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*Changes to legislation:* There are currently no known outstanding effects for the European Union Referendum Act 2015, Paragraph 37. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 1

#### CAMPAIGNING AND FINANCIAL CONTROLS

*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).
- (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;

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- (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.

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**Commencement Information**

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

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