

European Union Referendum Act 2015

CHAPTER 36

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CHAPTER 36

CONTENTS

The referendum

1 The referendum
2 Entitlement to vote in the referendum
3 Further provision about the referendum
4 Conduct regulations, etc
5 Gibraltar
6 Duty to publish information on outcome of negotiations between member States
7 Duty to publish information about membership of the European Union etc
8 Power to modify section 125 of the 2000 Act

Supplemental

9 Regulations
10 Financial provisions
11 Definitions

Final provisions

12 Extent
13 Commencement
14 Short title

Schedule 1 — Campaigning and financial controls
Schedule 2 — Control of loans etc to permitted participants
Schedule 3 — Further provision about the referendum



European Union Referendum Act 2015

2015 CHAPTER 36

An Act to make provision for the holding of a referendum in the United Kingdom and Gibraltar on whether the United Kingdom should remain a member of the European Union. [17th December 2015]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

The referendum

1 The referendum

(1) A referendum is to be held on whether the United Kingdom should remain a member of the European Union.

(2) The Secretary of State must, by regulations, appoint the day on which the referendum is to be held.

(3) The day appointed under subsection (2)—
  (a) must be no later than 31 December 2017,
  (b) must not be 5 May 2016, and
  (c) must not be 4 May 2017.

(4) The question that is to appear on the ballot papers is—
  "Should the United Kingdom remain a member of the European Union or leave the European Union?"

(5) The alternative answers to that question that are to appear on the ballot papers are—
  "Remain a member of the European Union
  Leave the European Union".

(6) In Wales, there must also appear on the ballot papers—

(a) the following Welsh version of the question—

"*A ddylai'r Deyrnas Unedig aros yn aelod o'r Undeb Ewropeaidd neu adael yr Undeb Ewropeaidd?*", and

(b) the following Welsh versions of the alternative answers—

"Aros yn aelod o'r Undeb Ewropeaidd
Gadael yr Undeb Ewropeaidd".

2 Entitlement to vote in the referendum

(1) Those entitled to vote in the referendum are—

(a) the persons who, on the date of the referendum, would be entitled to vote as electors at a parliamentary election in any constituency,

(b) the persons who, on that date, are disqualified by reason of being peers from voting as electors at parliamentary elections but—

(i) would be entitled to vote as electors at a local government election in any electoral area in Great Britain,

(ii) would be entitled to vote as electors at a local election in any district electoral area in Northern Ireland, or

(iii) would be entitled to vote as electors at a European Parliamentary election in any electoral region by virtue of section 3 of the Representation of the People Act 1985 (peers resident outside the United Kingdom), and

(c) the persons who, on the date of the referendum—

(i) would be entitled to vote in Gibraltar as electors at a European Parliamentary election in the combined electoral region in which Gibraltar is comprised, and

(ii) fall within subsection (2).

(2) A person falls within this subsection if the person is either—

(a) a Commonwealth citizen, or

(b) a citizen of the Republic of Ireland.

(3) In subsection (1)(b)(i) "local government election" includes a municipal election in the City of London (that is, an election to the office of mayor, alderman, common councilman or sheriff and also the election of any officer elected by the mayor, aldermen and liverymen in common hall).

3 Further provision about the referendum

Part 7 of the 2000 Act (general provision about referendums) applies to the referendum but see also—

(a) Schedules 1 and 2 (which make, in relation to the referendum, further provision about campaigning and financial controls, including provision modifying Part 7 of the 2000 Act), and

(b) Schedule 3 (which makes further provision about the referendum, including provision modifying Part 7 of the 2000 Act).

4 Conduct regulations, etc

(1) The Minister may by regulations—

(a) make provision about voting in the referendum and otherwise about the conduct of the referendum, which may include provision

corresponding to any provision of Schedules 2 and 3 to the 2011 Act (with or without modifications);

(b) apply for the purposes of the referendum, with or without modifications—

(i) any provision of the 1983 Act, or

(ii) any other enactment relating to elections or referendums,

including provisions creating offences;

(c) further modify the 2000 Act for the purposes of the referendum;

(d) modify or exclude any provision of any other enactment (other than this Act) that applies to the referendum.

(2) The Minister may by regulations make provision for and in connection with the combination of the poll for the referendum with any one or more of the following—

(a) the poll for any election specified in the regulations;

(b) the poll for any other referendum specified in the regulations.

Regulations under this subsection may amend or modify any enactment (but may not alter the date of the poll for any such election or other referendum).

(3) The reference in subsection (2) to any enactment includes—

(a) the definition of "counting officer" in section 11(1),

(b) section 11(2), and

(c) Schedule 3,

but does not include any other provision of this Act.

(4) The Minister may by regulations make such amendments or modifications of this Act or any other enactment as appear to the Minister to be necessary because the referendum is to be held in Gibraltar as well as the United Kingdom.

(5) Regulations under this section may, in particular—

(a) make provision for disregarding alterations in a register of electors;

(b) make provision extending or applying to (or extending or applying only to) Gibraltar or any part of the United Kingdom;

(c) make different provision for different purposes.

(6) Before making any regulations under this section, the Minister must consult the Electoral Commission.

(7) Consultation carried out before the commencement of this section is as effective for the purposes of subsection (6) as consultation carried out after that commencement.

5 Gibraltar

(1) Regulations under section 4 which extend to Gibraltar may extend and apply to Gibraltar, with or without modifications, any enactment relating to referendums or elections that applies in any part of the United Kingdom.

(2) The capacity (apart from this Act) of the Gibraltar legislature to make law for Gibraltar is not affected by the existence of—

(a) section 4, or

(b) anything in any other provision of this Act which enables particular provision to be made under section 4,

and in this Act "Gibraltar conduct law" means any provision of law made in and for Gibraltar which corresponds to any provision that has been or could be made for any part of the United Kingdom by regulations under section 4.

(3) Subsection (2) does not affect the operation of the Colonial Laws Validity Act 1865 in relation to Gibraltar conduct law.

6 Duty to publish information on outcome of negotiations between member States

(1) The Secretary of State must publish a report which contains (alone or with other material)—

(a) a statement setting out what has been agreed by member States following negotiations relating to the United Kingdom's request for reforms to address concerns over its membership of the European Union, and

(b) the opinion of the Government of the United Kingdom on what has been agreed.

(2) The report must be published before the beginning of the final 10 week period.

(3) In this section "the final 10 week period" means the period of 10 weeks ending with the date of the referendum.

(4) A copy of the report published under this section must be laid before Parliament by the Secretary of State.

7 Duty to publish information about membership of the European Union etc

(1) The Secretary of State must publish a report which contains (alone or with other material)—

(a) information about rights, and obligations, that arise under European Union law as a result of the United Kingdom's membership of the European Union, and

(b) examples of countries that do not have membership of the European Union but do have other arrangements with the European Union (describing, in the case of each country given as an example, those arrangements).

(2) The report must be published before the beginning of the final 10 week period.

(3) In this section "the final 10 week period" means the period of 10 weeks ending with the date of the referendum.

(4) A copy of the report published under this section must be laid before Parliament by the Secretary of State.

8 Power to modify section 125 of the 2000 Act

(1) In this section—

(a) "section 125" means section 125 of the 2000 Act (restriction on publication etc of promotional material by central and local government etc), as modified by paragraph 38 of Schedule 1, and

(b) "section 125(2)" means subsection (2) of section 125 (which prevents material to which section 125 applies from being published by or on

behalf of certain persons and bodies during the 28 days ending with the date of the poll).

(2) The Minister may by regulations make provision modifying section 125, for the purposes of the referendum, so as to exclude from section 125(2) cases where—

(a) material is published—

(i) in a prescribed way, or

(ii) by a communication of a prescribed kind, and

(b) such other conditions as may be prescribed are met.

(3) The communications that may be prescribed under subsection (2)(a)(ii) include, in particular, oral communications and communications with the media.

