DRAFT STATUTORY INSTRUMENTS

2018 No.

The Transparency of Donations and Loans etc. (Northern Ireland Political Parties) Order 2018

Amendments to section 71Z4 of the 2000 Act

3.—(1) Section 71Z4 of the 2000 Act (duty not to disclose contents of transaction reports) is amended as follows.

(2) Before subsection (1) insert—

"(A1) Subject to subsections (A2) and (A3), this section applies only to a transaction entered into by a Northern Ireland participant before 1 July 2017.

(A2) This section does not apply to a transaction entered into before 1 July 2017 which is required to be recorded in a report—

(a) under section 71M in respect of a period beginning on or after 1 July 2017 because the transaction is required by that section to be aggregated with a transaction entered into or a donation received on or after that date, or

(b) under paragraph 9 of Schedule 7A delivered on or after 1 July 2017 because the transaction is required by that paragraph to be aggregated with a transaction entered into or a donation received on or after that date.

(A3) This section does not apply to a transaction entered into on or after 1 January 2014 and before 1 July 2017—

(a) if a change to that transaction is required to be recorded in a report under section 71M in respect of a period beginning on or after 1 July 2017 because the change falls within section 71N(1) or (3)(**1**), or

(b) if a change to that transaction which takes effect on or after 1 July 2017 is required to be recorded in a report under paragraph 11 of Schedule 7A because the change falls within sub-paragraph (3) or (5) of that paragraph.

(A4) In subsection (A3), a reference to a change within section 71N(1) or paragraph 11(3) of Schedule 7A does not include a reference to a repayment of the whole of a debt (or all of the remaining debt) under a loan."

(3) In subsection (1)(a), for "a Northern Ireland participant is a party" substitute "this section applies".

(4) After subsection (5), insert—

"(6) A person does not contravene subsection (1) if that person discloses information relating to a transaction to which this section applies where—

(a) the transaction was entered into on or after 1 January 2014 but before 1 July 2017,

(b) the Northern Ireland report recording the transaction does not state that the transaction was entered into before 1 July 2017, and

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(**1**) Section 71N was inserted by section 61(1) of the Electoral Administration Act 2006.

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(c) when the disclosure is made, the person believes that the transaction was entered into on or after 1 July 2017 and is reasonably entitled to hold that belief.

(7) A person does not contravene subsection (1) if that person discloses information relating to a transaction to which this section applies where—

(a) the transaction was entered into on or after 1 January 2014 but before 1 July 2017,

(b) a change to the transaction which took effect before 1 July 2017 is required to be recorded in a report under section 71M or paragraph 11 of Schedule 7A,

(c) the Northern Ireland report recording the change does not state that it took effect before 1 July 2017, and

(d) when the disclosure is made, the person believes that the change took effect on or after 1 July 2017 and is reasonably entitled to hold that belief.

(8) A person does not contravene subsection (1) merely because—

(a) the person discloses information relating to a transaction within subsection (A3), and

(b) that disclosure suggests that a transaction was entered into before 1 July 2017 with which the transaction has been aggregated in accordance with section 71M (quarterly reports of regulated transactions: aggregation) or paragraph 9 of Schedule 7A (transactions reports: aggregation).

(9) A person does not contravene subsection (1) merely because—

(a) the person discloses information relating to a donation or a transaction in accordance with this section or section 71E, and

(b) the disclosure suggests that a transaction was entered into before 1 July 2017 as a result of which section 71M(6) or 62(6) applies in relation to the transaction or donation mentioned in paragraph (a)."