

Changes to legislation: There are currently no known outstanding effects for the European Union Referendum Act 2015, SCHEDULE 1. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 3

CAMPAIGNING AND FINANCIAL CONTROLS

The referendum period

- 1 (1) For the purposes of Part 7 of the 2000 Act and this Act, the referendum period for the referendum is such period as may be prescribed by regulations made by the Minister.
- (2) The period prescribed under this paragraph must be a period which—
- (a) is at least 10 weeks, and
 - (b) ends with the date of the referendum.

Commencement Information

II Sch. 1 para. 1 in force at 1.2.2016 by S.I. 2016/69, reg. 2

Permitted participants

- 2 Section 105(1) of the 2000 Act (bodies and individuals who are “permitted participants” in relation to a referendum) has effect for the purposes of the referendum as if for paragraph (b) there were substituted—
- “(b) any of the following by whom a notification has been given under section 106 in relation to the referendum, namely—
- (i) any individual who is resident in the United Kingdom or registered in an electoral register as defined by section 54(8);
 - (ii) any individual who is resident in Gibraltar or is a Gibraltar elector;
 - (iii) any body falling within any of paragraphs (b) and (d) to (h) of section 54(2);
 - (iv) any body falling within any of paragraphs (b) and (d) to (g) of section 54(2A);
 - (v) any body incorporated by Royal Charter which does not fall within section 54(2);
 - (vi) any charitable incorporated organisation within the meaning of Part 11 of the Charities Act 2011 or Part 11 of the Charities Act (Northern Ireland) 2008;
 - (vii) any Scottish charitable incorporated organisation within the meaning of Chapter 7 of Part 1 of the Charities and Trustee Investment (Scotland) Act 2005 (asp 10);
 - (viii) any partnership constituted under the law of Scotland which carries on business in the United Kingdom.”

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Commencement Information

I2 Sch. 1 para. 2 in force at 1.2.2016 by S.I. 2016/69, reg. 2

Notifications and declarations for purpose of becoming permitted participant

- 3 (1) Section 106 of the 2000 Act (declarations and notifications relating to section 105) has effect for the purposes of the referendum with the following modifications.
- (2) Subsection (4)(b) has effect for those purposes as if after “54(2)” there were inserted “ or any of paragraphs (b) and (d) to (g) of section 54(2A) ”.
- (3) Subsection (4) has effect for those purposes as if after paragraph (b) there were inserted—
- “(c) if given by a body within any of sub-paragraphs (v) to (viii) of section 105(1)(b), state—
- (i) the details mentioned in subsection (4A), and
- (ii) the name of the person or officer who will be responsible for compliance on the part of the body with the provisions of Chapter 2,
- and be signed by the body's secretary or a person who acts in a similar capacity in relation to the body.”
- (4) For the purposes of the referendum the following subsection is to be treated as inserted after subsection (4)—
- “(4A) The details referred to in subsection (4)(c)(i) are—
- (a) in the case of a body within section 105(1)(b)(v) (body incorporated by Royal Charter)—
- (i) the name of the body, and
- (ii) the address of its main office in the United Kingdom;
- (b) in the case of a body within section 105(1)(b)(vi) or (vii) (charitable incorporated organisation)—
- (i) the name of the body, and
- (ii) the address of its principal office;
- (c) in the case of a body within section 105(1)(b)(viii) (Scottish partnership)—
- (i) the name of the body, and
- (ii) the address of its main office in the United Kingdom.”
- (5) For the purposes of the referendum the following subsections are to be treated as inserted after subsection (6)—
- “(6A) A declaration or notification under this section must be accompanied by a statement by the person who is the responsible person which—
- (a) states that that person is willing to exercise, in relation to the referendum, the functions conferred by and under this Act and the European Union Referendum Act 2015 on the responsible person, and
- (b) is signed by that person.

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(6B) Subsection (6A) does not apply to a notification of alteration unless the notification replaces a statement under subsection (2)(b) or (4)(b)(ii) or (c)(ii).”

Commencement Information

I3 Sch. 1 para. 3 in force at 1.2.2016 by S.I. 2016/69, reg. 2

Registration under section 107 of the 2000 Act

- 4 Where a statement under 106(6A) of the 2000 Act (treated as inserted by paragraph 3 above) is given to the Electoral Commission with a declaration or notification, the information that must be entered in the register under section 107 of that Act in respect of the declaration or notification includes—
- (a) the fact that the statement was made, and
 - (b) the name of the person who made it.

Commencement Information

I4 Sch. 1 para. 4 in force at 1.2.2016 by S.I. 2016/69, reg. 2

Responsible person

- 5 Section 105(2) of the 2000 Act (meaning of “responsible person”) has effect for the purposes of the referendum as if in paragraph (c) after “106(4)(b)(ii)” there were inserted “ or (c)(ii) ”.

Commencement Information

I5 Sch. 1 para. 5 in force at 1.2.2016 by S.I. 2016/69, reg. 2

Person may not be responsible for compliance for two or more permitted participants

- 6
- (1) A person who is the responsible person for a permitted participant may not give a notification under section 106(3) of the 2000 Act in relation to the referendum.
 - (2) An individual who is a permitted participant ceases to be a permitted participant if he or she is the treasurer of a registered party (other than a minor party) that becomes a permitted participant.
 - (3) The requirement in section 106(2)(b) or (4)(b)(ii) or (c)(ii) of the 2000 Act (declaration or notification must state the name of the person who will be responsible for compliance) is not complied with for the purposes of the referendum if the person whose name is stated—
 - (a) is already the responsible person for a permitted participant,
 - (b) is an individual who gives a notification under section 106(3) of that Act at the same time, or

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- (c) is the person whose name is stated, in purported compliance with the requirement in section 106(2)(b) or (4)(b)(ii) or (c)(ii) of that Act, in a notification given at the same time by another body.
- (4) Where a registered party (other than a minor party) makes a declaration under section 106 of the 2000 Act in relation to the referendum and the treasurer of the party (“the treasurer”) is already the responsible person for a permitted participant (“the relevant participant”)—
 - (a) the treasurer ceases to be the responsible person for the relevant participant at the end of the period of 14 days beginning with the day on which (by reason of the declaration) the treasurer becomes the responsible person for the party, and
 - (b) the relevant participant must, before the end of that period, give a notice of alteration under section 106(5) of the 2000 Act stating the name of the person who is to replace the treasurer as the responsible person for the relevant participant.
- (5) In sub-paragraphs (3) and (4)(b) “the person”, in relation to a body which is not a minor party, is to be read as “the person or officer”.
- (6) In this paragraph “treasurer” has the same meaning as in the 2000 Act (see 160(1) of that Act), and section 25(6) of that Act (references to the treasurer to be read in certain cases as references to the campaigns officer) applies for the purposes of this paragraph as it applies for the purposes of Part 7 of that Act.

