



Jersey

# **PUBLIC ELECTIONS (EXPENDITURE AND DONATIONS) (JERSEY) LAW 2014**

## **Official Consolidated Version**

This is an official version of consolidated legislation compiled and issued  
under the authority of the Legislation (Jersey) Law 2021.

16.580

Showing the law from 20 January 2022 to Current





Jersey

## PUBLIC ELECTIONS (EXPENDITURE AND DONATIONS) (JERSEY) LAW 2014

### Contents

#### Article

<b>PART 1</b>	<b>5</b>
INTRODUCTORY PROVISIONS	5
1 Interpretation .....	5
1A Meaning of "regulated period" .....	6
2 Donations and expenses .....	6
<b>PART 2</b>	<b>6</b>
CANDIDATE'S ELECTION EXPENSES AND DONATIONS	6
3 Meaning of "candidate's election expenses" .....	6
3A Political party campaign expenses treated as candidate's election expenses	7
4 Restriction on candidate's election expenses .....	8
5 Prohibition of candidate keeping anonymous donation .....	8
6 Requirement for candidate to make declaration following election .....	8
7 Verification of expenses .....	9
8 Requirement to provide information and documents to candidate .....	9
<b>PART 3</b>	<b>10</b>
THIRD PARTY'S ELECTION EXPENSES AND DONATIONS	10
9 Meaning of "third party" and "third party's election expenses" .....	10
10 Restriction on third party's election expenses .....	11
11 Prohibition of third party keeping anonymous donation .....	11
12 Requirement for third party to make declaration following election .....	11
13 Verification of expenses .....	12
<b>PART 3A</b>	<b>12</b>
DONATIONS TO POLITICAL PARTIES	12
13A Requirement for a political party to declare donations .....	12
13B Offences: failure to comply with declaration requirements .....	13
13C Anonymous donations to political parties .....	13
13D Requirement for other officeholders to notify treasurer of donations .....	14

---

<b>PART 4</b>	<b>14</b>
<b>GENERAL AND CLOSING PROVISIONS</b>	<b>14</b>
14 Offences: general.....	14
15 Offences: defences .....	15
16 Declarations: acknowledgement of receipt and publication .....	15
16A Audit.....	15
17 Arrangements for publication of election material.....	15
18 Consequences of conviction of successful candidate in election.....	16
18A Consequential etc amendments.....	16
18B Transitional provision: Connétable by-election before 22nd June 2022 .....	16
19 Citation.....	17
<b>SCHEDULE</b>	<b>18</b>
<b>DONATIONS AND EXPENSES</b>	<b>18</b>
1 Money .....	18
2 Goods and services .....	18
3 Value attributable to donation of loans, goods or services .....	19
4 Anonymous donations.....	19
5 Exception for services provided by the Committee .....	19
6 Exceptions relating to services of an individual provided without charge ..	20
7 Exception for newspapers and broadcasts.....	20
8 Exception for re-used goods.....	20
<b>ENDNOTES</b>	<b>22</b>
Table of Legislation History .....	22
Table of Renumbered Provisions .....	22
Table of Endnote References .....	22



Jersey

## PUBLIC ELECTIONS (EXPENDITURE AND DONATIONS) (JERSEY) LAW 2014

A LAW to regulate the expenditure of, and donations towards the election expenses of, a candidate in a public election

Commencement [[see endnotes](#)]

### PART 1

#### INTRODUCTORY PROVISIONS

##### 1 Interpretation<sup>1</sup>

In this Law, unless the context otherwise requires –

“2002 Law” means the [Elections \(Jersey\) Law 2002](#);

“anonymous donation” shall be construed in accordance with paragraph 4 of the Schedule;

“candidate” means a person who has become a candidate for election as a Deputy or Connétable in accordance with Article 17H of the 2002 Law, but this is subject to Article 3(8);

“candidate’s election expenses” shall be construed in accordance with Article 3;

“Committee” means the Privileges and Procedures Committee established by [Standing Orders of the States of Jersey](#);

“donation” shall be construed in accordance with the Schedule;

“election” means an election of a Deputy or an election of a Connétable;

“JEA” means the Jersey Electoral Authority established by Article 13A of the 2002 Law;

“nomination announcement day”, in relation to an election, means the day on which the candidate announcement in relation to that election is published under Article 17H of the 2002 Law;

“officeholder”, in relation to a political party, has the same meaning as in the [Political Parties \(Registration\) \(Jersey\) Law 2008](#);

“political party” means a political party which is registered under the [Political Parties \(Registration\) \(Jersey\) Law 2008](#);

“regulated period” has the meaning given by Article 1A;

“third party” shall be construed in accordance with Article 9(1) to (3);

“third party’s election expenses” means the expenses described in Article 9;

“treasurer”, in relation to a political party, has the same meaning as in the [Political Parties \(Registration\) \(Jersey\) Law 2008](#);

“working day” means any day other than –

- (a) a Saturday or Sunday;
- (b) Christmas Day or Good Friday; or
- (c) a day that is observed as a public holiday or a bank holiday under the [Public Holidays and Bank Holidays \(Jersey\) Law 1951](#).

