

Permissibility for Northern Ireland political parties

This document is for party officers in Northern Ireland, with a good understanding of donations and loans, who want to know more about how to check if a donor or lender is permissible.

Contents:

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Translations and other formats

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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

This document explains:

How to check if a donor or lender is permissible for registered Northern Ireland 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:

- [Introduction to being a party treasurer](#)
- [Overview of donations to political parties – Northern Ireland](#)
- [Overview of loans to political parties – Northern Ireland](#)
- [Managing donations to political parties – Northern Ireland](#)
- [Reporting donations and loans: Parties with accounting units - Northern Ireland](#)

Summary

Donations and loans to registered Northern Ireland political parties are regulated under the Political Parties, Elections and Referendums Act 2000 (PPERA).

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

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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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

Who is responsible for checking permissibility?

Parties must appoint and register a treasurer with us. The registered party treasurer is legally responsible for making sure that the party complies with the rules.

This includes maintaining suitable systems to ensure that donations and loans are dealt with correctly.

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

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 should consider whether to make a fresh check for each subsequent donation or loan.

For more information see these documents:

- [Introduction to being a party treasurer](#)
- [Overview of donations to political parties – Northern Ireland](#)
- [Overview of loans to political parties – Northern Ireland](#)
- [Managing donations to political parties – Northern Ireland](#)
- [Reporting donations and loans: Parties with accounting units - Northern Ireland](#)

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.

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:

- 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, has an office in Ireland or Northern Ireland from which the carrying out of one or more of its principal activities is directed
- 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 has an office in Ireland or Northern Ireland from which the carrying out of one or more of its principal activities is directed
- 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 Ireland or Northern Ireland and has its main office in Ireland

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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What do you do if you receive an impermissible donation?

If you receive a donation and it isn't permissible, you must return it within 30 days. If your party keeps the impermissible donation after the 30 days, you are deemed to have accepted it.

If your party accepts an impermissible donation, your party may be subject to civil enforcement action. The party and the treasurer may also have committed criminal offences.

If you've accepted an impermissible donation, you should tell us as soon as possible.

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 must include all impermissible donations on your quarterly return.

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, you can keep it. This is not treated as a donation and it does not need to be reported

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What do you do if you have 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. You must therefore continue to check the permissibility of the lender throughout the term of the loan.



Important

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

You must include all impermissible loans in your quarterly return.

How to check if an individual is permissible

What makes a UK individual permissible?

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

If you are left a bequest, and the individual was on the electoral register at any time in the five years before their death, you can accept the donation.

How do you check permissibility?

You can use the electoral register to check if an individual is permissible. Registered political parties (other than minor parties) are entitled to a free copy of the full electoral register.

A new version of the electoral register is usually published on 1 December every year, and it is updated regularly.

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 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 that you have seen evidence that the individual has an anonymous entry on the register. Evidence will be in the form of a certificate of anonymous registration.

Important

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 or lender is permissible (or for electoral purposes). 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 or lender
- 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 or a bequest from an Irish citizen is permissible if they are eligible (or would have been 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 or lender to show you one of the documents mentioned above or satisfy yourself that they are, or in the case of a bequest, would have been eligible to obtain one of them.

Important

You must report donations that are received from the same source over £500, in the same calendar year that aggregate to over £7,500.

You will also need to provide us with certain documentation confirming the donors eligibility to Irish citizenship.

See the next page for more information

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What do you need to record?

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

If you accept a donation or loan over £7,500 or one of your accounting units accepts a donation or loan over £1,500 you will need to report these to us in your quarterly donation and loan return to the Commission. You will also need to provide us with a certified copy of one of the documents listed above. For more information see page 23.

If you receive a bequest from an Irish citizen please contact us for advice on the supporting documentation you will need to include with your donation report.

How to check if a UK company is permissible

What makes a UK company a permissible donor or lender?

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

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

How do I check a UK 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. 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.

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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.

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
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.qbrdirect.eu.

What makes an Irish company a permissible donor or lender?

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**
- has an office in Ireland or Northern Ireland from which the carrying out of one or more of its principal activities is directed

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 or Ireland?

You must be satisfied that the company is carrying on business in the UK or in the case of an Irish company that it has an office in Ireland or Northern Ireland from which the carrying out of one or more of its principal activities is directed. The business can be non-profit-making.

Even if you have direct personal knowledge of the company, you should check with the register of Companies House UK or, in the case of an Irish company, with 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, or the Register of Companies of Ireland
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If you are still not sure if the company is carrying on business you should, in the case of a UK company, ask for written confirmation of its business activities from the company's directors. In the case of an Irish company you should ask for written confirmation that one or more of the company's principal activities are directed from its office in Ireland or Northern Ireland.

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 or lender?

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

- registered as an LLP at Companies House; **and**
- carrying on business in the UK

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

- registered as an LLP with the Registrar of Companies of Ireland; **and**
- has an office in Ireland or Northern Ireland from which the carrying out of one or more of its principal activities is directed

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 the permissibility of an Irish LLP you should check the register at the Registrar 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 or in Ireland?' on page 17.

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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 a UK unincorporated association a permissible donor or lender?

A UK unincorporated association is a permissible donor or lender if:

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

What makes an Irish unincorporated association a permissible donor or lender?

An Irish unincorporated association is a permissible donor or lender 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.

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.



Important

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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.

You must check the main office is in the UK 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.

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 from an **Irish** unincorporated association over £7,500 or in the case of your accounting unit, a donation over £1,500, or enter into a loan above these amounts, you will need to provide a statement from a solicitor confirming certain details about the donor when you report it to the Commission. For more information see page 27.

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 The Certification Officer (NI) http://www.nicertoffice.org.uk/
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 http://registers.centralbank.ie/Home.aspx

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UK Friendly/ industrial provident society	Registered under the Friendly Societies Act 1974, or the Co- operative and Community Benefit Societies Act 2014 or the Provident Societies Act (Northern Ireland) 1969	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

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 of the donation, if money, or the nature and the value of the donation if not
- the date on which the donation was accepted

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



You must report donations that are received from the same source over £500, in the same calendar year that aggregate to over £7,500. If you have accounting units, you must report donations over £500 received by an accounting unit from the same source that aggregate over £1500.

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- 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 the 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.

We may need additional information where security is given for a loan. Please call or [email](#) us for advice.

Additional records you need to report for 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 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 donor's Irish certificate of naturalization

which has been certified by the Department of Foreign Affairs of Ireland.

Certified copies can be obtained from:

The Department of Foreign Affairs and Trade
Consular Division
Knockmaun House
42 – 47 Lower Mount Street
Dublin 2
Tel: +353 1 4082174 / 4082322

Certified copies may also be requested from Irish Embassies and Consulates abroad (see <https://www.dfa.ie/travel/our-services/authenticating-documents/>)

Bequest from an Irish Individual

If you receive a bequest from an Irish individual please contact us for advice on the documentation you will need to provide with the donation report.

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Irish Unincorporated Associations

If you are reporting a **donation** 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.

If you are reporting a **loan** from an Irish unincorporated association, you must provide a statement from a firm of solicitors currently practising in Ireland that confirms the name and address of the association and the fact that it is an unincorporated association.

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