Commencement Information

16 Sch. 1 para. 6 in force at 1.2.2016 by S.I. 2016/69, reg. 2

Unincorporated associations with offensive etc names

- 7 (1) This paragraph applies to a notification which, in relation to the referendum, is given to the Electoral Commission under section 106(3) of the 2000 Act by an unincorporated association falling within section 54(2)(h) or 54(2A)(g) of that Act.
- (2) A notification to which this paragraph applies is not to be treated for the purposes of section 105 or 107 of the 2000 Act as having been given unless the Electoral Commission have accepted the notification.
- (3) As soon as reasonably practicable after receiving a notification to which this paragraph applies the Electoral Commission must decide whether or not to accept the notification, and they must accept it unless in their opinion the name of the association—
 - (a) is obscene or offensive, or
 - (b) includes words the publication of which would be likely to amount to the commission of an offence.
- (4) As soon as reasonably practicable after deciding whether to accept the notification the Electoral Commission must give written notice to the association—
 - (a) stating whether they accept the notification, and
 - (b) if their decision is not to accept the notification, giving the reasons for that decision.

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I7 Sch. 1 para. 7 in force at 1.2.2016 by S.I. 2016/69, reg. 2

- 8 (1) Where—
- (a) a permitted participant is an unincorporated association falling within section 54(2)(h) or 54(2A)(g) of the 2000 Act,
 - (b) the Electoral Commission is notified under section 106(5) of that Act of a change of name of the association, and
 - (c) in the opinion of the Electoral Commission the new name is obscene or offensive or includes words the publication of which would be likely to amount to the commission of an offence,
- the Electoral Commission does not have to enter the new name in the register under section 107 of that Act.
- (2) If the Electoral Commission decide under this paragraph not to enter the new name of an unincorporated association in that register, the Electoral Commission—
- (a) must as soon as reasonably practicable give written notice to the association of that decision and the reasons for it, and
 - (b) in any case where they are required to make available for public inspection a document that uses the association's new name, may replace that name in the document with the name that appears on the register in respect of the association.
- (3) The fact that the association's new name is not entered in the register does not cause the association to cease to be a permitted participant.

Commencement Information

I8 Sch. 1 para. 8 in force at 1.2.2016 by S.I. 2016/69, reg. 2

Designation of organisations: designation of one organisation only

- 9 (1) Section 108 of the 2000 Act (designation of organisations to whom assistance is available) has effect for the purposes of the referendum with the following modifications.
- (2) Subsection (2) has effect for those purposes as if for the words from “the Commission” to the end there were substituted “the Commission may—
- (a) in relation to each of those outcomes, designate one permitted participant as representing those campaigning for the outcome in question; or
 - (b) if the condition in subsection (2A) is met as regards one of those outcomes (“outcome A”) but not the other (“outcome B”), designate one permitted participant as representing those campaigning for outcome B.
- (2A) The condition in this subsection is met as regards an outcome if either—
- (a) no permitted participant makes an application to be designated under section 109 as representing those campaigning for that outcome; or

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- (b) the Commission are not satisfied that there is any permitted participant who has made an application under that section who adequately represents those campaigning for that outcome.”
- (3) For the purposes of the referendum subsections (3) and (4) are to be treated as omitted.

Commencement Information

I9 Sch. 1 para. 9 in force at 1.2.2016 by S.I. 2016/69, reg. 2

- 10 Accordingly, for the purposes of the referendum, section 109 of the 2000 Act (applying to become a designated organisation) has effect as if—
- (a) in subsection (4) paragraph (b) (and the “or” before it) were omitted, and
- (b) in subsection (5) paragraph (b) (and the “or” before it) were omitted.

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I10 Sch. 1 para. 10 in force at 1.2.2016 by S.I. 2016/69, reg. 2

- 11 (1) This paragraph applies if the Electoral Commission designate only one permitted participant under section 108(2) of the 2000 Act in respect of the referendum.
- (2) If this paragraph applies, section 110 of the 2000 Act (assistance available to designated organisations) has effect for the purposes of the referendum as if—
- (a) in subsection (1) —
- (i) for “any designations” there were substituted “ a designation ”, and
- (ii) for “the designated organisations” there were substituted “ the designated organisation ”,
- (b) subsections (2) and (3) were omitted, and
- (c) for subsection (4) there were substituted the subsection set out in sub-paragraph (3) below.
- (3) That subsection is—
- “(4) The designated organisation (or, as the case may be, persons authorised by the organisation) shall have the rights conferred by paragraphs 1 to 3 of Schedule 12.”
- (4) If this paragraph applies, section 127(1) of the 2000 Act (referendum campaign broadcasts) has effect for the purposes of the referendum as if the words from “made” to the end were omitted.

Commencement Information

I11 Sch. 1 para. 11 in force at 1.2.2016 by S.I. 2016/69, reg. 2

Applying to become a designated organisation: period for making application

- 12 Subsections (2), (3) and (6) of section 109 of the 2000 Act (application by organisation for designation) have effect for the purposes of the referendum as if the reference in subsection (2)(b) of that section to the first day of the referendum

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period were a reference to the day prescribed under this paragraph by regulations made by the Minister.

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I12 Sch. 1 para. 12 in force at 1.2.2016 by S.I. 2016/69, reg. 2

Grants to designated organisations may be paid in instalments

- 13 (1) This paragraph applies to a grant under section 110(2) of the 2000 Act (grants to designated organisations) made in respect of the referendum.
- (2) The grant may be paid in whatever instalments the Electoral Commission consider appropriate.
- (3) Instalments may be withheld if the Electoral Commission are satisfied that the designated organisation concerned has failed to comply with a condition imposed under section 110(3) of the 2000 Act.
- (4) Section 110(2) of the 2000 Act, so far as it requires the grant to be of the same amount in the case of each designated organisation, has effect in relation to the referendum subject to sub-paragraph (3).

Commencement Information

I13 Sch. 1 para. 13 in force at 1.2.2016 by S.I. 2016/69, reg. 2

Assistance available to designated organisations

- 14 (1) Schedule 12 to the 2000 Act (assistance available to designated organisations) has effect for the purposes of the referendum with the following modifications.
- (2) Paragraph 2(2) has effect for those purposes as if after paragraph (b) there were inserted—
- “(c) in Gibraltar, to a school the expense of maintaining which is payable wholly or partly out of Gibraltar public funds or out of any rate, or by a body whose expenses are so payable.”
- (3) Paragraph 3(2) has effect for those purposes as if after paragraph (b) there were inserted “or
- (c) in the case of a school in Gibraltar, with the Gibraltar Government Ministry of Education.”
- (4) Paragraph 3(3) has effect for those purposes as if at the end there were inserted “or, in the case of a school in Gibraltar, by the Government of Gibraltar”.

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I14 Sch. 1 para. 14 in force at 1.2.2016 by S.I. 2016/69, reg. 2

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Referendum agents

- 15 (1) A permitted participant may, in relation to any voting area, appoint an individual (who may be the responsible person) to be the permitted participant's referendum agent for that area.
- (2) Regulations under section 4 may—
- (a) confer functions on a referendum agent appointed under this paragraph;
 - (b) make further provision (additional to the provision in paragraphs 16 and 17) in connection with referendum agents.

