

NORTHERN IRELAND (MISCELLANEOUS PROVISIONS) ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedule 1: Modifications of the 2000 Act

65. [Schedule 1](#) contains provision setting out the basis on which the Electoral Commission will operate in relation to donation reports submitted by Northern Ireland recipients during the prescribed period.
66. [Paragraph 1](#) of the Schedule inserts new sections 71D and 71E in Chapter 6 of Part 4 of the 2000 Act (Chapter 6 of Part 4 is inserted by section 12). Section 71D places a duty on the Commission to verify information contained in donation reports submitted by Northern Ireland recipients. The new section provides that the steps that the Commission must take in this regard will be prescribed in an order made by the Secretary of State (see new section 71A(4) inserted by section 12).
67. Section 71E(1) places a duty of confidentiality on the Electoral Commission in relation to the information contained in reports received from Northern Ireland recipients. A member or employee of the Commission may disclose the information received only in certain exceptional cases. These are:
- for the purpose of verifying information contained in donation reports (the bodies to whom such disclosure can be made must be prescribed by order – see new section 71A(4));
 - for the purposes of any civil or criminal proceedings;
 - if the Commission believes, on reasonable grounds, that a donation accepted by a party should have been dealt with under section 56(2) of the 2000 Act, which provides for the return of impermissible donations.
68. Section 71E provides that disclosure of the information contained in donation reports (other than in these cases) constitutes an offence. Paragraph 2 of Schedule 1 provides for the offence to be punishable on summary conviction in England and Wales by a maximum of 51 weeks' imprisonment, and in Northern Ireland and Scotland by a maximum of 6 months' imprisonment.
69. An order made under the power contained in section 15(1)(b) can make further provision in relation to the prescribed period. Matters that might be dealt with in the orders include:
- a requirement for the Electoral Commission to check a specified proportion of the declared donations on each donation report;
 - the documentation that the Commission must require from recipients in order to verify that accepted donations have been made by permissible donors;

*These notes refer to the Northern Ireland (Miscellaneous Provisions)
Act 2006 (c.33) which received Royal Assent on 25th July 2006*

- the procedure that will be followed by the Commission in requesting that information, including the time limit for the recipient of the donation to comply;
- the steps that the Commission must take in relation to publication should the recipient fail to comply.