### **1A Meaning of "regulated period"<sup>2</sup>**

In this Law, “regulated period”, in relation to an election, means the period –

- (a) beginning with the day falling 4 months before the day on which the election is to be held; and
- (b) ending with the day on which the election is held.

## **2 Donations and expenses**

- (1) The Schedule has effect to describe –
  - (a) gifts, loans and the supply of goods or services that are donations, the value attributed to a donation and the circumstances in which a donation is anonymous; and
  - (b) expenses that are to be disregarded as election expenses.
- (2) The States may, by Regulations, amend the Schedule.

## **PART 2**

### **CANDIDATE’S ELECTION EXPENSES AND DONATIONS**

### **3 Meaning of “candidate’s election expenses”**

- (1) In this Law “election expenses”, in relation to a candidate at an election, means expenses incurred at any time before the poll for that election –
  - (a) by the candidate, or with the candidate’s express or implied consent; and
  - (b) for the supply or use of goods, or the provision of services, which are used during the regulated period –
    - (i) to promote or procure the candidate’s election, or
    - (ii) to prejudice the electoral prospects of another candidate at the same election.<sup>3</sup>
- (2) Where a candidate is endorsed by a political party, the candidate shall be deemed, for the purposes of paragraph (1)(a), to have consented to the

party incurring expenses on his or her behalf (including where those expenses were incurred before the candidate made a political party declaration for the purposes of Part 4A of the 2002 Law).<sup>4</sup>

- (3) A candidate's election expenses may be direct expenses or notional expenses.
- (4) Subject to paragraph 8 of the Schedule, a direct expense is the amount of any liability incurred for the supply or use of goods or the provision of services which are used as described in paragraph (1)(b).
- (5) A notional expense is incurred when goods or services supplied either free of charge or at a discount are used as described in paragraph (1)(b).
- (6) A notional expense is also a donation and, accordingly –
  - (a) the value of a notional expense is determined in accordance with paragraph 3 of the Schedule; and
  - (b) there shall be disregarded any notional expense that, by virtue of paragraph 5, 6, 7 or 8 of the Schedule, is not a donation.
- (7) If election expenses are incurred by, or with the express or implied consent of, 2 or more candidates, it shall be presumed, unless the contrary is proved (to the satisfaction of the JEA) by one of them, that the expenses relate to goods and services which are of equal benefit to them and, accordingly, that those expenses are to be apportioned equally between them.<sup>5</sup>
- (8) A reference in this Law to a candidate at an election, in relation to election expenses, includes (where the context allows) a reference to a person who becomes a candidate at the election after the expenses are incurred.<sup>6</sup>

### **3A Political party campaign expenses treated as candidate's election expenses<sup>7</sup>**

- (1) "Campaign expenses", in relation to an election, means expenses incurred at any time before the poll for that election –
  - (a) by a political party; and
  - (b) for the supply or use of goods, or the provision of services, which are used during the regulated period to promote or procure electoral success for the party.
- (2) In paragraph (1)(b), the reference to "promoting or procuring electoral success" in relation to a political party includes a reference to –
  - (a) promoting or procuring the election of candidates endorsed by the party; and
  - (b) prejudicing the electoral prospects of –
    - (i) candidates who are not endorsed by the party, or
    - (ii) another political party.
- (3) Campaign expenses, in relation to an election, incurred by a political party are to be treated as "election expenses" in relation to each candidate at the election who is endorsed by the party (and Article 3(7) applies accordingly).

#### **4 Restriction on candidate's election expenses**

- (1) A candidate's election expenses shall not exceed, in the aggregate –
  - (a) where the candidate is a candidate for election as Deputy or Connétable, £2,050; and
  - (b) 13 pence for each person entitled to vote in the election by virtue of, as the case requires, Article 2(1), (1A) or (2) of the 2002 Law.<sup>8</sup>
- (2) A candidate whose election expenses exceed the limit imposed by paragraph (1) is guilty of an offence and liable to a fine.
- (3) The States may by Regulations amend in paragraph (1) the limit on a candidate's election expenses.

