

Deighton Pierce Glynn  
8 Union Street  
London  
SE1 1 SZ

24 September 2018

Dear Sirs

**Good Law Project- Letter Before Claim**

**Your ref: PG/3553/001/PG**

I write in response to your letter of 14 September and note its contents.

As you are aware the Commission is seeking permission to appeal the judgment. Accordingly it is premature to raise the matters in your letter pending outcome of any such process.

I draw your attention to the Commission's published Enforcement Policy which explains our approach to the opening of investigations. We are an evidence-based regulator. Accordingly, we may open an investigation where the available evidence gives us reasonable grounds to suspect an offence within our remit has been committed. We then look at whether an investigation is in the public interest. If the available evidence changes – say, something new comes to light – we look again.

You should note that our ability to say anything about the matters you raise in your letter is limited under Section 71 Political Parties, Elections and Referendums Act 2000. Specifically as a result of section 71 (E) the Commission cannot disclose any information relating to donations that may or may not have been made to the DUP during 2016.

The Commission has always supported calls for greater transparency in relation to donations and loans received by Northern Ireland parties and specifically the information that the Commission can publish or disclose regarding such donations and loans. We are pleased that the Transparency of Donations and Loans etc. (Northern Ireland Political Parties) Order 2018 enables us for the first time to publish and disclose information regarding donations and loans made since 2017 including providing information regarding investigations undertaken in relation to such donations and loans made since 2017. We continue to press for the restrictions to be lifted in relation to such donations and loans made from 2014. This means that restrictions in PPERA remain in place in relation to any donations and loans to Northern Ireland parties during 2016.

Nothing in this letter should be read as confirmation or denial of any statements or claims made in your letter

Yours faithfully

*Sheilja Shah*

**Sheilja Shah**  
Senior Regulatory Lawyer  
sshah@electoralcommission.org.uk

RECEIVED

25 SEP 2018

DEIGHTON PIERCE GLYNN