

Registration of Political Parties Act 1998

1998 Chapter 48 - *continued*

An Act to make provision about the registration of political parties.

[19th November 1998]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:-

The register of political parties

The register.

1. - (1) There shall be a register to be known as the register of political parties.

(2) The register shall be maintained by the registrar or other officer who performs the duty of registration of companies in England and Wales under the Companies Act 1985.

Registration

Applications for registration.

2. - (1) A party may apply for inclusion in the register by sending to the registrar-

- (a) an application which complies with the requirements of Schedule 1, and
- (b) a declaration that the party intends to have one or more candidates at a relevant election.

(2) The following elections are relevant for this purpose-

- (a) parliamentary elections,
- (b) elections to the European Parliament,
- (c) elections to the Scottish Parliament,
- (d) elections to the National Assembly for Wales,
- (e) elections to the New Northern Ireland

Assembly,

(f) local government elections, and

(g) local elections in Northern Ireland.

Grant of applications.

3. - (1) The registrar shall grant an application by a party under section 2 unless in his opinion it proposes a registered name which-

(a) would be likely to result in the party's being confused by voters with a party which is already registered,

(b) comprises more than six words,

(c) is obscene or offensive,

(d) includes words the publication of which would be likely to amount to the commission of an offence,

(e) includes any script other than Roman script, or

(f) includes any word or expression prohibited by order made by the Secretary of State.

(2) An order under subsection (1)(f) may except the use of a word or expression from the prohibition in specified circumstances.

Entries in the register.

4. The registrar shall include in an entry in the register the particulars, apart from home addresses, given in the party's application in accordance with paragraphs 2 to 7 of Schedule 1.

Emblems.

5. - (1) A party's application under section 2 may include a request for the registration of up to three emblems to be used by the party on ballot papers.

(2) The registrar shall grant a request under this section in relation to an emblem unless in his opinion it-

(a) would be likely to be confused by voters with an emblem which is already registered for another party,

(b) is obscene or offensive,

(c) is of such a character that its publication would be likely to amount to the commission of an offence, or

(d) includes a word or expression prohibited under section 3(1)(f).

(3) A registered emblem shall be a black and white representation of the emblem shown in the application.

Changing, confirming and removing registrations

Changes to the register.

6. - (1) A party may apply to the registrar to have its entry in the register altered by-

- (a) the amendment of any particular other than a registered name,
- (b) the addition, substitution or removal of an emblem, or
- (c) the addition of information prescribed under paragraph 7 of Schedule 1 since the party applied for registration.

(2) Subject to subsections (3) and (4), the registrar shall grant an application under this section.

(3) The registrar shall refuse an application to add an emblem if-

- (a) the party already has three registered emblems, or
- (b) in the registrar's opinion, any of paragraphs (a) to (d) of section 5(2) apply to the emblem.

(4) The registrar shall refuse to substitute an emblem if in his opinion any of paragraphs (a) to (d) of section 5(2) apply to the new emblem.

(5) If as a result of an application under this section one person will be registered both as leader and as nominating officer, the application must request the addition of the name of the holder of some other specified office in the party.

(6) If an application under this section requests the substitution of the name of a leader, nominating officer or other officer, or an addition in accordance with subsection (5), the application must give the home address of the person whose name is to be substituted or added.

(7) An application under this section must be accompanied by any fee prescribed by order made by the Secretary of State.

Confirmation of registration.

7. - (1) A party's registration shall lapse at the end of the period of three months beginning with any anniversary of its inclusion in the register unless the registered leader notifies the registrar that the party is to remain registered.

(2) A notice under subsection (1) must either-

(a) state that the particulars in the party's entry remain accurate and include any information prescribed under paragraph 7 of Schedule 1 since the party applied for registration, or

(b) include an application under section 6 as a result of which the party's entry will become accurate and will include any information prescribed under paragraph 7 of Schedule 1 since the party applied for registration.