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I15 Sch. 1 para. 15 in force at 1.2.2016 by S.I. 2016/69, reg. 2

- 16 (1) If a permitted participant appoints a referendum agent for a voting area, the responsible person must give the counting officer for the area notification of the name and home or business address of—
- (a) the permitted participant, and
 - (b) the referendum agent.
- (2) The notification must be given before noon on the 16th day before the date of the poll, disregarding for this purpose—
- (a) Saturdays and Sundays,
 - (b) Christmas Eve, Christmas Day, Good Friday and any other day that is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom,
 - (c) any day that is a bank or public holiday in Gibraltar under the Banking and Financial Dealings Act and the Interpretation and General Clauses Act, and
 - (d) any day appointed in any part of the United Kingdom or Gibraltar as a day of public thanksgiving or mourning.
- (3) The notification must be in writing and signed by the responsible person.
- (4) The duties imposed on a responsible person by this paragraph may be discharged by any person authorised in writing by the responsible person.

Commencement Information

I16 Sch. 1 para. 16 in force at 1.2.2016 by S.I. 2016/69, reg. 2

- 17 If a counting officer is notified under paragraph 16 that a permitted participant has appointed a referendum agent, the counting officer must as soon as practicable give public notice of—
- (a) the name and address of the referendum agent, and
 - (b) the name of the permitted participant.

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I17 Sch. 1 para. 17 in force at 1.2.2016 by S.I. 2016/69, reg. 2

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Referendum expenses: definition

- 18 Schedule 13 to the 2000 Act (expenses that are referendum expenses where incurred for referendum purposes) has effect for the purposes of the referendum as if in paragraph 2(a) after “public funds” there were inserted “or Gibraltar public funds”.

Commencement Information

I18 Sch. 1 para. 18 in force at 1.2.2016 by S.I. 2016/69, reg. 2

- 19 (1) In relation to the referendum, expenses mentioned in sub-paragraph (2) are not to be treated for any purpose of this Act or Part 7 of the 2000 Act as referendum expenses.
- (2) Those expenses are—
- (a) expenses incurred in respect of the publication of any matter relating to the referendum, other than an advertisement, in—
 - (i) a newspaper or periodical;
 - (ii) a broadcast made by the British Broadcasting Corporation, Sianel Pedwar Cymru or the Gibraltar Broadcasting Corporation;
 - (iii) a programme included in any service licensed under Part 1 or 3 of the Broadcasting Act 1990 or Part 1 or 2 of the Broadcasting Act 1996;
 - (b) expenses incurred in respect of, or in consequence of, the translation of anything from English into Welsh or from Welsh into English;
 - (c) reasonable expenses incurred that are reasonably attributable to an individual's disability;
 - (d) expenses incurred in providing for the protection of persons or property at rallies or other public events.
- (3) In sub-paragraph (2)(c) “disability” has the same meaning as in the Equality Act 2010 (see section 6 of that Act).

Commencement Information

I19 Sch. 1 para. 19 in force at 1.2.2016 by S.I. 2016/69, reg. 2

- 20 (1) In section 117(5) of the 2000 Act (certain expenditure incurred before the referendum period treated as incurred during that period), the reference to any time before the beginning of the referendum period is to be read for the purposes of the referendum as including any time before the day when section 3 of this Act (application of Part 7 of the 2000 Act to the referendum) is brought into force for the purposes of applying section 117 of the 2000 Act to the referendum.
- (2) This paragraph has effect in relation to section 117(5) of the 2000 Act as it applies for the purposes of section 117 of that Act and as applied by any provision of that Act or of this Schedule.

Commencement Information

I20 Sch. 1 para. 20 in force at 1.2.2016 by S.I. 2016/69, reg. 2

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Creditors' rights

- 21 (1) This paragraph applies where—
- (a) a contract is made, or an expense is incurred, in connection with the referendum, and
 - (b) the contract or expense is in contravention of a relevant provision.
- (2) In this paragraph a “relevant provision” means a provision of Part 7 of the 2000 Act which prohibits—
- (a) payments or contracts for payments,
 - (b) the payment or incurring of referendum expenses in excess of the maximum amount allowed by that Part, or
 - (c) the incurring of referendum expenses without the authority mentioned in section 113(1) of the 2000 Act.
- (3) Nothing in any such provision affects the right of a creditor who, when the contract was made or the expense was incurred, was ignorant of the fact that the contract or expense was in contravention of the relevant provision.

Commencement Information

I21 Sch. 1 para. 21 in force at 1.2.2016 by S.I. 2016/69, reg. 2

Expenses incurred by persons acting in concert

- 22 (1) This paragraph applies where—
- (a) referendum expenses are incurred by or on behalf of an individual or body during the referendum period for the referendum, and
 - (b) those expenses are incurred in pursuance of a plan or other arrangement by which referendum expenses are to be incurred by or on behalf of—
 - (i) that individual or body, and
 - (ii) one or more other individuals or bodies,
with a view to, or otherwise in connection with, promoting or procuring a particular outcome in relation to the question asked in the referendum.
- (2) In this paragraph references to “common plan expenses” of an individual or body are to referendum expenses which are incurred by or on behalf of that individual or body—
- (a) as mentioned in sub-paragraph (1)(a), and
 - (b) in pursuance of a plan or other arrangement mentioned in sub-paragraph (1)(b).
- (3) The common plan expenses of the individual or body which is mentioned in sub-paragraph (1)(a) are to be treated for the purposes of—
- (a) section 117 of the 2000 Act, and
 - (b) section 118 of and Schedule 14 to that Act,
- as having also been incurred during the referendum period by or on behalf of the other individual or body (or, as the case may be, each of the other individuals or bodies) mentioned in sub-paragraph (1)(b)(ii); but this is subject to sub-paragraph (5).

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- (4) This paragraph applies whether or not any of the individuals or bodies in question is a permitted participant.
- (5) But if any of the individuals or bodies in question (“the persons involved”) is or becomes a designated organisation, the following referendum expenses are to be treated for the purposes of sections 117 and 118 of and Schedule 14 to the 2000 Act as having been incurred during the referendum period by or on behalf of the designated organisation only—
- (a) any referendum expenses incurred during the referendum period by or on behalf of the designated organisation;
 - (b) where any of the other persons involved is a permitted participant, any common plan expenses of that permitted participant;
 - (c) where any of the other persons involved is an individual or body which is not a permitted participant but is below the expenses threshold, any common plan expenses of that individual or body.
- (6) For the purposes of this paragraph an individual or body is “below the expenses threshold” if the total of the referendum expenses incurred during the referendum period by or on behalf of the individual or body does not exceed £10,000.
- (7) For the purposes of this paragraph—
- (a) section 112 of the 2000 Act (notional referendum expenses) applies as it applies for the purposes of Part 7 of that Act,
 - (b) section 113(3) of the 2000 Act (expenses incurred in contravention of section 113(1)) applies as it applies for the purposes of sections 117 to 123 of that Act, and
 - (c) subsections (5) and (6) of section 117 of the 2000 Act (certain expenditure incurred before the referendum period) apply as they apply for the purposes of that section.
- (8) In this paragraph any reference to referendum expenses incurred by or on behalf of a designated organisation, or a permitted participant, during the referendum period includes referendum expenses incurred during that period before the person by or on whose behalf the expenses were incurred became a designated organisation or, as the case may be, permitted participant.

