifies them that an MP has been:

- convicted of an offence and received a custodial sentence (including a suspended sentence) or ordered to be detained, other than solely under mental health legislation
- barred from the House of Commons for 10 sitting days or 14 calendar days, or
- convicted of providing false or misleading information for allowance claims under the Parliamentary Standards Act 2009.

In the case of a conviction, the recall petition will not be opened unless the appeal period expires without the conviction, sentence or order having been overturned or all appeals have been heard and dismissed.

Once a Petition Officer has opened a recall petition, it will be open for signing for 6 weeks. If at least 10% of the electorate in the constituency signs the petition, the MP will lose their seat and a by-election will be triggered. The recalled MP can stand as a candidate at the by-election.

If one of the above conditions has been met but:

- a UK Parliamentary general election is to due be held within the next 6 months
- a recall petition is already underway in respect of the MP, or
- the MP's seat has already been vacated

the Speaker of the House of Commons will not notify the Petition Officer and a recall petition will not be opened.

A petition will be open to sign for 6 weeks. However, it will be terminated early if:

- the MP's seat is made vacant for any other reason (such as resignation)
- the MP's conviction, sentence of imprisonment or detention order is overturned, or
- Parliament calls an early UK Parliamentary general election which will be held within 6 months of the Speaker's notice

Roles

The Electoral Commission's role in the process is to:

- provide advice and guidance to help people understand the rules
- forfeit impermissible donations, if necessary by court order
- publish a report on any issues relating to administration of a recall petition and the framework for campaign spending and donations at these events.

The Petition Officer's role is to:

- open a recall petition
- notify electors that a recall petition has been opened
- oversee the administration of the petition, including publishing a register of electors who can sign the petition and notifying those electors of the petition
- declare the result, including notifying the Speaker of the House of Commons
- receive donation and spending returns and make them available for public inspection.

The Petition Officer is the same person as the Returning Officer in a constituency.

The role of the police is to:

- investigate breaches
- enforce compliance with the law

Summary of obligations

Unregistered petition campaigners

If you are an unregistered petition campaigner, you have a spending limit of **£500** on petition campaign activity during the regulated period. If you want to spend more than £500, you must register with the Petition Officer **before** you spend over £500.

You must keep a record of all petition campaign spending to ensure you do not breach the spending limit for an unregistered campaigner. You should also keep a record of all the donations you receive.

After the petition has closed, unregistered petition campaigners do **not** have to:

- submit a spending return to the petition officer
- submit a donations return or
- comply with the deadlines for receiving or paying invoices.

However, if you incur spending as part of a **joint campaign** with one or more registered campaigners, you should provide to each of those registered campaigners:

- a total figure of all your spending
- an itemised list of what each amount was spent on

This is because registered campaigners must provide itemised spending incurred by all the campaigners they have worked together in a joint campaign with in their return to the Petition Officer.

All printed petition material must contain an imprint. All electronic material should also contain an imprint. Please see our imprints factsheet for details.

Registered petition campaigners

Registered petition campaigners have a spending limit of **£10,000** for petition campaign activity.

The responsible person must record all spending; donations and the relevant details about the donations for that type of donor.

After the petition has closed, the responsible person must:

- submit a spending return to the petition officer
- comply with the deadlines for receiving or paying invoices.

Registered campaigners must also submit a donations return except for political parties (who are not ‘minor’ parties).

All printed petition material must contain an imprint. All electronic material should also contain an imprint. Please see our imprints factsheet for details.

Section A – Your spending

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

An overview of the spending rules

The rules on spending apply to spending on activities to promote the success or failure of a recall petition during the regulated period.

The regulated period is a set time when the spending limits and rules apply. Please see page 11 for more details.

Petition spending includes any expenses incurred, whether on goods, services, property or facilities, for the purposes of promoting or procuring the success or failure of a recall petition during the regulated period.

This includes:

- items or services bought before the regulated period begins, but used during it
- items or services given to you free of charge or given to you 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

In the spending section of this guidance, we use ‘you’ to refer to the person who is responsible for campaign spending. For registered petition campaigners, this will be the responsible person (see page 13).

All printed petition material must contain an imprint. All electronic material should also contain an imprint. Please see our imprints factsheet for details.

When do the petition spending and donation rules apply?

