Enforcement Policy | Electoral Commission Search Enforcement Policy You are in the section Home Currently reading: of 9 - Show page contents On this page About this guidance How enforcement fits into our approach to regulation Our supervisory powers Our investigatory powers Other powers Assessments and investigations The civil sanctions decision-making framework The civil sanctions available to the Commission Appendix About this guidance The Electoral Commission is the independent body which oversees elections and regulates political finance in the United Kingdom. We are accountable to the UK Parliament, the Scottish Parliament, and the Senedd. The Political Parties , Elections and Referendums Act 2000 (PPERA) requires us to prepare and publish guidance as to the use of our powers to investigate and sanction potential offences and contraventions of PPERA. This Enforcement Policy fulfils that requirement. We are then required to have regard to this published guidance when exercising our enforcement functions. This guidance sets out our enforcement approach, and how we will normally use our supervisory, investigation and sanctioning powers. It also sets out how we assess and investigate potential offences or contraventions of PPERA, and our approach to the forfeiture of funds from impermissible donors. This guidance does not cover our enforcement approach to the controls on information to be included with electronic material (imprints) in the Elections Act 2022. We are required to provide separate guidance, approved by Parliament, for that element of the regime. The content of this Policy (except the Appendix) is a statutory requirement and we are required to consult before making changes. The previous policy is applicable to any offences identified which took place between 5 April 2016 and 1 September 2023, when this policy came into effect. How enforcement fits into our approach to regulation Proportionate enforcement as part of regulation We aim to ensure an increasingly trusted and transparent system of regulation in political finance, monitoring and securing compliance, promoting understanding amongst those regulated and proactively pursuing potential offences or contraventions of political finance law. To do this we provide proactive or reactive support in order to secure compliance and to give those we regulate a clear understanding of their responsibilities and how to meet them. We will also take enforcement action, including using investigatory powers and sanctions, but only where we are satisfied that it is necessary and proportionate to do so in order to achieve our corporate objective. This means that: where we are satisfied we can resolve a matter and achieve our aim without enforcement action, we will do so where we do take enforcement action, we will do so in a way that is objective, impartial, consistent, effective, proportionate and fair we will seek to conduct enforcement action as quickly as possible and efficiently, and with due regard for those involved we will take the facts of each situation into account Working with the police, prosecutors, and other regulators The Commission’s role as regulator includes monitoring and securing compliance with all the political finance laws in PPERA. However, we may investigate and impose sanctions only in relation to certain offences and contraventions of the law in PPERA. These offences fall into our enforcement remit, which is narrower than our regulatory remit. All PPERA offences are criminal offences and may be investigated by the police. There is a different regime for candidates in elections under the Representation of the People Act 1983. The offences set out in that regime may only be investigated by the police. We cannot investigate or sanction these offences. We have agreements in place with the police and prosecutors in England and Wales, Scotland and Northern Ireland. Where we become aware of a potential criminal offence within our regulatory role but not our enforcement remit, or which we consider to be so serious that our civil sanctions may

not be an adequate response, we may notify the police so that they can consider investigating. It will be a matter for the relevant police force whether or not they decide to investigate. We work with other regulatory bodies and share information with them where we are able to and it is appropriate to do so. We may also notify any relevant authority, including the police, of potential offences we become aware of which sit outside our regulatory remit where we consider it appropriate to do so. Where a matter under investigation includes an offence or offences where more than one enforcement body has an interest, we will liaise with other regulatory bodies or the police at the earliest possible stage to minimise duplication of investigative work. Police investigations will always take primacy over our civil investigations. Our supervisory powers Our supervisory powers are powers we can use where we do not have reasonable grounds to suspect an offence and we are not conducting an investigation. They enable us to monitor and check on those who are regulated under PPERA, such as registered parties or officers of those parties, registered non-party campaigners, registered referendum campaigners, candidates and their agents. The powers extend only to information about the income and expenditure of the person or organisation concerned. These powers support monitoring compliance by regulated organisations and individuals with the requirements set down in law. As part of our statutory role monitoring compliance with these laws, we may need to obtain information from, or visit premises used by, those we regulate. Where appropriate this is done on a voluntary basis and with advance notice. However, Schedule 19 B of PPERA provides us with the power to ensure that information can be obtained where it is necessary for our functions. These are separate from the powers available to us to investigate potential breaches and offences under PPERA. Disclosure notices We may issue a disclosure notice requiring a regulated