#### **5 Prohibition of candidate keeping anonymous donation**

- (1) A candidate shall not keep an anonymous donation.
- (2) A candidate who receives an anonymous donation shall, within 4 weeks of receiving it, send it to the Treasurer of the States.<sup>9</sup>
- (3) The Treasurer of the States shall make such arrangements as he or she thinks fit for the distribution, to one or more charities established in Jersey, of donations sent to him or her under paragraph (2).
- (4) A candidate who fails, without reasonable excuse, to comply with paragraph (2) is guilty of an offence and liable to a fine.<sup>10</sup>

#### **6 Requirement for candidate to make declaration following election**

- (1) Subject to paragraph (2), a candidate shall, before the end of the period of 4 weeks beginning with the day on which the poll is held, deliver to the JEA a written declaration of –
  - (a) the candidate's election expenses, itemising the amounts expended (whether direct or notional) and the goods and services on which they are expended; and
  - (b) the donations that the candidate has received, specifying –
    - (i) in relation to each donation of, or having a value of, more than £145, the name of the donor, the amount or value of the donation, and whether the donation is of –
      - (A) money,
      - (B) a loan of money,
      - (C) goods or the use of goods, or
      - (D) services,
    - (ii) the sum of the anonymous donations received, and sent to the Treasurer of the States, by the candidate.<sup>11</sup>
- (2) The donations made by a donor to the candidate shall, for the purposes of paragraph (1)(b)(i), be aggregated.
- (3) The declaration required by paragraph (1) shall be –
  - (a) made using a form supplied by the JEA;



- (b) include a statement by the candidate that, to the best of his or her knowledge, information and belief, the information contained in it is true, complete and correct; and
  - (c) signed by the candidate.<sup>12</sup>
- (3A) Paragraph (3B) applies where a person is required to deliver a declaration under paragraph (1).<sup>13</sup>
- (3B) The JEA must, no later than 5 working days before the end of the period mentioned in the paragraph (1), notify the person of that requirement under that paragraph (unless it has already been complied with).<sup>14</sup>
- (4) If, having made a declaration, a candidate becomes aware of any variation in or addition to the information required to be declared, the candidate shall, as soon as possible and, in any event, no later than 10 working days after becoming so aware, deliver to the JEA a further written declaration of the variation or addition.<sup>15</sup>
- (5) A declaration delivered under paragraph (4) shall include a statement conforming to paragraph (3)(b) and be signed by the candidate.
- (6) A candidate who fails, without reasonable excuse, to deliver a declaration, or further declaration, in accordance with this Article is guilty of an offence and liable to a fine.<sup>16</sup>
- (7) A candidate who delivers a declaration, or a further declaration, under this Article, knowing or believing it to be false in a material particular, is guilty of an offence and liable to a fine.
- (8) The States may by Regulations amend –
  - (a) the monetary amount expressed in paragraph (1)(b)(i);
  - (b) the period of time expressed in paragraph (1);
  - (c) the period of time expressed in paragraph (4).

## **7 Verification of expenses**

- (1) The JEA may request, in writing –
  - (a) a candidate to produce invoices, receipts and other proof of the candidate's election expenses;
  - (b) the treasurer of a political party to produce invoices, receipts and other proof of the party's campaign expenses in relation to one or more candidates.<sup>17</sup>
- (2) A person shall comply with a request made under paragraph (1) within 4 weeks of it being made.<sup>18</sup>
- (3) A person who fails, without reasonable excuse, to comply with paragraph (2) is guilty of an offence and liable to a fine.<sup>19</sup>

## **8 Requirement to provide information and documents to candidate**

- (1) A person who incurs or pays a candidate's election expenses shall, as soon as is practicable, provide the candidate with such information and documents as the candidate requires to comply with Articles 6 and 7.
- (2) A person who fails, without reasonable excuse, to comply with paragraph (1) is guilty of an offence and liable to a fine.<sup>20</sup>