(4) Before making any regulations under this section, the Minister must consult the Electoral Commission.

(5) Consultation carried out before the commencement of this section is as effective for the purposes of subsection (4) as consultation carried out after that commencement.

(6) Any regulations under subsection (2) must be made not less than 4 months before the date of the referendum.

(7) In this section—

"prescribed" means prescribed by the regulations;

"publish" has the same meaning as in section 125.

(8) This section does not affect the generality of section 4(1)(c).

Supplemental

9 Regulations

(1) Any power under this Act to make regulations, apart from the power of the Electoral Commission under paragraph 16(10) of Schedule 3, is exercisable by statutory instrument.

(2) Subject to subsection (3), a statutory instrument containing regulations under this Act may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

(3) Subsection (2) does not apply to a statutory instrument containing only regulations within subsection (4).

(4) Regulations within this subsection are any of the following—

(a) regulations under section 13;

(b) regulations made by the Minister under paragraph 16 of Schedule 3.

(5) Regulations under this Act, other than regulations under section 13 or paragraph 16 of Schedule 3, may contain supplemental, consequential, incidental, transitional or saving provision.

(6) Section 26 of the Welsh Language Act 1993 (power to prescribe Welsh forms) applies in relation to regulations under this Act as it applies in relation to Acts of Parliament.

10 Financial provisions

(1) The following are to be paid out of money provided by Parliament—

(a) expenditure incurred under this Act by the Minister;

(b) any increase attributable to this Act in the sums payable under any other Act out of money so provided.

(2) There is to be paid into the Consolidated Fund any increase attributable to this Act in the sums payable into that Fund under any other Act.

11 Definitions

(1) In this Act—

"the 1983 Act" means the Representation of the People Act 1983;

"the 2000 Act" means the Political Parties, Elections and Referendums Act 2000;

"the 2011 Act" means the Parliamentary Voting System and Constituencies Act 2011;

"body", without more, means a body corporate or any combination of persons or other unincorporated association;

"Chief Counting Officer" means the Chief Counting Officer for the referendum (see section 128(2) of the 2000 Act);

"conduct regulations" means regulations under section 4(1)(a);

"counting officer" has the meaning given by paragraph 3 of Schedule 3;

"designated organisation" means a person or body designated under section 108 of the 2000 Act (designation of organisations to whom assistance is available) in respect of the referendum;

"document" means a document in whatever form;

"enactment" includes—

(a) any provision of an Act,

(b) any provision of, or of any instrument made under, an Act of the Scottish Parliament,

(c) any provision of, or of any instrument made under, Northern Ireland legislation, and

(d) any provision of subordinate legislation (within the meaning of the Interpretation Act 1978);

"Gibraltar conduct law" has the meaning given by section 5(2);

"the Gibraltar standard scale" means the standard scale set out in Part A of Schedule 9 to the Criminal Procedure and Evidence Act;

"the Minister" means the Secretary of State or the Chancellor of the Duchy of Lancaster;

"permitted participant" means a person who, in relation to the referendum, is a permitted participant within the meaning given by section 105(1) of the 2000 Act (as modified by paragraph 2 of Schedule 1);

"the referendum" means the referendum under section 1;

"referendum expenses" has the meaning given by section 111 of the 2000 Act (see also paragraph 19 of Schedule 1);

"the referendum period" has the meaning given by paragraph 1 of Schedule 1;

"Regional Counting Officer" means an officer appointed under paragraph 5(1) of Schedule 3;

"registered party" and "minor party" have the same meaning as in the 2000 Act (see section 160(1) of that Act);

"registration officer" has the meaning given by section 8 of the 1983 Act;

"responsible person", in relation to a permitted participant, means the responsible person within the meaning given by section 105(2) of the 2000 Act (as modified by paragraph 5 of Schedule 1);

"voting area" has the meaning given by subsection (2).

(2) Each of the following, as it exists on the day of the referendum, is a "voting area" for the purposes of this Act—

(a) a district in England for which there is a district council;
(b) a county in England in which there are no districts with councils;
(c) a London borough;
(d) the City of London (including the Inner and Middle Temples);
(e) the Isles of Scilly;
(f) a county or county borough in Wales;
(g) a local government area in Scotland;
(h) Northern Ireland;
(i) Gibraltar.

(3) References in this Act to a named Act (with no date) are to the Gibraltar Act of that name.

Final provisions

12 Extent

(1) This Act extends to the whole of the United Kingdom and to Gibraltar.

(2) For the purposes of the referendum, Part 7 of the 2000 Act (whose extent is set out in section 163 of that Act) extends also to Gibraltar.

13 Commencement

(1) The following provisions come into force on the day on which this Act is passed—

sections 9 to 12;

this section;

section 14.

(2) The remaining provisions of this Act come into force on such day as the Minister may by regulations appoint.

(3) Different days may be appointed for different purposes.

14 Short title

This Act may be cited as the European Union Referendum Act 2015.

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.

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."

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.

(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)."

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.

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)".

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

(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.

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.

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.

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

(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.

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.

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.

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

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).

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".

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.

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.

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.

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".

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).

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.

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.

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;

(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.

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

(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."

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)".

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".

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.

(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).

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—

(a) the name of the body; and

(b) the address of its main office in the United Kingdom."

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 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).

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.

In this sub-paragraph "designated organisation" has the meaning given by section 110(5).

(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."

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;".

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)".

(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."

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"."

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."

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.

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."

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."

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;
(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.

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".

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—

(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 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.

(12) The reference in sub-paragraph (11)(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.

(13) In this paragraph—

(a) "electoral register" means—

(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.

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 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 sub-paragraph (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.

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.

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 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.

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.

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.

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."

SCHEDULE 2

Section 3

CONTROL OF LOANS ETC TO PERMITTED PARTICIPANTS

Control of loans etc to permitted participants

1 For the purposes of the referendum, the 2000 Act has effect as if after Schedule 15 (in Part 7 of that Act) there were inserted—

"SCHEDULE 15A

CONTROL OF LOANS ETC TO CERTAIN PERMITTED PARTICIPANTS

PART 1

INTRODUCTORY

Introductory

1 (1) This Schedule has effect for controlling regulated transactions entered into by permitted participants that either are not registered parties or are minor parties.

(2) Accordingly, in the following provisions of this Schedule references to permitted participants do not include a permitted participant which is a registered party other than a minor party.

(3) In this Schedule—

"connected transaction" has the meaning given by paragraph 2(9);

"credit facility" has the meaning given by paragraph 2(11);

"non-qualifying person" means a person who is not a qualifying person;

"qualifying person" has the meaning given by paragraph 4(2);

"regulated transaction" has the meaning given by paragraph 2.

Regulated transactions

2 (1) An agreement between a permitted participant and another person by which the other person makes a loan of money to the permitted participant is a regulated transaction if the use condition is satisfied.

(2) An agreement between a permitted participant and another person by which the other person provides a credit facility to the permitted participant is a regulated transaction if the use condition is satisfied.

(3) Where—

(a) a permitted participant and another person ("A") enter into a regulated transaction of a description mentioned in sub-paragraph (1) or (2), or a transaction under which any property, services or facilities are provided for the use or benefit of the permitted participant (including the services of any person),

(b) A also enters into an arrangement whereby another person ("B") gives any form of security (whether real or personal) for a sum owed to A by the permitted participant under the transaction mentioned in paragraph (a), and

(c) the use condition is satisfied,

the arrangement mentioned in paragraph (b) is a regulated transaction.

(4) An agreement or arrangement is also a regulated transaction if—

(a) the terms of the agreement or arrangement as first entered into do not constitute a regulated transaction by virtue of sub-paragraph (1), (2) or (3), but

(b) the terms are subsequently varied in such a way that the agreement or arrangement becomes a regulated transaction.

