

STATES OF JERSEY



Jersey

DRAFT PUBLIC ELECTIONS (DONATIONS TO POLITICAL PARTIES – THRESHOLD AMOUNT) (JERSEY) REGULATIONS 202-

**Lodged au Greffe on 4th February 2022
by the Privileges and Procedures Committee
Earliest date for debate: 29th March 2022**

STATES GREFFE

REPORT

Articles 13A to 13D were inserted into the [Public Elections \(Expenditure and Donations\) \(Jersey\) Law 2014](#) (the “2014 Law”), establishing a regime for political parties to report donations. The new provision requires the treasurer of a political party to deliver a written declaration to the Jersey Electoral Authority (the “JEA”) of a “reportable donation” within 4 weeks of receiving it. A donation is “reportable” if its amount or value exceeds a certain “threshold amount”, or if the total amount or value of that donation and any others made by the same donor within the preceding 3 months exceeds the threshold amount. The threshold amount is to be specified in Regulations made by the States.

There is provision that it is an offence for a person to fail, without reasonable excuse, to deliver a declaration or to deliver a declaration knowing or believing it to be false in a material particular. A person who commits either offence is liable to a fine. A political party must not keep an anonymous donation, which is parallel to the provisions in the 2014 Law prohibiting candidates and third parties from keeping anonymous donations. There also includes a requirement for the treasurer to declare the donation to the JEA within 4 weeks of receiving it (for candidates and third parties, the sum of anonymous donations is declared in the post-election declaration to the JEA). A person who fails, without reasonable excuse, to comply with the requirements commits an offence and is liable to a fine. Any officeholder of a political party, other than the treasurer, is required to notify the treasurer of any donations to the party which the officeholder knows or believes to have been received, and to provide any further information held by the officeholder that is relevant for the purposes of compliance. A person who fails, without reasonable excuse, to comply commits an offence and is liable to a fine.

What happens elsewhere?

In the UK anyone can give a donation or loan to a political party, individual or other organisation. There is no limit on how much someone can give if they are a ‘permissible source’. Essentially permissible donations are those from donations from someone who is on the UK electoral register or a company/society/association which is registered in the UK. It is up to the political party, individual or other organisation to check if the donation or loan is from a permissible source, and if they can accept it or not.

When political parties, individuals or other organisations receive a donation or loan, they have to –

- record information about the donation or loan, such as the amount and who it was from;
- check the source of the donation or loan, and decide if it comes from a permissible source;
- decide whether to keep or return the donation or loan, depending on its source;
- report it to the Electoral Commission, if it’s over the reportable amount or if they returned it.

Some political parties can also receive a grant payment from the Electoral Commission, and funding from parliamentary bodies. This is known as public funding.

Political parties

National Political parties have to report donations and loans if they are above or aggregate to over –

- £7,500 to the central party (or over £1500 if the donor or lender gives further during the calendar year);
- £1,500 to accounting units (sections of a party whose finances aren't managed directly by the party's headquarters).

Individuals

In the changes agreed by the States Assembly in Jersey, the minimum amount or value of a donation that is required to be declared was increased from £120 to £145 for independent members.

Under the Political Parties, Elections and Referendums Act 2000 (PPERA), which governs donations to MPS and political parties in the UK, any contribution of more than £500 must be declared.

The Jersey Electoral Authority has considered this matter and has determined that the threshold should be set at £500 for political parties in Jersey. A donation under £500 will not be regarded as 'reportable' and political parties will not be required to keep records of the names and addresses of people making such payments. However it will be an offence to attempt to evade the controls on donations, for instance by donating more than £500 via multiple small payments.

Financial and manpower implications

There are no additional financial or manpower implications for the States arising from the adoption of these draft Regulations.

EXPLANATORY NOTE

The draft Public Elections (Donations to Political Parties – Threshold Amount) (Jersey) Regulations 202- would, if made, specify the “threshold amount” for the purposes of Article 13A of the Public Elections (Expenditure and Donations) (Jersey) Law 2014. That Article requires the treasurer of a political party to deliver a written declaration to the Jersey Electoral Authority of a “reportable donation” within 4 weeks of receiving it. A donation is “reportable” if its amount or value exceeds a certain “threshold amount”, or if the total amount or value of that donation and any others made by the same donor within the preceding 3 months exceeds the threshold amount.

Regulation 1 provides that the threshold amount for the purposes of Article 13A is £500.

Regulation 2 gives the name of the Regulations, and provides that they come into force when they are made.



Jersey

DRAFT PUBLIC ELECTIONS (DONATIONS TO POLITICAL PARTIES – THRESHOLD AMOUNT) (JERSEY) REGULATIONS 202-

Contents

Regulation

1	Donations to political parties: threshold amount.....	9
2	Citation and commencement.....	9



Jersey

DRAFT PUBLIC ELECTIONS (DONATIONS TO POLITICAL PARTIES – THRESHOLD AMOUNT) (JERSEY) REGULATIONS 202-

Made [date to be inserted]
Coming into force [date to be inserted]

THE STATES make these Regulations under Article 13A of the [Public Elections \(Expenditure and Donations\) \(Jersey\) Law 2014](#) –

1 Donations to political parties: threshold amount

For the purposes of Article 13A of the [Public Elections \(Expenditure and Donations\) \(Jersey\) Law 2014](#), the “threshold amount” is £500.

2 Citation and commencement

These Regulations may be cited as the Public Elections (Donations to Political Parties – Threshold Amount) (Jersey) Regulations 202- and come into force when they are made.