



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.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland (Miscellaneous Provisions) Act 2006, Part 3. (See end of Document for details)

- (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—

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“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.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland (Miscellaneous Provisions) Act 2006, Part 3. (See end of Document for details)

(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) ^{F1}.....

(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.”

Textual Amendments

F1 S. 13(2) repealed (1.7.2008) by [The Electoral Administration Act 2006 \(Regulation of Loans etc: Northern Ireland\) Order 2008 \(S.I. 2008/1319\)](#), **art. 4(3)**

[^{F2}14 Special provision in relation to Northern Ireland recipients

Schedule 1 contains amendments of the 2000 Act relating to donations received by Northern Ireland recipients.]

Textual Amendments

F2 S. 14 substituted (13.3.2014) by [Northern Ireland \(Miscellaneous Provisions\) Act 2014 \(c. 13\)](#), **ss. 1(1)(a), 28(1)(a)(i)**

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.

(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.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland (Miscellaneous Provisions) Act 2006, Part 3. (See end of Document for details)

- (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.

[^{F3}15A Power to increase transparency

- (1) The Secretary of State may, after consulting the Electoral Commission, by order—
 - (a) make provision permitting or requiring the Electoral Commission to publish information about donations received by Northern Ireland recipients, or
 - (b) make other provision for the purpose of increasing transparency in relation to such donations.
- (2) Provision made under this section may—
 - (a) amend, repeal or modify any enactment connected with donations for political purposes (including in particular any of the provisions inserted into the 2000 Act by Schedule 1);
 - (b) include consequential, supplementary, incidental, transitional, transitory or saving provision.
- (3) Provision made under this section may apply in relation to donations received at any time on or after 1 November 2007.
- (4) The power to make an order under this section is exercisable by statutory instrument.
- (5) No order is to be made under this section unless a draft of the instrument containing the order has been laid before and approved by a resolution of each House of Parliament.
- (6) For the purposes of this section and section 15B—
 - (a) “donation” has the same meaning as in Part 4 of the 2000 Act (see section 50 of that Act);
 - (b) the time at which a donation is received is to be determined in the same way as for the purposes of that Part;
 - (c) “Northern Ireland recipient” has the same meaning as in Chapter 6 of that Part (see section 71A of that Act).
- (7) Section 15B imposes limits on the provision that may be made under this section.

Textual Amendments

F3 Ss. 15A, 15B inserted (13.3.2014) by [Northern Ireland \(Miscellaneous Provisions\) Act 2014 \(c. 13\)](#), [ss. 1\(2\), 28\(1\)\(a\)\(i\)](#)

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland (Miscellaneous Provisions) Act 2006, Part 3. (See end of Document for details)

15B Confidentiality of donations received before 1 January 2014

- (1) The provision that may be made by order under section 15A does not include provision which—
- (a) alters the effect of section 71E of the 2000 Act (duty not to disclose contents of donation reports) in relation to the disclosure of protected information,
 - (b) reduces the maximum penalty for an offence under that section committed in relation to the disclosure of protected information, or
 - (c) gives a person a right to obtain protected information contained in a register kept by the Commission under that Act.
- (2) “Protected information” means information—
- (a) which relates to a donation received before 1 January 2014, and
 - (b) which identifies the donor or from which it is possible to identify the donor.
- (3) The references in subsection (1) to section 71E of the 2000 Act and to the maximum penalty for an offence under that section are to that section and maximum penalty as they have effect at the time at which the order under section 15A is made.]

Textual Amendments

- F3** Ss. 15A, 15B inserted (13.3.2014) by [Northern Ireland \(Miscellaneous Provisions\) Act 2014 \(c. 13\)](#), [ss. 1\(2\), 28\(1\)\(a\)\(i\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Northern Ireland (Miscellaneous Provisions) Act 2006, Part 3.