(5) "The use condition" is that the permitted participant intends at the time of entering into a transaction mentioned in sub-paragraph (1), (2) or (3)(a) to use any money or benefit obtained in consequence of the transaction for meeting referendum expenses incurred by or on behalf of the permitted participant.

(6) For the purposes of sub-paragraph (5), it is immaterial that only part of the money or benefit is intended to be used for meeting referendum expenses incurred by or on behalf of the permitted participant.

(7) References in sub-paragraphs (1) and (2) to a permitted participant include references to an officer, member, trustee or agent of the permitted participant if that person makes the agreement as such.

(8) References in sub-paragraph (3) to a permitted participant include references to an officer, member, trustee or agent of the permitted participant if the property, services or facilities are provided to that person as such, or the sum is owed by that person as such.

(9) A reference in this Schedule to a connected transaction is a reference to the arrangement mentioned in sub-paragraph (3)(b).

(10) In this paragraph a reference to anything being done by or in relation to a permitted participant or a person includes a reference to its being done directly or indirectly through a third person.

(11) A "credit facility" is an agreement whereby a permitted participant is enabled to receive from time to time from another party to the agreement a loan of money not exceeding such amount (taking account of any repayments made by the permitted participant) as is specified in or determined in accordance with the agreement.

(12) An agreement or arrangement is not a regulated transaction—

(a) to the extent that a payment made in pursuance of the agreement or arrangement falls, by virtue of paragraph 9 of Schedule 15, to be included in a return under section 120 (or would do so but for section 120A), or

(b) if its value is not more than £500.

Valuation of regulated transaction

3 (1) The value of a regulated transaction which is a loan is the value of the total amount to be lent under the loan agreement.

(2) The value of a regulated transaction which is a credit facility is the maximum amount which may be borrowed under the agreement for the facility.

(3) The value of a regulated transaction which is an arrangement by which any form of security is given is the contingent liability under the security provided.

(4) For the purposes of sub-paragraphs (1) and (2), no account is to be taken of the effect of any provision contained in a loan agreement or an agreement for a credit facility at the time it is entered into which enables outstanding interest to be added to any sum for the time being owed in respect of the loan or credit facility, whether or not any such interest has been so added.

PART 2

CONTROLS ON REGULATED TRANSACTIONS

Regulated transactions with non-qualifying persons

4 (1) A permitted participant must not—

(a) be a party to a regulated transaction to which a person who is not a qualifying person is also a party;
(b) derive a benefit in consequence of a connected transaction if any of the parties to that transaction is not a qualifying person.

(2) In this Schedule, "qualifying person" means—
(a) a permissible donor falling within section 54(2) (but see sub-paragraph (3));
(b) a Gibraltar elector;
(c) any body falling within any of paragraphs (b) to (g) of section 54(2A);
(d) a body incorporated by Royal Charter which does not fall within section 54(2);
(e) 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;
(f) 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);
(g) a partnership constituted under the law of Scotland which carries on business in the United Kingdom.

(3) In relation to transactions entered into by a permitted participant other than a designated organisation, references in this Schedule to a qualifying person do not include—
(a) a registered party, or
(b) a political party which is not a registered party but is established in Gibraltar,
and sub-paragraph (2)(a) and (c) have effect subject to this sub-paragraph.

(4) In this paragraph "designated organisation" has the meaning given by section 110(5).

Effect of transaction with non-qualifying person

5 (1) This paragraph applies if a permitted participant is a party to a regulated transaction to which a non-qualifying person is also a party.

(2) The transaction is void.

(3) Despite sub-paragraph (2)—
(a) any money received by the permitted participant by virtue of the transaction must be repaid by the responsible person to the person from whom it was received, along with interest at the rate referred to in section 71I(3)(a);
(b) the person from whom it was received is entitled to recover the money, along with such interest.

(4) If—
(a) the money is not (for whatever reason) repaid as mentioned in sub-paragraph (3)(a), or

(b) the person entitled to recover the money refuses or fails to do so,

the Commission may apply to the court to make such order as it thinks fit to restore (so far as is possible) the parties to the transaction to the position they would have been in if the transaction had not been entered into.

(5) An order under sub-paragraph (4) may in particular—

(a) where the transaction is a loan or credit facility, require that any amount owed by the permitted participant be repaid (and that no further sums be advanced under it);

(b) where any form of security is given for a sum owed under the transaction, require that security to be discharged.

(6) In the case of a regulated transaction where a party other than a permitted participant—

(a) at the time the permitted participant enters into the transaction, is a qualifying person, but

(b) subsequently, for whatever reason, ceases to be a qualifying person,

the transaction is void and sub-paragraphs (3) to (5) apply with effect from the time when the other party ceased to be a qualifying person.

Guarantees and securities involving non-qualifying persons

6 (1) This paragraph applies if—

(a) a permitted participant and another person ("A") enter into a transaction of a description mentioned in paragraph 2(3)(a),

(b) A is party to a regulated transaction of a description mentioned in paragraph 2(3)(b) ("the connected transaction") with another person ("B"), and

(c) B is not a qualifying person.

(2) Paragraph 5(2) to (5) applies to the transaction mentioned in sub-paragraph (1)(a).

(3) The connected transaction is void.

(4) Sub-paragraph (5) applies if (but only if) A is unable to recover from the permitted participant the whole of the money mentioned in paragraph 5(3)(a) (as applied by sub-paragraph (2) above), along with such interest as is there mentioned.

(5) Despite sub-paragraph (3), A is entitled to recover from B any part of that money (and such interest) that is not recovered from the permitted participant.

(6) Sub-paragraph (5) does not entitle A to recover more than the contingent liability under the security provided by virtue of the connected transaction.

(7) In the case of a connected transaction where B—

(a) at the time A enters into the transaction, is a qualifying person, but

(b) subsequently, for whatever reason, ceases to be a qualifying person,

sub-paragraphs (2) to (6) apply with effect from the time when B ceased to be a qualifying person.

(8) If the transaction mentioned in paragraph 2(3)(a) is not a regulated transaction of a description mentioned in paragraph 2(1) or (2), references in this paragraph and paragraph 5(2) to (5) (as applied by sub-paragraph (2) above) to the repayment or recovery of money are to be construed as references to (as the case may be)—

(a) the return or recovery of any property provided under the transaction,

(b) to the extent that such property is incapable of being returned or recovered or its market value has diminished since the time the transaction was entered into, the repayment or recovery of the market value at that time, or

(c) the repayment or recovery of the market value (at that time) of any facilities or services provided under the transaction.

Transfer to non-qualifying person

7 If a qualifying person purports to transfer the person's interest in a regulated transaction to a non-qualifying person, the purported transfer is of no effect.

PART 3

OFFENCES

Offences of knowingly entering into certain transactions

8 (1) An individual who is a permitted participant commits an offence if—

(a) the individual enters into a regulated transaction of a description mentioned in paragraph 2(1) or (2) to which a non-qualifying person is also a party, and

(b) the individual knew or ought reasonably to have known of the matters mentioned in paragraph (a).

(2) A permitted participant that is not an individual commits an offence if—

(a) it enters into a regulated transaction of a description mentioned in paragraph 2(1) or (2) to which a non-qualifying person is also a party, and

(b) an officer of the permitted participant knew or ought reasonably to have known of the matters mentioned in paragraph (a).

(3) A person who is the responsible person in relation to a permitted participant that is not an individual commits an offence if—

(a) the permitted participant enters into a regulated transaction of a description mentioned in paragraph 2(1) or (2) to which a non-qualifying person is also a party, and

(b) the responsible person knew or ought reasonably to have known of the matters mentioned in paragraph (a).

(4) It is a defence for a person charged with an offence under sub-paragraph (3) to prove that the person took all reasonable steps to prevent the permitted participant from entering into the transaction.