(3) A notice under subsection (1) must-

(a) be in writing,

(b) be received by the registrar during the period beginning one month before the relevant anniversary and ending three months after it, and

(c) be accompanied by any fee prescribed by order made by the Secretary of State.

Removal of entries from the register.

8. - (1) The registrar shall remove a party's entry from the register if-

(a) it lapses under section 7, or

(b) the party applies to have its entry removed.

(2) Where a party's entry is removed from the register, the registrar shall, in considering applications made by other parties before or during the transitional period, treat the entry as still being in the register.

(3) The transitional period is the period of three months beginning with the day on which the entry is removed from the register.

Applications under section 6 or 8.

9. - (1) Subject to subsection (3), an application by a party under section 6 or 8 must be signed by its responsible officers.

(2) For the purposes of this section "the responsible officers" are-

- (a) the registered leader;
- (b) the registered nominating officer;
- (c) where the leader and the nominating officer are the same person, the other registered officer.

(3) If any responsible officer is unable to sign an application-

- (a) the holder of some other office in the party may sign in his place, and
- (b) the application must include a statement of the reason why the responsible officer is unable to sign and a declaration that the holder of the other office is authorised to sign in his place.

Speaker's Committee

Speaker's committee.

10. Before the registrar decides any question arising under section 3, 5, 6 or 18 he may seek advice from a committee of Members of the House of Commons appointed by the Speaker for the purpose.

Access to the register

General access.

11. - (1) The Secretary of State shall make regulations requiring the registrar-

- (a) to allow anyone to inspect the register, or any part of it, in such manner as the regulations may prescribe, and
- (b) to provide copies of the register, or any part of it, on request.

(2) Regulations under this section may impose conditions, or enable the registrar to impose conditions, including conditions as to the payment of fees.

Request by Secretary of State.

12. On receipt of a request by the Secretary of State the registrar shall send a copy of the register to-

- (a) the Secretary of State;
- (b) any person specified in the request.

Effects of registration

Parliamentary elections: nomination and ballot

13. Schedule 2 (which amends the Parliamentary Elections Rules) shall have effect.

papers.

Party political broadcasts.

14. - (1) A broadcaster shall not include in its broadcasting services any party political broadcast made on behalf of a political party which is not registered under this Act.

(2) In this section "broadcaster" means-

(a) the holder of a licence under the Broadcasting Act 1990 or 1996 ,

(b) the British Broadcasting Corporation, and

(c) Sianel Pedwar Cymru.

Security at party conferences.

15. - (1) Section 170 of the Criminal Justice and Public Order Act 1994 (security at party conferences) shall be amended as follows.

(2) In subsections (1) and (3) for "qualifying political party" substitute in each place "qualifying registered political party".

(3) After subsection (4) add-

"(5) In this section "registered political party" means a party registered under the Registration of Political Parties Act 1998."

Transitional provisions

First transitional stage.

16. - (1) The registrar shall not make any entry in the register before the end of the period of six weeks beginning with the day on which this section comes into force.

(2) As soon as possible after the end of that period, the registrar shall determine all first stage applications for registration.

(3) Paragraph 2(2) of Schedule 1 shall not apply to a first stage application.

(4) An application is a "first stage application" if it is made-

(a) before the end of the period of four weeks beginning with the day on which this section

comes into force, and

(b) by a party to which at least one Member of the House of Commons belongs at the time when the application is made.

Second transitional stage.

17. - (1) The registrar shall not make any entry in the register, except in pursuance of a first stage application, until the end of the period of twelve weeks beginning with the day on which this section comes into force.

(2) As soon as possible after the end of that period the registrar shall determine all second stage applications for registration.

(3) An application is a "second stage application" if it is made before the end of the period of ten weeks beginning with the day on which this section comes into force (and is not a first stage application).

(4) The registrar shall not make any entry in the register except in pursuance of a first or second stage application, until he has determined all first and second stage applications.

Transitional ground for refusal to register.