The petition spending rules apply to all petition campaigners during the regulated period, which will:

- start on the day after the Speaker of the House of Commons notifies the Petition Officer that the conditions for opening a petition have been met and
- end on the day that the Petition Officer notifies the Speaker of the House of Commons of the result of the petition or on the day the Speaker of the House of Commons notifies the Petition Officer that the petition has ended early.

The petition will be available to sign for up to **6 weeks**. However, the regulated period includes time for the Petition Officer to prepare the petition and count the signatures so the regulated period can last longer than 6 weeks.

A petition will end early if:

- the next UK Parliamentary general election is brought forward to within six months of the Speaker's notice
- the MP seat is made vacant for any other reason (such as resignation) or
- the MP's conviction, sentence of imprisonment or detention order is overturned

If one of these conditions is met, the regulated period will end on the day the Speaker of the House of Commons notifies the Petition Officer that the petition has ended early.

You should ask the Petition Officer for the specific dates of the start and end of the regulated period.

How much can you spend during the regulated period?

During the regulated period, the spending limits are:

- £500 for unregistered campaigners
- £10,000 for registered campaigners

An eligible person or organisation can register by notifying the Petition Officer in writing. They must do so **before** they spend over £500 on petition spending including costs incurred as part of a joint campaign. Please see page 20 for more details on joint campaigning.

Please contact the Petition Officer at the relevant local council for details on how to register as a petition campaigner.

Who can register?

People and organisations eligible to register are:

- an individual registered on a UK electoral register or resident in the UK
- a UK registered political party (including ‘minor’ parties)
- a UK registered company which is incorporated in the UK and carries on business in the UK
- a UK registered trade union
- a UK registered building society
- a UK registered Limited Liability partnership which carries on business in the UK
- a UK registered friendly, industrial or provident society
- a UK based unincorporated association that carries on the majority of its business or other activities in the UK

Who is responsible for petition spending?

There are rules in place to make sure that spending can be accurately recorded and reported. There are two types of campaigners; '**registered**' and '**unregistered**' campaigners.

If you authorise someone to incur petition spending, it is good practice to be clear how much they can spend and on what.

Registered petition campaigners

As part of the application to become a registered petition campaigner, you must appoint a 'responsible person'. Once appointed, the responsible person must ensure that the rules on spending are followed.

Only the following people are allowed to incur petition spending during the regulated period. By 'incur' we mean making a legal commitment to spend the money:

- the responsible person
- anyone authorised in writing by the responsible person

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

Unregistered petition campaigners

If you are unregistered, you must keep a record of all your petition spending to ensure you do not breach the spending limit for an unregistered campaigner (see below).

What is included in petition spending?

Petition 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 example, hire cars or public transport paid for or reimbursed by the petition campaigner or responsible person
- public meetings
- staff. For example, a responsible person'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

What isn’t included in petition spending?

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

- personal expenses (see below)
- anything (except adverts) appearing in a newspaper or on a licensed broadcast channel
- volunteer time including time spent by your staff that you do not pay them for
- someone’s main residence
- someone’s personal car or other means of transport
- general computer equipment bought for personal use

Public meetings

You do not need to include the costs of:

- events that are for your organisation’s 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.

Volunteer time

You do not need to include the time volunteers spend on petition campaign activity. However, spending money on any resources that you provide for your volunteers to carry out petition campaign activities will be covered. For example, if a mini bus is hired to transport volunteers to carry out canvassing, the cost of the hire will count towards the spending limit.

Sometimes you may not be sure if someone is a volunteer or if their time should be treated as notional spending. 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.

Personal expenses

Personal expenses include travel, living and personal costs of any staff or campaigners in connection with petition campaign activity which are paid for out that person's own funds and are not reimbursed. Personal expenses do not count towards your spending limit and should not be reported on the spending return.

Downloadable material

If you put material on a website for people to print off for their personal use, such as window posters, the design and website costs count as petition 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 may count as petition 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 goods or services at a reduced value
- a political party or another organisation lets you use an office or other facilities

You must record the full commercial value of these items or activities as petition spending if these three conditions are met:

- you receive the item free of charge or at a non-commercial discount of more than 10%
- the difference in value between the commercial value and what you pay is more than £50
- they are made use of by or on behalf of the recall petition campaigner

A person only makes use of something on behalf of a recall petition campaigner if that use has been directed, authorised or encouraged by the recall petition campaigner, or by the responsible person (if the campaigner has appointed one).

