

Permissibility for Northern Ireland political parties at the EU Referendum

This document is for Northern Ireland political parties who want to know how to check permissibility of donations and loans at the referendum on the UK's membership of the EU.

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Translations and other formats

For information on obtaining this publication in another language or in a large-print or Braille version, please contact us:

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Terms and expressions we use

We use '**must**' when we refer to a specific legal or regulatory requirement. We use '**should**' for items we consider to be minimum good practice, but which are not legal requirements.

You do not have to follow this guidance, but if you do, you will normally be doing enough to comply with the law.

Our approach to enforcement

The Commission regulates political funding and spending. We are committed to providing those we regulate with a clear understanding of their regulatory obligations through our guidance documents and advice service. If you are unsure of how any of the rules apply to you, please call us for advice. We are happy to help, so please get in touch.

We use advice and guidance proactively in order to secure compliance. And we take enforcement action, using our investigatory powers and sanctions, where it is necessary and proportionate to do so in order to meet our enforcement aims and objectives.

If you do not comply with legal or regulatory requirements you or your organisation may be subject to civil or criminal sanctions. You can find more information about the Commission's approach to enforcement at www.electoralcommission.org.uk/party-finance/enforcement

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Permissibility for Northern Ireland political parties at the EU Referendum

This document explains:

How to check if a donor or lender is permissible at the referendum on the United Kingdom's membership of the European Union for Northern Ireland registered political parties.

The document covers:

- Who is a permissible donor or lender
- How to make checks on permissibility
- What you need to record

Related documents:

- [Campaigning and registering for EU referendum Campaigners](#)
- [Donations to political parties – Northern Ireland](#)
- [Loans to political parties – Northern Ireland](#)
- [Managing donations to political parties – Northern Ireland](#)
- [Spending for EU referendum Campaigners](#)

Expert papers

- [Splitting spending](#)



Important

This document is for Northern Ireland political parties **only**. We issue separate guidance for other EU Referendum campaigners on our [website](#).

Summary

Donations and loans to Northern Ireland political parties registered as campaigners at the referendum on the UK's membership of the EU are regulated under the Political Parties, Elections and Referendums Act 2000 (PPERA) as amended by the European Union Referendum Act 2015 (the Act).

Donations can only be accepted and loans entered into when they come from certain sources, mainly UK, Irish and Gibraltar-based.

This guidance explains how to check if you can accept a donation or enter into a loan from a particular source, and tells you the information you need to record and report.

The information you record will help you complete your donation and loan reports you submit to us every quarter.

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Introduction

Under PPERA, we have certain statutory responsibilities in relation to the referendum on the UK's membership of the EU. Our objectives for the referendum are:

- it should be well-run and produce results that are accepted
- there should be integrity and transparency of campaign funding and spending

Registered political parties in Northern Ireland can continue to accept donations from Irish sources. Additionally, the Act introduces rules enabling registered political parties to accept donations and enter into loans for referendum campaigning from:

- Gibraltar-based sources,
- a body under Royal charter,
- a charitable incorporated organisation,
- a Scottish charitable incorporated organisation and
- Scottish partnerships.

You can only accept donations and enter into loans from Irish sources and the above listed additional sources up to the value of your party spending limit for the referendum. You must aggregate the value of donations and loans from these sources to calculate the total value. If you accept donations and/or loans from these sources and the aggregated total is more than your spending limit, you will be in breach of the rules and should immediately contact us.

During the referendum political parties that register as referendum campaigners continue to report their donations and loans to us through their quarterly returns. We do not publish the donations and loans reports for political parties in Northern Ireland.

Checking permissibility

Before a political party accepts any donation of more than £500 or enters into a loan of more than £500, they must take all reasonable steps to:

- make sure they know the identity of the true source
- check that the source is permissible

What is a donation?

A donation is money, goods, property or services which is given:

- without charge or on non-commercial terms
- has a value of over £500

Some examples of donations include:

- a gift of money or other property
- sponsorship of an event or publication
- subscription or affiliation payments
- free or specially discounted use of property, or facilities, for example the free use of an office

Under PPERA, anything with a value of £500 or less is not a donation.

For more information on campaigning, see this document:

- [Campaigning and registering for EU referendum campaigners](#)

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What is a loan?

Under PPERA, there are rules on who can lend money or give credit or security to you.