organisation or individual to provide us with specific documents and/or information. These documents or information must be related to the income and expenditure of the organisation or individual, and must be reasonably required by us for the purpose of carrying out our functions. A disclosure notice may be issued, for example, where we need to be certain of ascertaining compliance by a regulated organisation or individual within a particular timeframe, or where there are public interest issues. We may also use this power where a regulated organisation or individual has failed to comply with a request for voluntary cooperation. The disclosure of material can occur in different ways. For the convenience of all concerned we will normally request that material be sent to us for consideration. However, in some circumstances we may examine the material or information to be made available to us on the premises of the regulated organisation or individual. This may be, for example, because we need to review information storage systems on site. It is a criminal offence to fail to comply with a disclosure notice by the deadline set without reasonable excuse. We will consider requests for extensions to deadlines where there are reasonable grounds for the request. It is also a criminal offence to intentionally obstruct us in carrying out our functions in issuing the notice, or to knowingly or recklessly provide false information in purported compliance with a disclosure notice. Inspection warrants Where we are unreasonably refused access to documents following a request - including during a voluntary inspection of premises - we may ask a justice of the peace or, in Scotland, a sheriff, to issue an inspection warrant. To obtain a warrant we must be able to show all of the following: There are reasonable grounds for believing that there are documents relating to the income and expenditure of the regulated organisation or individual on the premises in question. We need to inspect these documents for the purposes of carrying out our (non-investigatory) functions. We have requested

permission to inspect the documents on the premises and it has been unreasonably refused. We may only ask for an inspection warrant when exercising our supervisory functions, as separate powers exist to seek information for our investigatory functions. Failing to comply with the warrant, or otherwise obstructing it or providing false information under it, is a criminal offence. Our investigatory powers Our investigatory powers are set out in Schedule 19B of PPERA and extend to any person – including individuals and organisations. We may use these powers when we have reasonable grounds to suspect an offence or offences under the political finance laws, and we are investigating the matter. Our investigatory powers may be used and enforced in respect of any person who holds relevant documents or information. As a UK regulator, our powers are however limited to the borders of the UK. We are not therefore able to use our investigatory powers in relation to any person outside the UK. We will use these powers where it is appropriate and proportionate to do so, including to ensure the investigation is conducted as quickly and efficiently as possible. Investigation notice We may issue an investigation notice requiring a person to produce documents or provide information or explanation that is reasonably required for the purpose of our investigation into a suspected offence or contravention. The investigation notice will specify the documents, information or explanation that is required, and set out when and where it must be produced. We can issue an investigation notice to any person – either an individual or an organisation – who we consider holds relevant documents or information. This includes the subject of an investigation or a potential witness or other third party. The disclosure of material can occur in different ways. For the convenience of all concerned we will normally request that material be sent to us for consideration. However, in some circumstances we may examine the material or information to be made available to us on the premises of the person. It is a criminal offence to fail to comply with an investigation notice without reasonable excuse, or to intentionally obstruct us in carrying out our functions in issuing the notice. It is also a criminal offence to knowingly or recklessly provide false information in purported compliance with an investigation notice. Any penalty sought for a failure to comply will depend on the circumstances and any mitigating factors. If the recipient of an investigation notice does not possess or have access to the documents or information specified in the investigation notice, they must let us know as quickly as possible. Disclosure order Where an investigation notice is not complied with we will normally seek to enforce it by applying to the High Court or, in Scotland, the Court of Session for a disclosure order. To obtain a disclosure order we must demonstrate that: We have reasonable grounds to suspect a person (whether or not the recipient of the investigation notice) has committed an offence or contravention under PPERA. There are documents, information or explanations that have not been produced in compliance with an investigation notice. Those documents, information or explanations are reasonably required by us for the purpose of investigating the suspected offence or contravention and those documents, information or explanations are in the custody or under the control of the respondent. We may retain documents delivered in accordance with a disclosure order for three months, unless proceedings have commenced in relation to a criminal offence or the documents are relevant to our issuing an initial notice proposing a monetary penalty. In practice, documents will be returned more quickly if they are of no relevance to an investigation. Where documents are retained for the purpose of proceedings against a person, and there is an appeal against the outcome of the proceedings, we will endeavour to return the documents as soon as it is practical after the appeal process ending. We may make copies or