Offences of failing to act on finding that transaction was not permitted

9 (1) An individual who is a permitted participant commits an offence if—

(a) the individual has entered into a regulated transaction of a description mentioned in paragraph 2(1) or (2) to which a non-qualifying person is also a party,

(b) the individual neither knew nor ought reasonably to have known that the other party is a non-qualifying person,

(c) the individual comes to know of the matters mentioned in paragraph (a), and

(d) the individual does not take, as soon as practicable after coming to know of those matters, all reasonable steps to repay any money which he or she has received by virtue of the transaction.

(2) A permitted participant that is not an individual commits an offence if—

(a) it has entered into a regulated transaction of a description mentioned in paragraph 2(1) or (2) to which a non-qualifying person is also a party,

(b) no officer of the permitted participant knew or ought reasonably to have known that the other party is a non-qualifying person,

(c) the responsible person comes to know of the matters mentioned in paragraph (a), and

(d) the responsible person does not take, as soon as practicable after coming to know of those matters, all reasonable steps to repay any money which the permitted participant has received by virtue of the transaction.

(3) A person who is the responsible person in relation to a permitted participant that is not an individual commits an offence if—

(a) the permitted participant has entered into a regulated transaction of a description mentioned in paragraph 2(1) or (2) to which a non-qualifying person is also a party,

(b) paragraph 8(3)(b) does not apply to the responsible person,

(c) the responsible person comes to know of the matters mentioned in paragraph (a), and

(d) the responsible person does not take, as soon as practicable after coming to know of those matters, all reasonable steps to repay any money which the permitted participant has received by virtue of the transaction.

Offences of benefiting from certain connected transactions

10 (1) An individual who is a permitted participant commits an offence if—

(a) the individual benefits from, or falls to benefit in consequence of, a connected transaction to which a non-qualifying person is a party, and

(b) the individual knew or ought reasonably to have known of the matters mentioned in paragraph (a).

(2) A permitted participant that is not an individual commits an offence if—

(a) it benefits from, or falls to benefit in consequence of, a connected transaction to which a non-qualifying person is a party, and

(b) an officer of the permitted participant knew or ought reasonably to have known of the matters mentioned in paragraph (a).

(3) A person who is the responsible person in relation to a permitted participant that is not an individual commits an offence if—

(a) the permitted participant benefits from, or falls to benefit in consequence of, a connected transaction to which a non-qualifying person is a party, and

(b) the person knew or ought reasonably to have known of the matters mentioned in paragraph (a).

(4) It is a defence for a person charged with an offence under sub-paragraph (3) to prove that the person took all reasonable steps to prevent the permitted participant from benefiting in consequence of the connected transaction.

Offences of failing to act on finding connected transaction was not permitted

11 (1) An individual who is a permitted participant commits an offence if—

(a) the individual is a party to a transaction of a description mentioned in paragraph 2(3)(a),

(b) the individual benefits from, or falls to benefit in consequence of, a connected transaction to which a non-qualifying person is a party,

(c) the individual neither knew nor ought reasonably to have known of the matters mentioned in paragraphs (a) and (b),

(d) the individual comes to know of those matters, and

(e) the individual does not take, as soon as practicable after coming to know of those matters, all reasonable steps to pay to any person who has provided the individual with any benefit in consequence of the connected transaction the value of the benefit.

(2) A permitted participant that is not an individual commits an offence if—

(a) it is a party to a transaction of a description mentioned in paragraph 2(3)(a),

(b) it benefits from, or falls to benefit in consequence of, a connected transaction to which a non-qualifying person is a party,

(c) no officer of the permitted participant knew or ought reasonably to have known of the matters mentioned in paragraphs (a) and (b),

(d) the responsible person comes to know of those matters, and

(e) the responsible person does not take, as soon as practicable after coming to know of those matters, all reasonable steps to pay to any person who has provided the permitted participant with any benefit in consequence of the connected transaction the value of the benefit.

(3) A person who is the responsible person in relation to a permitted participant that is not an individual commits an offence if—

(a) the permitted participant is a party to a transaction of a description mentioned in paragraph 2(3)(a),

(b) the permitted participant benefits from, or falls to benefit in consequence of, a connected transaction to which a non-qualifying person is a party,

(c) paragraph 10(3)(b) does not apply to the person,

(d) the responsible person comes to know of the matters mentioned in paragraphs (a) and (b), and

(e) the responsible person does not take, as soon as practicable after coming to know of those matters, all reasonable steps to pay to any person who has provided the permitted participant with any benefit in consequence of the connected transaction the value of the benefit.

Arrangements facilitating transactions with non-qualifying persons

12 A person commits an offence if the person—

(a) knowingly enters into, or

(b) knowingly does any act in furtherance of,

any arrangement which facilitates or is likely to facilitate, whether by means of concealment or disguise or otherwise, the participation by a permitted participant in a regulated transaction with a non-qualifying person.

Offences: interpretation

13 (1) A reference in this Part of this Schedule to a permitted participant entering into a regulated transaction includes a reference to any circumstances in which the terms of a regulated transaction are varied so as to increase the amount of money to which the permitted participant is entitled in consequence of the transaction.

(2) A reference in paragraph 8 or 9 to entering into a regulated transaction of a description mentioned in paragraph 2(1) or (2) to which a non-qualifying person is also a party includes receiving an amount of money under a regulated transaction of a description mentioned in paragraph 2(1) or (2) at a time when a person who is also a party to the transaction (and who was a

qualifying person when the transaction was entered into) has ceased to be a qualifying person.

(3) It is a defence for a person charged with an offence under paragraph 8 by virtue of sub-paragraph (2) to prove that the person took all reasonable steps, as soon as practicable, to repay the money received as mentioned in sub-paragraph (2).

(4) Where a person is charged with an offence under paragraph 8(3) by virtue of sub-paragraph (2), paragraph 8(4) does not apply.

(5) In relation to a case where paragraph 9(1)(a) to (c), (2)(a) to (c) or (3)(a) to (c) apply by reason of sub-paragraph (2), the reference in paragraph 9(1)(d), (2)(d) or (3)(d) to any money received by virtue of the transaction is to be read as a reference to any money so received after the party in question ceased to be a qualifying person.

Penalties

14 (1) A person guilty of an offence under paragraph 8(1) or (2), 9(1), 10(1) or (2) or 11(1) is liable—

(a) on conviction on indictment, to a fine;

(b) on summary conviction in England and Wales, to a fine;

(c) on summary conviction in Scotland or Northern Ireland, to a fine not exceeding the statutory maximum;

(d) on summary conviction in Gibraltar, to a fine not exceeding level 5 on the Gibraltar standard scale.

(2) A person guilty of an offence under paragraph 8(3), 9(2) or (3), 10(3), 11(2) or (3) or 12 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.

(3) The reference in sub-paragraph (2)(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.

(4) In this paragraph "the Gibraltar standard scale" means the standard scale set out in Part A of Schedule 9 to the Criminal Procedure and Evidence Act.

PART 4

REPORTING OF REGULATED TRANSACTIONS

Statement of regulated transactions

15 (1) The responsible person in relation to a permitted participant must include in any return required to be prepared under section 120 a statement of regulated transactions entered into by the permitted participant.

(2) The statement must comply with paragraphs 16 to 20.

(3) For the purposes of those paragraphs a regulated transaction is a "recordable transaction"—

(a) if the value of the transaction is more than £7,500, or

(b) if the aggregate value of it and any other relevant benefit or benefits is more than that amount.

In paragraph (b) "relevant benefit" means any relevant donation (within the meaning of Schedule 15) or regulated transaction made by, or entered into with, the person with whom the regulated transaction was entered into.

Information about qualifying persons

16 (1) The statement must record, in relation to each recordable transaction to which a qualifying person was a party—

(a) the information about the qualifying person which is, in connection with transactions entered into by registered parties, required to be recorded in transaction reports by virtue of paragraph 2 of Schedule 6A (reading references in that paragraph to an authorised participant as references to a qualifying person who is a party to the transaction), or

(b) where the qualifying person is within any of paragraphs (d) to (g) of paragraph 4(2), the information mentioned in sub-paragraph (2) below.