In our guidance, we refer to all transactions of this type as 'loans'. The following transactions are covered by the rules:

- loans of money
- credit facilities, such as credit cards and overdrafts
- securities or guarantees for a campaigner's obligations to someone else

Under PPERA, any loan with a value of £500 or less is not a loan.

Who is responsible for checking permissibility?

The registered party treasurer must make sure that the party complies with the rules. This includes maintaining suitable systems to ensure that donations and loans are dealt with correctly.

Other officers within the party should give relevant information to the treasurer if reasonably required to do so.

For information on returning loans see:

- [Loans for EU referendum campaigners](#)

If your party is registered as a campaigner the party's treasurer cannot act as the responsible person for another registered campaigner.

How long do you have to check permissibility?

As soon as you receive a donation, you must make sure you know who the donor is, and start checking their permissibility. You have 30 days to decide whether to accept or refuse the donation and to return the donation if the source is impermissible.

You must complete permissibility checks on lenders **before** entering into a loan.

Even if you have made a permissibility check in connection with an earlier donation or loan from the same source, you must make a fresh check for each subsequent donation.

If a lender to a registered campaigner isn't permissible or they become impermissible at any point during the loan period, the transaction is void.

You should keep a record of all your permissibility checks to show that you have followed the rules.

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What is a permissible source?

A registered Northern Ireland political party can accept donations from and enter into loans with the following permissible sources at all times:

- an individual registered on a UK electoral register, including overseas electors and those leaving bequests
- an Irish citizen including those leaving bequests
- a UK-registered company which is incorporated in the EU and carries on business in the UK
- an Irish-registered company which is incorporated in the EU and carries on business in the island of Ireland
- a UK-registered political party
- an Irish-registered political party
- a UK-registered or Irish-registered trade union
- a UK-registered or Irish-registered building society
- a UK-registered limited liability partnership which carries on business in the UK
- an Irish-registered limited liability partnership that carries on business in the island of Ireland
- a UK-registered friendly, industrial or provident society
- an Irish-registered friendly, industrial or provident society
- a UK-based unincorporated association that carries on the majority of its business or other activities in the UK
- an Irish based unincorporated association that carries on the majority of its business or other activities in the island of Ireland

Political parties that register as referendum campaigners can also accept donations and enter into loans **for referendum campaigning** with the following permissible sources in the run up to the referendum:

- an individual registered on the Gibraltar electoral register including those leaving bequests
- a Gibraltar-registered company which is incorporated in the EU and carries on business in Gibraltar
- a Gibraltar political party
- a Gibraltar-registered trade union
- a Gibraltar-registered building society
- a Gibraltar-registered limited liability partnership which carries on business in Gibraltar
- a Gibraltar-based unincorporated association that carries on the majority of its business or other activities in Gibraltar
- a body incorporated by Royal Charter
- a UK-based charitable incorporated organisation
- a Scottish partnership which carries on business in the UK

You can also accept donations, but not loans, from certain types of trust. If you receive a donation from a trust, please contact us for further advice.

Although you can legally accept donations from charities as long as they are also permissible donors, charities are not usually allowed to make political donations under charity law. If you know that a donor is a charity, you should make sure that they get advice from the Charity Commission for Northern Ireland (or other charity regulator, as appropriate) before they make the donation.

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How do you return an impermissible donation?

If you know who the donor is, you must return it to them within 30 days of receiving the donation.

If the donation is from an unidentified source (for example, an anonymous £600 cash donation), you must return it within 30 days of receiving the donation to:

- the person who transferred the donation to you; or
- the financial institution used to transfer the donation

If you cannot identify either, you must send the donation to the Electoral Commission. We will pay it into the Government's Consolidated Fund.

If any interest has been gained on the donation before you return it, your organisation can keep it. This is not treated as a donation and it does not need to be reported

How do you return an impermissible loan?

If a lender to a political party isn't permissible or they become impermissible at any point during the loan period, the transaction is void. It has no legal effect and you must pay back anything you owe to the lender, together with interest. You must therefore continue to check the permissibility of the lender throughout the term of the loan.

If you have entered into a loan from an impermissible lender, you must let us know as soon as you become aware the lender is impermissible.

How to check if an individual is permissible



What makes a UK or Gibraltar individual permissible?

Individuals must be on a UK electoral register or Gibraltar electoral register at the time of the donation or loan. This includes overseas electors.

How do you check permissibility?