Commencement Information

I22 Sch. 1 para. 22 in force at 1.2.2016 by S.I. 2016/69, reg. 2

- 23 (1) Section 120 of the 2000 Act (returns in respect of referendum expenses and donations) has effect for the purposes of the referendum with the following modifications (as well as with the modification in paragraph 2(1) of Schedule 2 to this Act).
- (2) Subsection (2) has effect for the purposes of the referendum as if the “and” after paragraph (c) were omitted and as if after paragraph (c) there were inserted—
- “(ca) a declaration under subsection (4A);
 - (cb) a declaration under subsection (4B); and”.
- (3) Subsection (4) has effect for those purposes as if for “(2)” there were substituted “(2)(a) to (c)”.

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- (4) For the purposes of the referendum the following subsections are to be treated as inserted after subsection (4)—
- “(4A) For the purposes of subsection (2)(ca), a declaration under this subsection is a declaration of—
- (a) whether there are any referendum expenses, incurred by or on behalf of an individual or body other than the permitted participant to which the return under this section relates, that must under paragraph 22 of Schedule 1 to the European Union Referendum Act 2015 be treated as having been incurred during the referendum period by or on behalf of the permitted participant; and
 - (b) if so, in the case of each individual or body concerned, its name and the amount of referendum expenses incurred by or on its behalf that must be treated as mentioned in paragraph (a).
- (4B) For the purposes of subsection (2)(cb), a declaration under this subsection is a declaration of—
- (a) whether there are any referendum expenses incurred by or on behalf of the permitted participant that must under paragraph 22 of Schedule 1 to the European Union Referendum Act 2015 be treated as having been incurred during the referendum period by or on behalf of another individual or body; and
 - (b) if so, in the case of each such individual or body, its name and the amount of referendum expenses incurred by or on behalf of the permitted participant that must be treated as having been incurred during the referendum period by or on behalf of that individual or body.
- (4C) The reference in subsection (4B) to referendum expenses incurred by or on behalf of the permitted participant includes referendum expenses incurred before the person by or on whose behalf the expenses were incurred became a permitted participant.
- (4D) Any reference in subsection (4A) or (4B) to referendum expenses that must be treated under paragraph 22 of Schedule 1 to the European Union Referendum Act 2015 as having been incurred during the referendum period by or on behalf of a particular person includes—
- (a) referendum expenses that under that paragraph must be treated as having been incurred by or on behalf of that person only; and
 - (b) referendum expenses that, under that paragraph, must be treated as having also been incurred by or on behalf of that person.
- (4E) Any reference in subsection (4A)(b) or (4B)(b) to the name of an individual or body is to be read, where the individual or body is a permitted participant, as a reference to the name under which that permitted participant is registered in the register under section 107.”

Commencement Information

I23 Sch. 1 para. 23 in force at 1.2.2016 by S.I. 2016/69, reg. 2

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Restriction on making claims in respect of referendum expenses

- 24 Section 115(7) of the 2000 Act (which applies subsections (7) to (10) of section 77 of that Act) has effect for the purposes of the referendum as if for “(10)” there were substituted “ (12) ”.

Commencement Information

I24 Sch. 1 para. 24 in force at 1.2.2016 by S.I. 2016/69, reg. 2

Limits on referendum expenses by permitted participants

- 25 (1) In Schedule 14 to the 2000 Act (limits on referendum expenses by permitted participants), any reference to a referendum falling within section 101(1)(a) includes a reference to the referendum.
- (2) Paragraph 1(2) of that Schedule (limit on expenses incurred by permitted participants during referendum period) has effect for the purposes of the referendum as if—
- (a) in paragraph (a) (designated organisations) for “£5 million” there were substituted “ £7 million ”,
 - (b) in paragraph (b) (registered parties that are not designated organisations)—
 - (i) in sub-paragraph (i) for “£5 million” there were substituted “ £7 million ”,
 - (ii) in sub-paragraph (ii) for “£4 million” there were substituted “ £5.5 million ”,
 - (iii) in sub-paragraph (iii) for “£3 million” there were substituted “ £4 million ”,
 - (iv) in sub-paragraph (iv) for “£2 million” there were substituted “ £3 million ”, and
 - (v) in sub-paragraph (v) for “£500,000” there were substituted “ £700,000 ”, and
 - (c) in paragraph (c) (certain other persons and bodies) for “£500,000” there were substituted “ £700,000 ”.

Commencement Information

I25 Sch. 1 para. 25 in force at 1.2.2016 by S.I. 2016/69, reg. 2

Permissible donors: donations to registered parties other than minor parties

- 26 (1) This paragraph applies in relation to a donation received by a permitted participant if—
- (a) the permitted participant is a registered party that is not a minor party,
 - (b) the donation is received from a person (“the donor”) who in relation to that donation is not a permissible donor for the purposes of Part 4 of the 2000 Act by virtue of section 54 of that Act,
 - (c) the donor is a person within sub-paragraph (3), and
 - (d) the donation is received by the party within the referendum period.

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- (2) In relation to that donation, the donor is to be regarded for the purposes of Part 4 of the 2000 Act as a permissible donor.
- (3) The persons within this sub-paragraph are—
- (a) a Gibraltar elector;
 - (b) a body falling within any of paragraphs (b) to (g) of section 54(2A) of the 2000 Act;
 - (c) a body incorporated by Royal Charter which does not fall within section 54(2) of that Act;
 - (d) a charitable incorporated organisation within the meaning of Part 11 of the Charities Act 2011 or Part 11 of the Charities Act (Northern Ireland) 2008;
 - (e) a Scottish charitable incorporated organisation within the meaning of Chapter 7 of Part 1 of the Charities and Trustee Investment (Scotland) Act 2005 (asp 10);
 - (f) a partnership constituted under the law of Scotland which carries on business in the United Kingdom.
- (4) In relation to a donation in the form of a bequest sub-paragraph (3)(a) is to be read as referring to an individual who was, at any time within the period of 5 years ending with the date of the individual's death, a Gibraltar elector.
- (5) In this paragraph—
- (a) “donation” has the same meaning as in section 54 of the 2000 Act (see section 50 of that Act);
 - (b) “Gibraltar elector” has the same meaning as in the 2000 Act (see section 160(1) of that Act).