## PART 3

### THIRD PARTY'S ELECTION EXPENSES AND DONATIONS

#### 9 Meaning of “third party” and “third party’s election expenses”

- (1) A third party, in relation to an election, is –
  - (a) a person, who is not a candidate in the election and who is not acting with the express or implied consent of a candidate in the election, who incurs expenses for the supply or use of goods, or the provision of services; or
  - (b) 2 or more persons acting together, none of whom is a candidate in the election and who are not acting with the express or implied consent of a candidate in the election, who incur expenses for the supply or use of goods, or the provision of services,  
which goods or services are used during the regulated period –
    - (i) to promote or procure the election of any candidate in the election, or
    - (ii) to prejudice the electoral prospects of any candidate in the election.<sup>21</sup>
- (2) For the purposes of paragraph (1)(b), 2 or more persons act together –
  - (a) if they are jointly liable for the expenses;
  - (b) if the expenses are incurred with their express or implied consent; or
  - (c) if they incur and are liable for the expenses separately, but are either working together or liaising to co-ordinate their respective expenditure, and the expenditure is for shared purposes.
- (3) In this Law, any reference to a third party is a reference to a person described in paragraph (1)(a) or, where 2 or more persons are acting together as described in paragraph (1)(b), all of those persons.
- (4) The expenses to be taken into consideration are those incurred at any time before the poll.
- (5) A third party’s election expenses may be direct expenses or notional expenses.
- (6) Subject to paragraphs 7 and 8 of the Schedule, a direct expense is the amount of any liability incurred for the supply or use of goods or the provision of services which are used, in either case, for the purposes of an election campaign.
- (7) A notional expense is incurred when goods or services supplied either free of charge or at a discount are used as described in paragraph (1)(i) or (ii).
- (8) A notional expense is also a donation and, accordingly –
  - (a) the value of a notional expense is determined in accordance with paragraph 3 of the Schedule; and
  - (b) there shall be disregarded any notional expense that, by virtue of paragraph 5, 6, 7 or 8 of the Schedule, is not a donation.

**10 Restriction on third party's election expenses**

- (1) A third party's election expenses for an election shall not exceed, in the aggregate, one half of the maximum that would be allowed to a candidate in the election by virtue of Article 4.
- (2) <sup>22</sup>
- (3) A third party whose election expenses exceed the limit imposed by paragraph (1) is guilty of an offence and liable to a fine.<sup>23</sup>
- (4) <sup>24</sup>

**11 Prohibition of third party keeping anonymous donation**

- (1) A third party shall not keep an anonymous donation.
- (2) A third party who receives an anonymous donation shall, within 4 weeks of receiving it, send it to the Treasurer of the States.<sup>25</sup>
- (3) The Treasurer of the States shall make such arrangements as he or she thinks fit for the distribution, to one or more charities established in Jersey, of donations sent to him or her under paragraph (2).
- (4) A third party who fails, without reasonable excuse, to comply with paragraph (2) is guilty of an offence and liable to a fine.<sup>26</sup>

**12 Requirement for third party to make declaration following election**

- (1) Subject to paragraph (2), a third party shall, before the end of the period of 4 weeks beginning with the day on which the poll is held, deliver to the JEA a written declaration of –
  - (a) the third party's election expenses, itemising the amounts expended (whether direct or notional) and the goods and services on which they are expended; and
  - (b) the donations that the third party has received, specifying –
    - (i) in relation to each donation of, or having a value of, more than £145, the name of the donor, the amount or value of the donation, and whether the donation is of –
      - (A) money,
      - (B) a loan of money,
      - (C) goods or the use of goods, or
      - (D) services,
    - (ii) the sum of the anonymous donations received, and sent to the Treasurer of the States, by the third party.<sup>27</sup>
- (2) Paragraph (1) shall not apply to a third party whose election expenses for the election are less than £600.
- (3) The donations made by a donor to the third party shall, for the purposes of paragraph (1)(b)(i), be aggregated.
- (4) The declaration required by paragraph (1) shall be –
  - (a) made using a form supplied by the JEA;

- (b) include a statement by the third party that, to the best of the third party's knowledge, information and belief, the information contained in it is true, complete and correct; and
  - (c) signed by the third party.<sup>28</sup>
- (5) If, having made a declaration, a third party becomes aware of any variation in or addition to the information required to be declared, the third party shall, as soon as possible and, in any event, no later than 10 working days after becoming so aware, deliver to the JEA a further written declaration of the variation or addition.<sup>29</sup>
- (6) A declaration delivered under paragraph (5) shall include a statement conforming to paragraph (4)(b) and be signed by the third party.
- (7) If a third party is 2 or more persons acting together, any declaration required by this Article shall be made jointly by those persons and signed by each of them.
- (8) A third party who fails, without reasonable excuse, to deliver a declaration, or further declaration, in accordance with this Article is guilty of an offence and liable to a fine.<sup>30</sup>
- (9) A third party who delivers a declaration, or a further declaration, under this Article, knowing or believing it to be false in a material particular, is guilty of an offence and liable to a fine.
- (10) The States may by Regulations amend –
  - (a) the period of time expressed in paragraph (1);
  - (b) the monetary amount in paragraph (1)(b)(i);
  - (c) the monetary amount in paragraph (2);
  - (d) the period of time expressed in paragraph (5).

