EXPLANATORY MEMORANDUM TO

THE POLITICAL DONATIONS AND REGULATED TRANSACTIONS (ANONYMOUS ELECTORS)(ENGLAND AND WALES) REGULATIONS 2006

2006 No. 2974

1. This explanatory memorandum has been prepared by the Department for Constitutional Affairs and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 The Regulations prescribe the form of evidence required by an anonymous elector who wishes to donate to a political party.

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

3.1 None.

4. Legislative Background

4.1 Political donations may only be accepted from an individual if that person is registered in an electoral register. The Regulations are made under provisions in the Political Parties Elections and Referendums Act 2000 (c.41), as amended by the Electoral Administration Act 2006 (c.22), which provide that the form of evidence to be provided in respect of an anonymously registered elector, to demonstrate that that person is a permissible donor, is to be prescribed by the Secretary of State. When a person has been entered on the register as an anonymous elector they are issued with a certificate of anonymous registration. The Regulations prescribe that the evidence that will be required is a certificate of anonymous registration.

5. Extent

5.1 These Regulations apply to England and Wales.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The Electoral Administration Act 2006 received Royal Assent on 11 July 2006 and aims to make progress on the Government's four principles found at the core of a healthy democracy:

(i) Improving Access and Engagement
(ii) Improving Confidence
(iii) Extending Openness and Transparency in Party Financing

(iv) Maintaining Professional Delivery of Elections

7.2 The Electoral Administration Act 2006 establishes a framework for anonymous registration, allowing a registration officer to create an anonymous entry on the register for those persons whose safety, or that of people they live with, would be at risk if the register contained their name and address.

7.3 A person who has been registered anonymously will not have their details published on a register so if they wish to make a donation to a political party there is no way to check they are actually registered.

7.4 The regulations prescribe the form of evidence that is required to establish that a donor is actually registered. This evidence is a certificate, which pursuant to the Representation of the People (England and Wales)(Amendment)(No.2) Regulations 2006 (S.I. 2006/XXXX) must have the following information:

- The name of the area for which the registration officer acts;
- The name, electoral number and qualifying address of the person who has an anonymous entry;
- The date on which the entry takes effect; and
- That unless a fresh application is made, the entitlement to remain registered anonymously will terminate no later than at the end of the period of 12 months beginning with the date stated in accordance with sub-paragraph (c).

7.5 A person may donate to a political party up to five years after their death. The certificate will enable a donation to be accepted by a political party because it will contain the date of entry on the anonymous register. A check can then be made with the local council to verify that the person was anonymously registered at the time of their death.

8. Impact

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

9. Contact

9.1 Any queries about the content of this memorandum should be addressed to: Heather Wright at the Department for Constitutional Affairs, e-mail: heather.wright@dca.gsi.gov.uk