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 between the commercial value and the price you pay is called ‘notional spending’.

Notional spending with a value of more than £500 will also be a donation. You can find out more about the rules on donations in Section B of this guidance.

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

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

Valuing notional spending

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

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

After the petition has closed, the responsible person must report each item of notional spending over £50. You must also include the price you paid (if any) in your spending return. The value you report must be a fair and honest assessment of the commercial value.

After the petition has closed, the responsible person must sign the return to declare that it is complete and correct to the best of their knowledge and belief.

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

Example:

You are provided free office accommodation from which to run your petition campaign. You use it for **6 weeks** of the regulated period.

You would calculate and report the notional spending as set out below:

Normal cost of 6 weeks rent:	£600
Cost you were charged:	£0
Notional expenditure to be reported:	£600

Valuing seconded staff

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

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.

Items partly used for your campaign

Sometimes, you may need to split your costs between activities that count as petition spending and those that don't, for example, between:

- items used both before and during the regulated period
- petition spending and spending on other activities – for example, an office that is used for other things as well as your petition campaign

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 petition 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.

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

Expert paper: Splitting Spending

Staff Costs

Staff costs for all campaign activity will count towards the spending limit. If you have a member of staff working on campaign activity as well as your usual organisation's work you will need to count a proportion of the staff salary which reflects the time spent working on the petition campaign.

If your organisation already has an established way of apportioning these costs for other work, you may decide to calculate staff costs incurred in relation to campaign activities in the same way.

You should make an honest and reasonable assessment of the proportion of staff costs that can be fairly attributed to your petition spending.

Working with other petition campaigners: joint campaigns

You may choose to work with one or more campaigners in a joint campaign, perhaps in order to make the overall campaign more effective. There are special rules when petition campaigners work together as part of a joint campaign.

When one campaigner spends money as part of a joint campaign, that spending will count towards the spending for **each** campaigner involved in the arrangement. We call these the 'joint campaigning' rules.

The joint campaign rules apply where:

- spending on a petition campaign is incurred by, or on behalf of, a petition campaigner, and
- the spending is incurred as part of a common plan or other arrangement with another petition campaigner or campaigners (known as '**working together**')

What we mean by 'working together'

To be part of a joint campaign, you must be working together with one or more other petition campaigners.

Working together means incurring petition spending as a result of a common plan or arrangement between one or more petition campaigners during a regulated period.

The guiding principle

We recognise that campaigners may come together to campaign in a variety of ways, both formal and informal, and that the ways campaigners interact with other campaigners may change during the course of a campaign. You will need to decide whether you and another campaigner are in fact working together and are part of a joint campaign.

To help you decide whether you and another petition campaigner are working together on a joint campaign, you should make an honest and reasonable assessment, based on

the facts, whether you and another petition campaigner are spending money as part of a common plan or arrangement.

This will be straightforward for some spending. However, in some situations it may be more difficult to decide when you are spending money as part of a common plan or arrangement.

In our view, you are not working together if:

- you have informal discussions with other campaigners that do not involve decision-making or coordinating your plans
- you speak at an event organised by another campaigner, but do not participate in any other way
- you do not consult with other campaigners about what you should say in your campaign or how you should organise it.

In our view, you are very likely to be working together if:

- you have joint advertising campaigns, leaflets or events
- you coordinate your petition campaign activity with another campaigner – for example, if you agree that you should each cover particular areas, arguments or electors
- another campaigner can approve or has significant influence over your leaflets, websites, or other campaign activities.

In such cases, you should make an honest and reasonable assessment, based on the facts, whether you and another campaigner are working together.

Joint campaigning and your spending limit

If petition campaigners work together as part of a joint campaign, each of those petition campaigners must record the combined costs of the petition spending on that campaign as it will count towards the spending limits for each petition campaigner involved.

If you want to spend more than £500 on petition spending (including costs incurred by your joint campaign partners in campaigns in which you are working together), you must

Please contact the Petition Officer at the local council for details of how to register as a petition campaigner.

register with the Petition Officer as a registered petition campaigner.

If you do not register, or are not eligible to register, you **must not** spend more than more than £500 during the regulated period on petition spending; including spending incurred by your joint campaign partners in campaigns in which you were working together.