### **13 Verification of expenses**

- (1) The JEA may request, in writing, a third party to produce invoices, receipts and other proof of the third party's election expenses.<sup>31</sup>
- (2) A third party shall comply with a request made under paragraph (1) within 4 weeks of it being made.<sup>32</sup>
- (3) A third party who fails, without reasonable excuse, to comply with paragraph (2) is guilty of an offence and liable to a fine.<sup>33</sup>

## **PART 3A<sup>34</sup>**

### **DONATIONS TO POLITICAL PARTIES**

#### **13A Requirement for a political party to declare donations**

- (1) This Article applies where a political party receives a reportable donation.
- (2) The treasurer of the political party must, within 4 weeks of receiving the reportable donation, deliver to the JEA a written declaration in accordance with this Article.
- (3) The declaration must specify –

- (a) the name of the donor;
- (b) the amount or value of the donation;
- (c) whether the donation is of –
  - (i) money,
  - (ii) a loan of money,
  - (iii) goods or the use of goods,
  - (iv) services.
- (4) A donation is a “reportable donation” if –
  - (a) its amount or value exceeds the threshold amount; or
  - (b) when aggregated with other donations to the political party made by the same donor during the preceding 3 months (“earlier donations”), the amount or value of those donations exceeds the threshold amount.
- (5) Where a declaration is required in respect of a reportable donation within paragraph (4)(b) –
  - (a) paragraphs (2) and (3) apply in relation to the earlier donations as they apply in relation to the reportable donation; and
  - (b) for that purpose, the earlier donations are treated as if they were received on the same day as the reportable donation.
- (6) A declaration required by this Article must –
  - (a) be made using a form supplied by the JEA;
  - (b) include a statement by the treasurer of the party that, to the best of that person’s knowledge, information and belief, the information contained in it is true, complete and correct; and
  - (c) be signed by the treasurer of the party.
- (7) The “threshold amount” is the amount specified in Regulations made by the States for the purposes of this Article.
- (8) The States may by Regulations amend the period of time mentioned in paragraph (2) or (4)(b).

### **13B Offences: failure to comply with declaration requirements**

- (1) A person who fails, without reasonable excuse, to deliver a declaration in accordance with Article 13A commits an offence and is liable to a fine.
- (2) A person who delivers a declaration for the purposes of Article 13A knowing or believing it to be false in a material particular, commits an offence and is liable to a fine.

### **13C Anonymous donations to political parties**

- (1) A political party must not keep an anonymous donation.
- (2) Where a political party receives an anonymous donation, the treasurer of the party must, within 4 weeks of receiving it –
  - (a) send the donation to the Treasurer of the States; and
  - (b) deliver a written declaration of the donation to the JEA.

- (3) The Treasurer of the States must make such arrangements as he or she thinks fit for the distribution, to one or more charities established in Jersey, of donations sent to him or her under paragraph (2).
- (4) A declaration required by paragraph (2)(b) must –
  - (a) be made using a form supplied by the JEA;
  - (b) include a statement by the treasurer of the party that, to the best of that person's knowledge, information and belief, the information contained in it is true, complete and correct; and
  - (c) be signed by the treasurer of the party.
- (5) A person who fails, without reasonable excuse, to comply with paragraph (2) commits an offence and is liable to a fine.

### **13D Requirement for other officeholders to notify treasurer of donations**

- (1) An officeholder, other than the treasurer, of a political party who knows or believes that a donation (including an anonymous donation) has been received by the political party must –
  - (a) notify the treasurer as soon as is practicable; and
  - (b) provide the treasurer with any information held by the officeholder about the donation that is relevant for the purposes of compliance with this Part.
- (2) A person who fails, without reasonable excuse, to comply with paragraph (1) commits an offence and is liable to a fine.

## **PART 4**

### **GENERAL AND CLOSING PROVISIONS**

#### **14 Offences: general**

- (1) The limitation in Article 68 of the 2002 Law on the institution of a criminal prosecution under that Law applies also to the institution of a criminal prosecution under this Law.
- (2) The JEA shall pass any declaration made or documents produced under this Law to the Attorney General where it appears to the JEA that an offence against any provision of this Law may have been committed.<sup>35</sup>
- (3) Where an offence under this Law committed by a body corporate, a limited liability partnership or a separate limited partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of –
  - (a) a person who is a partner of the partnership, or director, manager, secretary or other similar officer of the body corporate; or
  - (b) any person purporting to act in any such capacity,the person shall also be guilty of the offence and liable in the same manner as the partnership or body corporate to the penalty provided for that offence.

- (4) Where the affairs of a body corporate are managed by its members, paragraph (3) shall apply in relation to acts and defaults of a member in connection with his or her functions of management as if the member were a director of the body corporate.

