Draft Order laid before Parliament under section 63(6) of the Electoral Administration Act 2006 (c.22), for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2008 No.

POLITICAL PARTIES

The Electoral Administration Act 2006 (Regulation of Loans etc: Northern Ireland) Order 2008

Made - - - - 2008

Coming into force in accordance with article 1(2)

In accordance with section 63(1) of the Electoral Administration Act 2006(**1**) ("the EA Act"), the Electoral Commission has been consulted prior to the making of this Order.

A draft of this Order has been laid before Parliament under section 63(6) of the EA Act and approved by a resolution of each House of Parliament.

Accordingly, the Secretary of State, in exercise of powers conferred on him by section 63(1) and (3)(a), (b), (c) and (e) of the EA Act (**2**), makes the following Order:

Citation and commencement

1.—(1) This Order may be cited as the Electoral Administration Act 2006 (Regulation of Loans etc: Northern Ireland) Order 2008.

(2) This article, articles 2 and 6 and shall come into force on the day after the day on which this Order is made and all other articles shall come into force on 1st July 2008.

Interpretation

2. In this Order —

"the 2000 Act" means the Political Parties, Elections and Referendums Act 2000(**3**);

"the 2006 Act" means the Northern Ireland (Miscellaneous Provisions) Act 2006(**4**);

"the EA Act" means the Electoral Administration Act 2006;

(**1**) 2006 c.22.
(**2**) The powers in section 63(1) are limited by section 63(2) and section 64(4) makes further provision about the nature of any order making power conferred under section 63(3)(c).
(**3**) 2000 c.41.
(**4**) 2006 c.33.

"the Commission" means the Electoral Commission established under section 1 of the 2000 Act; and

"Northern Ireland register" means the register of political parties held under section 23(2)(b) of the 2000 Act.

Extension of categories of authorised participants

3.—(1) Sections 71F to 71Y of the 2000 Act (**5**) shall become Chapter 1 of Part 4A of the 2000 Act.

(2) After section 71Y insert—

"CHAPTER 2

SPECIAL PROVISION IN CONNECTION WITH NORTHERN IRELAND

Introduction

71Z.—(1) The following provisions have effect for the interpretation of this Chapter.

(2) "Northern Ireland participant" means —

(a) a party registered in the Northern Ireland register, or

(b) a regulated participant who is—

(i) an individual ordinarily resident in Northern Ireland, or

(ii) a members association wholly or mainly consisting of members of a Northern Ireland party.

(3) "Regulated participant" and "members association" have the same meaning as in Schedule 7A.

(4) "Prescribed" means prescribed by an order made by the Secretary of State after consulting the Commission.

Extension of categories of authorised participants in relation to Northern Ireland participants

71Z1.—(1) In relation to a regulated transaction or controlled transaction involving a Northern Ireland participant, section 71H(3) and paragraph 4(3) of Schedule 7A have effect as if the following were also authorised participants—

(a) an Irish citizen in relation to whom any prescribed conditions are met;

(b) a body which is of a prescribed description or category and in relation to which any prescribed conditions are met.

(2) A description or category of body must not be prescribed for the purposes of subsection (1)(b) unless the Secretary of State is satisfied that a body of that description or category would be entitled under Irish law to enter into a transaction which corresponds to a regulated or controlled transaction in relation to an Irish political party.

Northern Ireland participants are not authorised participants in relation to Great Britain

71Z2.—(1) In relation to a regulated transaction or controlled transaction to which—

(**5**) Sections 71F to 71X were inserted by section 61 of the EA Act and section 71Y was inserted by paragraph 98 of Schedule 1 to the EA Act.

(a) a registered party which is registered in the Great Britain register, or

(b) a regulated participant resident or carrying on activities in Great Britain,

is a party, section 71H(3) and paragraph 4(3) of Schedule 7A, have effect as if a party registered in the Northern Ireland register is not an authorised participant.

(2) The reference in subsection (1)(b) to Great Britain includes the combined region."

Article 3: supplementary

4.—(1) In section 156(4) of the 2000 Act(**6**)(orders and regulations- powers subject to affirmative procedure), after paragraph (dc) insert—

"(dd) any provision of Chapter 2 of Part 4A,".

(2) In section 159A(a) of the 2000 Act(**7**) (functions which are not exercisable by the Lord Chancellor as well as by the Secretary of State), for ",18(2) and (4) and Chapter 6 of Part 4" substitute ",18(2) and (4), Chapter 6 of Part 4 and Chapter 2 of Part 4A".

(3) Section 13(2) of the 2006 Act is repealed.

Modifications during the prescribed period

5.—(1) During the prescribed period, the 2000 Act applies in relation to Northern Ireland subject to the modifications set out in Schedule 1 to this Order.

(2) "The prescribed period" means the period—

(a) starting with 1st July 2008, and

(b) ending with 31st October 2010.

(3) At the same time as the Secretary of State makes an order under section 14(3) of the 2006 Act he may, after consulting the Commission, by order amend sub-paragraph (2)(b) so as to extend the prescribed period.

(4) The power to make an order under paragraph (3) may be exercised on more than one occasion, but the prescribed period must not be extended for more than two years at a time.

(5) The power to make an order under paragraph (3) is exercisable by statutory instrument.

(6) No order is to be made under paragraph (3) unless a draft of the instrument containing the order has been laid before and approved by a resolution of each House of Parliament.

(7) When an order is made under paragraph (3) amending sub-paragraph (2)(b) so as to extend the prescribed period, the date which is inserted in sub-paragraph (2)(b) must be the same as that inserted in section 14(2)(b) of the 2006 Act by an order made under section 14(3) of that Act.

Power to make provision in connection with authorised participants

6.—(1) The Secretary of State may, after consulting the Commission, by order make provision, in relation to any time occurring on or after 1st July 2008, in connection with any provision made by—

(a) articles 3 and 4, or

(b) article 5 of, and Schedule 1 to, this Order.

(2) The provision which may be made under paragraph (1) includes provision amending or modifying—

(**6**) Section 156(4)(ca) was inserted by section 13(1) of the 2006 Act; section 156(4)(d) was repealed by section 11(8)(a)(iii) of, and Schedule 5 to, the 2006 Act; section 156(4)(da) to (dc) were inserted by section 61(4)(a) of the EA Act and section 156(4)(ha) was inserted by section 61(4)(b) of that Act and section 156(4)(ia) was inserted by section 61(7) of the EA Act.

(**7**) Section 159A was inserted by S.I.2002/2626 and in paragraph (a) the words ",18(2) and (4) and Chapter 6 of Part 4" were substituted by section 13(2) of the 2006 Act.