records of the information contained in documents provided to us. It is a criminal offence to fail to comply, without reasonable excuse, with a disclosure order. It is also an offence to obstruct us, or knowingly or intentionally provide false information in purported compliance with a disclosure order. Where this occurs we may seek prosecution, or seek to have the disclosure order enforced as contempt of court. Statutory interview We may require an individual to attend a statutory interview. The individual – who may be the subject of the investigation or a potential witness or other third party holding relevant information – must attend the statutory interview at a specified time and place and must answer any question that we reasonably consider to be relevant to the investigation. Statutory interviews will usually be recorded. The individual may bring another person to the interview, such as a legal representative. However, we may refuse to allow a particular person to accompany the individual if the presence of that person is likely to compromise the integrity of the investigation. It is a criminal offence to fail to comply, without reasonable excuse, with a requirement to attend a statutory interview or answer the questions asked during it. It is also a criminal offence to obstruct us in carrying out our functions this way, or to knowingly or intentionally provide us with false information in purported compliance with the statutory interview. Any penalty sought for a failure to comply will depend on the circumstances and any mitigating factors. No evidence obtained from a person under these powers is admissable in criminal proceedings against that person, if they are subsequently charged with an offence. Other powers Stop Notices A stop notice under Schedule 19B of PPERA enables us to order a regulated organisation or individual not to do, or to stop doing, something, even if an offence may not yet have been committed. We can only use a stop notice where we reasonably believe: the activity we are seeking to stop is likely to involve an offence or contravention under PPERA; and the action we are seeking to stop is seriously damaging, or poses a significant risk of seriously damaging, public confidence in the PPERA regime as it relates to the income and expenditure of registered political parties and others. The stop notice will set out the steps the recipient must take to comply with it, as well as the grounds under which it has been made, the consequences for failing to comply and the rights of appeal. The recipient of a stop notice may appeal to a county court or, in Scotland, the sheriff against the decision to serve the notice. It is a criminal offence to fail to comply with a stop notice. Any penalty sought for a failure to comply will depend on the circumstances and any mitigating factors. The recipient of a stop notice should apply to us for a completion certificate to verify their compliance with the notice. We will make a decision within 14 days of receipt of an application as to whether to issue it. We will only issue a completion certificate if we are satisfied that the applicant has compiled with the stop notice. The applicant may appeal a decision not to issue a completion certificate within 28 days of being notified of our decision. Forfeiture One of the key purposes of PPERA is to ensure that the sources of donations are controlled and to prevent unlawful overseas funding of UK politics. PPERA sections 54-57 define ‘permissible’ donors, requires recipients to establish that all donors are permissible and return any funds that are not from permissible donors within 30 days of receipt. It is an offence, for which the Commission can impose civil sanctions, to retain such a donation beyond 30 days after receipt. It is a defence if the recipient can show that: they took all reasonable steps to establish that the donor was permissible; and as a result they believed the donor was permissible We will decide whether to investigate and impose sanctions for that offence in accordance with this policy. In addition to the potential offence and

possible sanctions, PPERA also includes ‘forfeiture’ provisions in sections 58-60 which enable the Commission to apply to a court to forfeit funds received from impermissible donors. Recipients must therefore return funds within 30 days unless they have established that the donor is permissible. If the necessary checks are not completed within 30 days, the donation should be returned. As with every area of our regulatory work, we encourage compliance by publishing guidance and providing advice where requested. We apply the following approach in dealing with funds received from impermissible donors and retained beyond 30 days: We will investigate all instances of donations from impermissible donors being retained beyond 30 days – this is to ensure we have all of the relevant facts before taking any decisions. We expect impermissible funds to be returned within 30 days. Where in exceptional circumstances this is not possible, we expect the funds to be retained for as short a time as possible beyond 30 days, minimising any benefit to the recipient, and that the recipient will notify the Commission of any such funds being retained as soon as it becomes aware of them. Where funds have been returned, even outside 30 days, we may seek forfeiture, but we will take into account relevant factors in making our decision such as how long the donation was retained, any benefit to the recipient and whether it was returned as soon as practicable. Where the funds have not been returned, we will apply to court to seek forfeiture unless it is not reasonable, rational or proportionate to do so. We will, wherever possible and appropriate, invite the recipient to voluntarily forfeit such funds before applying to the court, to avoid unnecessary court time and costs for all involved. Where an individual donor was not permissible but was or may have been entitled to appear on an electoral register at the