(2) The information referred to in sub-paragraph (1)(b) is—

(a) where the qualifying person is a body within paragraph 4(2)(d) (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 qualifying person is a body within paragraph 4(2)(e) or (f) (charitable incorporated organisation)—

(i) the name of the body, and

(ii) the address of its principal office;

(c) where the qualifying person is a body within paragraph 4(2)(g) (Scottish partnership)—

(i) the name of the body, and

(ii) the address of its main office in the United Kingdom.

(3) In sub-paragraph (1), the reference to paragraph 2 of Schedule 6A is to be taken as a reference to that paragraph without the modifications of that paragraph made by Schedule 2 to the European Union Referendum Act 2015.

Information about non-qualifying persons

17 The statement must record, in relation to each recordable transaction to which a non-qualifying person was a party—

(a) the name and address of the person;

(b) the date when and the manner in which sub-paragraphs (3) to (5) of paragraph 5, or those sub-paragraphs as applied by paragraph 5(6) or 6(2), were complied with.

Details of transaction

18 (1) The statement must record, in relation to each recordable transaction, the information about the transaction which is, in connection with transactions entered into by registered parties, required to be recorded in transaction reports by virtue of paragraph 5(2), (3) and (4) of Schedule 6A (read with the modifications mentioned in sub-paragraph (2) and any other necessary modifications).

(2) In relation to the statement—

(a) paragraph 5(4) of Schedule 6A has effect as if the reference to the relevant date for the transaction determined in accordance with paragraph 8 of that Schedule were a reference to the relevant date for the transaction determined in accordance with paragraph 8(1) of that Schedule, and

(b) paragraph 8(1) of that Schedule has effect as if—

(i) the reference to a quarterly report were a reference to the statement,

(ii) the reference to section 71M(4)(a) or (7)(a) were a reference to paragraph 15(3)(a) of this Schedule, and

(iii) the reference to section 71M(4)(b) or (7)(b) were a reference to paragraph 15(3)(b) of this Schedule.

(3) The statement must record, in relation to each recordable transaction of a description mentioned in paragraph 2(1) or (2) above, the information about the transaction which is, in connection with transactions entered into by registered parties, required to be recorded in transaction reports by virtue of paragraph 6 of Schedule 6A.

(4) The statement must record, in relation to each recordable transaction of a description mentioned in paragraph 2(3)(b) above, the information about the transaction which is, in connection with transactions entered into by registered parties, required to be recorded in transaction reports by virtue of paragraph 7(2)(b), (3) and (4) of Schedule 6A.

Changes

19 (1) Where another qualifying person has become a party to a regulated transaction (whether in place of or in addition to any existing party), or there has been any other change in any of the information that is required by paragraphs 16 to 18 to be included in the statement, the statement must record—

(a) the information as it was both before and after the change;

(b) the date of the change.

(2) Where a recordable transaction has come to an end, the statement must—

(a) record that fact;

(b) record the date when it happened;

(c) in the case of a loan, state how the loan has come to an end.

(3) For the purposes of sub-paragraph (2), a loan comes to an end if—

(a) the whole debt (or all the remaining debt) is repaid;

(b) the creditor releases the whole debt.

Total value of non-recordable transactions

20 The statement must record the total value of any regulated transactions that are not recordable transactions.

PART 5

SUPPLEMENTAL

Non-disclosure with intent to conceal

21 (1) This paragraph applies where, on an application made by the Commission, the court is satisfied that any failure to comply with a requirement of Part 4 of this Schedule in relation to—

(a) any transaction entered into by the permitted participant, or

(b) any change made to a transaction to which the permitted participant is a party,

was attributable to an intention on the part of any person to conceal the existence or true value of the transaction.

(2) The court may make such order as it thinks fit to restore (so far as is possible) the parties to the transaction to the position they would have been in if the transaction had not been entered into.

(3) An order under this paragraph may in particular—

(a) where the transaction is a loan or credit facility, require that any amount owed by the permitted participant be repaid (and that no further sums be advanced under it);

(b) where any form of security is given for a sum owed under the transaction, or the transaction is an arrangement by which any form of security is given, require that the security be discharged.

Proceedings under paragraphs 5 and 21

22 (1) This paragraph has effect in relation to proceedings on an application under paragraph 5(4) or 21.

(2) The court referred to in paragraphs 5(4) and 21 is—

(a) in England and Wales or Northern Ireland, the county court;

(b) in Gibraltar, the Gibraltar court.

In Scotland, the court is the sheriff and the proceedings are civil proceedings.

(3) The standard of proof is that applicable to civil proceedings.

(4) An order may be made whether or not proceedings are brought against any person for an offence under this Schedule or section 123.

(5) An appeal against an order made by the sheriff may be made to the Court of Session.

(6) Rules of court in any part of the United Kingdom may make provision—

(a) with respect to applications or appeals from proceedings on such applications;

(b) for the giving of notice of such applications or appeals to persons affected;

(c) for the joinder, or in Scotland sisting, of such persons as parties;

(d) generally with respect to procedure in such applications or appeals.

(7) Sub-paragraph (6) does not affect any existing power to make rules.

Interpretation of provisions relating to reporting of transactions

23 For the purposes of any provision of this Schedule relating to the reporting of transactions, anything required to be done by a permitted participant in consequence of the participant's being a party to a regulated transaction must also be done by the participant, if the participant is a party to a transaction of a description mentioned in paragraph 2(3)(a), as if the participant were a party to the connected transaction."

Further modifications of 2000 Act relating to loans etc

2 (1) Section 120 of the 2000 Act (returns in respect of referendum expenses and donations) has effect in relation to the referendum as if at the end of subsection (2)(d) there were inserted "and a statement of regulated transactions entered into in respect of the referendum which complies with the requirements of paragraphs 16 to 20 of Schedule 15A".

(2) Section 123 of the 2000 Act (declaration of responsible person as to return under section 120) has effect in relation to the referendum as if after

subsection (3) (as modified by Schedule 1) there were inserted—

"(3A) 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 regulated transactions recorded in the return as having been entered into by the permitted participant—

(a) state that none of the transactions was made void by paragraph 5(2) or (6) or 6(3) of Schedule 15A, or

(b) state whether or not paragraph 5(3)(a) of that Schedule was complied with in the case of each of the transactions that was made void by paragraph 5(2) or (6) of that Schedule."

(3) Section 124 of the 2000 Act (public inspection of returns under section 120) has effect in relation to the referendum as if after subsection (2) there were inserted—

"(2A) If the return contains a statement of regulated transactions in accordance with section 120(2)(d), the Commission shall secure that the copy of the statement made available for public inspection does not include, in the case of a transaction entered into by the permitted participant with an individual, the individual's address."

(4) For the purposes of the referendum, the following provisions of Schedule 15 to the 2000 Act are to be treated as omitted—

(a) paragraph 2(1)(d),

(b) in paragraph 2(3)—

(i) paragraph (a), and

(ii) the words "the loan or", and

(c) in paragraph 5(4)—

(i) the words "(d) or",

(ii) in paragraph (a) the words "the loan or", and

(iii) paragraph (a)(i).

Accordingly, paragraph 2(3)(b) of that Schedule has effect for the purposes of the referendum as if for "such terms" there were substituted "commercial terms".

(5) Paragraph 10 of Schedule 15 to the 2000 Act, which is modified by paragraph 34 of Schedule 1, also has effect in relation to the referendum as if for paragraph (b) of sub-paragraph (2) there were substituted—

"(b) the value of it and any other relevant benefit or benefits is more than that amount; and "relevant benefit" here means any relevant donation or regulated transaction (within the meaning of Schedule 15A) made by, or entered into with, the person who made the donation."