18. - (1) The registrar shall refuse a first or second stage application by a party if-

(a) it proposes a registered name which in his opinion would be likely to result in the party's being confused by voters with another party, and

(b) the other party is registered or has submitted a first or second stage application which, having considered the history of the two parties, he intends to grant.

(2) The registrar shall refuse a request made in a party's first or second stage application for the registration of an emblem if in his opinion it would be likely to be confused by voters with-

(a) an emblem which is already registered for another party, or

(b) an emblem which it would be appropriate to allow another party to register.

Miscellaneous and general

False statements: offence.

19. - (1) It is an offence knowingly or recklessly to make a statement to the registrar which-

(a) is made, or purports to be made, on behalf of a party for any purpose of this Act, and

(b) is false in any material particular.

(2) A person guilty of an offence under subsection (1) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Orders and regulations.

20. - (1) Any order or regulations under this Act shall be made by statutory instrument.

(2) Any order or regulations under this Act, except for an order under section 25, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Money.

21. - (1) There shall be paid out of money provided by Parliament any increase attributable to this Act in the sums payable out of money so provided under any other enactment.

(2) Any fees received by the registrar by virtue of this Act shall be paid into the Consolidated Fund.

Interpretation.

22. In this Act-

"local election", in relation to Northern Ireland, has the same meaning as in the Electoral Law Act Northern Ireland) 1962,

"local government election" means an election which is a local government election within the meaning of section 191, 203 or 204 of the Representation of the People Act 1983,

"party" includes any person or organisation,

"the register" means the register of political parties, and

"the registrar" means the person required by section 1(2) to maintain the register.

Consequential amendments.

23. Schedule 3 (consequential amendments and modifications) shall have effect.

Short title.

24. This Act may be cited as the Registration of Political Parties Act 1998.

Commencement.

25. - (1) The following provisions shall come into

force on the day on which this Act is passed-

(a) sections 20, 21, 22, 24, 26 and this section,
and

(b) any other provision so far as it contains
power to make subordinate legislation.

(2) The following provisions shall come into force on
such day as the Secretary of State may by order appoint-

(a) sections 13, 14 and 15,

(b) Schedule 2, and

(c) paragraph 3 of Schedule 3.

(3) The other provisions of this Act shall come into
force at the end of the period of two weeks beginning
with the day on which it is passed.

Extent.

26. This Act extends to Northern Ireland.

SCHEDULES

SCHEDULE 1

APPLICATIONS FOR REGISTRATION

Introductory

1. An application for inclusion in the register of
political parties-

(a) must comply with paragraphs 2 to 8 below,
and

(b) must be accompanied by any fee prescribed
by order made by the Secretary of State.

Names

2. - (1) An application must specify either-

(a) a name to be the party's registered name, or

(b) a name in Welsh and a name in English to be
the party's registered names.

(2) If a name to be registered is in a language other

than English or Welsh the application must include an English translation.

Headquarters

3. An application must specify-

- (a) the address of the party's headquarters, or
- (b) if the party has no headquarters, an address to which communications to the party may be sent.

Registered officers

4. - (1) An application must give the name and home address of a person to be registered as the party's leader.

(2) That person must be-

- (a) the overall leader of the party, or
- (b) where there is no overall leader of the party, a person who is the leader of the party for some purpose specified in the application.

5. - (1) An application must give the name and home address of a person to be registered as the party's nominating officer.

(2) A party's registered nominating officer must have responsibility for the arrangements for-

- (a) the submission by representatives of the party of lists of candidates for the purpose of elections, and
- (b) the approval of descriptions and emblems used on nomination and ballot papers at elections.

6. If one person is named in an application both as leader and as nominating officer, the application must also give the name and home address of the holder of some other specified office in the party.

Additional information

7. An application must include any other information prescribed by order made by the Secretary of State.

Signature

8. An application must be signed by the proposed registered leader or registered nominating officer and must include a declaration that he is authorised to sign the application on behalf of the party.

