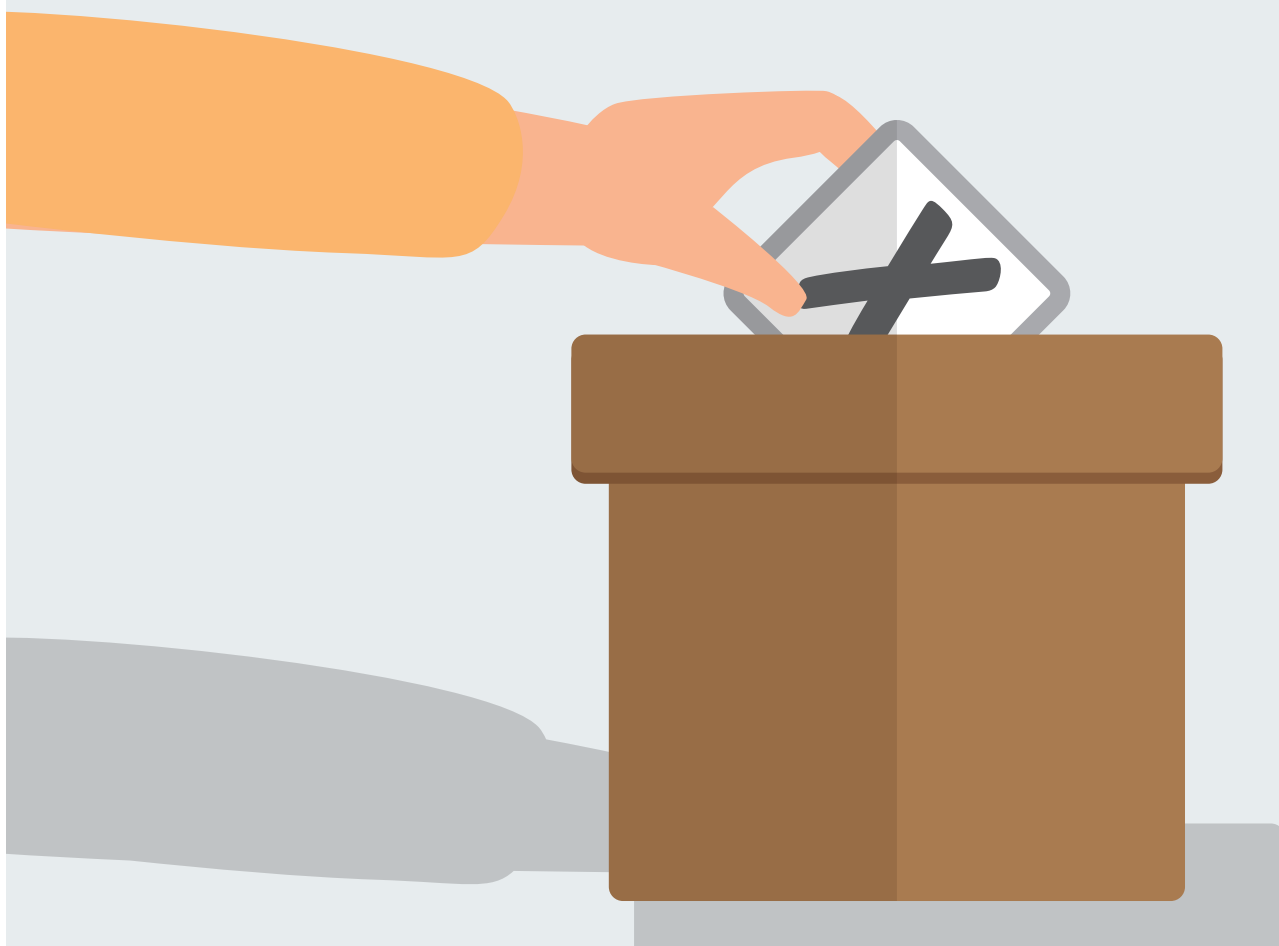


Guidance for Political Parties



Isle of Man
Government

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House of Keys General Election 2021

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Disclaimer: This is a guide to the rules in respect of the registration and conduct of political parties in the Isle of Man. It should not be relied on as legally definitive and the Cabinet Office cannot accept responsibility for any errors or omissions or any act arising from this document. If you have any doubts about a particular point, it is strongly recommended that you consult the appropriate legislation and seek your own legal advice.