## **15 Offences: defences**

- (1) It shall be a defence for a person charged with an offence against Article 4(2) or 10(3) to prove that he or she took all reasonable steps to avoid the commission of the offence.
- (2) <sup>36</sup>

## **16 Declarations: acknowledgement of receipt and publication<sup>37</sup>**

In respect of each declaration delivered to the JEA under Article 6, 12, 13A or 13C of this Law, the JEA must –

- (a) provide written acknowledgement of receipt to the person who made the declaration; and
- (b) publish the declaration in such manner as it considers appropriate.

## **16A Audit<sup>38</sup>**

- (1) The JEA may make such arrangements as it considers appropriate for the audit of any or all of –
  - (a) the declarations, made by candidates for the purposes of Article 6, of election expenses and donations;
  - (b) the declarations, made by third parties for the purposes of Article 12, of election expenses and donations;
  - (c) the declarations, made by political parties for the purposes of Article 13A or 13C, of donations.
- (2) Where only some of the declarations are to be audited, the JEA may select those to be audited by reference to particular criteria or at random.

## **17 Arrangements for publication of election material**

- (1) The Committee shall make arrangements for election material provided to it by a candidate to be published in Jersey.
- (2) The election material shall include information summarizing the candidate's background and manifesto (whether or not it contains other information).
- (3) The Committee shall not be obliged to publish election material provided to it by a candidate after the closing date specified by the Committee for the provision of such material.
- (4) The Committee shall not be obliged to publish election material provided to it by a candidate if –
  - (a) the material is provided in a format other than a format specified by the Committee; or

- (b) the material exceeds a length or size specified by the Committee.
- (5) The arrangements made under this Article shall be available to each candidate in an election on equal terms.
- (6) No person other than the author of election material published pursuant to paragraph (1) shall incur any civil or criminal liability by virtue of the publication.

## **18 Consequences of conviction of successful candidate in election**

- (1) This Article applies to a candidate elected in an election and convicted of an offence under Article 4(2), 5(4), 6(6) or (7) or 7(3) connected with his or her election expenses or donations in relation to the election.<sup>39</sup>
- (1A) This Article also applies to a candidate elected in an election and convicted of an offence under Article 13B, 13C or 13D in respect of a failure to comply with any of those provisions during the regulated period in relation to the election.<sup>40</sup>
- (2) Upon the proceedings for the offence being concluded, the convicted candidate shall be disqualified for taking the office to which he or she has been elected or, if he or she has already taken the office, shall cease to hold the office.
- (3) Paragraph (2) does not prevent the convicted candidate standing as a candidate in the election held to fill the vacancy in office caused by that paragraph.
- (4) Proceedings for an offence are concluded upon –
  - (a) the convicted candidate's conviction being confirmed by a court without any further right of appeal; or
  - (b) the expiry of any time allowed for the convicted candidate to appeal, without an appeal being made.

## **18A Consequential etc amendments<sup>41</sup>**

- (1) The States may by Regulations make consequential, incidental, supplementary or transitional provision in connection with any provision of this Law.
- (2) The power to make Regulations under this Article includes the power to amend, repeal or otherwise modify the application of any enactment.

## **18B Transitional provision: Connétable by-election before 22nd June 2022<sup>42</sup>**

- (1) This Article applies if an election under Article 3 of the [Connétables \(Jersey\) Law 2008](#) (a "Connétable by-election") is ordered to be held –
  - (a) on or after the Amendments Law commencement date; but
  - (b) before 22nd June 2022.
- (2) The provisions of the Public Elections (Expenditure and Donations) (Jersey) Law 2014, as in force immediately before the Amendments Law commencement date, continue to apply in respect of the Connétable by-election.



- (3) In this Article, “Amendments Law commencement date” means the date on which Article 81 of the Elections (Miscellaneous Amendments) (Jersey) Law 2021 comes into force.
- (4) This Article ceases to have effect on 22nd June 2022.

## **19 Citation**

This Law may be cited as the Public Elections (Expenditure and Donations) (Jersey) Law 2014.

**SCHEDULE<sup>43</sup>**

(Article 2)

**DONATIONS AND EXPENSES****1 Money**

(A1) A gift of money to a political party is a donation.

(1) A gift of money to any other person is a donation if –

- (a) it is made at any time before the poll (including before the nomination announcement day), and the giver signifies, either expressly or by implication, that the money is intended for use to pay the recipient's election expenses; or
- (b) it is made after the nomination announcement day and before the poll, and is either made anonymously or the giver does not signify the intended use of the money.

