

Status: Point in time view as at 01/07/2001.

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SCHEDULES

SCHEDULE 23

Section 163.

TRANSITIONAL PROVISIONS

PART I

TRANSFER OF REGISTRATION OF EXISTING REGISTERED PARTIES

Interpretation of Part I

- 1 In this Part of this Schedule—
- “the 1998 Act” means the Registration of Political Parties Act 1998;
 - “the appointed day” means the appointed day for the purposes of Part II of this Act;
 - “the compliance period” means the period of six weeks beginning with the initial date;
 - “emblem”, in relation to a party, means an emblem to be used by the party on ballot papers;
 - “the initial date” means the date falling 14 days after the day on which this Act is passed;
 - “the new registers” means the Great Britain register and the Northern Ireland register.

Declaration for purposes of section 28

- 2 (1) This paragraph applies to any party registered under the 1998 Act on the initial date.
- (2) Subject to sub-paragraph (7), the party must within the compliance period send to the Commission a declaration falling within section 28(2).
- (3) In connection with any such declaration, any reference in section 28(2) or (3) to a party’s applying to be registered shall have effect in relation to the party making the declaration as a reference to its seeking to be registered under Part II of this Act in accordance with paragraph 4(2).
- (4) Where the party sends the Commission a declaration falling within section 28(2)(a), the party must at the same time send to them, with a view to the registration in the Northern Ireland register of a separate Northern Ireland party—
- (a) such information as would, by virtue of Schedule 1 to the 1998 Act, be required to be provided in connection with an application by the Northern Ireland party to be registered under that Act;
 - (b) a notification as to whether the party wishes to be registered in the Northern Ireland register under its existing registered name or under that name with an addition permitted by sub-paragraph (5); and

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- (c) a notification as to whether the party wishes—
 - (i) any emblem or emblems already registered in respect of it under the 1998 Act to be registered in respect of the Northern Ireland party in that register,
 - (ii) any emblem or emblems not so registered under the 1998 Act, but shown in the notification, to be registered in respect of the Northern Ireland party in that register (whether in addition to any emblem or emblems falling within sub-paragraph (i) or otherwise).
- (5) For the purposes of sub-paragraph (4)(b) any one of the following, namely “Northern Ireland”, “Northern Irish”, “Ulster”, “Ireland” or “Irish” may be added to a party’s existing registered name, at such point as the party may specify in its notification.
- (6) For the purposes of sub-paragraph (4)(c) the total number of emblems whose registration may be sought in a notification under that provision is three.
- (7) If the party within the compliance period sends to the Commission a declaration that the party does not intend to contest any relevant election on or after the appointed day—
 - (a) nothing in sub-paragraphs (2) to (6) or in paragraphs 3 to 5 shall have effect in relation to the party; and
 - (b) the party’s registration under the 1998 Act shall terminate on the appointed day.
- (8) References to a party of any description in paragraph 3(1), 4(1) or 5(1) accordingly do not include a party falling within sub-paragraph (7).

Draft scheme for purposes of section 26

- 3 (1) This paragraph applies to any party registered under the 1998 Act on the initial date.
- (2) The party must within the compliance period send to the Commission—
 - (a) a copy of the party’s constitution (within the meaning of section 26); and
 - (b) a draft of the scheme which the party proposes to adopt for the purposes of section 26 if approved by the Commission under that section;
 and subsections (2) to (6) of that section shall apply in connection with any such scheme and its approval by the Commission.
- (3) The party must also within the compliance period give a notification to the Commission under this sub-paragraph.
- (4) A notification under sub-paragraph (3) must—
 - (a) give the name and home address—
 - (i) of a person to be registered under Part II of this Act as the party’s treasurer; and
 - (ii) (if the party is seeking to be so registered as a party with a campaigns officer) of a person to be registered as that officer; and
 - (b) be signed by the person registered under the 1998 Act as leader or nominating officer of the party and by the proposed registered treasurer mentioned in paragraph (a) and (if paragraph (a)(ii) applies) by the proposed campaigns officer.

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- (5) Where the party would on registration under Part II of this Act be a party with accounting units, a notification under sub-paragraph (3) must also give in relation to each accounting unit—
 - (a) the name of the accounting unit and of its treasurer and of an officer of the unit to be registered for the purposes of section 27(3), and
 - (b) the address of its headquarters or, if it has no headquarters, an address to which communications to the accounting unit may be sent.
- (6) A notification under sub-paragraph (3) may be signed by the same person in his capacity as registered leader or nominating officer and in his capacity as proposed registered treasurer, but in that case it must be apparent from the notification that he is signing it in both of those capacities.
- (7) Where the party sends the Commission a declaration falling within section 28(2)(a), the provisions of sub-paragraphs (2) to (6) shall be read as applying separately in relation to—
 - (a) the party to be registered in the Great Britain register, and
 - (b) the party to be registered in the Northern Ireland register.

