

Draft Order laid before Parliament under section 13 of the European Parliament (Representation) Act 2003, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2015 No. XXXX

**NATIONAL ELECTION EXPENDITURE
POLITICAL PARTIES
REPRESENTATION OF THE PEOPLE**

The European Parliamentary Elections (Miscellaneous Provisions) (United Kingdom and Gibraltar) Order 2015

Made - - - - *****

Coming into force in accordance with article 1(2)

The Chancellor of the Duchy of Lancaster makes this Order in exercise of the powers conferred by sections 12 and 13(3) and (4) of the European Parliament (Representation) Act 2003⁽¹⁾.

In accordance with section 12(5) of that Act, the Chancellor of the Duchy of Lancaster has consulted the Electoral Commission before making this Order.

In accordance with section 13(5) of that Act, a draft of this Order has been laid before and approved by a resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) This Order may be cited as the European Parliamentary Elections (Miscellaneous Provisions) (United Kingdom and Gibraltar) Order 2015.

(2) It comes into force on the day after the day on which it is made.

(3) It extends to each part of the United Kingdom and to Gibraltar.

Amendments to the Political Parties, Elections and Referendums Act 2000

2. The amendments to the Political Parties, Elections and Referendums Act 2000⁽²⁾ specified in the Schedule have effect.

(1) 2003 c. 7; sections 12 and 13 were amended by [S.I. 2003/1887](#). The Secretary of State's functions under the 2003 Act are exercisable concurrently with the Chancellor of the Duchy of Lancaster by virtue of article 3 of, and Schedule 1 to, [S.I. 2015/1376](#); the functions were previously made exercisable by the Lord President of the Council (concurrently with the Secretary of State) by virtue of article 3 of [S.I. 2010/1837](#).

(2) 2000 c. 41; relevant amendments are footnoted below.

Transitional provision

3. Paragraph 5 of the Schedule does not affect the punishment of an offence committed before the day on which this Order comes into force

date

Name
Minister for Constitutional Reform
Cabinet Office

SCHEDULE

Article 2

Amendments to the Political Parties, Elections and Referendums Act 2000

1. In section 24(8)(b)(3) (office-holders to be registered), for “House of Assembly of Gibraltar” substitute “Gibraltar Parliament”.

2. In section 54(2A)(4) (permissible donors)—

(a) for paragraph (b) substitute—

“(b) a company—

(i) registered under the Companies Act(5) or the Companies Act 2014(6) (see section 160(6) below), and

(ii) incorporated within Gibraltar, the United Kingdom or another member State,

which carries on business in Gibraltar;”;

(b) in paragraph (d), for “Trade Union and Trade Disputes Act” substitute “Trade Unions and Trade Disputes Act(7)”;

(c) omit paragraph (e);

(d) for paragraph (f) substitute—

“(f) a limited partnership registered under the Limited Partnerships Act(8), which carries on business in Gibraltar;”.

3. In section 74(3)(9) (officers of registered party with responsibility for campaign expenditure), for “House of Assembly of Gibraltar” substitute “Gibraltar Parliament”.

4. In section 88 (third parties recognised for the purposes of Part 6 of the 2000 Act) omit subsection (3)(a)(iii)(10).

5. In section 150(4)(11) (punishment of offences), for “pursuant to section 189 of, and Schedule 6 to, the Criminal Procedure Ordinance” substitute “set out in Part A of Schedule 9 to the Criminal Procedure and Evidence Act 2011(12) (see section 160(6) below)”.

6. In section 151(4A)(13) (summary proceedings), for “section 117 of the Criminal Procedure Ordinance” substitute “section 158 of the Criminal Procedure and Evidence Act 2011 (as to which see section 160(6) below)”.

7. In section 153(5A)(14) (offences committed by unincorporated associations), for “Sections 124 and 144 of, and Schedule 4 to, the Criminal Procedure Ordinance” substitute “Sections 178, 179 and 296 of the Criminal Procedure and Evidence Act 2011 (as to which see section 160(6) below)”.