(1A) A loan of money to a political party is a donation if it is made either –

- (a) at no cost to the party; or
- (b) on terms by which the cost to the party is below the commercial rate for the loan.

(2) A loan of money to any other person is a donation if –

- (a) it is made either at no cost to the recipient or on terms by which the cost to the recipient is below the commercial rate for the loan; and
- (b) it is made –
  - (i) at any time before the poll, and the lender signifies, either expressly or by implication, that the loan is intended for use to pay the recipient's election expenses, or
  - (ii) after the nomination announcement day and before the poll, and is either made anonymously or the lender does not signify the intended use of the loan.

(3) A gift or loan of money is made at the time when the money is given to the recipient or, if earlier, the time when the giver or lender informs the recipient of his or her intention to make the gift or loan.

**2 Goods and services**

(A1) A supply of goods (including a supply by way of loan or rental), or a supply of services, to a political party is a donation if it is made –

- (a) free of charge; or
- (b) at a discount to the open market value of or rate for the supply of goods or services.

(1) A supply of goods (including a supply by way of loan or rental) or a supply of services, other than to a political party; is a donation if –

- (a) it is made free of charge or at a discount to the open market value of or rate for the supply of the goods or services; and

- (b) it is made –
  - (i) at any time before the poll, and the person making the supply signifies, either expressly or by implication, that the goods or services are intended for use –
    - (A) where the recipient is a candidate, for the purposes described in Article 3(1)(b), or
    - (B) where the recipient is a third party, for the purposes described in Article 9(1)(i) or (ii),
  - (ii) after the nomination announcement day and before the poll, and is either made anonymously or the person making the supply does not signify the intended use of the goods or services.
- (2) A supply of goods or services is made at the time when the goods or services are provided to the recipient.

### **3 Value attributable to donation of loans, goods or services**

- (1) The value of a donation that is a loan of money is the amount equal to the difference between the cost, to the recipient, of the loan if it had been made on commercial terms and the actual cost to the recipient.
- (2) The value of a donation of goods is the amount equal to the difference between the open market value of the goods and the actual cost to the recipient.
- (3) The value of a donation of the use of goods is the amount equal to the difference between the open market rate for the use of the goods and the actual cost to the recipient.
- (4) The value of a donation of the supply of services is the amount equal to the difference between the open market rate for their supply and the actual cost to the recipient.

### **4 Anonymous donations**

- (1) A donation is anonymous if the recipient is unable to ascertain the identity of the person making it.
- (2) The States may by Regulations provide that, where the amount or value of an anonymous donation does not exceed a specified amount, the donation is to be disregarded for the purposes of the application of any provision of this Law.
- (3) Regulations under paragraph (2) may make different provision for different purposes.

### **5 Exception for services provided by the Committee**

Where –

- (a) the Committee provides services for the dissemination of information about or on behalf of candidates in a public election; and
- (b) those services are provided on the same terms to each of those candidates,

the provision of those services is not a donation.

## **6 Exceptions relating to services of an individual provided without charge**

- (1) The provision by an individual of his or her own services is not a donation if he or she provides his or her services –
  - (a) as a volunteer;
  - (b) without charge; and
  - (c) otherwise than in the course of his or her employment, trade or profession or any other business.
- (2) Subject to sub-paragraph (3), the exception in sub-paragraph (1) does not extend to any goods used by or supplied by the individual in the course of the provision of the individual's own services.
- (3) Where, in the course of the provision of the individual's own services, an individual uses his or her own goods, the use of the goods and any expenditure incurred by the individual that is incidental to the use of the goods, is not a donation.

## **7 Exception for newspapers and broadcasts**

- (1) Subject to sub-paragraph (2), the publication of any matter relating to the public election –
  - (a) in a newspaper or periodical circulating in Jersey;
  - (b) in a programme broadcast by a television or radio service provider; or
  - (c) on a website as part of the news service of a television or radio service provider or news agency,is not a donation or a third party's election expense.
- (2) The exception in sub-paragraph (1) does not apply to an advertisement.
- (3) Where the publisher of a newspaper or periodical circulating in Jersey also publishes a web-based edition of the newspaper or periodical, the reference in sub-paragraph (1)(a) to the newspaper or periodical includes the web-based edition of it.
- (4) Where a television or radio service provider, in addition to broadcasting a programme, makes the programme accessible by streaming or download from a website, the reference in sub-paragraph (1)(b) to the broadcast programme includes the programme as it may be accessed from a website.

