
STATUTORY INSTRUMENTS

2018 No. 328

**The Transparency of Donations and Loans
etc. (Northern Ireland Political Parties) Order 2018**

Amendments to section 71E of the 2000 Act

2.—(1) Section 71E of the 2000 Act (duty not to disclose contents of donation reports)(1) is amended as follows.

(2) Before subsection (1) insert—

“(A1) Subject to subsection (A2), this section applies only to a donation received by a Northern Ireland recipient before 1 July 2017.

(A2) This section does not apply to a donation received before 1 July 2017 which is required to be recorded in a report—

- (a) under section 62(2) in respect of a period beginning on or after 1 July 2017 because the donation is required by that section to be aggregated with a donation received or transaction entered into on or after that date, or
- (b) under paragraph 10 of Schedule 7(3) delivered on or after 1 July 2017 because the donation is required by that paragraph to be aggregated with a donation received or a transaction entered into on or after that date.”

(3) In subsection (1)(a), for “received by a Northern Ireland recipient” substitute “to which this section applies”.

(4) After subsection (5), insert—

“(6) A person does not contravene subsection (1) if that person discloses information relating to a donation to which this section applies where—

- (a) the donation was received on or after 1 January 2014 but before 1 July 2017,
- (b) the Northern Ireland report recording the donation does not state that the donation was received before 1 July 2017, and
- (c) when the disclosure is made, the person believes that the donation was received on or after 1 July 2017 and is reasonably entitled to hold that belief.

(7) A person does not contravene subsection (1) merely because—

- (a) the person discloses information relating to a transaction within section 71Z4(A3) (duty not to disclose contents of transaction reports: change to a transaction)(4), and

(1) Section 71E was inserted by paragraph 1 of Schedule 1 to NIMPA 2006.

(2) Section 62 has been amended by paragraph 148 of Part 7 of Schedule 1 to the Electoral Administration Act 2006 and by section 20(2) and (3) of, and prospectively by paragraph 16 of Schedule 6 to, the Political Parties and Elections Act 2009 (c. 12).

(3) Paragraph 10 has been amended by section 59(1) and (2) of, and paragraph 28 of Part 1 and paragraph 154 of Part 7 of Schedule 1 to, the Electoral Administration Act 2006; section 20(2) (in part prospectively) and (3) of, and prospectively by paragraph 2 of Schedule 3 paragraph 3 of Schedule 4 to, the Political Parties and Elections Act 2009; and S.I. 2007/2501. There is another amending instrument but it is not relevant.

(4) Section 71Z4 was inserted by paragraph 1 of Schedule 1 to S.I. 2008/1319; subsection (A3) is inserted by article 3 of this Order.

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- (b) that disclosure suggests that a donation was received before 1 July 2017 with which the transaction has been aggregated in accordance with—
 - (i) sections 62 (quarterly donation reports: aggregation) and 71M (quarterly reports of regulated transactions: aggregation)(**5**), or
 - (ii) paragraph 10 of Schedule 7 (donation reports: aggregation) and paragraph 9 of Schedule 7A (transactions reports: aggregation)(**6**).
- (8) A person does not contravene subsection (1) merely because—
 - (a) the person discloses information relating to a donation or a transaction in accordance with this section or section 71Z4, and
 - (b) the disclosure suggests that a donation was received before 1 July 2017 as a result of which section 62(**6**) or 71M(**6**) applies in relation to the donation or transaction mentioned in paragraph (a).”

(5) Section 71M was inserted by section 61(1) of the Electoral Administration Act 2006 and has been amended by section 20(2) of the Political Parties and Elections Act 2009.

(6) Schedule 7A was inserted by paragraph 99 of Part 6 of Schedule 1 to the Electoral Administration Act 2006; paragraph 9 has been amended by sections 11(6) (prospectively) and 20(2) and (3) of the Political Parties and Elections Act 2009 and by S.I.s [2008/1737](#) and [2009/185](#).