(6) Paragraph 1 of Schedule 19A to the 2000 Act (requirement to notify Commission of certain political contributions) has effect in relation to the referendum as if—

(a) in sub-paragraph (2) after paragraph (f) there were inserted—

"(fa) it makes a loan of money to a permitted participant, or discharges (to any extent) a liability of a permitted participant, in pursuance of a regulated transaction (within the meaning of Schedule 15A);", and

(b) in sub-paragraph (5)(e) for "sub-paragraph (2)(b) or (d)" there were substituted "sub-paragraph (2)(b), (d) or (fa)".

(7) Schedule 19C to the 2000 Act (civil sanctions), and any order under Part 5 of that Schedule, have effect as if offences under paragraphs 8 to 11 of the Schedule treated as inserted by paragraph 1 above were offences prescribed in an order under that Part.

(8) Nothing in sub-paragraph (6) or (7) (read with section 12) is to be taken to mean that Schedule 19A or 19C of the 2000 Act extends or applies to Gibraltar for the purposes of the referendum.

Transactions entered into before commencement: operation of paragraphs 1 and 2

3 (1) In this paragraph and paragraph 4 "Schedule 15A" means the Schedule treated as inserted by paragraph 1.

(2) The following provisions of Schedule 15A—

(a) paragraphs 1 and 3, and

(b) Parts 4 and 5, except paragraph 17(b),

apply to a relevant varied transaction as they apply to a regulated transaction within the meaning of Schedule 15A.

(3) Accordingly, any reference to a regulated transaction in a provision of the 2000 Act modified by paragraph 2 of this Schedule includes a relevant varied transaction.

(4) For the purposes of this paragraph and paragraph 4 a transaction is a "relevant varied transaction" if—

(a) the transaction was entered into, before or after the commencement of paragraph 1 of this Schedule, by a person who after entering into the transaction became a permitted participant,

(b) the transaction would have been a regulated transaction within the meaning given by paragraph 2 of Schedule 15A if at the time when that person entered into the transaction—

(i) that person had been a permitted participant, and

(ii) the use condition mentioned in paragraph 2(5) of Schedule 15A had been satisfied (if it was not in fact satisfied at the time the transaction was entered into),

(c) at a time after the commencement of paragraph 1 of this Schedule, and after that person became a permitted participant, the terms of that transaction were varied so as to increase the amount of money or benefit to which the permitted participant is entitled in consequence of the transaction, and

(d) at the time of that variation, the permitted participant intends to use any money or benefit obtained in consequence of the transaction for meeting referendum expenses incurred by or on behalf of the permitted participant.

(5) For the purposes of sub-paragraph (4)(d) it is immaterial whether only part of the money or benefit is intended to be used as mentioned there.

(6) In this paragraph "permitted participant" has the same meaning as it has in Schedule 15A (see paragraph 1(2) of that Schedule).

(7) In sub-paragraph (4)—

(a) the reference in paragraph (a) to a person who after entering into the transaction became a permitted participant includes an officer, member, trustee or agent of any such person, and

(b) in relation to a case where such an officer, member, trustee or agent entered into the transaction, the references in paragraphs (b)(i) and (c) to "that person" are to be read as references to the person for whom the person who entered into the agreement is an officer, member, trustee or agent.

4 Parts 2 and 3 of Schedule 15A do not apply to a relevant varied transaction (or to any other transaction which was entered into before the commencement of paragraph 1 of this Schedule or before a party to the transaction became a permitted participant).

Reporting of regulated transactions during referendum period

5 (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 regulated transaction having a value exceeding £7,500 which is entered into by the permitted participant during the period—

(a) the nature of the transaction (that is to say whether it is a loan, a credit facility or an arrangement by which any form of security is given),

(b) the value of the transaction (determined in accordance with paragraph 3 of the Schedule treated as inserted by paragraph 1 above ("Schedule 15A")) or, in the case of a credit facility or security to which no limit is specified, a statement to that effect,

(c) the date when the transaction was entered into by the permitted participant,

(d) the same information about the transaction as would be required by paragraph 18(3) and (4) of Schedule 15A to be recorded in the statement referred to in paragraph 15 of that Schedule,

(e) the information about each qualifying person who is a party to the transaction which is, in connection with recordable transactions entered into by registered parties, required to be recorded in weekly transaction reports by paragraph 3 of Schedule 6A to the 2000 Act (reading references in that paragraph to an authorised participant as references to a qualifying person who is a party to the transaction), and

(f) in relation to a transaction to which a person who is not a qualifying person is a party, the information referred to in paragraph 17 of Schedule 15A.

(4) If during any period no regulated transactions having a value exceeding £7,500 were entered into 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—

(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 regulated transaction entered into with 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 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.

(12) The reference in sub-paragraph (11)(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.

(13) In this paragraph—

(a) "electoral register" means—

(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) the following expressions—

"qualifying person", and

"regulated transaction",

have the same meaning as in the Schedule treated as inserted by paragraph 1, and

(c) references to a regulated transaction entered into by a permitted participant include any transaction entered into at a time before the individual or body concerned became a permitted participant, if the transaction would have been a regulated transaction had the individual or body been a permitted participant at that time.

(14) Paragraph 23 of the Schedule treated as inserted by paragraph 1 applies for the purposes of this paragraph as it applies for the purposes of the provisions of that Schedule relating to the reporting of transactions.

Declaration of responsible person as to reports under paragraph 5

6 (1) Each report delivered under paragraph 5 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 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 sub-paragraph (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.

Public inspection of reports under paragraph 5

7 (1) Where the Electoral Commission receive a report under paragraph 5 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 transaction entered into by the permitted participant with an individual, the individual's address.

(3) At the end of the period of two years beginning with the date when any report under paragraph 5 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.

8 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 7 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.

Enforcement

9 (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 5(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.

Persons with whom certain registered parties may enter into loan agreements etc

10 (1) Sub-paragraph (2) applies if—

(a) a permitted participant—

(i) is a party to a transaction which is a regulated transaction for the purposes of Part 4A of the 2000 Act, or

(ii) derives a benefit from a transaction which is a connected transaction for the purposes of that Part,

(b) that transaction is entered into during the referendum period,

(c) the permitted participant is a registered party that is not a minor party,

(d) any of the other parties to the regulated transaction or any of the parties to the connected transaction (as the case may be) is a person ("the unauthorised person") who, in relation to that transaction, is not an authorised participant for the purposes of Part 4A of the 2000 Act by virtue of section 71H of that Act, and

(e) the unauthorised person is a person within sub-paragraph (3).

(2) In relation to the transaction mentioned in sub-paragraph (1)(a)(i) or (ii), the unauthorised person is to be regarded for the purposes of Part 4A of the 2000 Act as an authorised participant.

(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 this paragraph "Gibraltar elector" has the same meaning as in the 2000 Act (see section 160(1) of that Act).

11 Where paragraph 10 applies in relation to a transaction to which a permitted participant is a party, or from which a permitted participant derives a benefit, paragraph 2 of Schedule 6A to the 2000 Act (details to be given in quarterly reports) has effect as if—

(a) in sub-paragraph (1) 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 10(3)(c) of Schedule 2 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 10(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 10(3)(f) of that Schedule (Scottish partnership) the report must give—

(a) the name of the body, and

(b) the address of its main office in the United Kingdom."

12 (1) This paragraph applies to a variation of a regulated transaction if—

(a) the regulated transaction was entered into by a permitted participant during the referendum period,

(b) the permitted participant is a registered party that is not a minor party,

(c) one of the other parties to the regulated transaction is an authorised participant in relation to the transaction by virtue of paragraph 10 of this Schedule, and

(d) the variation has the effect of increasing the value of the regulated transaction or enabling it to be increased.

(2) It does not matter for the purposes of sub-paragraph (1)(d) when the variation is entered into or when the increase takes effect or could take effect.

