

---

STATUTORY INSTRUMENTS

---

**2008 No. 1737**

**The Political Parties, Elections and Referendums Act  
2000 (Northern Ireland Political Parties) Order 2008**

**PART I**

*Citation, commencement and interpretation*

**Citation and commencement**

1. This Order may be cited as the Political Parties, Elections and Referendums Act 2000 (Northern Ireland Political Parties) Order 2008 and shall come into force on 1st July 2008.

**Interpretation**

2. In this Order—

“the 2000 Act” means the Political Parties, Elections and Referendums Act 2000;

“individual participant” means an individual who is an authorised participant by virtue of—

- (a) section 71H(3) of the 2000 Act<sup>(1)</sup>, or
- (b) section 71Z1(1)(a) of that Act (Irish citizen entering into a regulated transaction with a Northern Ireland participant);

“Northern Ireland participant” has the meaning given in section 71Z of the 2000 Act;

“Northern Ireland report” means a report to the Commission which is prepared by a Northern Ireland participant and contains, or purports to contain, information required to be given by Schedule 6A or 7A to the 2000 Act, but does not include a report required to be prepared by virtue of section 71Q of that Act<sup>(2)</sup>;

“prescribed bodies” has the meaning given by article 4(2);

“recordable transaction”, other than in Schedule 1, means a transaction which is required to be recorded in a Northern Ireland report;

“reporting period” has the meaning given by section 71M(3) of the 2000 Act<sup>(3)</sup> in relation to reports prepared pursuant to that section but, in relation to reports which contain, or purport to contain, information required to be given pursuant to Schedule 7A to the 2000 Act, it means each month; and

“selected Northern Ireland transaction” means a recordable transaction involving a Northern Ireland participant which is selected by the Commission for verification under article 8.

---

(1) Section 71H was inserted by section 61 of the Electoral Administration Act 2006 (c.22) (“the EA Act”) and provides that an authorised participant is a person who is a permissible donor within the meaning of section 54(2) of the 2000 Act.

(2) Section 71Q and Schedule 6A were inserted by section 61 of the EA Act and Schedule 7A was inserted by Part 6 of Schedule 1 to that Act.

(3) Section 71M was inserted by section 61 of the EA Act.

## PART II

### *Extension of categories of authorised participants in relation to Northern Ireland participants*

#### **Irish citizens as authorised participants**

3. For the purposes of section 71Z1(1)(a) of the 2000 Act, the prescribed condition in relation to an Irish citizen is that at the time he enters into a regulated transaction or controlled transaction relating to a Northern Ireland participant he must be eligible to obtain one of the following documents—

- (a) an Irish passport;
- (b) a certificate of nationality; or
- (c) a certificate of naturalisation.

#### **Irish bodies as authorised participants**

4.—(1) The description or category of body prescribed, for the purposes of section 71Z1(1)(b) of the 2000 Act, is any of the bodies set out in paragraph (2) which keeps an office in Ireland or Northern Ireland being an office from which the carrying on of one or more of its principal activities is directed.

(2) The prescribed bodies are—

- (a) a company—
  - (i) appearing on the Register of Companies of Ireland; and
  - (ii) incorporated within Ireland or another member State;
- (b) a political party appearing on the Register of Political Parties of Ireland;
- (c) a trade union registered by the Registrar of Friendly Societies of Ireland;
- (d) a building society registered by the Central Bank and Financial Services Authority of Ireland;
- (e) a limited liability partnership registered by the Registrar of Companies of Ireland;
- (f) a friendly society or industrial and provident society registered by the Registrar of Friendly Societies of Ireland; and
- (g) any unincorporated association of two or more persons which does not fall within any of the preceding paragraphs but which carries on business or other activities wholly or mainly in Ireland and whose main office is there.

#### **Northern Ireland reports**

5. Schedule 1 (which amends the 2000 Act in connection with the recording of transactions to which Northern Ireland participants are a party) has effect.

#### **Minor and consequential amendments**

6. Schedule 2 (minor and consequential amendments) has effect.

## PART III

### *Duty of the Commission during the prescribed period*

#### **Steps to be taken by the Commission for the purpose of verifying information given in Northern Ireland reports**

7. For the purposes of section 71Z3(1) of the 2000 Act the prescribed steps which the Commission must take for the purpose of verifying the information given in Northern Ireland reports during the prescribed period are set out in articles 8 and 9.