Commencement Information

I26 Sch. 1 para. 26 in force at 1.2.2016 by S.I. 2016/69, reg. 2

- 27 Where paragraph 26 applies in relation to a donation received by a permitted participant, paragraph 2 of Schedule 6 to the 2000 Act (details to be given in donation reports) has effect as if—
- (a) in sub-paragraph (1)(a) for “(10)” there were substituted “ (10C) ”, and
 - (b) the following sub-paragraphs were inserted after sub-paragraph (10)—
 - “(10A) In the case of a body within paragraph 26(3)(c) of Schedule 1 to the European Union Referendum Act 2015 (body incorporated by Royal Charter) the report must give—
 - (a) the name of the body; and
 - (b) the address of its main office in the United Kingdom.
 - (10B) In the case of a body within paragraph 26(3)(d) or (e) of that Schedule (charitable incorporated organisation) the report must give—
 - (a) the name of the body; and
 - (b) the address of its principal office.
 - (10C) In the case of a body within paragraph 26(3)(f) of that Schedule (Scottish partnership) the report must give—

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- (a) the name of the body; and
- (b) the address of its main office in the United Kingdom.”

Commencement Information

I27 Sch. 1 para. 27 in force at 1.2.2016 by S.I. 2016/69, reg. 2

Financial limit on certain donations etc to registered parties other than minor parties

- 28 (1) This paragraph applies where the permitted maximum is exceeded by the aggregate value of—
- (a) relevant donations which are received and accepted, and
 - (b) relevant regulated transactions which are entered into,
- during the referendum period by a permitted participant that is a registered party other than a minor party.
- (2) Each of the relevant donations and relevant regulated transactions falling within sub-paragraph (3) is to be treated for the purposes of Parts 4 and 4A of the 2000 Act (as modified by paragraphs 26 and 27 of this Schedule and paragraphs 10 to 13 of Schedule 2) as if—
- (a) it had been received or entered into, as the case may be, at the end of the period of 3 months after the end of the referendum period,
 - (b) in the case of a relevant donation, it had been received from a person who was not a permissible donor at the time, and
 - (c) in the case of a relevant regulated transaction, it had been entered into with a person who was not an authorised participant at the time.
- (3) A relevant donation or relevant regulated transaction falls within this sub-paragraph—
- (a) if—
 - (i) it is the first of the relevant donations received or is the only one,
 - (ii) no relevant regulated transaction has previously been entered into, and
 - (iii) the value of the donation alone exceeds the permitted maximum,
 - (b) if it is the first of the relevant regulated transactions entered into or is the only one, and the value of the transaction alone exceeds the permitted maximum, or
 - (c) in a case not falling within paragraph (a) or (b), if the aggregate value of the relevant donation or relevant regulated transaction and the relevant donations and relevant regulated transactions previously received or entered into exceeds the permitted maximum.
- (4) But—
- (a) in the case of a relevant donation within sub-paragraph (3)(a), only so much of the donation as exceeds the permitted maximum is a donation falling within sub-paragraph (3), and
 - (b) in the case of a relevant donation within sub-paragraph (3)(c) where the aggregate value of the relevant donations and relevant regulated transactions previously received or entered into does not exceed the permitted maximum, only so much of the donation as exceeds the difference between that

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aggregate value and the permitted maximum is a donation falling within sub-paragraph (3).

(5) In this paragraph—

“authorised participant” means an authorised participant for the purposes of Part 4A of the 2000 Act;

“permissible donor” means a permissible donor for the purposes of Part 4 of the 2000 Act;

“permitted maximum”, in relation to a permitted participant, means an amount equal to the limit imposed on that permitted participant by paragraph 1(2) of Schedule 14 to the 2000 Act (as modified by paragraph 25 of this Schedule);

“relevant donation” means a donation which is received from a person who is a permissible donor in relation to that donation by virtue of paragraph 26 of this Schedule;

“relevant regulated transaction” means a transaction which—

- (a) is a regulated transaction for the purposes of Part 4A of the 2000 Act (see section 71F of that Act), and
- (b) is entered into with a person who is an authorised participant in relation to that transaction by virtue of paragraph 10 of Schedule 2.

(6) In this paragraph—

- (a) references to a donation and to the value of a donation have the same meaning as in Part 4 of the 2000 Act (see sections 50 and 53 of that Act), and
- (b) references to the value of a regulated transaction have the same meaning as in Part 4A of that Act (see section 71G of that Act).

Commencement Information

I28 Sch. 1 para. 28 in force at 1.2.2016 by S.I. 2016/69, reg. 2

Permissible donors: donations to minor parties and to persons who are not parties

29 Paragraph 1 of Schedule 15 to the 2000 Act (control of donations to permitted participants: operation and interpretation of Schedule) has effect for the purposes of the referendum as if the following sub-paragraphs were substituted for sub-paragraph (6)—

“(6) In relation to donations received by a permitted participant other than a designated organisation—

- (a) references to a permissible donor falling within section 54(2), and
 - (b) references to a person within paragraph 6(1A) of this Schedule,
- do not include a registered party and do not include a political party which is not a registered party but is established in Gibraltar.

(7) Sub-paragraph (6) applies also to references to a permissible donor, and references to a person within paragraph 6(1A) of this Schedule, in sections 56 and 61 as applied by paragraphs 7 and 8 of this Schedule.”

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Commencement Information

I29 Sch. 1 para. 29 in force at 1.2.2016 by S.I. 2016/69, reg. 2

30 Paragraph 4(1) of Schedule 15 to the 2000 Act (payments etc not to be regarded as donations) has effect for the purposes of the referendum as if after paragraph (a) there were inserted—

“(aa) any grant provided out of Gibraltar public funds;”.

Commencement Information

I30 Sch. 1 para. 30 in force at 1.2.2016 by S.I. 2016/69, reg. 2

31 (1) Paragraph 6 of Schedule 15 to the 2000 Act (prohibition on accepting donations from persons who are not permissible donors) has effect for the purposes of the referendum with the following modifications.

(2) Sub-paragraph (1)(a) has effect for those purposes as if after “a permissible donor falling within section 54(2)” there were inserted “ or a person within sub-paragraph (1A) ”.

(3) For the purposes of the referendum the following sub-paragraph is to be treated as inserted after sub-paragraph (1)—

“(1A) The persons within this sub-paragraph are—

- (a) a Gibraltar elector;
- (b) a body falling within any of paragraphs (b) to (g) of section 54(2A);
- (c) a body incorporated by Royal Charter which does not fall within section 54(2);
- (d) a charitable incorporated organisation within the meaning of Part 11 of the Charities Act 2011 or Part 11 of the Charities Act (Northern Ireland) 2008;
- (e) a Scottish charitable incorporated organisation within the meaning of Chapter 7 of Part 1 of the Charities and Trustee Investment (Scotland) Act 2005 (asp 10);
- (f) a partnership constituted under the law of Scotland which carries on business in the United Kingdom.”

(4) Sub-paragraph (3) has effect for those purposes as if after “exempt trust donation” there were inserted “ or exempt Gibraltar trust donation ”.

(5) Sub-paragraph (4) has effect for those purposes as if—

- (a) in paragraph (a) after “exempt trust donation” there were inserted “ or exempt Gibraltar trust donation ”,
- (b) in paragraph (b)(i) after “permissible donors falling within section 54(2)” there were inserted “ or persons within sub-paragraph (1A) ”,
- (c) in paragraph (b)(ii) after “such a permissible donor” there were inserted “ or such a person ”, and
- (d) after “not such a permissible donor” there were inserted “ and is not within sub-paragraph (1A) ”.