(3) The variation is to be treated for the purposes of sections 71I(2) to (4) of the 2000 Act as a regulated transaction in which another participant is not an authorised participant.

(4) An order made under section 71I(4) of the 2000 Act in relation to a variation to which this paragraph applies may in particular—

(a) require that any amount owed as a result of the variation be repaid (and that no further sums be advanced under the terms of the variation);

(b) where any additional security is provided under the terms of the variation, require that security to be discharged.

(5) In this paragraph—

(a) "authorised participant" means an authorised participant for the purposes of Part 4A of the 2000 Act;

(b) "regulated transaction" and references to the value of a regulated transaction have the same meaning as in Part 4A of the 2000 Act (see sections 71F and 71G of that Act).

13 (1) Section 71L of the 2000 Act (offences relating to regulated transactions) has effect with the following modifications.

(2) In each of subsections (1)(a), (2)(b), (3)(a) and (4)(a), the reference to entering into a regulated transaction of a description mentioned in section 71F(2) or (3) in which another participant is not an authorised participant includes a reference to entering into a variation to which paragraph 12 of this Schedule applies.

(3) In relation to such a variation—

(a) subsection (3)(b) has effect as if for the words "that the other participant is not an authorised participant" there were substituted "of the matters mentioned in paragraph (a)", and

(b) subsections (3)(c), (4)(c) and (10) each have effect as if the reference to the transaction were to the variation.

(4) In subsection (9), the reference to a regulated transaction with a person other than an authorised participant includes a reference to a variation to which paragraph 12 of this Schedule applies.

SCHEDULE 3

Section 3

FURTHER PROVISION ABOUT THE REFERENDUM

Interpretation

1 In this Schedule a reference to functions includes functions conferred by any provision of law made in and for Gibraltar.

Appointment of Chief Counting Officer

2 (1) Section 128 of the 2000 Act (Chief Counting Officers, and counting officers, for referendums) has effect for the purposes of the referendum with the following modifications.

(2) Subsection (2) has effect for those purposes as if—

(a) the words "(subject to subsection (8))" were omitted, and

(b) in paragraph (b), after "appoints" there were inserted "in writing".

(3) For the purposes of the referendum subsection (8) is to be treated as omitted.

(4) See also paragraphs 4 and 6 (which contain additional modifications of section 128 of the 2000 Act for the purposes of the referendum).

Counting officers

3 (1) This paragraph applies to determine, for the purposes of the referendum, who is a counting officer in relation to a voting area.

(2) The counting officer for a voting area that is—

(a) a district in England,

(b) a county in England, or

(c) a London borough,

is the person who, by virtue of section 35 of the 1983 Act, is the returning officer for elections of councillors of the district, county or borough.

(3) The counting officer for the City of London voting area is the person who, by virtue of that section, is the returning officer for elections of councillors of the London borough of Westminster.

(4) The counting officer for the Isles of Scilly voting area is the person who, by virtue of that section, is the returning officer for elections to the Council of the Isles of Scilly.

(5) The counting officer for a voting area that is a county or a county borough in Wales is the person who, by virtue of that section, is the returning officer for elections of councillors of the county or county borough.

(6) The counting officer for a voting area that is a local government area in Scotland is the person who, by virtue of section 41 of the 1983 Act, is the returning officer for elections of councillors of the local government area.

(7) The counting officer for the Northern Ireland voting area is the Chief Electoral Officer for Northern Ireland.

(8) The counting officer for the Gibraltar voting area is the Clerk to the Gibraltar Parliament.

4 (1) Accordingly, section 128 of the 2000 Act (Chief Counting Officers, and counting officers, for referendums) has effect for the purposes of the referendum with the following modifications.

(2) For the purposes of the referendum subsection (3) is to be treated as omitted.

(3) Subsection (5) has effect for the purposes of the referendum as if for the words "the area for which he is appointed" there were substituted "the voting area for which the counting officer acts".

(4) Subsection (9) has effect for the purposes of the referendum as if—

(a) for paragraph (a) there were substituted—

"(a) "voting area" has the meaning given by section 11 of the European Union Referendum Act 2015;",

(b) paragraph (b) were omitted, and

(c) for paragraph (c) there were substituted—

"(c) "the referendum area" means the United Kingdom and Gibraltar."

Regional Counting Officers

5 (1) For the purposes of the referendum, the Chief Counting Officer may appoint a Regional Counting Officer for any of the following regions—

East Midlands;
Eastern;
London;
North East;
North West;
South East;
South West and Gibraltar;
West Midlands;
Yorkshire and the Humber;
Scotland;
Wales.

(2) Where—

(a) a region mentioned in sub-paragraph (1) (a "listed region"), and

(b) a region mentioned in the Table in Schedule 1 to the European Parliamentary Elections Act 2002 (an "electoral region"),

have the same name, the listed region comprises the areas specified in relation to that electoral region in that Table as they are for the time being.

(3) The South West and Gibraltar region mentioned in sub-paragraph (1) comprises the areas specified in relation to the South West region in that Table as they are for the time being.

(4) In determining for the purposes of sub-paragraph (2) or (3) what the areas are that are specified in that Table, paragraph 2(2) of Schedule 1 to the European Parliamentary Elections Act 2002 is to be ignored.

Assistance to counting officers etc

6 (1) A local authority whose area forms a particular voting area must place the services of their officers at the disposal of—

(a) the counting officer for the voting area, and

(b) the Regional Counting Officer (if any) appointed for the region that includes the voting area,

for the purpose of assisting the officer in the discharge of his or her functions.

(2) In this paragraph "local authority"—

(a) in the case of a voting area that is a district or county in England, or a London borough, means the council for that district, county or borough;

(b) in the case of the City of London voting area, means the Common Council of the City of London;

(c) in the case of the Isles of Scilly voting area, means the Council of the Isles of Scilly;

(d) in the case of a voting area in Wales, means the council of the county or county borough;

(e) in the case of a voting area in Scotland, means the council of the local government area.

(3) The Government of Gibraltar must place the services of its public officers at the disposal of—

(a) the Clerk to the Gibraltar Parliament, as counting officer for the Gibraltar voting area, and

(b) the Regional Counting Officer (if any) appointed for the South West and Gibraltar region,

for the purpose of assisting the officer in the discharge of his or her functions as counting officer or as Regional Counting Officer (as the case may be).

(4) Accordingly, section 128 of the 2000 Act (Chief Counting Officers, and counting officers, for referendums) has effect for the purposes of the referendum as if subsection (4) were omitted.

General duties of counting officers etc

7 (1) The Chief Counting Officer, Regional Counting Officers and counting officers must do whatever things are necessary for conducting the referendum in the manner provided—

(a) by and under this Act, and

(b) in the case of the Chief Counting Officer, the Regional Counting Officer (if any) appointed for the South West and Gibraltar region and the counting officer for the Gibraltar voting area, by Gibraltar conduct law.

(2) The counting officer for a voting area is responsible, as regards that area, for—

(a) the conduct of the poll,

(b) (subject to sub-paragraph (3)) the printing of the ballot papers,

(c) the issue and receipt of postal ballot papers for persons entitled to vote on their own behalf in the referendum and for their proxies,

(d) the counting of the votes cast, and

(e) any other matters specified in conduct regulations or Gibraltar conduct law (as the case may be).

(3) Responsibility for the printing of the ballot papers for a voting area may be taken—

(a) by the Chief Counting Officer;

(b) in the case of a voting area in a region for which a Regional Counting Officer is appointed, by the Chief Counting Officer or the Regional Counting Officer.

The Chief Counting Officer or Regional Counting Officer may direct the counting officer concerned accordingly.

(4) In the case of a region for which a Regional Counting Officer is appointed for the purposes of the referendum, the officer must certify as regards the votes cast in the region—

(a) the total number of ballot papers counted, and

(b) the total number of votes cast in favour of each answer to the question asked in the referendum.