time of the donation, we will consider the appropriate level of voluntary forfeiture accordingly. We will consider separately whether to impose sanctions. In some cases we may seek forfeiture without imposing any sanction, or vice versa. Assessments and investigations Assessments We monitor compliance with the rules in PPERA, and potential offences may be uncovered by that monitoring. We may also receive allegations that the law has been broken, or identify indications of an offence and/or contravention of the law, including through a press report or referral from another regulator. To decide whether to open an investigation, we look at the evidence and circumstances as part of a process called an assessment. The purpose of an assessment Assessments are a consideration of the issues and evidence to determine whether to investigate, or whether an issue can be dealt with another way such as through the provision of guidance. We may investigate where we have reasonable grounds to suspect that a person has committed an offence or contravened a restriction or requirement under PPERA, and where we are satisfied it is in the public interest to take such action. The assessment process We check all potential breaches of the PPERA rules to determine if they should be assessed. We will not assess potential issues if they are not within our regulatory remit. We may also decide not to assess an issue if: It does not disclose any failure to comply with the PPERA rules It is not supported by any credible evidence In the case of a complaint, the complainant refuses to provide details of the issue and any supporting evidence in writing We have already assessed it and no new evidence has come to light We have already taken enforcement action in respect of the issue We do not consider it in the public interest or justifies the use of our resources Assessments may include: Reviewing documents provided to us Reviewing documents we already have Seeking further information or clarification from a complainant Making initial inquiries of the subject of the allegation or other persons In the case of an assessment initiated by a complaint, we will notify the complainant of the outcome of the assessment as

quickly as possible – and within 21 calendar days – after acknowledging receipt of the complaint. A complainant can ask us to review a decision not to open an assessment or investigation. The request must be made within 14 days of notification of the decision. Investigations Investigations Opening an investigation If we are satisfied that there are reasonable grounds to suspect an offence or contravention has occurred, we will consider whether to investigate. We will only open an investigation where we consider that investigating the suspected offence or contravention is in the public interest and justifies the use of our resources in this way. Whether or not a matter is in the public interest and justifies the use of our resources will depend on a number of factors. These factors may be different and/or differently weighted depending on the circumstances. We will consider the relevant factors before deciding whether to open an investigation, and may review the continued relevance of the factors during an investigation. A non-exhaustive list is below: Our regulatory aims and objectives , and whether an investigation is the most appropriate way to achieve them in the particular case Effective and efficient prioritisation in the use of our resources The seriousness of the suspected offence or contravention including the magnitude and potential harm caused by it The strength of the evidence The frequency or duration of the suspected offence or contravention The impact, including the deterrence effect, of an investigation and/or any sanction that might be imposed The compliance history of the person(s) who may have committed the suspected offence or contravention Any steps already taken to rectify the breach Any relevant circumstances of the individuals involved Timescales for investigations The time taken to complete an investigation varies on a case by case basis. Where there is a great deal of evidence to collect and assess, or where the issue relates to a particularly complex area of the law, the investigation may take longer. We manage investigations differently depending on the complexity of the case, volume of evidence involved, or number of potential offences under consideration. We will always gather all relevant evidence we can obtain and record this in a way that ensures it can be disclosed effectively. We recognise that it is important to conclude investigations as quickly as possible. This is both in the public interest and in the interest of justice for those involved. We will therefore ensure a review of any case approaching 12 months in duration, by someone independent of the investigation, to determine whether it remains in the public interest to continue the investigation. However, our first priority is always to conduct a fair and thorough investigation, and this will take priority over speed or duration where the two conflict. Notifying subjects We will normally inform the subject of an investigation as soon as possible after the investigation is opened, unless doing so would frustrate the investigation. We will provide details of the matters under investigation and ensure that the subject has the opportunity to respond to them. Gathering evidence In order to determine if an offence or contravention under PPERA has occurred, we may need to make enquiries of persons that we believe can provide relevant information. We will ask for documents, information and explanations on a voluntary basis or by using our investigatory powers, as appropriate. We may do this in writing or by phone, or by arranging statutory or voluntary interviews, depending on the circumstances. Recognising the impact on those involved We understand that being involved in an investigation, whether as a subject or a witness, can be a stressful and even upsetting experience. We will always treat everyone involved in an investigation with respect, and be mindful of the impact the investigation may have. We will make all reasonable efforts to conduct the investigation in a way that minimises the impact on those involved. We will provide the subject of an