You can use the electoral register to check if an individual is permissible. Political parties are entitled to a free copy of the full electoral register.

You should contact the Electoral Office for Northern Ireland or the Electoral Registration Officer at the relevant local council in Great Britain in writing for your copy, explaining that you are asking for it as a registered political party.

You can find information about checking permissibility of individuals in Gibraltar in the [factsheet on Gibraltar](#).

You must check the register and updates carefully to make sure that the person is on the register on the date you enter into the loan, or on which you received the donation.

In special circumstances, people have an anonymous registration. If a donor is anonymously registered, you must provide a statement with your spending return that you have seen evidence that the individual has an anonymous entry on the register.

The requirements for checking permissibility in the case of a bequest are different. Please contact us for advice.

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You must only use the register for checking if a donor is permissible, or for referendum purposes i.e. campaigning. You must not pass it on to anyone else.

Any person found breaching the restrictions on use of the electoral register could face a fine of up to £5,000.

What do you need to record?

You must record:

- the full name of the donor
- the address as it is shown on the electoral register, or if the person is an overseas elector, their home address

You may find it helpful to note the person's electoral number, as a record of your check.

You must report these details in your quarterly donation and loan return.

What makes an Irish individual permissible?

An Irish individual is permissible if they are eligible to obtain one of the following documents:

- an Irish Passport
- an Irish certificate of nationality
- an Irish certificate of naturalisation

How do you check permissibility?

You should ask the donor to show you one of the documents mentioned above or satisfy yourself that they are eligible to obtain one of them.

You must report donations that are received from the same source over £500 during the referendum period that aggregate to over £7,500

What do you need to record?

You must record the full name of the donor. You may also find it helpful to note the documentation that the donor produced, as a record of your check.

If you accept a donation over £7,500 or one of your accounting units accepts a donation over £1,500 you will need to provide us with a certified copy of one of the documents listed above. For more information see page 26.

You must report this in your quarterly donation and loan return to the Commission. We do not publish the donations and loans reports for political parties in Northern Ireland.

How to check if a company is permissible

What makes a UK or Gibraltar company a permissible donor?

A company is permissible if it is:

- registered as a company at Companies House
- incorporated in a Member State of the EU, and
- carrying on business in the UK and/or Gibraltar

You must be sure that the company meets all three criteria.

How do I check UK or Gibraltar company registration and EU incorporation?

You should check the register at Companies House, using the online service at www.gov.uk/companies-house within the UK or contact Companies House Gibraltar.

You should look at the full register entry for the company.

To check that the company is permissible, you need to look at its registered number. Some companies will have a number only. Other companies have a letter as a prefix to the number.

The table below shows you if a company with a particular prefix is permissible, as long as it is also carrying on business in the UK and/or Gibraltar.

Prefix letter	Is it permissible?
None	Yes
NI, SC	Yes
FC, NF, SF	Yes, if 'country of origin' on the register entry is an EU Member State
OC, SO, NC	Yes, as a limited liability partnership – see separate section below
IP, SP, NP, NO	Maybe – see industrial and provident societies in the 'Other types of donor' section on pages 22-23
RC	Maybe – you should check with Companies House
Any other prefix	No

To check whether a company is incorporated in a Member State of the EU, you should check the European Business Register using the free company search function at www.gbrdirect.eu.

What do you need to record?

You must record:

- the name as it is shown on the register
- the company's registered office address
- the registered company number

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What makes an Irish company a permissible donor?

An Irish company is permissible if it is:

- registered as a company at the Register of Companies of Ireland
- incorporated in a Member State of the EU, and

carrying on business in the island of Ireland

You must be sure that the company meets all three criteria.

How do I check Irish company registration and EU incorporation?

You should check the register at the Register of Companies of Ireland, using the free Webcheck service at www.cro.ie/search.

You must check where the company is incorporated. Non-Irish companies may have a branch or place of business in Ireland but may not be incorporated within the EU.

How do you check if the company is carrying on business in the UK, Gibraltar or Ireland?

You must be satisfied that the company is carrying on business in the UK, Gibraltar or Ireland. The business can be non-profit-making.

Even if you have direct personal knowledge of the company, you should check with the Companies House UK or Companies House Gibraltar or in the case of an Irish Company the register of the Register of Companies of Ireland to see if:

- the company is still active
- the company's accounts and annual return are overdue

A company may still be carrying on business if it is in liquidation, dormant or late in filing documents, but you should make extra checks to satisfy yourself that this is the case.