For example:

You and two other petition campaigners agree to spend **£200** each on a joint campaign. This means that the total spending for the joint campaign is **£600**. As this will be over the spending limit for unregistered campaigners, each campaigner must register with the Petition Officer before they spend over the threshold. You must report your own and your joint campaigner partners' spending in your spending return.

Reporting joint campaign spending

Registered petition campaigners must report the spending that was incurred by or on behalf of their joint campaign partners in their spending return.

This means that if you are an unregistered petition campaigner, you will need to send the details of what you have spent to any of our joint campaign partners who are registered, so that they can report it in their return.

Please see p47 for details.

The records you must keep

All petition campaigners must record all of their petition spending. The responsible person for registered petition campaigners must include this information in the spending return after the petition has closed. See **Section C** for further information.

What you need to record

You must record all your petition spending.

For each item of petition spending incurred during the regulated period **and** after registration, you must 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 incurred the spending

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

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 17 on notional spending for more information.

After the petition has closed

After the petition has closed, the responsible person for registered petition campaigners must meet deadlines for:

- receiving and paying invoices
- submitting a spending and donations return to the Petition Officer

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

Section B – Donations to registered petition campaigners

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

Registered petition campaigners can only accept donations of money, items or services towards their petition campaign spending from certain, mainly UK-based, sources.

The responsible person for a registered petition campaigner must check that donations are from permissible sources the rules before accepting them.

If you are an MP or a member of a political party who is registered as an individual petition campaigner, this includes donations from your own political party.

Registered petition campaigners must report donations they have received within 30 days of the end of the regulated period, with the exception of political parties (who are not 'minor' parties). This is because registered political parties report donations and loans to us every quarter.

The responsible person must sign the return to declare that it is complete and correct to the best of their knowledge.

Donations reported to the Petition Officer will be available for public inspection.

You can find the spending and donations return here.

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 petition has closed in **Section C**.

In this guidance, we use 'you' to refer to a petition campaigner's registered responsible person.

Part One - About donations

Who is responsible for donations?

As part of the application to become a registered petition campaigner, you must appoint a ‘responsible person’. The responsible person must ensure that the rules on donations are followed. This includes maintaining suitable systems to ensure that donations are dealt with correctly.

Where an organisation has registered as a petition campaigner and appoints a responsible person, other officers within the organisation must give relevant information to the responsible person, if reasonably required, to enable compliance with statutory obligations.

What is a donation?

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

- towards your petition spending
- without charge or on non-commercial terms

and has a value of over **£500**. Anything with a value of £500 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 petition 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
- membership fees (excluding individual registered petition campaigners)

The rules on donations cover donations you receive towards regulated campaign spending that you receive before the regulated period and before you were registered.

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 Northern Ireland registered political party (only if the petition is opened in a constituency in Northern Ireland)
- a UK registered company which is incorporated within the UK and carries on business in the UK
- a UK-registered trade union
- a UK-registered building society
- a UK-registered limited liability partnership (LLP) that carries on business in the UK
- a UK-registered friendly society
- a UK-based unincorporated association that is based in and carries on business or other activities in the UK

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 £500, 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, and we may apply to the courts to have the donation forfeited.

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

Donations given on behalf of others

If you are given a donation on behalf of someone else, the person giving you the donation (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 30 days.

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 it is received into your account

How do you return a donation?

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

If the donation is from an unidentified source (for example, an anonymous £600 monetary donation), you must return it to:

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

If you cannot identify either, you must send the donation to us. We will pay it into the Government's consolidated fund.

If any interest has been gained on the donation before you return it, you can keep it. This is not treated as a donation and it does not need to be reported.

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% and
- the difference in value between the commercial value and what you pay is more than £500

you must value them at the market rate. For example:

Market rate for goods	-	Price you pay	=	Value of donation
£800	-	£200	=	£600

Or:

Market rate for services	-	Price you pay	=	Value of donation
£800	-	£0	=	£800

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.

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.

More information is available in our

Factsheet: Sponsorship

Valuing a donation by sponsorship

If someone sponsors a publication, study, research or event on the petition campaigner'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 £500, 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 you received the donation
- the date you accepted the donation

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 donor's 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 or unidentifiable source the responsible person must return it (see page 29) and record these details:

- the name and address of the donor if known or if impermissible, the manner in which the donation was made.
- the amount or value and nature of the donation
- if the donation was given anonymously, details of how the donation was made
- the date you received the donation
- the date you returned the donation
- the action you took to return the donation (for example, the person or institution you returned it to)

After the petition has closed

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

Individual petition campaigners who are party members or holders of elected office

If you are a member of a registered political party or you hold one of the offices listed below, you need to follow rules about donations and loans given to you for your political activity. We call these individuals 'regulated donees'. Some donations may need to be reported under **both** the petition campaigner and regulated donee rules.