investigation on an expected timescale in any situation where there has not been any other communication to the subject for a period of 8 weeks. We will conduct our investigations in a way that recognises diversity and is compliant with equalities and human rights legislation. Where we develop concerns, or are made aware of any concerns over a person's ability to take part for any reason, we will review the position and consider alternative ways to progress. Investigations outcomes There are three possible investigations outcomes: there is no or insufficient evidence to determine an offence or contravention has been committed we are satisfied beyond reasonable doubt that an offence or contravention has been committed we decide, having revisited the factors in paragraph 6.9 above, that it is no longer in the public interest to continue to investigate a suspected offence or contravention. Where we are satisfied beyond reasonable doubt that an offence or contravention has been committed, we will consider what further action to take. In most cases this will involve deciding whether to impose a sanction. If appropriate we may decide to refer the matter to the police or relevant prosecuting authority at this stage. A number of offences in PPERA include a reference to 'reasonable excuse': where we are satisfied that a reasonable excuse exists for the failure to comply with the requirements no offence is committed. 'Reasonable excuse' is not defined in PPERA but it does not mean any excuse. Whether 'reasonable excuse' is made out in any case depends on the facts and context of each case. It may be made out where the failure to comply occurred due to circumstances beyond the control of the person that may have committed the offence, and which could not reasonably have been anticipated and mitigated by them. The civil sanctions decision-making framework When we can sanction We can impose civil sanctions under Schedule 19C for most, but not all, offences under PPERA. To determine an offence or contravention has been committed, we must be satisfied beyond reasonable doubt and only then can we impose a civil sanction. In order to start civil court proceedings for forfeiture the standard of proof that applies is the balance of probabilities. When we will or will not sanction We will generally sanction where we consider it appropriate to do so to meet our regulatory aim and objectives, and when it is proportionate and in the public interest to do so. We may decide not to impose a sanction where these conditions have not been met. The type and/or size of a sanction Where we decide to sanction, we will consider the appropriate sanction, and in the case of a monetary penalty, the level of that penalty. A number of factors will be considered, which those are and the weight given to each will depend on the circumstances. In general, we will attach greater weight to factors relating to the offence itself and how it occurred, and the nature and compliance history of the person or organisation, than to actions taken after the event. These factors include, but are not limited to, the following (we refer to 'person' in the legal sense, including organisations): The seriousness of the offence or contravention The harm caused by the offence or contravention The extent to which the offence or contravention was inadvertent, reckless, or deliberate Any financial gain or other advantage to the person concerned as a result of the offence or contravention The frequency or duration of the offence or contravention The compliance history of the person concerned The level of cooperation with us shown by the person concerned during the investigation Any previous written or documented oral advice from us to the person concerned on relevant statutory requirements Any deliberateness, dishonesty, deception or misrepresentation by the person concerned when committing the offence or contravention The level of insight as to reasons for the offence or contravention or the consequences of it Acceptance or otherwise of responsibility for the offence or contravention Action taken to eliminate, reduce or

rectify the harm resulting from the offence or contravention Action taken to reduce the likelihood of a recurrence of the offence or contravention Whether the matter was voluntarily reported by the person concerned Adherence to any enforcement undertakings agreed with us Substantiated evidence that the person's actions were affected by ill-health Process for imposing a sanction We treat the process for imposing a sanction as confidential, in the same way we treat an investigation. We will not make public information about the process whilst it is ongoing. If we seek to impose a penalty or a compliance or restoration notice, we will follow this process: Issue a notice proposing the sanction Allow a period of time for written representations or objections from the person concerned (only the person to whom the notice is issued has the right to make representations though we may consider representations from others where appropriate)) Consider any representations or objections Either close the matter or issue a notice imposing a sanction (either that originally proposed, or a revised sanction) The notice proposing a sanction will always contain details of the proposed sanction and the reasons for it, as well as how written representations or objections can be made and the deadline for doing so. We will provide the evidence relied on (unless we know it is already in the possession of the recipient) in reaching our decision to assist the recipient in making representations. We will also explain the basis for the type of sanction and the level of any penalty proposed. Certain types of notice may contain additional information, which is explained in the next section. When making representations or objections recipients can put forward any information they consider