1. Introduction

Part 4 of the Elections (Keys and Local Authorities) Act 2020 sets out the rules for the registration and conduct of political parties ('parties') in the Isle of Man.

Parties must be registered before they can support or endorse a candidate for election to the House of Keys.

This guidance provides an overview of the practical application of the legislation. It is intended to support organisations that need to register as a political party, to explain the rules governing parties and to identify the legal responsibilities of parties and their officeholders.

This guidance does not cover all aspects of the provisions. Those who may need to register are advised to familiarise themselves with the full text of the law.

Under the Elections (Keys and Local Authorities) Act 2020, a political party is defined as:

"An organisation, howsoever called, one of whose fundamental purposes is to participate in the public affairs of the Island by supporting or otherwise endorsing a candidate at an election of the Keys."

If a party, group or organisation does not fall under this description and has no intention of supporting or endorsing candidates, it does not need to register.

2. Why and when does a political party need to register?

If a party intends to support or endorse any candidate at an election to the House of Keys, it must register before doing so.

Candidates representing registered parties must include the party's details on the ballot paper.

It is an offence for a 'prospective candidate' (a person who has publicly declared his or her intention to stand for election) or a 'candidate' (a person whose nomination paper has been accepted by a Returning Officer for the constituency) to accept support or endorsement from an unregistered party.

3. How does a political party become registered?

An Application for Registration as a Political Party is available to download from the Government website. The form should be completed and returned to the Electoral Registration Officer (ERO) (Appendix A). The application requires some basic information and supporting paperwork.

A party should ensure that all the details provided in its application are true and correct as it is an offence to provide false information.

Party name, abbreviation and emblem

The party must have a name which cannot:

1. Exceed six words;
2. Be offensive, obscene or otherwise inappropriate; or
3. Be identical to, or sufficiently similar to that of any other organisation.

An abbreviation of the name can be registered. Any abbreviation is governed by the second and third rules above.

An emblem for a party can be registered and must also abide by the second and third rules above.

Address of the party

An address for the delivery of any communication intended for the party must be supplied in order to register. This address must be in the Isle of Man.

Party Officeholders

A party needs to register the full names of the following three officeholders:

1. Leader (however the position is described);
2. Treasurer; and
3. Secretary.

One person may occupy two of the three offices, but not all three.

A person cannot hold any of those offices unless he or she is a registered person in accordance with the Registration of Electors Act 2020.

Signatories

An application must be signed by at least 20 registered electors from anywhere in the Island.

Written constitution

A copy of a party's written constitution must accompany the application to register.

The constitution must contain the expressed objective of supporting or endorsing candidates for election to the House of Keys.

The party's constitution may also include other information, such as:

- Its aims and objectives;
- Its structure;
- How it is run and how decisions are made;
- Details of its officers and their responsibilities; and
- Any membership requirements operated by it.

Accounts

A copy of the party's most recent accounts must accompany an application to register. The accounting period cannot exceed 12 months.

Payment

At present, there is no fee applicable for making an application to register a party.

4. What happens after an application is submitted?

The ERO provides a copy of the application to HM Attorney General who confirms whether or not the party meets the conditions of registration. The ERO will then either register the party or refuse the application and notify the party accordingly.

If the application is accepted

The ERO will enter the following in the register of political parties:

- Party's name, abbreviation (if any) and emblem (if any);
- Party's correspondence address; and
- Full names of the party Leader, Treasurer and Secretary.

The register may be inspected by any person at the Central Registry during its normal working hours, subject to any fee set by the Treasury.

A person may also obtain a copy of the party's constitution or accounts submitted with its application from the Central Registry, subject to any fee set by the Treasury.

If the application is refused

There is no restriction on the number of applications that can be made.

The law also allows a signatory to the application to make an appeal to the High Court against the refusal of an application to register.

