

Situations and procedures – GB and NI

Permissibility for non-party campaigners

This document is for registered non-party campaigners who want to know more about how to check permissibility for donations.

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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

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

You do not have to follow this guidance, but if you do, you will normally be doing enough to comply with the law.

Our approach to enforcement

The Commission regulates political funding and spending. We are committed to providing those we regulate with a clear understanding of their regulatory obligations through our guidance documents and advice service. If you are unsure of how any of the rules apply to you, please call us for advice. We are happy to help, so please get in touch.

We use advice and guidance proactively in order to secure compliance. And we take enforcement action, using our investigatory powers and sanctions, where it is necessary and proportionate to do so in order to meet our enforcement aims and objectives. If you do not comply with legal requirements you or your organisation may be subject to civil or criminal sanctions. You can find more information about the Commission's approach to enforcement at www.electoralcommission.org.uk/party-finance/enforcement

Permissibility for non-party campaigners

Who this document is for:

Registered non-party campaigners campaigning in the run-up to elections who want to know more about how to check if a donor is permissible.

This covers:

- who is a permissible donor
- how to make checks on permissibility
- what you must record

Related documents:

- [Overview of donations to non-party campaigners](#)
 - [Overview of regulated non-party campaigning](#)
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Summary

Under the Political Parties, Elections and Referendums Act 2000 (PPERA), donations to registered non-party campaigners campaigning in the run-up to elections are regulated.

Donations can only be accepted from certain sources, mainly UK-based.

This guidance explains how to check if you can accept a donation from a particular source, and tells you the information you should record.

The information you must record will help you complete your spending return to us after the election.

Introduction

Non-party campaigners are individuals or organisations that campaign in the run-up to elections, but are not standing as political parties or candidates.

In electoral law, these individuals or organisations are called 'third parties'. Where non-party campaigners have registered with the Electoral Commission they are called 'recognised third parties'; in our guidance, we call recognised third parties 'registered non-party campaigners'.

Under PPERA, there are rules on which donations a non-party campaigner can accept. Certain donations must be recorded and reported to us.

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Checking permissibility

Before a registered non-party campaigner accepts any donation of more than £500, they must take all reasonable steps to:

- make sure they know the identity of the true source, and
- check that the source is permissible.

What is a donation?

A donation is money, goods (or other property) or services which is given:

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

and has a value of over £500. Under PPERA, anything with a value of £500 or less is not a donation.

Some examples of donations include:

- a gift of money or other property
- sponsorship of an event or publication
- subscription or affiliation payments
- free or specially discounted use of an office

If you are given a donation (including from an impermissible source), there are also requirements to record certain information, such as who the donation is from and the date you received the donation. Certain donations must also be reported to us.

What type of donations do the rules cover?

The rules cover all donations that are given towards your regulated campaign spending.

The rules do not cover:

- money you receive towards spending that is not regulated. For example, leaflets that you use before the regulated period begins
- money given for campaign activity that does not meet the purpose test

Who is responsible for checking permissibility?

Campaigners must appoint and register a 'responsible person' with us. The responsible person must make sure that the campaigner complies with the rules.

This includes maintaining suitable systems to ensure that donations are dealt with correctly.

Other officers within the organisation must give relevant information to the responsible person if reasonably required to do so.

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When must I check permissibility?



As soon as you receive a donation, you must make sure you know who the donor is, and start checking their permissibility. You have 30 days to decide whether to accept or refuse the donation.

Even if you have made a check in connection with an earlier donation from the same source, you must make a fresh check for each new donation, to make sure nothing has changed.

You should keep a record of all your permissibility checks to show that you have followed the rules.

What is a permissible source?

A permissible source is:

- an individual registered on a UK electoral register, including overseas electors and those leaving bequests
- a UK registered company which is incorporated within the EU 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 unincorporated association that is based and carries on business or other activities in the UK

You must not accept donations from a political party.



Although you can legally accept donations from charities as long as they are permissible donors under these rules, charities are not usually allowed to make political donations under charity law.

If you know that a donor is a charity, you should make sure that they get advice from the Charity Commission, Office of the Scottish Charity Regulator or the Northern Ireland Charity Commission before they make the donation.

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How to check if an individual is permissible

What makes an individual permissible?

Individuals must be on a UK electoral register at the time of the donation. This includes overseas electors.

If you are left a bequest, and the individual was on the electoral register at any time five years before their death, you can accept the donation.



How do you check permissibility?

You can use the electoral register to check if an individual is permissible. Registered non-party campaigners are entitled to a free copy of the full electoral register.

A new version of the electoral register is usually published on 1 December every year, and it is updated regularly. You should contact the Electoral Registration Officer in writing at the relevant local council for your copy, explaining that you are asking for it as a registered non-party 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 certain special circumstances, people have an anonymous registration. If a donor is anonymously registered, please contact us for advice on how to confirm permissibility.

You must only use the register for checking if a donor is permissible, or for your own campaigning, for example to send election material to voters. 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.

How to check if a company is permissible

What makes a company a permissible donor?

A company is permissible if it is:

- registered under the Companies Act 2006; and
- 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.companieshouse.gov.uk. You should look at the full register entry for the company.

To check that the company is permissible, you should look at its registered number. Some companies will have a number only. Other companies have a letter as a prefix to the number.

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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 10 |
| 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 on 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, or
- the company's accounts and annual return are overdue.

If you're still uncertain that a company is permissible, please call or email us for advice.

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 or the company secretary.

What information must you record?

You must record:

- the name as it is shown on the Companies House register
 - the company's registered office address and
 - the registered company number.
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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 and
- 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.companieshouse.gov.uk.

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

You must check 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 the previous page.

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.

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, and
- 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,
- rules or a constitution, and
- 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 9.

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 an unincorporated association makes political donations amounting to more than £25,000 in a calendar year, you should make them aware that they have to report this to us.

See our website or call us for more information.

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 |
|--|---|--|
| Trade union | Listed as a trade union by the Certification Officer | The Certification Officer http://www.certoffice.org |
| Building society | A building society within the meaning of the Building Societies Act 1986 | The Financial Conduct Authority http://www.fca.org.uk |
| Friendly/ industrial provident society | Registered under the Friendly Societies Act 1974 or the Industrial and Provident Societies Act 1965 | The Financial Conduct Authority http://www.fca.org.uk |

What information must you record?

You must record:

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

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

Call us on:

- England: 0333 103 1928
pef@electoralcommission.org.uk
- Scotland: 0333 103 1928
infoscotland@electoralcommission.org.uk
- Wales: 0333 103 1929
infowales@electoralcommission.org.uk
- Northern Ireland: 0333 103 1928
infonorthernireland@electoralcommission.org.uk

Visit us at www.electoralcommission.org.uk

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