For any company, you should consider looking at:

- the company's website
- relevant trade, telephone directories or reputable websites
- the latest accounts filed at Companies House, Companies House Gibraltar or the Register of Companies of Ireland

If you are still not sure if the company is carrying on business, you should ask for written confirmation of its business activities from the company's directors.

What do you need to record?

You must record:

- The name as it is shown on the register
 - The company's registered office address
 - The registered company number
-

Limited liability partnerships

What makes a limited liability partnership a permissible donor?

A UK or Gibraltar limited liability partnership (LLP) is a permissible donor if it is:

- registered as an LLP at Companies House/ Companies House Gibraltar
- carrying on business in the UK and/or Gibraltar

An Irish limited liability partnership (LLP) is a permissible donor if it is:

- Registered as an LLP with the Register of Companies of Ireland
- carrying on business in the island of Ireland

How do you check permissibility?

To check permissibility of an LLP in the UK you should use the register at Companies House, using the online service at www.gov.uk/companies-house within the UK.

You need to look at the LLP's registered number. Only numbers beginning with OC, SO or NC are permissible LLPs.

To check permissibility of an LLP in Gibraltar you should contact Companies House Gibraltar.

To check the permissibility of an Irish LLP you should check the register at the Register of Companies of Ireland, using the free Webcheck service at www.cro.ie/search

You can find more information in the previous sections 'How do you check if the company is carrying on business in the UK and/or Gibraltar or in Ireland?' on pages 16-17.

What do you need to record?

You must record:

- the name as it is shown on the register
 - the LLP's registered office address
-

Unincorporated associations

What makes an unincorporated association a permissible donor?

A UK/Gibraltar unincorporated association is a permissible donor if:

- it has more than one member
- the main office is in the UK and/or Gibraltar
- it is carrying on business or other activities wholly or mainly in the UK and/or Gibraltar

An Irish unincorporated association is a permissible donor if:

- it has more than one member
- the main office is in Ireland
- it is carrying on business or other activities wholly or mainly in Ireland

How do you check permissibility?

There is no register of unincorporated associations. Permissibility is a matter of fact in each case.

In general, an unincorporated association often has:

- an identifiable membership, and
- rules or a constitution, and
- a separate existence from its members

For example, members' clubs are sometimes unincorporated associations.

If a UK based unincorporated association makes political donations amounting to more than £25,000 in a calendar year, you should make them aware that they have to report this to us. See our website or call us for more information.

You must check the main office is in the UK, Gibraltar or Ireland.

If you are not sure that an association meets the criteria, you should consider whether the donation is actually from individuals within it (rather than the association) or if someone within the association is acting as an agent for others.

If you think this is the case, you must check the permissibility of all individuals who have contributed more than £500 and treat them as the donors.

You can find more information on how to check if the unincorporated association is carrying on business in the previous section on page 20.

If you would like more guidance on permissibility and unincorporated associations, please contact us.

What do you need to record?

You will need to record:

- the name of the unincorporated association
- the unincorporated association's main office address

If you accept a donation over £7,500 or in the case of your accounting unit, a donation over £1,500 you will need to provide a statement from a solicitor confirming certain details about the donor. For more information see page 26.

Other types of donor

The table below shows how you can check permissibility for other types of donor in the UK.

Type of donor	Requirement	Where to check
UK political party	Registered with the Electoral Commission	The Electoral Commission website
Irish political party	Appears on the Irish register of political parties	House of the Oireachtas www.oireachtas.ie
UK trade union	Listed as a trade union by the Certification Officer	The Certification Officer www.certoffice.org
Irish trade union	Registered by the Registrar of Friendly Societies of Ireland	Registrar of Friendly Societies of Ireland www.cro.ie/Registration/Society-Union
UK Building society	A building society within the meaning of the Building Societies Act 1986	The Financial Conduct Authority https://mutuals.fsa.gov.uk
Irish Building Society	Registered by the Central Bank and Financial Services Authority of Ireland	Central Bank and Financial Services Authority of Ireland www.registers.financialregulator.ie