#### **Selection of Northern Ireland recordable transactions**

8.—(1) In each reporting period, in relation to each Northern Ireland participant who has provided a Northern Ireland report, the Commission must—

- (a) select for verification 50 per cent of all recordable transactions to which an individual participant is a party and which have been reported by that Northern Ireland participant in accordance with paragraphs (2) and (3); and
- (b) select for verification every recordable transaction to which an individual participant is not a party.

(2) In the case of a Northern Ireland participant who has reported an odd number of recordable transactions to which individual participants are a party during any reporting period, the Commission must determine the number of recordable transactions involving individual participants to be selected for verification by adding one to the number of recordable transactions involving individual participants reported by that Northern Ireland participant and dividing the resulting number by two.

(3) In the case of a Northern Ireland participant who has reported only one recordable transaction to which an individual participant is a party during any reporting period, the Commission must select that transaction for verification.

#### **Verification of recordable transactions involving Northern Ireland participants**

9.—(1) The Commission must take the following steps in relation to each selected Northern Ireland transaction.

(2) In relation to a Northern Ireland report made in respect of a selected Northern Ireland transaction, and any documentation provided with it, the Commission must take reasonable steps to ascertain whether—

- (a) the information provided in the report in relation to that transaction is accurate; and
- (b) any documentation provided with the report in relation to that transaction is genuine.

(3) The steps taken by the Commission under paragraph (2) may include, but are not limited to, contacting a body set out in article 11.

#### **Disclosure of information relating to transactions which are required to be dealt with in accordance with section 71I or 71J of, or paragraph 5 or 6 of Schedule 7A to, the 2000 Act**

10. If, after taking the steps prescribed by articles 8 and 9, the Commission believes on reasonable grounds that a transaction recorded in a Northern Ireland report fell to be dealt with under section 71I or 71J of, or paragraph 5 or 6 of Schedule 7A to, the 2000 Act, and that it has not been dealt with in this manner, the Commission must—

- (a) write to the Northern Ireland participant who provided the report informing him of the Commission's intention to publish the information in accordance with paragraph (b); and

- (b) publish the following information—
  - (i) the name of the Northern Ireland participant;
  - (ii) the value of the transaction;
  - (iii) the date the transaction was entered into;
  - (iv) whether the parties to the transaction (other than the Northern Ireland participant) are individuals or bodies; and
  - (v) in the case of a transaction involving a body, the type of body which is a party to the transaction with reference to article 4(2) or section 54(2) of the 2000 Act.

#### **Disclosure of information by the Commission**

- 11.** The following bodies are prescribed for the purposes of section 71Z4(2)(b) of the 2000 Act—
- (a) a firm of solicitors in Ireland which has provided a statement in accordance with paragraph 2A(11) of Schedule 6A to the 2000 Act<sup>(4)</sup>;
  - (b) the Central Bank and Financial Services Authority of Ireland;
  - (c) the office of the Certification Officer;
  - (d) the Corporate Officer of the House of Commons;
  - (e) the Corporate Officer of the House of Lords;
  - (f) the office of the Northern Ireland Certification Officer;
  - (g) Companies House (meaning that part of the Department for Business, Enterprise and Regulatory Reform known as the Companies House Executive Agency);
  - (h) the Department of Enterprise, Trade and Investment<sup>(5)</sup>;
  - (i) the Department of Foreign Affairs of Ireland;
  - (j) the Electoral Office for Northern Ireland;
  - (k) the Financial Services Authority;
  - (l) the Northern Ireland Assembly Commission;
  - (m) the office of any electoral registration officer;
  - (n) the Registrar of Companies of Ireland;
  - (o) the Registrar of Friendly Societies of Ireland; and
  - (p) the Registrar of Political Parties of Ireland.

Northern Ireland Office  
30th June 2008

*Paul Goggins*  
Minister of State

---

(4) Paragraph 2A of Schedule 6A is inserted by article 5 of, and Schedule 1 to, this Order.

(5) The Department was so named by the [Departments \(Northern Ireland\) Order 1999 \(1999/283 \(N.I.1\)\)](#).