

*Draft Order laid before Parliament under section 156(4) of the Political Parties, Elections and Referendums Act 2000 for approval by resolution of each House of Parliament.*

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DRAFT STATUTORY INSTRUMENTS

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**2005 No.**

**POLITICAL PARTIES**

The Political Parties, Elections and Referendums  
Act 2000 (Disapplication of Part IV for  
Northern Ireland Parties, etc.) Order 2005

*Made* - - - -

*Coming into force* - - 16th February 2005

Whereas a draft of this Order has been approved by resolution of each House of Parliament;  
Now, therefore, the Secretary of State in exercise of the powers conferred on him by section 70(1)(b) of the Political Parties, Elections and Referendums Act 2000(1) hereby makes the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Political Parties, Elections and Referendums Act 2000 (Disapplication of Part IV for Northern Ireland Parties, etc.) Order 2005.

(2) This Order shall come into force on 16th February 2005 and (without prejudice to any power to revoke it) shall remain in force for the period of two years beginning with that date.

(3) In this Order—

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

“Northern Ireland party” has the same meaning as in section 70(6) of the 2000 Act.

**Disapplication of Part IV of the 2000 Act in relation to Northern Ireland parties**

2. Chapters I to III of Part IV (control of donations to registered parties) of the 2000 Act (sections 50 to 69, together with Schedule 6) are hereby disappplied for the period of two years beginning with the date on which this Order comes into force in relation to every Northern Ireland party.

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(1) 2000 c. 41; the powers in section 70(1) are extended by paragraph 16 of Schedule 7 and are referred to in section 70(5) and paragraph 1(10) of Schedule 7.

### **Disapplication of Schedule 7 to the 2000 Act as respects Northern Ireland**

3. Paragraph 2 to 15 of Schedule 7 to the 2000 Act (control of donations to individuals and members association) are hereby disappplied for the period of two years beginning with the date on which this Order comes into force in relation to every regulated donee (as defined by paragraph 1(7) of Schedule 7 to the 2000 Act) 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.

### **Restriction on meaning of “registered party”: donations to parties in Great Britain**

4. Section 70(5) of the 2000 Act (by virtue of which section 54(2)(c) of that Act has effect during the period when an order under section 70(1) is in force as if it referred only to a party registered in the Great Britain register) shall apply to a donation received by a registered party which is registered in the Great Britain register.

### **Restriction on meaning of “registered party”: donations to regulated donees in Great Britain**

5. Paragraph 1(10) of Schedule 7 to the 2000 Act (by virtue of which section 54(2)(c) of that Act has effect during the period when an Order under section 70(1) is in force as if it referred only to a party registered in the Great Britain register) shall apply to a donation received by a regulated donee resident or carrying on activities in Great Britain.

### **Restrictions on donations by registered parties**

6. Paragraph 1(7) of Schedule 2A to the Representation of the People Act 1983(2) (by virtue of which permissible donors in section 54(2) of the 2000 Act shall be construed so as to exclude registered parties registered in the Northern Ireland register maintained by the Electoral Commission under Part II of that Act during a period when an Order under section 70(1) is in force) shall apply to a donation received by a registered party in Northern Ireland.

Northern Ireland Office  
2005

One of Her Majesty’s Principal Secretaries of  
State

## EXPLANATORY NOTE

*(This note is not part of the Order)*

The Political Parties, Elections and Referendums Act 2000 (Disapplication of Part IV for Northern Ireland Parties, etc) Order 2001<sup>(3)</sup> was the first Order made under s70(1)(b). It came into force on 16th February 2001 and expires on 15th February 2005. This Order has the effect of extending that disapplication for a further two years.

Article 2 of this Order disapplies the provisions of Chapters I to III of Part IV of the Political Parties, Elections and Referendums Act 2000 (“2000 Act”) (control of donations to registered parties) for the period of two years in relation to any party registered in the Northern Ireland register of political parties (“a Northern Ireland party”). That register and a separate register in respect of Great Britain are maintained by the Electoral Commission under section 23 of that Act.

Article 3 disapplies the provisions of paragraphs 2 to 15 of Schedule 7 to the 2000 Act for the period of two years in relation to every regulated donee who is either an individual ordinarily resident in Northern Ireland or a members association wholly or mainly consisting of members of a Northern Ireland party. “Regulated donee” is defined to refer to a member of a registered party, a members association and a holder of the offices listed in paragraph 1(8) of Schedule 7.

Article 4 activates section 70(5) of the 2000 Act during the period in which this Order is in force. Under section 54(2)(c) of the 2000 Act a registered party is a permissible donor for the purposes of the controls on donations to registered parties. Whilst section 70(5) applies, a donation to a party registered in the Great Britain register from another registered party only falls within section 54(2)(c) if that other party is also registered in that register.

Article 5 activates paragraph 1(10) of Schedule 7 to the 2000 Act. This makes provision in respect of section 54(2)(c) and donations from registered parties to regulated donees in Great Britain equivalent to that made by section 70(5) and described above.

Article 6 activates paragraph 1(7) of Schedule 2A to the Representation of the People Act 1983. This makes provision for registered parties, registered in the Northern Ireland register maintained by the Electoral Commission, to be excluded from the categories of permissible donors under Section 54(2) of the 2000 Act.

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(3) S.I.2001/446.