

# **POLITICAL PARTIES AND ELECTIONS ACT 2009**

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## **EXPLANATORY NOTES**

### **TERRITORIAL EXTENT AND APPLICATION**

5. All of the provisions of the Act extend to the whole of the United Kingdom. The provisions contained in section 9 (declaration as to source of donation) include a power enabling the Secretary of State to modify how these provisions (and the accompanying provisions in Schedule 3) apply to Northern Ireland. This is necessary to take account of the different arrangements that exist in Northern Ireland for the regulation of the funding of political parties. Similar provisions are also contained in section 19 (reports of gifts received by unincorporated associations).
6. [Sections 35](#) (schemes for provision of data to registration officers) and 36 (schemes under section 35: proposals, consultation and evaluation) will not have operative effect in Northern Ireland, because of the definition of “registration officer” adopted in those sections.
7. Some of the amendments made by the Act are to provisions in the Political Parties, Elections and Referendums Act 2000 (“the 2000 Act”) which extend to Gibraltar. The amendments made by *subsections (1) and (3)* of section 1 (compliance with controls imposed by the 2000 Act etc), sections 4 (selection of prospective Electoral Commissioners and Commission chairman), 5 (four Electoral Commissioners to be put forward by parties), 6 (number of Electoral Commissioners), 7 (political restrictions on Electoral Commissioners and staff) and 12 (defence to charge of failing to return donation from permissible donor) of the Act, as well as paragraphs 9 to 11 and 27 of Schedule 6 (minor and consequential amendments) and the relevant entry in Schedule 7 (repeals) to the Act will all extend automatically to Gibraltar. The other provisions of the Act may be extended to Gibraltar in due course using the power contained in section 12 of the European Parliament (Representation) Act 2003.
8. The Sewel Convention provides that Westminster will not normally legislate with regard to devolved matters in Scotland without the consent of the Scottish Parliament. In the Government’s view, no matters within the Act triggered the Convention, and consequently such consent was not sought for this Act.
9. The Act does not have any special effect on Wales and does not affect the National Assembly for Wales.