relevant. In particular, if they have not already done so, the recipient may want to put forward any defence to the offence or contravention. They can also make representations on our proposed reasons for a sanction, or the factors we have taken into account when determining the type and size of a sanction. Finally, and separate to those factors, the person concerned may want to comment on their ability to pay a financial penalty and/or the cost to them of any non-financial requirement that might be imposed. We may consider terms for payment where we are satisfied that the level of fine will place a very significant burden on the organisation or individual. This will not however be a factor taken into account as to the level of penalty. Where possible, representations or objections should be accompanied by supporting evidence. In exceptional circumstances we will consider representations that we receive after the legal deadline for them. However, we have no legal power to extend this deadline. Any representations or objections will be considered by a senior officer of the Commission who was not involved in the decision to issue the notice proposing a sanction. Whether representations are made or not, the officer will apply the same decision-making framework. This involves reviewing the case to determine if we remain satisfied that an offence took place and, if so, that the proposed sanction is reasonable and appropriate. If, as a result, we are no longer satisfied that an offence or contravention occurred, the matter will be closed. Otherwise, the senior officer will decide whether to issue a notice imposing a penalty, either reflecting the initial decision or varying it. The civil sanctions available to the Commission Fixed monetary penalties A fixed monetary penalty is a fixed fine of £200. Notice of proposal The notice proposing the penalty will include: The grounds for the proposal to impose the fixed monetary penalty The right to make representations and objections The circumstances in which the Commission may not impose the fixed monetary penalty The period within which liability for the fixed monetary penalty may be discharged, and The period within which representations and objections may be made In addition to the information above the notice of proposal will also explain that the recipient may

discharge the penalty by paying the sum of the proposed penalty within 14 days of receiving the notice of proposal, and the matter will be concluded at that stage. It will also set out the circumstances in which we may not impose the penalty. If the recipient does not make payment within 14 days of receiving the notice of proposal, then once the deadline for making representations has passed and any representations have been considered, we will decide whether to issue a notice imposing the penalty. A fixed monetary penalty cannot be varied after the notice of proposed penalty has been issued. It can only be withdrawn or imposed. Notice imposing penalty The notice imposing the penalty will contain the following information: The grounds for imposing the penalty How to make payment How to appeal the decision to issue the Final Notice The deadline for any appeal The deadline for making payment (28 days from the date of the Final Notice) The deadline and size of late payment charges The circumstances when we may instigate civil debt recovery proceedings if the penalty is not paid Late payment penalties If a fixed monetary penalty has not been paid within 28 days of service of the final notice, a late payment charge of £50 will be added. If the penalty and late payment charge has not been paid within 56 days of the date of the final notice, the late payment charge will increase to £100. Right of appeal The recipient may appeal to a county court or, in Scotland, the sheriff against the decision to impose a fixed monetary penalty. Any appeal must be made within 28 days of the date the notice imposing penalty was served. Convictions Where we have issued a notice of a proposed fixed monetary penalty to a person, criminal proceedings for the offence may not be instituted until the 14 day period for discharging liability has expired. If liability has been discharged, the person cannot be convicted of that offence. Once we have issued a notice imposing the penalty, the person cannot at any time be convicted of the offence that gave rise to the penalty. Variable monetary penalties A variable monetary penalty is a variable fine that is calculated according to the nature of the offence. It may be used on its own or in combination with a compliance notice and/or a restoration notice. When determining the level of a variable monetary penalty we will take into account the factors set out in paragraph 7.4. The Political Parties, Elections and Referendums (Civil Sanctions) Order 2010 makes the maximum variable monetary penalty we can impose in any circumstances £20,000, but this is subject to other limitations that may apply in different parts of the UK. Notice proposing penalty The notice proposing the penalty will include: The grounds for the proposal to impose the discretionary requirement The right to make representations and objections The circumstances in which the Commission may not impose the discretionary requirement The period within which representations and objections may be made. Notice imposing penalty The notice imposing the penalty will contain the following information: The grounds for imposing the penalty How to make payment How to appeal the decision to issue the notice The deadline for any appeal The deadline for making payment (28 days from the date of the notice imposing the penalty, after which the penalty will increase) The circumstances when we may instigate civil debt recovery proceedings or other action if the penalty is not paid Late payment penalties If a variable monetary penalty has not been paid within 28 days of service of the notice imposing it, a late payment charge of 25% of the penalty will be added. If the penalty and late payment charge has not been paid within 56 days of the date of the notice, the late payment charge will increase to 50% of the original penalty. Right of appeal The recipient may appeal to a county court or, in Scotland, the sheriff against the decision to impose the variable monetary penalty. Any appeal must be made within 28 days from the date of service of the notice imposing the penalty. Convictions Once we have issued a notice imposing a