Registration under Part II of this Act as from appointed day

- 4 (1) This paragraph applies where a party registered under the 1998 Act has complied with the provisions of paragraphs 2 and 3 so far as applicable to the party.
- (2) The Commission shall secure that, as from the appointed day, one (or each) of the new registers contains such entry in respect of the party (or the two parties mentioned in paragraph 3(7)) as the Commission consider appropriate to reflect—
 - (a) the party's existing entry in the register maintained under the 1998 Act and the date when the party was first registered under that Act;
 - (b) the declaration sent to the Commission by the party in pursuance of paragraph 2(2);
 - (c) any information or notification sent to them in pursuance of paragraph 2(4); and
 - (d) the notification given to them in pursuance of paragraph 3(3).
- (3) In connection with the registration in the Northern Ireland register (in accordance with sub-paragraph (2)) of any emblem shown in a notification by a party in pursuance of paragraph 2(4)(c)(ii)—
 - (a) section 29(2) shall apply (with any necessary modifications) as it applies in connection with the registration of any emblem in pursuance of a request under section 29, but
 - (b) for this purpose any emblem which on the initial date is registered under the 1998 Act in respect of any other party (except one falling within paragraph 2(7)) shall be treated as if it were already registered in the Northern Ireland register.
- (4) As from the appointed day the draft scheme sent to the Commission in pursuance of paragraph 3(2) shall be treated for the purposes of this Act as if it were a scheme approved by the Commission and adopted by the party under section 26 until—
 - (a) such time as the scheme, or any revised scheme submitted under subsection (6) of that section, is in fact approved by the Commission under that section, or

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- (b) the end of the period of nine months beginning immediately after the end of the compliance period (or such longer period as the Commission may determine in relation to the party),
whichever is the earlier.
- (5) If the draft scheme, or any such revised scheme, has not been so approved by the end of the period which applies for the purposes of sub-paragraph (4)(b)—
 - (a) the Commission shall forthwith send the party a copy of the scheme incorporating such modifications as the Commission consider appropriate; and
 - (b) the scheme, as so modified, shall be treated for the purposes of this Act as if it had been approved by the Commission, and adopted by the party, under section 26.
- (6) Section 30(1)(e) shall apply in relation to a party registered in accordance with sub-paragraph (2) as if the reference to the time when the party applied for registration were a reference to the appointed day.

Failure to comply with paragraph 2 or 3

- 5 (1) This paragraph applies where a party registered under the 1998 Act on the initial date fails to send or give to the Commission by the end of the compliance period one or more of the following things, namely—
 - (a) any declaration required under paragraph 2(2);
 - (b) any information or notification required under paragraph 2(4);
 - (c) any document required under paragraph 3(2);
 - (d) any notification required under paragraph 3(3).
- (2) In this paragraph—
 - (a) “the outstanding material” means the thing or things which as mentioned in sub-paragraph (1) was or were not sent or given to the Commission by the end of the compliance period;
 - (b) “the transitional period” means the period of three months beginning immediately after the end of the compliance period;
 - (c) “the protected period” means the period beginning with the appointed day and ending—
 - (i) at the end of the transitional period, or
 - (ii) in a case where sub-paragraph (4) applies, on the date determined by the Commission under that sub-paragraph.
- (3) During so much of the transitional period as falls before the appointed day, the party shall be treated for all purposes relating to elections or referendums as if it were not registered under the 1998 Act; and on that day the party’s registration under that Act shall terminate without being replaced by any such registration under Part II of this Act as is mentioned in paragraph 4(2).
- (4) However, if the Commission receive the outstanding material before the end of the transitional period, paragraph 4(2) shall have effect so as to require the Commission to secure that any such entry as is mentioned in that provision is made in one (or each) of the new registers with effect from such date (not earlier than the appointed day) as they may determine.
- (5) During the protected period sections 28(4) and 29(2) shall have effect as if—

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- (a) the name of the party registered under the 1998 Act on the initial date and any emblems so registered in respect of it were registered in respect of the party in each of the new registers, and
 - (b) any such registration in the Great Britain register was in respect of each of England, Scotland and Wales.
- (6) In a case where sub-paragraph (4) applies—
- (a) section 26(5) and (6) shall apply in connection with the approval of the party's draft scheme by the Commission; and
 - (b) paragraph 4(4) and (5) above shall also so apply, except that in paragraph 4(4)(b) the reference to nine months beginning immediately after the end of the compliance period shall be read as a reference to six months beginning immediately after the end of the protected period.

Exercise of functions by person appointed as Commission's chief executive

- 6 In relation to any time when the functions of the Commission with respect to the receipt of documents or information falling to be sent or given to the Commission under this Schedule are being exercised by a person appointed as the Commission's chief executive under paragraph 11(9) of Schedule 1, references in this Schedule to the Commission, in the context of the sending or giving of such documents or information to them, shall be construed as references to the person so appointed.

