



# Northern Ireland (Miscellaneous Provisions) Act 2006

## 2006 CHAPTER 33

### PART 3

#### DONATIONS FOR POLITICAL PURPOSES

#### 10 Introduction

(1) In this Part—

“the 2000 Act” means the Political Parties, Elections and Referendums Act 2000 (c. 41), and

“the 1983 Act” means the Representation of the People Act 1983.

(2) In this Part—

- (a) section 11 comes into force at the end of the period of two months beginning with the day on which this Act is passed,
- (b) sections 12 to 14 and Schedule 1 come into force on 1st November 2007, and
- (c) section 15 comes into force at the end of the period of two months beginning with the day on which this Act is passed.

#### 11 Part 4 of the 2000 Act: the final disapplication period

(1) Sections 50 to 69 of, and Schedule 6 to, the 2000 Act (donations to political parties) do not apply in relation to any Northern Ireland party during the final disapplication period.

(2) “The final disapplication period” means the period—

- (a) starting with the day on which this section comes into force, and
- (b) ending with 31st October 2007.

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*Status: This is the original version (as it was originally enacted).*

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- (3) Paragraphs 2 to 15 of Schedule 7 to the 2000 Act (donations to individuals and members associations) do not apply during the final disapplication period in relation to any regulated donee who is—
- (a) an individual ordinarily resident in Northern Ireland, or
  - (b) a members association wholly or mainly consisting of members of a Northern Ireland party.
- (4) Section 54(2)(c) of the 2000 Act has effect in relation to any donation received during the final disapplication period by—
- (a) a Great Britain party, or
  - (b) a regulated donee who is resident or carries on activities in Great Britain, as if it referred to a Great Britain party only.
- (5) References in Schedule 2A to the 1983 Act to a permissible donor falling within section 54(2) are to be read, in relation to any donation received during the final disapplication period by a candidate at an election in Great Britain, as not including a Northern Ireland party.
- (6) In this section—
- “Great Britain party” means a party registered in the Great Britain register (as defined by section 23(2) of the 2000 Act),
- “Northern Ireland party” means a party registered in the Northern Ireland register (as defined by that section), and
- “regulated donee” and “members association” have the same meaning as in Schedule 7 to the 2000 Act.
- (7) The reference in subsection (4)(b) to Great Britain includes the combined region (as defined by section 160(1) of the 2000 Act).
- (8) The following provisions cease to have effect—
- (a) in the 2000 Act—
    - (i) section 42(5),
    - (ii) Chapter 4 of Part 4,
    - (iii) section 156(4)(d),
    - (iv) in Schedule 7, paragraphs 1(10) and (11) and 16, and
  - (b) in Schedule 2A to the 1983 Act, paragraph 1(7).
- (9) In section 159A(a) of the 2000 Act (functions that are not exercisable by Lord Chancellor as well as by Secretary of State), for “, 18(2) and (4) and 70” substitute “and 18(2) and (4)”.

## **12 Extension of categories of permissible donors**

In Part 4 of the 2000 Act, after Chapter 5 insert—

## “CHAPTER 6

### SPECIAL PROVISION IN CONNECTION WITH NORTHERN IRELAND

#### **71A Introduction**

- (1) The following provisions have effect for the interpretation of this Chapter.
- (2) “Northern Ireland recipient” means—
  - (a) a party registered in the Northern Ireland register, or
  - (b) a regulated donee who is—
    - (i) an individual ordinarily resident in Northern Ireland, or
    - (ii) a members association wholly or mainly consisting of members of a Northern Ireland party.
- (3) “Regulated donee” and “members association” have the same meaning as in Schedule 7.
- (4) “Prescribed” means prescribed by an order made by the Secretary of State after consulting the Commission.

#### **71B Extension of categories of permissible donors in relation to Northern Ireland recipients**

- (1) In relation to a donation to a Northern Ireland recipient, section 54(2) has effect as if the following were also permissible donors—
  - (a) an Irish citizen in relation to whom any prescribed conditions are met;
  - (b) a body which is of a prescribed description or category and in relation to which any prescribed conditions are met.
- (2) A description or category of body must not be prescribed for the purposes of subsection (1)(b) unless the Secretary of State is satisfied that a body of that description or category would be entitled under Irish law to donate to an Irish political party.
- (3) In relation to a donation in the form of a bequest subsection (1)(a) is to be read as referring to an individual—
  - (a) who at any time within the period of five years ending with the date of his death was an Irish citizen, and
  - (b) in relation to whom, at the time of his death, any prescribed conditions were met.

#### **71C Northern Ireland recipients not permissible donors in relation to Great Britain**

- (1) In relation to a donation received by—
  - (a) a registered party which is registered in the Great Britain register, or
  - (b) a regulated donee resident or carrying on activities in Great Britain,section 54(2) has effect as if it did not include a party registered in the Northern Ireland register.

- (2) The reference in subsection (1)(b) to Great Britain includes the combined region.”

### **13 Section 12: supplementary**

- (1) In section 156(4) of the 2000 Act (orders and regulations—powers subject to affirmative procedure), after paragraph (c) insert—  
 “(ca) any provision of Chapter 6 of Part 4;”.
- (2) In section 159A(a) of the 2000 Act (functions that are not exercisable by Lord Chancellor as well as by Secretary of State), for “and 18(2) and (4)” substitute “, 18(2) and (4) and Chapter 6 of Part 4”.
- (3) In Schedule 2A to the 1983 Act (control of donations to candidates), after paragraph 1(6) insert—  
 “(6A) In relation to a donation received by a candidate at an election in Great Britain, references to a permissible donor falling within section 54(2) of the 2000 Act are to be read as if section 54(2) did not include a party registered in the Northern Ireland register maintained by the Commission under Part 2 of that Act.”

### **14 Modifications during prescribed period**

- (1) During the prescribed period, the 2000 Act applies in relation to Northern Ireland subject to the modifications in Schedule 1.
- (2) “The prescribed period” means the period—  
 (a) starting with 1st November 2007, and  
 (b) ending with 31st October 2010.
- (3) The Secretary of State may by order amend paragraph (b) of subsection (2) so as to extend the prescribed period.
- (4) The power to make an order under subsection (3) may be exercised on more than one occasion, but the prescribed period must not be extended for more than 2 years at a time.
- (5) The power to make an order under subsection (3) is exercisable by statutory instrument.
- (6) No order is to be made under subsection (3) unless a draft of the instrument containing the order has been laid before and approved by a resolution of each House of Parliament.

### **15 Power to make provision in connection with permissible donors**

- (1) The Secretary of State may, after consulting the Electoral Commission, by order make provision, in relation to any time occurring on or after 1st November 2007, in connection with the provision made by—  
 (a) sections 12 and 13, or  
 (b) section 14 and Schedule 1.

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- (2) The provision that may be made under subsection (1) includes provision amending or modifying—
  - (a) any provision of the 2000 Act;
  - (b) Schedule 2A to the 1983 Act;
  - (c) any other enactment connected with permissible donors or donations for political purposes.
- (3) The provision that may be made under subsection (1) also includes provision amending—
  - (a) section 71C of the 2000 Act (as inserted by section 12), and
  - (b) paragraph 1(6A) of Schedule 2A to the 1983 Act (as inserted by section 13), so that they refer to a Northern Ireland recipient instead of referring to a party registered in the Northern Ireland register.
- (4) The power to make an order under subsection (1) is exercisable by statutory instrument.
- (5) No order is to be made under subsection (1) unless a draft of the instrument containing the order has been laid before and approved by a resolution of each House of Parliament.