

**EXPLANATORY MEMORANDUM TO
THE POLITICAL PARTIES, ELECTIONS AND REFERENDUMS ACT 2000
(DISAPPLICATION OF PART IV FOR NORTHERN IRELAND PARTIES,
ETC) ORDER 2005**

2005 No. []

1. This Explanatory Memorandum has been prepared by the Northern Ireland Office and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 The Political Parties, Elections and Referendums Act 2000 ('the 2000 Act') creates a UK-wide regime for donations to political parties to be controlled and published. This Order prevents those provisions from applying to Northern Ireland for a period of two years from 16th February 2005; this has the effect of extending the Political Parties, Elections and Referendums Act (Disapplication of Part IV for Northern Ireland Parties, etc) Order 2001, which expires on 15th February 2005.

2.2 The Order also applies para 1(7) of Schedule 2A of the Representation of the People Act 1983 for the first time, so as to exclude Northern Ireland registered parties from making donations to other registered parties.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 The original order was made in 2001 to exempt the Northern Ireland parties from the requirement to comply with Part IV of the Political Parties, Elections and Referendums Act 2000 concerning donation controls. It was brought into force because of the special circumstances that exist in Northern Ireland both as regards the continuing fear of intimidation of donors and Ireland's special requirements as set out in the Belfast Agreement.

5. Extent

5.1 This instrument extends to Northern Ireland only.

6. European Convention on Human Rights

6.1 The provisions in the draft order are compatible with the European Convention on Human Rights.

7. Policy Background

7.1 The Political Parties, Elections and Referendums Act 2000 (Disapplication of Part IV for Northern Ireland Parties, etc) Order 2001 expires on 15th February

2005. This Order needs to be extended otherwise Northern Ireland will be subject to the same political donation requirements as Great Britain. Hence, the Political Parties, Elections and Referendums Act 2000 (Disapplication of Part IV for Northern Ireland Parties, etc) Order 2005 applies the same provisions for a period of two years from 16th February 2005. The two years will be used to try to reach agreement with the political parties, the Electoral Commission and the Irish Government on new donation requirements that are fair, transparent and do not have an adverse impact on political representatives who are committed to the rule of law.

8. Impact

- 8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on the public sector, business, charities or voluntary bodies.

9. Contact

- 9.1 Peter Hawthorne, head of the Elections Unit in the Northern Ireland Office, telephone: 020 7210 6569 or email: peter.hawthorne@nio.x.gsi.gov.uk