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(6) For the purposes of the referendum the following sub-paragraph is to be treated as inserted after sub-paragraph (8)—

“(9) In relation to a relevant donation in the form of a bequest sub-paragraph (1A) (a) is to be read as referring to an individual who was, at any time within the period of five years ending with the date of the individual's death, a Gibraltar elector.”

Commencement Information

I31 Sch. 1 para. 31 in force at 1.2.2016 by S.I. 2016/69, reg. 2

Acceptance or return of donations

32 Paragraph 7(2) of Schedule 15 to the 2000 Act (application of sections 56 to 60 of the 2000 Act) has effect for the purposes of the referendum as if—

- (a) before paragraph (a) there were inserted—
 - “(za) any reference in section 56 to a permissible donor is to be read as including a reference to a person within paragraph 6(1A) above;”,
- (b) before paragraph (b) there were inserted—
 - “(ab) section 56(2) shall have effect as if for the words from “by virtue” to the end of paragraph (b) there were substituted “by virtue of paragraph 6(1) of Schedule 15, or which it is decided that the party should for any other reason refuse, then—
 - (a) unless the donation falls within paragraph 6(1)(b) of Schedule 15, the donation, or a payment of an equivalent amount, must be sent back to the person who made the donation or any person appearing to be acting on his behalf, and
 - (b) if the donation falls within that provision, the required steps (as defined by section 57(1)) must be taken in relation to the donation,”; and”, and
- (c) at the end of paragraph (b) there were inserted “; and
 - (c) section 58(1) shall have effect as if in paragraph (a) for the words from “by virtue” to “party” there were substituted “by virtue of paragraph 6(1)(a) or (b) of Schedule 15, the party ”.”

Commencement Information

I32 Sch. 1 para. 32 in force at 1.2.2016 by S.I. 2016/69, reg. 2

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Evasion of restrictions on donations

33 Paragraph 8 of Schedule 15 to the 2000 Act (application of section 61 of the 2000 Act) has effect for the purposes of the referendum as if for paragraph (c) (and the “and” preceding it) there were substituted—

- “(c) any reference to a permissible donor included a person within paragraph 6(1A) above; and
- (d) any reference to the treasurer of a registered party were, in relation to a permitted participant, a reference to the responsible person.”

Commencement Information

I33 Sch. 1 para. 33 in force at 1.2.2016 by S.I. 2016/69, reg. 2

Reporting of donations from permissible donors

34 (1) Paragraph 10 of Schedule 15 to the 2000 Act (reporting of donations from permissible donors) has effect for the purposes of the referendum with the following modifications.

(2) Sub-paragraph (1)(c) has effect for those purposes as if at the end there were inserted “or, where the donor is within any of paragraphs (c) to (f) of paragraph 6(1A), the information mentioned in sub-paragraph (1A) below”.

(3) For the purposes of the referendum the following sub-paragraph is to be treated as inserted after sub-paragraph (1)—

“(1A) The information to be recorded in the case of a donor within any of paragraphs (c) to (f) of paragraph 6(1A) is—

- (a) where the donor is a body within paragraph 6(1A)(c) (body incorporated by Royal Charter)—
 - (i) the name of the body, and
 - (ii) the address of its main office in the United Kingdom;
- (b) where the donor is a body within paragraph 6(1A)(d) or (e) (charitable incorporated organisation)—
 - (i) the name of the body, and
 - (ii) the address of its principal office;
- (c) where the donor is a body within paragraph 6(1A)(f) (Scottish partnership)—
 - (i) the name of the body, and
 - (ii) the address of its main office in the United Kingdom.”

(4) In paragraph 10(1)(c) of Schedule 15 to the 2000 Act as it applies for the purposes of the referendum, the reference to paragraph 2 of Schedule 6 to that Act is to be taken as a reference to that paragraph without the modifications of that paragraph made by this Schedule.

Commencement Information

I34 Sch. 1 para. 34 in force at 1.2.2016 by S.I. 2016/69, reg. 2

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Returns in respect of referendum expenses and donations

35 For the purposes of the referendum, the following section is to be treated as inserted after section 120 of the 2000 Act (returns in respect of referendum expenses and donations)—

“120A Full return not required if expenses do not exceed £10,000

- (1) A return under section 120 need not be made by the responsible person in relation to a permitted participant if, within 3 months beginning with the end of the referendum period, the responsible person—
 - (a) makes a relevant declaration, and
 - (b) delivers that declaration to the Commission.
- (2) A “relevant declaration” is a declaration that, to the best of the responsible person's knowledge and belief, the total amount of referendum expenses incurred by or on behalf of the permitted participant during the referendum period does not exceed £10,000.
- (3) If a person who is the responsible person in relation to a permitted participant knowingly or recklessly makes a false declaration under this section, that person commits an offence.
- (4) A person guilty of an offence under this section is liable—
 - (a) on conviction on indictment, to imprisonment for a term not exceeding 12 months or to a fine, or to both;
 - (b) on summary conviction in England and Wales, to imprisonment for a term not exceeding 12 months or to a fine, or to both;
 - (c) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or to both;
 - (d) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both;
 - (e) on summary conviction in Gibraltar, to imprisonment for a term not exceeding 12 months or to a fine not exceeding level 5 on the Gibraltar standard scale, or to both.
- (5) The reference in subsection (4)(b) to 12 months is to be read as a reference to 6 months in relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003.
- (6) In subsection (4)(e) “the Gibraltar standard scale” means the standard scale set out in Part A of Schedule 9 to the Criminal Procedure and Evidence Act.”

Commencement Information

I35 Sch. 1 para. 35 in force at 1.2.2016 by S.I. 2016/69, reg. 2

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Declaration of responsible person as to donations

- 36 (1) Section 123 of the 2000 Act (declaration of responsible person as to return under section 120) has effect for the purposes of the referendum with the following modifications.
- (2) For those purposes, the following subsection is to be treated as substituted for subsection (3)—
- “(3) In a case where the permitted participant either is not a registered party or is a minor party, the declaration must also, in relation to all relevant donations recorded in the return as having been accepted by the permitted participant—
- (a) state that they were all from permissible donors, or
 - (b) state whether or not section 56(2) was complied with in the case of each of those donations that was not from a permissible donor.”
- (3) For the purposes of the referendum, the following subsection is to be treated as inserted after subsection (5)—
- “(6) In this section “permissible donor” includes a person within paragraph 6(1A) of Schedule 15.”