8. In section 160(15) (general interpretation)—

(3) Section 24(8) was amended by [S.I. 2004/366](#) and by section 20 of, and paragraphs 2 and 4(1) and (2)(b) of Schedule 6 to, the Recall of MPs Act 2015 (c. 25); the amendments made by the 2015 Act are not yet in force.

(4) Section 54(2A) was inserted by [S.I. 2004/366](#) and amended by [S.I. 2009/185](#).

(5) Gibraltar Principal Act 1930-07.

(6) Gibraltar Principal Act 2014-19.

(7) Gibraltar Principal Act 1947-15.

(8) Gibraltar Principal Act 1927-07.

(9) Section 74(3) was amended by [S.I. 2004/366](#) and by section 20 of, and paragraphs 2 and 5(1) and (2)(b) of Schedule 6 to, the Recall of MPs Act 2015; the amendments made by the 2015 Act are not yet in force.

(10) Section 88(3)(a)(iii) was inserted by [S.I. 2004/366](#).

(11) Section 150(4) was inserted by [S.I. 2004/366](#).

(12) Gibraltar Principal Act 2011-24.

(13) Section 151(4A) was inserted by [S.I. 2004/366](#).

(14) Section 153(5A) was inserted by [S.I. 2004/366](#).

(15) Relevant amendments to section 160 were made by [S.I. 2004/366](#), [S.I. 2008/948](#) and [S.I. 2009/185](#).

- (a) in the definition of “Gibraltar elector”, omit paragraph (b) and the word “or” preceding it;
 - (b) in the definition of “qualified auditor”, for paragraph (b) substitute—
 - “(b) in the case of a Gibraltar party, a person who is approved as a statutory auditor or audit firm under the Financial Services (Auditors) Act 2009⁽¹⁶⁾ (see subsection (6) below);”;
 - (c) in subsection (6), for “a named Act” substitute “an Act listed in subsection (7)”;
 - (d) after subsection (6) insert—
 - “(7) The Acts referred to in subsection (6) are—
 - (a) the Companies Act;
 - (b) the Companies Act 2014;
 - (c) the Criminal Procedure and Evidence Act 2011;
 - (d) the Financial Services (Auditors) Act 2009;
 - (e) the Limited Partnerships Act;
 - (f) the Trade Unions and Trade Disputes Act.”
- 9.** In Schedule 6⁽¹⁷⁾ (details to be given in donation reports)—
- (a) omit paragraph 2(2A) and (3A);
 - (b) in paragraph 2(7), omit “or the Banking (Extension to Building Societies) Act”;
 - (c) in paragraph 2(8), omit “limited liability”.
- 10.** In Schedule 6A⁽¹⁸⁾ (details to be given in transaction reports)—
- (a) in paragraph 2(7), omit “or which is an existing registered society within the meaning of the Banking (Extension to Building Societies) Act”;
 - (b) in paragraph 2(8), omit “limited liability”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order updates the Political Parties, Elections and Referendums Act 2000 (c. 41) to reflect changes in the law of Gibraltar and makes other miscellaneous amendments to provisions in the 2000 Act that apply in Gibraltar.

The Order updates references to Gibraltar legislation and replaces references to the House of Assembly of Gibraltar with references to the Gibraltar Parliament. It removes references to building societies in Gibraltar, because Gibraltar law has required them to be wound up or converted into companies. It also removes certain transitional provisions that are no longer relevant.

Gibraltar legislation can be obtained from www.gibraltarlaws.gov.gi.

⁽¹⁶⁾ Gibraltar Principal Act 2009-18.

⁽¹⁷⁾ Relevant amendments to Schedule 6 were made by S.I. 2004/366 and S.I. 2009/185.

⁽¹⁸⁾ Schedule 6A was inserted by section 61(5) of the Electoral Administration Act 2006 (c. 22); relevant amendments to Schedule 6A were made by S.I. 2009/185.

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Draft Legislation: *This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The European Parliamentary Elections (Miscellaneous Provisions) (United Kingdom and Gibraltar) Order 2015 No. 1982*

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.