variable monetary penalty, the recipient cannot at any time be convicted of the offence that gave rise to the penalty. Compliance notices A compliance notice sets out action that must be taken by a regulated organisation or individual who has breached the law, so that the breach does not continue or recur. A compliance notice may be used on its own, or in combination with a variable monetary penalty. Notice of proposal Where we propose to issue a compliance notice we will send the person concerned a notice of proposal. This will explain the grounds for imposing the compliance notice, and set out the action we propose to require the person to take. It will also set out how the recipient may make written representations about the decision. Once the deadline for making representations has passed and any representations have been considered, we will decide whether to issue a compliance notice. Compliance notice The notice will contain the following information: The actions and timeframe for their completion The consequences of non-compliance How to appeal the decision to issue the notice The deadline for any appeal Right of appeal The recipient may appeal to a county court or, in Scotland, the sheriff against the decision to impose a compliance notice. Any appeal must be made within 28 days of the date of service of the notice. Monetary penalties for failing to comply with a compliance notice We will impose any penalty for non-compliance by issuing a non-compliance penalty notice. This will set out the grounds for imposing the penalty, the amount, the deadline for payment and the consequences of non-payment. It will also explain how to appeal the decision and the deadline for any appeal (28 days from the date the notice is received). Completion certificate Once the recipient considers they have complied with the terms of the compliance notice, they should notify us in writing and apply for a completion certificate. They will need to provide information demonstrating compliance with the terms of the notice. We will consider an application for a completion certificate within 28 days, provided we have all the information we need to assess whether the terms of the notice have been met. We will confirm our decision in writing and, if appropriate, issue a completion certificate. We may revoke a completion certificate if it was granted on the basis of inaccurate, incomplete or misleading information. If this happens, the compliance notice continues to have effect as if the completion certificate had not been issued. Convictions Where a compliance notice is imposed and a person fails to comply with it, they could be convicted of an offence in respect of the act or omission that led to the notice. Once we have issued a final notice imposing a variable monetary penalty, the person cannot at any time be convicted of the offence that gave rise to the penalty. Restoration notices A restoration notice sets out action that must be taken by a regulated organisation or individual who has breached the law to restore the position, as far as possible, to what it would have been had no breach occurred. A restoration notice may be used on its own, in combination with a variable monetary penalty. Notice of proposal Where we propose to issue a restoration notice we will send the person concerned a notice of proposal. This will explain the grounds for imposing the restoration notice, and set out the action we propose to require the person to take. It will also set out how the recipient may make written representations about the decision to impose the sanction. Once the deadline for making representations has passed and any representations have been considered, we will decide whether to issue a restoration notice. Restoration notice The notice will contain the following information: The actions and timeframe for their completion The consequences of non-compliance How to appeal the decision to issue the notice The deadline for any appeal Right of appeal The recipient may appeal to a county court or, in Scotland, the sheriff against the decision to impose a compliance and/or

restoration notice. Any appeal must be made within 28 days of the date of service of the notice. Penalties for failing to comply with a restoration notice We will impose any penalty for non-compliance by issuing a non-compliance penalty notice. This will set out the grounds for imposing the penalty, the amount, the deadline for payment and the consequences of non-payment. It will also explain how to appeal the decision and the deadline for any appeal (28 days from the date the notice is received). Completion certificate Once the recipient considers they have complied with the terms of the restoration notice, they should notify us in writing and apply for a completion certificate. They will need to provide information demonstrating compliance with the terms of the notice. We will consider an application for a completion certificate within 28 days, provided we have all the information we need to assess whether the terms of the notice have been met. We will confirm our decision in writing and, if appropriate, issue a completion certificate. We may revoke a completion certificate if it was granted on the basis of inaccurate, incomplete or misleading information. If this happens, the compliance or restoration notice continues to have effect as if the completion certificate had not been issued. Convictions Where a restoration notice is imposed and a person fails to comply with it, they could be convicted of an offence in respect of the act or omission that led to the notice. Once we have issued a final notice imposing a variable monetary penalty, the person cannot at any time be convicted of the offence that