## **8 Exception for re-used goods**

Where –

- (a) goods were supplied for use by a candidate or third party in an election (the "previous election");
- (b) the goods are used by the candidate or third party in a later election (the "subsequent election"); and

(c) either –

(i) any direct and notional expenses for their supply were taken into account in determining, for the purposes of this Law or any Regulations that it replaced, the amount of the candidate's or third party's election expenses in relation to the previous election, or

(ii) the previous election preceded the ordinary elections in 2008,  
any direct and notional expenses for the supply of the goods are neither a donation nor an election expense in relation to the subsequent election.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement	*Projet No (where applicable)
Public Elections (Expenditure and Donations) (Jersey) Law 2014	<a href="#">L.17/2014</a>	1 August 2014	<a href="#">P.36/2014</a>
Public Elections (Amendment No. 8) (Jersey) Law 2017	<a href="#">L.8/2017</a>	28 April 2017	<a href="#">P.125/2016</a>
Constitution of the States and Public Elections (Jersey) Law 2021	<a href="#">L.11/2021</a>	22 December 2021	<a href="#">P.17/2021</a>
Elections (Miscellaneous Amendments) (Jersey) Law 2021	<a href="#">L.19/2021</a>	20 January 2022	<a href="#">P.56/2021</a>
Elections (Transitional Provisions) (Jersey) Regulations 2022	<a href="#">R&amp;O.3/2022</a>	20 January 2022	<a href="#">P.110/2021</a>

\*Projets available at [www.statesassembly.gov.je](http://www.statesassembly.gov.je)

### Table of Renumbered Provisions

Original	Current
19	spent, omitted
20(1)	19
20(2) and (3)	spent, omitted

### Table of Endnote References

<sup>1</sup> Article 1	amended by L.11/2021, L.19/2021
<sup>2</sup> Article 1A	inserted by L.19/2021
<sup>3</sup> Article 3(1)	substituted by L.19/2021
<sup>4</sup> Article 3(2)	amended by L.19/2021
<sup>5</sup> Article 3(7)	amended by L.19/2021
<sup>6</sup> Article 3(8)	inserted by L.19/2021
<sup>7</sup> Article 3A	inserted by L.19/2021
<sup>8</sup> Article 4(1)	amended by L.8/2017, L.11/2021, L.19/2021
<sup>9</sup> Article 5(2)	amended by L.19/2021
<sup>10</sup> Article 5(4)	amended by L.19/2021
<sup>11</sup> Article 6(1)	amended by L.19/2021
<sup>12</sup> Article 6(3)	amended by L.19/2021
<sup>13</sup> Article 6(3A)	inserted by L.19/2021
<sup>14</sup> Article 6(3B)	inserted by L.19/2021
<sup>15</sup> Article 6(4)	amended by L.19/2021
<sup>16</sup> Article 6(6)	amended by L.19/2021

- 
- <sup>17</sup> Article 7(1) *amended by L.19/2021*
- <sup>18</sup> Article 7(2) *amended by L.19/2021*
- <sup>19</sup> Article 7(3) *amended by L.19/2021*
- <sup>20</sup> Article 8(2) *amended by L.19/2021*
- <sup>21</sup> Article 9(1) *amended by L.19/2021*
- <sup>22</sup> Article 10(2) *deleted by L.11/2021*
- <sup>23</sup> Article 10(3) *amended by L.11/2021*
- <sup>24</sup> Article 10(4) *deleted by L.11/2021*
- <sup>25</sup> Article 11(2) *amended by L.19/2021*
- <sup>26</sup> Article 11(4) *amended by L.19/2021*
- <sup>27</sup> Article 12(1) *amended by L.19/2021*
- <sup>28</sup> Article 12(4) *amended by L.19/2021*
- <sup>29</sup> Article 12(5) *amended by L.19/2021*
- <sup>30</sup> Article 12(8) *amended by L.19/2021*
- <sup>31</sup> Article 13(1) *amended by L.19/2021*
- <sup>32</sup> Article 13(2) *amended by L.19/2021*
- <sup>33</sup> Article 13(3) *amended by L.19/2021*
- <sup>34</sup> Part 3A *inserted by L.19/2021*
- <sup>35</sup> Article 14(2) *amended by L.19/2021*
- <sup>36</sup> Article 15(2) *deleted by L.19/2021*
- <sup>37</sup> Article 16 *substituted by L.19/2021*
- <sup>38</sup> Article 16A *inserted by L.19/2021*
- <sup>39</sup> Article 18(1) *amended by L.19/2021*
- <sup>40</sup> Article 18(1A) *inserted by L.19/2021*
- <sup>41</sup> Article 18A *inserted by L.19/2021*
- <sup>42</sup> Article 18B *inserted by R&O.3/2022*
- <sup>43</sup> Schedule *amended by L.19/2021*