Commencement Information

I36 Sch. 1 para. 36 in force at 1.2.2016 by S.I. 2016/69, reg. 2

Declaration where no referendum expenses incurred in referendum period

- 37 (1) For the purposes of the referendum, the following section is to be treated as inserted after section 124 of the 2000 Act—

“124A Declaration where no expenses in referendum period

- (1) Subsection (2) applies where, in relation to a referendum to which this Part applies—
- (a) a permitted participant incurs no referendum expenses during the referendum period (and no such expenses are incurred on behalf of that participant during that period), and
 - (b) accordingly, the responsible person in relation to the permitted participant is not required to make a return under section 120 or a declaration under section 120A.
- (2) The responsible person must, within 3 months beginning with the end of the referendum period—
- (a) make a declaration under this section, and
 - (b) deliver that declaration to the Commission.
- (3) A declaration under this section is a declaration that no referendum expenses were incurred by or on behalf of the permitted participant during the referendum period.
- (4) The responsible person commits an offence if, without reasonable excuse, that person fails to comply with the requirements of subsection (2).

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- (5) If a person who is the responsible person in relation to a permitted participant knowingly or recklessly makes a false declaration in purported compliance with the requirement in subsection (2)(a), that person commits an offence.
- (6) A person guilty of an offence under subsection (4) is liable—
- (a) on summary conviction in England and Wales, to a fine;
 - (b) on summary conviction in Scotland or Northern Ireland, to a fine not exceeding level 5 on the standard scale;
 - (c) on summary conviction in Gibraltar, to a fine not exceeding level 5 on the Gibraltar standard scale.
- (7) A person guilty of an offence under subsection (5) is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding 12 months or to a fine, or to both;
 - (b) on summary conviction in England and Wales, to imprisonment for a term not exceeding 12 months or to a fine, or to both;
 - (c) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or to both;
 - (d) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both;
 - (e) on summary conviction in Gibraltar, to imprisonment for a term not exceeding 12 months or to a fine not exceeding level 5 on the Gibraltar standard scale, or to both.
- (8) The reference in subsection (7)(b) to 12 months is to be read as a reference to 6 months in relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003.
- (9) In this section “the Gibraltar standard scale” means the standard scale set out in Part A of Schedule 9 to the Criminal Procedure and Evidence Act.
- (10) Schedule 19C (civil sanctions), and any order under Part 5 of that Schedule, have effect as if the offence under subsection (4) of this section were an offence prescribed in an order under that Part.
- (11) In—
- (a) section 113(3) (treatment of expenses incurred in contravention of section 113(1)), and
 - (b) section 118(4) and (5) (treatment of certain expenses incurred before referendum period or before becoming permitted participant),
- the references to, respectively, sections 117 to 123 and sections 120 to 123 include references to this section.”
- (2) Nothing in subsection (10) of the section treated as inserted by this paragraph (read with section 12 of this Act) is to be taken to mean that Schedule 19C to the 2000 Act extends or applies to Gibraltar for the purposes of the referendum.

Commencement Information

I37 Sch. 1 para. 37 in force at 1.2.2016 by S.I. 2016/69, reg. 2

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Application to Gibraltar public bodies of restriction on publication of promotional material

- 38 (1) Section 125 of the 2000 Act (restriction on publication etc of promotional material by central and local government etc) has effect for the purposes of the referendum with the following modifications.
- (2) Subsection (2) has effect for those purposes as if after paragraph (a) there were inserted—
- “(aa) the Government of Gibraltar or any Gibraltar government department; or”.
- (3) Subsection (2)(b) has effect for those purposes as if for the words from “wholly or mainly” to the end there were substituted “wholly or mainly—
- (i) out of public funds or by any local authority; or
- (ii) out of Gibraltar public funds.”
- (4) Subsection (3) has effect for those purposes as if after “Sianel Pedwar Cymru” there were inserted “or the Gibraltar Broadcasting Corporation”.

Commencement Information

I38 Sch. 1 para. 38 in force at 1.2.2016 by S.I. 2016/69, reg. 2

Reporting of donations during referendum period

- 39 (1) In this paragraph references to a permitted participant are to a permitted participant which either is not a registered party or is a minor party.
- (2) In relation to the referendum, the responsible person in relation to a permitted participant must prepare reports under this paragraph in respect of—
- (a) the period (“the first reporting period”) beginning with the commencement day and ending with the 7th day of the referendum period, and
- (b) such other periods ending before the date of the referendum as may be prescribed by regulations made by the Minister;
- and in paragraph (a) “the commencement day” means the day on which that paragraph comes into force.
- (3) The report for a period must record, in relation to each relevant donation of more than £7,500 which is received by the permitted participant during the period—
- (a) the amount of the donation (if it is a donation of money, in cash or otherwise) or (in any other case) the nature of the donation and its value as determined in accordance with paragraph 5 of Schedule 15 to the 2000 Act,
- (b) the date when the donation was received by the permitted participant, and
- (c) the information about the donor which is, in connection with recordable donations to registered parties, required to be recorded in weekly donation reports by virtue of paragraph 3 of Schedule 6 to the 2000 Act.
- (4) If during any period no relevant donations of more than £7,500 were received by the permitted participant, the report for the period must contain a statement of that fact.
- (5) A report under this paragraph in respect of a period must be delivered by the responsible person to the Electoral Commission—

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- (a) in the case of the report for the first reporting period, within 7 days beginning with the end of that period;
 - (b) in the case of the report for a period prescribed under sub-paragraph (2)(b), within such time as may be prescribed by regulations made by the Minister.
- (6) If, in relation to a donation made by an individual who has an anonymous entry in an electoral register, a report under this paragraph contains a statement that the permitted participant has seen evidence that the individual has such an anonymous entry, the report must be accompanied by a copy of the evidence.
- (7) The Minister may by regulations modify the operation of sub-paragraphs (2) to (4) in relation to cases where an individual or body becomes a permitted participant during a period prescribed under sub-paragraph (2)(b).
- (8) Regulations under sub-paragraph (5) or (7) may make different provision for different cases.
- (9) The responsible person commits an offence if, without reasonable excuse, that person—
- (a) fails to comply with the requirements of sub-paragraph (5) in relation to a report under this paragraph, or
 - (b) delivers a report to the Electoral Commission that does not comply with the requirements of sub-paragraph (3), (4) or (6).
- (10) A person guilty of an offence under sub-paragraph (9)(a) is liable—
- (a) on summary conviction in England and Wales, to a fine;
 - (b) on summary conviction in Scotland or Northern Ireland, to a fine not exceeding level 5 on the standard scale;
 - (c) on summary conviction in Gibraltar, to a fine not exceeding level 5 on the Gibraltar standard scale.
- (11) A person guilty of an offence under sub-paragraph (9)(b) is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding 12 months or to a fine, or to both;
 - (b) on summary conviction in England and Wales, to imprisonment for a term not exceeding [^{F1}the general limit in a magistrates' court] or to a fine, or to both;
 - (c) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or to both;
 - (d) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both;
 - (e) on summary conviction in Gibraltar, to imprisonment for a term not exceeding 12 months or to a fine not exceeding level 5 on the Gibraltar standard scale, or to both.
- (12) The reference in sub-paragraph (11)(b) to [^{F2}the general limit in a magistrates' court] is to be read as a reference to 6 months in relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003.
- (13) In this paragraph—
- (a) “electoral register” means—

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- (i) an electoral register as defined by 54(8) of the 2000 Act, or
 - (ii) the Gibraltar register as defined by section 14 of the European Parliament (Representation) Act 2003,
- (b) “relevant donation” has the same meaning as in Schedule 15 to the 2000 Act, and
- (c) references to a relevant donation received by a permitted participant include any donation received at a time before the individual or body concerned became a permitted participant, if the donation would have been a relevant donation had the individual or body been a permitted participant at that time.
- (14) Section 161 of the 2000 Act (interpretation: donations) applies for the purposes of this paragraph as it applies for the purposes of the provisions of that Act relating to donations.