gave rise to the penalty. Enforcement undertakings Where the Commission has reasonable grounds to suspect an offence may have occurred, a regulated organisation or individual may offer to enter into an enforcement undertaking. An enforcement undertaking involves the organisation or individual offering to take action to ensure that any non-compliance does not continue or recur, or that a position is restored as far is possible to what it would have been had the non-compliance not occurred. We will consider carefully all reasonable offers. But we are not obliged to accept an enforcement undertaking, and we will not agree to any until we have a full understanding of the nature and severity of the non-compliance. When considering whether to accept an enforcement undertaking we will take into account the following, non-exhaustive, list of factors: The seriousness of the offence or contravention Whether the matter was voluntarily reported Whether there was any dishonesty, deception or misrepresentation in the offence or contravention The cost of a full investigation The need to deter non-compliance Any advice given to the regulated organisation or individual on the relevant statutory requirements The compliance history of the regulated organisation or individual, including whether enforcement undertakings have been given in the past The likelihood of the proposed enforcement undertakings to prevent further offences or contraventions The likelihood of the proposed enforcement undertakings to restore the position of those involved to what it would have been had the offence or contravention not taken place The level of insight shown by the regulated organisation or individual as to why the offence or contravention occurred Whether any apology or contrition has been expressed for the offence or contravention Where enforcement undertakings are agreed but not carried out, we may impose a penalty or consider prosecution in respect of the original offence and/or contravention. Depending on the reasons for the failure to carry out the enforcement undertakings, this may be an aggravating factor in any decision as to the level of a penalty. Appendix: Disclosure of information This appendix does not form part of the statutory guidance, and may be amended without consultation. We recognise that both the public and those we regulate have an interest in how we carry out our statutory monitoring and investigatory role. They also have an interest in

knowing that regulated organisations and individuals are complying with the law on party and election finance, and that non-compliance will be dealt with appropriately. While we are conducting assessments and investigations or imposing sanctions, we must make sure that our processes are fair. We will not disclose any information that might frustrate or undermine this fairness. Public disclosure of assessments Public disclosure of assessments We will not routinely publicise that any assessment has begun or is ongoing, or when it is concluded. If we are satisfied that it is in the public interest to do so, we may correct or confirm information about an assessment to ensure accurate information is in the public domain. This may include confirming the name of the individual or organisation and the potential offence or contravention being assessed. It may also include confirming the outcome of an assessment. We will notify the subject of the assessment before confirming their identity to anyone else. Public disclosure of investigations and sanctions In some circumstances, we may publicly disclose the opening of an investigation, including the subject and its expected scope. This includes, but is not limited to, when the matter has been the subject of public interest or reporting in the press, and by publishing we can advance the accuracy of information. We will not generally comment further while the investigation is ongoing, or provide public updates as to do so may hinder the conduct of the investigation. Once a month, the Commission publishes information on concluded investigations. This includes the subject and offences under investigation, whether an offence or contravention was established, and whether a sanction was issued. We will update the information to show when monetary penalties are paid. In certain instances, we will publish a more detailed investigation report, and/or media statement when a case concludes. When deciding whether to do so, we will take into account relevant factors, including: whether there is significant public interest in the case whether it is a particularly complex case that requires further explanation to the public whether publishing the details would help those we regulate to better understand PPERA requirements if a media statement was issued at the commencement of the investigation We will notify the subject of the investigation prior to publication. Where appropriate and more commonly with detailed reports, the subject will have the opportunity to check the factual accuracy of the information to be published. Where a sanction imposed by the Commission is subject to an appeal, we will update the information on our website to include the outcome of the appeal. All of the above is subject to any legal restrictions which may affect disclosure. For example, we are prohibited from the disclosure of any information related to a donation received by a Northern Ireland recipient before 1 July 2017, except for the purposes of any criminal or civil proceedings. As a UK public body, we are subject to the Freedom of Information Act 2000 (FOIA). We will consider requests for information about assessments, investigations and sanctions made under the FOIA in accordance with that legislation. For further information see our Freedom of Information page . Annual report on the use of powers and sanctions Under Schedules 19B and 19C of PPERA we are required to report annually on the use of our supervisory and investigatory powers, and civil sanctions. We include this information in our Annual Report. Page history First published: 5 January 2023 Last updated: 26 September 2023