UK Friendly/ industrial provident society	Registered under the Friendly Societies Act 1974 or the Industrial and Provident Societies Act 1965	The Financial Conduct Authority https://mutuals.fsa.gov.uk
Irish Friendly/ industrial provident society	Registered by the Registrar of Friendly Societies of Ireland	Registrar of Friendly Societies of Ireland https://www.cro.ie/Registration/ Society-Union
A charitable incorporated organisation in the UK	Registered under the Charities Act 2011 or the Charities Act (Northern Ireland) 2008	The Charity Commission www.charitycommission.gov.uk The Charity Commission for Northern Ireland www.charitycommissionni.org.u k
A body incorporated by the Royal Charter	Petition to the Sovereign in Council	The Privy Council www.privycouncil.independent.g ov.uk/royal-charters/chartered- bodies
A Scottish partnership that carries on business in the UK	Registered under the Partnership Act 1890	Companies House www.gov.uk/companies-house

For information on checking permissibility of other donors in Gibraltar see our guidance [Gibraltar and the EU referendum](#).

What records do you need to keep?

You must record the following details to enable you to meet the legal reporting requirements.

Donations you have accepted

If you accept a donation over £500, the following details must be recorded:

- the donor's name and address
- if the donor is a company, their registered company number
- the amount or nature and the value of the donation
- the date on which the donation was accepted

You must report donations that are received from the same source over £500 during the referendum period that aggregate to over £7,500

Loans you have accepted

If you enter into a loan over £500, the following details must be recorded:

- the nature of the transaction – whether it is a loan, credit facility or security arrangement
- the full name and address of the lender
- if the lender is a company, their registered company number
- the value of the loan
- the date the loan was entered into
- the date the loan is due to be repaid or a statement that it is indefinite, or otherwise how the date will be determined under the agreement

- if the loan ended, the date it ended
- the rate of interest – or how the rate will be determined under the agreement, or a statement that no interest is payable
- whether the agreement contains a provision that enables outstanding interest to be added to sum owed
- whether or not any security has been given for the loan

You must record the donor's address as it is shown on the relevant statutory register. If the donor is an overseas elector who has registered to vote in the UK', you must record their home address. This is because no address will appear on the electoral register.

If the donor is an unincorporated association, you should record the main office address. This is because there is no register of unincorporated associations to refer to.

You should keep a record of all your permissibility checks to show that you have followed the rules.

Additional records you need to keep if you have to report donations or loans from an Irish citizen or Irish unincorporated association

Irish Individuals

When you report a donation or loan from an Irish individual you must provide a certified copy of one of the following documents with the donation or loan report:

- the donor's Irish passport
- the donor's Irish certificate of Nationality
- the donors Irish certificate of naturalization

Certified copies can be obtained from:

The Department of Foreign Affairs of Ireland

Consular Division

80 St Stephen's Green

Dublin 2

Tel: +353 1 4082174 / 4082322

Certified copies may also be requested from Irish Embassies and Consulates abroad (see www.dfa.ie for contact addresses)

Irish Unincorporated Associations

If you are reporting a donation or loan from an Irish unincorporated association, you must provide a statement from a currently practicing solicitor in Ireland that confirms the name and address of the association and the fact that it is an unincorporated association.

What do you do if you receive an impermissible donation?

If you receive a donation from an impermissible source the following details must be recorded:

- the name and address of the donor
- the amount of the donation or its nature and its value
- the manner in which the donation was made
- the date you received the donation
- the date when, and the manner in which, you dealt with the donation (such as by returning it)

You should also record these details of any impermissible donations accepted before you registered with us.

What do you do if you have an impermissible loan?

If a lender to a registered campaigner isn't permissible or they become impermissible at any point during the loan period, the transaction is void. It has no legal effect and you must pay back anything you owe to the lender, together with any interest you owe. You must therefore continue to check the permissibility of the lender throughout the term of the loan.

If you have entered into a loan from an impermissible lender, you must let us know as soon as you become aware the lender is impermissible.

For further information on impermissible donations see:

- [Donations for EU referendum campaigners](#)

 Important

How we can help

You can find more information in the guidance documents we have suggested in this document, or you can view our full range of guidance and up-to-date resources on our website.

If it's easier, you can also contact us on one of the phone number or email address below. We are here to help, so please get in touch.

Call us on:

- Northern Ireland: 0333 103 1928
infonorthernireland@electoralcommission.org.uk

Visit us at www.electoralcommission.org.uk

We welcome feedback on our guidance – just email us at:
pef@electoralcommission.org.uk