You are a regulated donee if you are:

- a member of a registered political party
- a members' association
- the Mayor of London or any other elected mayor
- a Police and Crime Commissioner
- a member of
    - the UK Parliament
    - the Scottish Parliament
    - the Senedd
    - the Northern Ireland Assembly
    - any local authority in the UK, excluding parish or community councils
    - the Greater London Authority

If you are a regulated donee you should read our guidance on these rules on our website.

Part Two - How to check permissibility

Before you accept any donation of more than £500 for the purpose of meeting petition 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, we may apply to the courts to have it forfeited.

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. Registered petition campaigners are entitled to a free copy of the full electoral register.

To obtain a copy of the register, you should contact the electoral registration department at the relevant local council, or the Electoral Office for Northern Ireland (EONI) as appropriate, explaining that you are asking for it as a registered petition campaigner.

You should also ask them to send you all the updates to the register.

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

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

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.

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 check.

Donations from companies

What makes a company a permissible donor?

A company is permissible if it is:

- registered under the Companies Act 2006; and
- incorporated in the UK, and
- carrying on business in the UK

You must be sure that the company meets all three criteria.

How do you check a company's registration and incorporation?

You should check a company's registration on Companies House.

You should look at the full register entry for the company, in particular checking what type of company it is and where it was incorporated.

Not all companies listed on the Companies House website are permissible donors. These companies may not be registered under the Companies Act 2006 or not operating in the UK, or they may be incorporated in another country. It is important for you to be satisfied that your donor or lender is permissible. For example, a company which is incorporated in another country

but has a branch registered and operating in the UK would not be permissible.

The types of company which are registered under the Companies Act 2006 include:

- Public limited
- Private limited
- Private unlimited

Companies previously registered under the Companies Act 1985 or the Companies (Northern Ireland) Order 1986 should be treated as though they were formed and registered under the Companies Act 2006.

Royal Charter companies that have registered under the Companies Act 2006 will appear as one of the types of company listed above. These companies may also have another record with Companies House. We recommend that you check whether there are any other records which may be related to a Royal Charter company.

Companies incorporated in the Channel Islands, Isle of Man or Gibraltar are not permissible, as they are not incorporated in the UK.

How do you check if a 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 confirmation statement 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.

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

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 register
- the company's registered office address and
- the registered company number.

Donations from Limited Liability partnerships

What makes a limited liability partnership permissible?

A limited liability partnership (LLP) is a permissible donor if it is:

- registered as an LLP at Companies House under the Limited Liability Partnerships Act 2000, and
- carrying on business in the UK

How do you check an LLP's registration?

You should check the register at Companies House. Other types of partnerships listed on Companies House, such as limited partnerships, are not included in this category of donor.

How do you check if a limited liability partnership is carrying on business in the UK?

You must be satisfied that the LLP is carrying on business in the UK. The business can be non-profit making.

Even if you have direct personal knowledge of the LLP, you should check the Companies House register to see if:

- the LLP is in liquidation, dormant, or about to be struck off
- the LLP's accounts and confirmation statement are overdue

An LLP 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 LLP, you should consider looking at:

- the LLP's website
- relevant trade, telephone directories or reputable websites
- the latest accounts filed at Companies House

If you are still not sure if the LLP is carrying on business in the UK, you should ask for written confirmation of its business activities from the LLP's members.

What information must you record?

You must record:

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

You should also record the LLP's registered number.

Donations from unincorporated associations

What makes an unincorporated association a permissible donor?

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 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
- a separate existence from its members

For example, members' clubs are sometimes unincorporated associations.

You must ensure that the unincorporated association has more than one member and has its main office in the UK. You must check that the unincorporated association is carrying on business or other activities in the UK. 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 38.

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 £500 and treat them as the donors.

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

What information must you record?

You must record:

- the name of the unincorporated association
- the unincorporated association’s main address.

Other types of donor

The table below shows how you check permissibility for other types of donor.