Termination of registration functions of registrar of companies

- 7 (1) The registration functions of the registrar under the 1998 Act shall terminate on the initial date.
- (2) Accordingly, as from that date, the registrar shall not—
- (a) make any new entry in his register, or
 - (b) alter or remove any entry already contained in his register,
- and no application or notice may be made or given to him under any provision of that Act.
- (3) Where an application has been made to the registrar under any such provision before the initial date and the application has not been determined by that date, the registrar shall not take any steps (or, as the case may be, any further steps) on or after that date to deal with the application.
- (4) Nothing in section 7 of the 1998 Act shall apply at any time on or after the initial date in relation to a party registered under that Act; and in particular a party's registration under that Act shall not lapse at any such time by virtue of that section.
- (5) The registrar shall provide the Commission with such information and assistance as they reasonably require for the purpose of discharging their duty under paragraph 4(2); and where any information relating to a party registered under the 1998 Act—
- (a) is held by the registrar in connection with the registration of the party under that Act, but
 - (b) is not contained in the party's entry in his register,
- the registrar shall provide the Commission with that information in order that it may be held by them, as from the appointed day, in connection with the registration of the party in one or other of the new registers.

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- (6) In this paragraph “the registrar” means the registrar of companies (within the meaning of Part II of this Act), and any reference to “his” register is a reference to the register maintained by the registrar under the 1998 Act.

PART II

OTHER TRANSITIONAL PROVISIONS

Appointment of Electoral Commissioners

- 8 For the purposes of section 3(2)—
- (a) any agreement to a proposed motion for an Address under section 3(1) which has been signified by the Speaker of the House of Commons before the day on which this Act is passed shall be as effective as if signified on or after that day; and
 - (b) any consultation with respect to such a motion which has been carried out before that day with such a person as is mentioned in section 3(2)(b) shall be as effective as if carried out on or after that day.

Orders specifying organisations which are not to count as accounting units

- 9 The requirement in section 26(8)(c) for any order under that provision to be made on the recommendation of the Commission shall not apply in relation to any such order which is made before the end of the period of three months beginning with the day on which this Act is passed.

Orders prohibiting use of certain words in parties’ registered names

- 10 The requirement in section 28(4)(f) for any order under that provision to be made after consultation with the Commission shall not apply in relation to any such order which is made before the end of the period of three months beginning with the day on which this Act is passed.

Confirmation of registered particulars

- 11 (1) This paragraph applies to a party which is registered under Part II of this Act at the end of the period of nine months beginning with the appointed day.
- (2) The treasurer of the party shall deliver to the Commission a notification which—
- (a) complies with the requirements of section 32(2) and (3) (as modified by sub-paragraphs (3) and (4)), and
 - (b) is accompanied by any fee prescribed by order made by the Secretary of State,
- within the period beginning one month before and ending three months after the first anniversary of the appointed day.
- (3) In the application of section 32(2)(a) in accordance with sub-paragraph (2), the reference to the relevant time shall be read as a reference to the time when the party applied for registration or, in the case of a party registered by virtue of paragraph 4(2), the appointed day.

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- (4) In the application of section 32(3) in accordance with sub-paragraph (2), the reference to the relevant time shall be read as a reference to the time when the party applied for registration or, in the case of a party registered by virtue of paragraph 4(2), the time when the documents required under paragraph 3(2) were sent to the Commission.
- (5) If the notification required by virtue of sub-paragraph (2) is not delivered before the end of the period mentioned in that sub-paragraph, the person who was the treasurer of the party immediately before the end of that period shall be guilty of an offence and shall be liable to the same punishment as if he were guilty of an offence under section 47(1)(b).
- (6) It is a defence for a person charged with an offence under sub-paragraph (5) to prove that he took all reasonable steps, and exercised all due diligence, to ensure that the notification required by virtue of sub-paragraph (2) would be delivered before the end of the period mentioned in that sub-paragraph.
- (7) Any notification delivered under sub-paragraph (2) shall be treated, for the purposes of section 32(4)(b), as a notification given under section 32.
- (8) In this paragraph “the appointed day” means the appointed day for the purposes of Part II of this Act.

Control of political donations by companies

- 12 (1) The provisions of Part XA of the Companies Act 1985 inserted by section 139(1) of this Act shall not apply to a company (within the meaning of that Act) in relation to any time falling before the relevant date for the company.
- (2) For the purposes of this paragraph the relevant date for a company is—
 - (a) if an annual general meeting of the company is held within the first commencement year, the date of that meeting; and
 - (b) otherwise, the date immediately following the end of that year.
- (3) In sub-paragraph (2) “the first commencement year” means the period of 12 months beginning with the date of the commencement of section 139(1).

Disclosure of political donations and expenditure in directors’ report

- 13 The provisions of Schedule 7 to the Companies Act 1985 substituted by section 140 of this Act shall, in the case of any company (within the meaning of that Act), apply only in relation to directors’ reports for financial years beginning on or after the first anniversary of the date which is the relevant date for the company for the purposes of paragraph 12.

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