
Restoration notices

Our job is to make sure people and organisations follow the rules on party and election finance.

We have a range of proportionate sanctions to use when these rules are broken. A restoration notice is a legally binding sanction setting out actions that regulated people or organisations must take to restore the situation to what it would have been had no breach occurred.

What is a restoration notice?

A restoration notice is a legally binding sanction. It tells a regulated organisation or individual that has breached the law on party and election finance what action they have to take to restore the situation to what it would have been had no breach occurred. A restoration notice is one of the three 'discretionary requirements' (along with variable monetary penalties and compliance notices) that the Commission can use to sanction breaches of the law. A restoration notice can be used on its own or together with other discretionary requirements.

Why have I been issued with a restoration notice?

We use restoration notices to sanction some breaches of the Political Parties Elections and Referendums Act 2000 (PPERA). We will explain the grounds for imposing the sanction in initial and final notices and will specify the action(s) that must you must take as well as the consequences of not complying

with the initial and final notices. Before we issue a restoration notice we must be satisfied to the criminal standard of proof (that is, beyond reasonable doubt) that the breach has occurred.

Who can be issued with a restoration notice?

The Commission may issue a restoration notice to any regulated person or organisation that has breached certain requirements or restrictions of PERERA. Regulated people and organisations include; registered political parties, recognised third party organisations campaigning at elections, campaigners in referendums, and other regulated donees (which may include members of political parties, holders of elective office and associations mainly consisting of party members).

What is an initial notice?

An initial notice sets out the Commission's proposal to use a restoration notice to sanction a breach of PERERA. The initial notice will contain the following information:

- the name and address of the

person or organisation to whom the sanction is issued

- our reason for imposing the sanction, including details of the breach that we believe has occurred
- the action(s) that we require you to take and the consequences of not complying with the notice
- how to make written representations about our decision to issue the initial notice
- what the Commission will do next
- who to contact at the Commission about the proposed sanction set out in the initial notice

I do not agree with your decision to impose a compliance notice. What can I do?

If you have received an initial notice, and you disagree with our decision or have reasons you feel are relevant and should be taken into account before a final decision is taken you must make representations to us in writing within 28 days of receiving the initial notice. Details of how to make representations are included in the initial notice.

How are representations considered?

A senior officer of the Commission who was not involved in making the initial decision will consider any representations that you make in

accordance with our enforcement policy. We will then:

- write to you to say that we will not enforce the notice; or
- issue a final notice if we decide that the sanction is still appropriate and we are satisfied beyond reasonable doubt that the breach occurred

What is a final notice?

A final notice either confirms the sanction proposed in the initial notice or imposes a modified sanction, taking into account any representations made. The final notice contains the following information:

- the name and address of the person or organisation to which this notice is issued
- our reason for imposing the sanction, including details of the breach that we believe has occurred
- how to appeal to a court against the decision to impose the sanction
- the consequences of not complying with the terms of the notice

How do I appeal against a final notice?

You may appeal the Commission's decision to impose the sanction by applying to the County Court (or in Scotland to the Sheriff). You must do this within 28 days of receiving the final notice. The notice will be suspended pending appeal until a decision is made by the County Court or

Sheriff or you withdraw your appeal.

I have complied with the requirements of the notice. What do I do now?

Once you think you have completed the actions set out in the final notice you should apply to the Commission for a completion certificate. Your application should be sent in writing and demonstrate how you have complied with the conditions of the notice, we will then review your application and respond to you within 28 days. If you have complied with the steps set out in the final restoration notice we will issue a completion certificate and the matter will be closed. If we require further information or action to be taken before we can issue a completion certificate we will write to you and inform you of this.

You should be aware that we may revoke a completion certificate if any information you provide in your application is subsequently found to be inaccurate or misleading. In this case requirements of the original restoration notice will still stand.

What happens if I don't take the actions set out in the restoration notice?

The next steps we can take depend on whether you have had received a variable monetary penalty in conjunction with the restoration notice.

If we did not impose a variable monetary penalty:

- We may impose a penalty for non-compliance; this will be between £500 and £20,000 depending on the circumstances. The value of the penalty will be no less than our estimate of the cost of undertaking the activities specified in the compliance notice. We set out details of the potential penalty in the initial notice and confirm or modify them in the final notice.
- Alternatively, we may seek prosecution for certain offences.

If we imposed a variable monetary penalty as well as the restoration notice

- We will usually impose a penalty for non-compliance; this will be between £500 and £20,000 depending on the circumstances. The value of the penalty will be no less than our estimate of the cost of undertaking the activities specified in the compliance notice. We set out details of the potential penalty in the initial notice and confirm or modify them in the final notice.

Where can I get more information on restoration notices?

You can read our enforcement policy and other information about our enforcement work at www.electoralcommission.org.uk/party-finance/enforcement.

Further information

Please contact:

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electoralcommission.org.uk

www.electoralcommission.org.uk

We are an independent body set up by the UK Parliament. Our aim is integrity and public confidence in the democratic process. We regulate party and election finance and set standards for well-run elections. For more information see: www.electoralcommission.org.uk

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