5. What are the requirements once a party is registered?

Once successfully registered, there are a number of rules governing the operation of the party that need to be followed.

The registration must be kept up to date

The ERO must be notified, in writing, of changes to any of the following:

- The party name or abbreviation;
- The party emblem;
- Address of the party;
- The Leader, Treasurer or Secretary of the party; or
- The party constitution.

Notification must be sent within 30 working days of the change, and must be signed by two persons who (after the change) are registered officeholders of the party. Additionally, evidence that the decision to make the change was in accordance with the party's constitution should be included.

Only the registered details are to be used

Registered parties may not use any name, abbreviation or emblem other than those that have been registered.

Accounts

Every registered party must have accounts prepared at least once in each calendar year.

The accounts must be filed with the Central Registry (Appendix A) within six months of the end of each accounting year, along with the auditor's report if the income was more than £25,000.

Failure to comply with the rules regarding the preparation and filing of annual accounts may result in the officeholders being liable on summary conviction to a fine. The ERO may also take action towards removing the party from the register.

Forward anonymous donations received

A political party must not keep anonymous donations. If a party receives an anonymous donation, the party treasurer must send it to the Chief Financial Officer (Appendix A) within either 10 working days of becoming aware of it or 30 working days of receipt of it (whichever period is shorter).

The Chief Financial Officer will make arrangements for the anonymous donation to be distributed to the nominated charitable trust.

6. Can a political party be removed from the register?

A registered party can apply to be removed from the register, for example, if it no longer intends to support candidates for election to the House of Keys.

The application must be signed by two registered officeholders of the party. It must also be accompanied by evidence that the decision to apply for removal of the party from the register was made in accordance with its constitution, for example, if the constitution no longer states that a party intends to support candidates for election to the House of Keys.

A party can also be removed from the register if it has breached the conditions of registration, for example, if a party changes its name to something considered offensive or fails to submit its accounts.

Any party that has not supported or endorsed a candidate at any of the three preceding general elections to the House of Keys can also be removed.

A party will be given two months' notice before being removed from the register. During this time, the party may appeal to the High Court against its removal from the register.

However, if the party has applied for removal or if the ERO is satisfied that it no longer exists, this notice will not be issued and the party will be removed from the register immediately.

7. What are the requirements for a candidate representing a political party?

It is an offence for a prospective candidate or candidate to accept support from an unregistered party.

The amount a candidate can spend on his or her campaign is limited to the level specified in the Elections (Keys) Regulations 2021. The total cost of a candidate's election campaign, in the 12 months up until polling day, must be within the expenses limit no matter who covers the cost. Therefore, election expenses include costs incurred or paid by others, including political parties, on a candidate's behalf.

Separate guidance on the rules in respect of funding an election campaign is available on the Cabinet Office website.

8. What are the rules regarding the appointment of an election agent?

A candidate for election to the House of Keys must name a person as his or her election agent. Candidates who do not appoint an election agent are considered to be their own agent.

Where a registered political party submits a list of candidates the same person must be appointed as election agent for all the candidates included in the list.

9. What are the offences in connection with political parties?

A candidate or prospective candidate who accepts support or endorsement from a political party that is not registered commits an offence and is liable on conviction to a fine.

A person who knowingly or recklessly provides false information in any application or notice in respect of a political party commits an offence and is liable on summary conviction to a fine.

10. What are the requirements in respect of data protection and processing?

Political parties that process personal data should contact the Information Commissioner's Office at ask@inforights.im to ensure they are compliant with data protection legislation.

This may include a requirement to have an entry in the register of data controllers and processors.

Political parties must also comply with Unsolicited Communications Regulations if they intend to send canvassing material to individuals via email, SMS or fax, as this constitutes direct marketing.

Basic and in-depth compliance guidance is available on the website www.inforights.im

11. Summary

In order to support or endorse a person at a House of Keys election, a political party must be registered.