Textual Amendments

- F1** Words in Sch. 1 para. 39(11)(b) substituted (E.W.) (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates’ Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), 2(1), Sch. Pt. 1 table
- F2** Words in Sch. 1 para. 39(12) substituted (E.W.) (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates’ Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), 2(1), Sch. Pt. 1 table

Commencement Information

- I39** Sch. 1 para. 39 in force at 1.2.2016 by S.I. 2016/69, reg. 2

Declaration of responsible person as to donation reports under paragraph 39

- 40 (1) Each report delivered under paragraph 39 must be accompanied by a declaration which complies with sub-paragraph (2) and is signed by the responsible person.
- (2) The declaration must state—
- (a) that the responsible person has examined the report, and
 - (b) that to the best of the responsible person's knowledge and belief, it is a complete and correct report as required by law.
- (3) A person commits an offence if—
- (a) the person knowingly or recklessly makes a false declaration under this paragraph, or
 - (b) sub-paragraph (1) is contravened at a time when the person is the responsible person in the case of the permitted participant to which the report relates.
- (4) A person guilty of an offence under sub-paragraph (3) is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding 12 months or to a fine, or to both;
 - (b) on summary conviction in England and Wales, to imprisonment for a term not exceeding [^{F3}the general limit in a magistrates’ court] or to a fine, or to both;
 - (c) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or to both;

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- (d) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both;
 - (e) on summary conviction in Gibraltar, to imprisonment for a term not exceeding 12 months or to a fine not exceeding level 5 on the Gibraltar standard scale, or to both.
- (5) The reference in sub-paragraph (4)(b) to [F4the general limit in a magistrates' court] is to be read as a reference to 6 months in relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003.

Textual Amendments

- F3** Words in [Sch. 1 para. 40\(4\)\(b\)](#) substituted (E.W.) (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), [Sch. Pt. 1](#) table
- F4** Words in [Sch. 1 para. 40\(5\)](#) substituted (E.W.) (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), [Sch. Pt. 1](#) table

Commencement Information

- I40** [Sch. 1 para. 40](#) in force at 1.2.2016 by [S.I. 2016/69](#), [reg. 2](#)

Public inspection of donation reports under paragraph 39

- 41 (1) Where the Electoral Commission receive a report under paragraph 39 they must—
- (a) as soon as is reasonably practicable after receiving the report, make a copy of the report and of any document accompanying it available for public inspection, and
 - (b) keep any such copy available for public inspection for the period for which the report or other document is held by them.
- (2) The Electoral Commission must secure that the copy of the report made available for public inspection does not include, in the case of any donation by an individual, the donor's address.
- (3) At the end of the period of two years beginning with the date when any report under paragraph 39 or other document accompanying it is received by the Electoral Commission—
- (a) they may cause the report or other document to be destroyed, or
 - (b) if requested to do so by the responsible person in the case of the permitted participant concerned, they must arrange for the report or other document to be returned to that person.

Commencement Information

- I41** [Sch. 1 para. 41](#) in force at 1.2.2016 by [S.I. 2016/69](#), [reg. 2](#)

- 42 Section 149(2) to (5) and (7) of the 2000 Act (inspection of Commission's documents) apply in relation to reports and documents which the Electoral Commission are required to make available for public inspection under paragraph

Changes to legislation: There are currently no known outstanding effects for the European Union Referendum Act 2015, SCHEDULE 1. (See end of Document for details)

41 as they apply to the documents which the Electoral Commission are required to make available for public inspection by virtue of the provisions of the 2000 Act mentioned in section 149(6) of that Act.

Commencement Information

I42 Sch. 1 para. 42 in force at 1.2.2016 by S.I. 2016/69, reg. 2

Referendum campaign broadcasts

- 43 Section 127 of the 2000 Act (referendum campaign broadcasts) has effect for the purposes of the referendum as if any reference to a broadcaster (within the meaning given by section 37(2) of that Act) included a reference to the Gibraltar Broadcasting Corporation.

Commencement Information

I43 Sch. 1 para. 43 in force at 1.2.2016 by S.I. 2016/69, reg. 2

Enforcement

- 44 (1) Section 145(1)(a) and (6A) of the 2000 Act (general functions of Electoral Commission with respect to compliance) apply in relation to the requirements imposed by this Schedule as they apply in relation to the requirements referred to in section 145(1)(a).
- (2) In section 148 of the 2000 Act (general offences), the references in each of subsections (1) to (3) to any of the provisions of that Act include any of the provisions of this Schedule.
- (3) Sections 151 and 154 of the 2000 Act (summary proceedings, and duty of court to report conviction to Electoral Commission) apply in relation to an offence under this Schedule as they apply in relation to an offence under that Act.
- (4) In paragraphs 3 to 5 of Schedule 19B to the 2000 Act (powers of Electoral Commission in relation to suspected offences or contraventions)—
- (a) the references to an offence under that Act include an offence under this Schedule, and
 - (b) the references to a restriction or other requirement imposed by or by virtue of that Act include a requirement or restriction imposed by or by virtue of this Schedule.
- (5) Schedule 19C to the 2000 Act (civil sanctions), and any order under Part 5 of that Schedule, have effect as if any reference in that Schedule to an offence under the 2000 Act, or to a prescribed offence under that Act, included a reference to an offence under paragraph 39(9) of this Schedule.
- (6) Nothing in sub-paragraph (4) or (5) (read with section 12) is to be taken to mean that Schedule 19B or 19C to the 2000 Act extends or applies to Gibraltar for the purposes of the referendum.

*Changes to legislation: There are currently no known outstanding effects for the
European Union Referendum Act 2015, SCHEDULE 1. (See end of Document for details)*

Commencement Information

I44 Sch. 1 para. 44 in force at 1.2.2016 by S.I. 2016/69, reg. 2

Interpretation

45 Section 160 of the 2000 Act (general interpretation) has effect for the purposes of the referendum as if the following subsection were inserted after subsection (4)—

“(4A) References in this Act (in whatever terms) to expenses met, or things provided, out of “Gibraltar public funds” are references to expenses met, or things provided, by means of—

- (a) payments out of—
 - (i) the Gibraltar consolidated fund; or
 - (ii) monies voted by the Gibraltar Parliament; or
- (b) payments by the Government of Gibraltar or any Gibraltar government department.”

Commencement Information

I45 Sch. 1 para. 45 in force at 1.2.2016 by S.I. 2016/69, reg. 2

Changes to legislation:

There are currently no known outstanding effects for the European Union Referendum Act 2015, SCHEDULE 1.