



Northern Ireland (Miscellaneous Provisions) Act 2014

2014 CHAPTER 13

Donations and loans etc for political purposes

1 Donations

- (1) In the Northern Ireland (Miscellaneous Provisions) Act 2006—
- (a) for section 14 (modifications of the Political Parties, Elections and Referendums Act 2000 to have effect during a prescribed period) substitute—

“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.”;

- (b) in Schedule 1, in the heading, for “MODIFICATIONS” substitute “AMENDMENTS”.
- (2) After section 15 of that Act insert—

“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.

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.”
- (3) In section 71E of the Political Parties, Elections and Referendums Act 2000 (duty not to disclose contents of donation reports), after subsection (4) insert—
- “(4A) Such information may be disclosed if the Commission believe, on reasonable grounds, that—

- (a) the relevant person has consented to the disclosure, and
- (b) the consent was given in accordance with any prescribed requirements.

(4B) “The relevant person” means the person who made the donation to which the information relates.”

2 Loans etc

- (1) In the Electoral Administration Act 2006 (Regulation of Loans etc: Northern Ireland) Order 2008 (S.I. 2008/1319)—
- (a) for article 5 (modifications of the Political Parties, Elections and Referendums Act 2000 to have effect during a prescribed period) substitute—

“5 Special provision in relation to Northern Ireland participants

Schedule 1 contains amendments of the 2000 Act relating to loans etc involving Northern Ireland participants.”;

- (b) in Schedule 1, in the heading, for “MODIFICATIONS” substitute “AMENDMENTS”.

- (2) In section 71Z4 of the Political Parties, Elections and Referendums Act 2000 (duty not to disclose contents of transaction reports), after subsection (4) insert—

“(4A) Such information may be disclosed if the Commission believe, on reasonable grounds, that—

- (a) each relevant person has consented to the disclosure, and
- (b) the consent was given in accordance with any prescribed requirements.

(4B) “Relevant person” means a party to the transaction to which the information relates other than—

- (a) a registered party whose treasurer is required under this Part to prepare a report to the Commission giving details of the transaction, or
- (b) any other party to the transaction who is required under this Part to prepare such a report.”

- (3) In section 63 of the Electoral Administration Act 2006 (power to make provision for regulation of loans etc: Northern Ireland), after subsection (7) insert—

“(8) For the purposes of this section, section 1(3) of the Northern Ireland (Miscellaneous Provisions) Act 2014 (which amends section 71E of the 2000 Act) is treated as provision made by the 2006 Act.”