

*Status: Point in time view as at 01/02/2016.*

*Changes to legislation: There are currently no known outstanding effects for the European Union Referendum Act 2015, Cross Heading: Expenses incurred by persons acting in concert. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

#### CAMPAIGNING AND FINANCIAL CONTROLS

##### *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).
- (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;

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- (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

**II** 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)”.
- (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

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- (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**

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

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