Type of donor	Requirement	Where to check
Political party	If the petition is for a constituency in England, Scotland or Wales, the party must be registered on the Great Britain register of political parties If the petition is for a constituency in Northern Ireland, the political party must be registered on the Great Britain register OR the Northern Ireland register of political parties	The Electoral Commission search.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 – Post-petition responsibilities for registered petition campaigners

This section explains how to report your petition spending and donations after the petition has closed.

What registered petition campaigners must do after the petition

After the petition has closed, the responsible person must make sure that:

- all invoices are received within **21 days** starting with the day after the end of the regulated period
- all invoices are paid within **28 days** starting with the day after the end of the regulated period
- submit details of petition spending and donations to the Petition Officer, or for petitions in Northern Ireland to the Chief Electoral Officer for Northern Ireland, within **30 days** starting with the day after the end of the regulated period.

You must still submit a spending return if you are a registered petition campaigner even if you haven't spent any money.

Unregistered petition campaigners do **not** have to submit a return to the Petition Officer or comply with the deadlines for receiving and paying invoices deadlines.

Time limits for receiving and paying invoices

Receiving invoices from suppliers

You must obtain all your invoices for your petition spending from suppliers within **21 days** of the end of the regulated period.

The regulated period ends on the day the Petition Officer notifies the Speaker of the House of Commons of the result of the petition or that the petition has been closed before the end of the 6 week period.

If you have not **received** an invoice within **21 days**, you cannot pay the invoice without a court order granting leave to pay the invoice. You must report these as '**unpaid claims**' on your spending return.

Paying invoices from suppliers

You must pay all your invoices from suppliers within **28 days** of the end of the regulated period. If you do not pay an invoice within **28 days**, you cannot pay the invoice without a court order granting leave to pay the invoice. You must report these as '**disputed claims**' on your spending return.

It may be an offence to pay an invoice if these deadlines are not met without a court order. You should make your suppliers aware of this.

For 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 petition spending returns, the responsible person **must** report the payment in writing to the Petition Officer within seven days of making the payment and must include a copy of the court order.

Completing your return

Together, the spending and donations forms are called a 'return'.

The spending return

Pre-registration spending

You must give a **total** figure for all spending incurred before you registered.

This includes notional spending and any joint campaign spending by your joint campaign partners.

Petition spending and notional spending

For spending incurred **after** you registered, you must report for each item of spending incurred:

- what the spending was for – for example, leaflets or advertising
- the name and address of the supplier
- the amount or value

and specify whether each item of spending:

- was notional spending – see page 17
- was incurred as part of a joint campaign
- is an unpaid or disputed claim

You must provide invoices and receipts for any payment over £20 (excluding notional spending).

Joint campaign reporting

You must also report all spending incurred by your joint campaign partners in campaigns in which you were working together (even if your joint campaign partner was not registered).

For each joint campaigner's pre-registration spending, you need to know the total, which you must report as part of your total figure for pre-registration spending.

For all spending incurred **after** they registered, you must report for each item of spending incurred:

- what the spending was for – for example, leaflets or advertising
- the name and address of the supplier
- the amount or value

You do **not** need to provide invoices for spending incurred by your joint campaign partners.

The donations return

Registered petition campaigners must report donations they have received within 30 days of the end of the regulated period, with the exception of political parties (who are not 'minor' parties).

For permissible donations over £500, the return must include:

- 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 you received the donation
- the date you accepted the donation

For impermissible donations over £500, the return must include:

- the name and address of the donor if known or if impermissible, the manner in which the donation was made.
- the amount or value and nature of the donation
- 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)

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

The responsible person must sign the return to declare that it is complete and correct to the best of their knowledge and belief.

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

Where you can find the spending return

We produce forms and explanatory notes you can use for your return:

- PDF
- Excel
- Explanatory notes

They cover all the information you must include. You can find further information for petition campaigners on our guidance page.

How we can help

You can view our full range of guidance and up-to-date resources on our website.

You can contact us for advice on imprints, spending and donations using the contact details below. Please contact the petition officer for details on registering.

Call us on 0333 103 1928 or 0333 103 1929 (Wales)

Or email

- England: pef@electoralcommission.org.uk
- Scotland: infoscotland@electoralcommission.org.uk
- Wales: infowales@electoralcommission.org.uk
- Northern Ireland: infonorthernireland@electoralcommission.org.uk

Visit us at http://www.electoralcommission.org.uk

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