SCHEDULE 2

AMENDMENTS OF THE PARLIAMENTARY ELECTIONS
RULES

1. The Parliamentary Elections Rules set out in Schedule 1 to the Representation of the People Act 1983 shall be amended as follows.

2. After rule 6 (nomination of candidates) insert-

"Nomination papers: name of registered political party

6A. - (1) A nomination paper may not include a description of a candidate which is likely to lead voters to associate the candidate with a registered political party unless the description is authorised by a certificate-

(a) issued by or on behalf of the registered nominating officer of the party, and

(b) received by the returning officer at some time during the period for delivery of nomination papers set out in the Table in rule 1.

(2) A person shall be guilty of a corrupt practice if he fraudulently purports to be authorised to issue a certificate under paragraph (1) on behalf of a registered political party's nominating officer.

(3) In the application of this rule in relation to an election "registered political party" means a party which was registered under the Registration of Political Parties Act 1998 at the time by which the notice of election is required to be published by virtue of rule 1."

3. - (1) Rule 12 (decisions as to validity of nomination papers) is amended as follows.

(2) At the beginning of paragraph (3) insert "Subject to paragraph (3A),".

(3) After paragraph (3) insert-

"(3A) If in the returning officer's opinion a nomination paper breaks rule 6A(1), he shall give a decision to that effect as soon as practicable after the close of the period for delivery of nomination papers set out in the Table in rule 1."

(4) In paragraph (4) for "Where he" substitute "Where the returning officer".

4. In rule 19 (the ballot papers), after paragraph (2) insert-

"(2A) If a candidate who is the subject of a party's authorisation under rule 6A(1) so requests, the ballot paper shall contain, against the candidate's particulars, the party's registered emblem (or, as the case may be, one of the party's registered emblems).

(2B) The request must-

(a) be made in writing to the returning officer, and

(b) be received by him during the period for delivery of nomination papers set out in the Table in rule 1."

5. In the Appendix of Forms, for the form of the front of the ballot paper there shall be substituted the form set out in the Appendix to this Schedule.

6. In the Directions as to printing the ballot paper in the Appendix of Forms-

(a) in paragraph 2(a) for "and the particulars of the candidates" substitute ", the particulars of the candidates and words forming part of emblems", and

(b) after paragraph 3 add-

"3A. Where an emblem is to be printed against

a candidate's particulars-

(a) it shall be printed between the candidate's particulars and the vertical rule separating the candidates' particulars from the spaces where the vote is to be marked, and

(b) its size as printed shall not exceed two centimetres square."

SCHEDULE 3

CONSEQUENTIAL AMENDMENTS AND MODIFICATIONS

European Parliamentary Elections Act 1978 (c. 10)

1. In section 3(8)(a) of the European Parliamentary Elections Act 1978 (electoral system in Great Britain: meaning of "registered party") for "a party registered under any enactment providing for the registration of political parties" substitute "a party registered under the Registration of Political Parties Act 1998".

Companies Act 1985 (c. 6)

2. Section 704(2) of the Companies Act 1985 (staff) shall have effect as if the purpose referred to included the purpose of carrying out functions under this Act.

Broadcasting Act 1990 (c. 42)

3. In sections 36(3) and 107(2) of the Broadcasting Act 1990 (party political broadcasts) after "subsection (1)" insert "but subject to section 14 of the Registration of Political Parties Act 1998 (prohibition of broadcasts by unregistered parties)".

Deregulation and Contracting Out Act 1994 (c. 40)

4. Section 74(4)(a) of the Deregulation and Contracting Out Act 1994 (office-holders) applies in relation to functions conferred by this Act as it applies in relation to functions conferred by the Companies Acts.

Government of Wales Act 1998 (c. 38)

5. In section 4(8) of the Government of Wales Act 1998 (National Assembly for Wales: voting at ordinary elections) for "a party registered under any enactment providing for the registration of political parties" substitute "a party registered under the Registration of Political Parties Act 1998".