In order to register, a party must supply the following to the Electoral Registration Officer:

- A completed application form, including an acceptable name, abbreviation (if any) and emblem (if any) as well as the party's on-Island address and the names of its Leader, Treasurer and Secretary;
- The signatures of 20 registered electors;
- A copy of its constitution; and
- A copy of its most recent accounts.

In order to remain registered, a party must:

- Report any changes to its registered details, which must be in accordance with the conditions of registration;
- Keep accounts, ensure they are audited (if required) and file them with the General Registry;
- Forward any anonymous donations received to the Chief Financial Officer;
- Only use the name, abbreviation (if any) and emblem (if any) with which it is registered; and
- Support a candidate at every third general election (at a minimum).

Appendix A

CONTACT LIST

Chief Financial Officer

Address: Third Floor, Government Office, Bucks Road, Douglas, IM1 3PZ

Tel: (01624) 686433

Email: treasuryadmin@gov.im

Crown & Elections

Address: Cabinet Office, Third Floor, Government Office, Bucks Road, Douglas, IM1 3PN

Tel: (01624) 685754

Website: www.gov.im/election

Email: elections@gov.im

Electoral Registration Officer

Address: Cabinet Office, Third Floor, Cabinet Office, Bucks Road, Douglas, IM1 3PN

Tel: (01624) 685754

Website: www.gov.im/election

Email: elections@gov.im

General Registry

Address: Isle of Man Courts of Justice, Deemsters Walk, Douglas, IM1 3AR

Tel: (01624) 685265

Website: www.gov.im/generalregistry

Central Registry

Address: Registries Building, Deemsters Walk, Douglas, IM1 3AR

Tel: (01624) 687318

Website: www.gov.im/centralregistry

Tynwald Library

Address: Legislative Buildings, Finch Road, Douglas, IM1 3PW

Tel: (01624) 685520

Website: www.tynwald.org.im

Email: library@tynwald.org.im

Appendix B

Section 50 of the Elections (Keys and Local Authorities) Act 2020

Accounts to be audited and filed

- (1) Every registered political party must cause its accounts to be made up at least once in each calendar year.
- (2) A registered political party to which this subsection applies must cause the accounts to be audited by an accountant or an approved person.
- (3) Subsection (2) applies to a registered political party whose gross income in the accounting year in question exceeds £250,000.
- (4) A registered political party to which this subsection applies must cause the accounts, at its option, to be either —
 - (a) audited by an accountant or an approved person; or
 - (b) examined by an independent person (an “examiner”) who —
 - (i) is an accountant or an approved person; or
 - (ii) holds a qualification prescribed by regulations made by the Treasury under subsection (11).
- (5) Subsection (4) applies to a registered political party whose gross income in the accounting year in question exceeds £25,000 but does not exceed £250,000.
- (6) Every registered political party must, within six months of the end of each accounting year, file the accounts for that year in the Central Registry, together (in the case of a registered political party to which subsection (2) or (4) applies) with the report of the auditor or examiner on them.
- (7) If the provisions of this section are not complied with, the officeholders of the registered political party jointly and severally commit an offence and are liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (8) Reference in this section to the accounts of a registered political party and the report of the auditor or examiner are to accounts and reports which comply with regulations under subsection (11)(b).
- (9) In this section, “approved”, in relation to any person, means approved by the Treasury for the purpose of auditing or examining (as the case may be) the accounts of the registered political party in question; and an approval under this subsection may be revoked at any time.
- (10) The Treasury may by order amend subsection (3) or (5) by substituting different amounts for the amounts specified therein (or the amounts for the time being substituted for them by a previous order under this subsection).

Tynwald procedure – approval required.
- (11) The Treasury may make such regulations as it considers are necessary or desirable to carry the provisions of this Part into effect and, without prejudice to the generality of that power, may make provision —
 - (a) requiring the keeping of records with respect to the transactions and financial position of registered political parties and for the keeping of records on the Island;

- (b) as to the form and content of the annual accounts of registered political parties and of the report of the auditor or examiner on them;
- (c) prescribing the qualifications of examiners of such accounts; or
- (d) defining the expressions "accounting year" and "gross income" for any purposes of this Part.

Tynwald procedure – approval required.



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Douglas
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