Where two or more forms of ballot paper are used in the referendum, a separate number must be certified under paragraph (a) in relation to each form of ballot paper used.

(5) The Chief Counting Officer may give Regional Counting Officers or counting officers—

(a) directions about the discharge of their functions;

(b) directions requiring them to take specified steps in preparation for the referendum;

(c) directions requiring them to provide the Chief Counting Officer with information that they have or are entitled to have.

(6) A Regional Counting Officer for a region may give counting officers for voting areas within that region—

(a) directions about the discharge of their functions;

(b) directions requiring them to take specified steps in preparation for the referendum;

(c) directions requiring them to provide the Regional Counting Officer with information that they have or are entitled to have.

(7) A power under this paragraph of a Regional Counting Officer to give a direction to a counting officer is exercisable only in accordance with a specific or general authorisation or direction given by the Chief Counting Officer.

(8) A person to whom a direction is given under this paragraph must comply with it.

(9) This paragraph applies in addition to section 128 of the 2000 Act (as modified by this Schedule).

(10) The number of ballot papers or votes purportedly certified under this paragraph or section 128 of the 2000 Act is not liable to be questioned by reason of a defect in the title, or a lack of title, of any person purporting to exercise functions in relation to the referendum, if the person was then in actual possession of, or acting in, the office giving the right to exercise the functions.

Appointment of deputies and clerks

8 (1) The Chief Counting Officer or a Regional Counting Officer or counting officer may appoint deputies to carry out any or all of the officer's functions.

(2) An appointment under sub-paragraph (1) must be in writing.

(3) A Regional Counting Officer may appoint however many clerks are necessary to assist in carrying out the officer's functions.

Counting officers etc: correction of procedural errors

9 (1) A Regional Counting Officer or counting officer may take whatever steps the officer thinks appropriate to remedy any act or omission on the part of the officer or a relevant person that—

(a) arises in connection with any function that the officer or relevant person has in relation to the referendum, and

(b) is not in accordance with any requirements applicable to the referendum imposed as described in sub-paragraph (4) or otherwise.

(2) A re-count of votes in reliance on sub-paragraph (1) may only be conducted in the circumstances (if any) specified in conduct regulations or Gibraltar conduct law (as the case may be).

(3) For the purposes of this paragraph each of the following is a "relevant person"—

(a) a registration officer;
(b) the European electoral registration officer for Gibraltar (within the meaning of section 14 of the European Parliament (Representation) Act 2003);
(c) a clerk of, or a person providing goods or services to, the Regional Counting Officer or the counting officer;
(d) any person designated by conduct regulations or Gibraltar conduct law as a relevant person for the purposes of this sub-paragraph;
(e) a deputy or assistant of—
(i) the Regional Counting Officer or the counting officer, or
(ii) a person mentioned in paragraph (a), (b), (c) or (d).

(4) For the purposes of sub-paragraph (1)(b) requirements are imposed as described in this sub-paragraph if they are imposed—
(a) by or under this Act, or
(b) in the case of the Regional Counting Officer (if any) appointed for the South West and Gibraltar region, the counting officer for the Gibraltar voting area or a Gibraltar relevant person, by any provision of law made in and for Gibraltar.

(5) For the purposes of sub-paragraph (4)(b) each of the following relevant persons is a "Gibraltar relevant person"—
(a) the European electoral registration officer for Gibraltar (within the meaning of section 14 of the European Parliament (Representation) Act 2003);
(b) a clerk of the Regional Counting Officer (if any) appointed for the South West and Gibraltar region;
(c) a person providing goods or services to the Regional Counting Officer (if any) appointed for the South West and Gibraltar region or to the counting officer for the Gibraltar voting area;
(d) any person designated by conduct regulations or Gibraltar conduct law as a relevant person for the purposes of this sub-paragraph;
(e) a deputy or assistant of—
(i) the Regional Counting Officer (if any) appointed for the South West and Gibraltar region or the counting officer for the Gibraltar voting area, or
(ii) a person mentioned in paragraph (a), (b), (c) or (d).

(6) For the purposes of sub-paragraph (3)(e) and (5)(e) a person ("A") is an assistant of another person ("P") if—
(a) A is appointed to assist P, or
(b) in the course of employment A is assisting P,
in connection with any function in relation to the referendum.

Public notices

10 A public notice required by or under this Act or Gibraltar conduct law to be given by the Chief Counting Officer, a Regional Officer or a counting officer must be given—
(a) by posting the notice in some conspicuous place in the area or region for which the officer acts, or
(b) in whatever other manner the officer thinks desirable for publicising it.

Role of Electoral Commission

11 (1) The Electoral Commission must take whatever steps they think appropriate to promote public awareness about the referendum and how to vote in it.

(2) Following the referendum, the Electoral Commission must—

(a) publish the most accurate estimate that it is reasonably possible to make of the turnout in each of England, Wales, Scotland, Northern Ireland and Gibraltar, and

(b) include that information in any report they submit under section 6(1)(b) of the 2000 Act which relates to the referendum.

(3) In sub-paragraph (2) "turnout" means the percentage of those entitled to vote in the referendum who did so.

(4) The reference in sub-paragraph (3) to those entitled to vote in the referendum who did so includes any persons entitled to vote who conduct regulations or Gibraltar conduct law provides are to be treated for the purposes of sub-paragraph (3) as having voted.

Encouraging participation

12 (1) The Chief Counting Officer must take whatever steps the officer thinks appropriate to encourage participation in the referendum.

(2) An officer to whom sub-paragraph (3) applies must take whatever steps the officer thinks appropriate to encourage participation in the referendum in the area or region for which the officer acts.

(3) This sub-paragraph applies to—

(a) a Regional Counting Officer;

(b) a counting officer;

(c) a registration officer.

(4) The Chief Counting Officer must take whatever steps the officer thinks appropriate to facilitate co-operation between that officer and the officers to whom sub-paragraph (3) applies in taking any steps under sub-paragraph (1) or (2).

(5) In discharging the duty imposed by sub-paragraph (1) or (2) an officer must have regard to any guidance issued by the Electoral Commission.

(6) The Minister may reimburse any expenditure incurred by an officer for the purposes of sub-paragraph (1) or (2).

(7) A reference in this paragraph to "a registration officer" includes the European electoral registration officer for Gibraltar (within the meaning of section 14 of the European Parliament (Representation) Act 2003).

Supply and use of register of electors

13 (1) The Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341) have effect for the purposes of the referendum with the following modifications.

(2) Regulation 106 (supply of full register etc to registered political parties etc and restrictions on use) has effect for those purposes as if—

(a) in paragraph (1)(c), for ", other than a registered political party" there were substituted "which either is not a registered political party or is a minor party within the meaning of section 160(1) of that Act", and

(b) at the end of paragraph (4)(b)(ii) there were inserted ", and

(iii) the purposes of complying with the requirements of Schedule 15A to that Act (control of loans etc to certain permitted participants), and

(iv) the purposes of complying with the requirements of paragraphs 39 and 40 of Schedule 1 and paragraphs 5 and 6 of Schedule 2 to the European Union Referendum Act 2015."

14 (1) The Representation of the People (Scotland) Regulations 2001 (S.I. 2001/497) have effect for the purposes of the referendum with the following modifications.

(2) Regulation 105 (supply of full register etc to registered political parties etc and restrictions on use) has effect for those purposes as if—

(a) in paragraph (1)(c), for ", other than a registered political party" there were substituted "which either is not a registered political party or is a minor party within the meaning of section 160(1) of that Act", and

(b) at the end of paragraph (4)(b)(ii) there were inserted ", and

(iii) the purposes of complying with the requirements of Schedule 15A to that Act (control of loans etc to certain permitted participants), and

(iv) the purposes of complying with the requirements of paragraphs 39 and 40 of Schedule 1 and paragraphs 5 and 6 of Schedule 2 to the European Union Referendum Act 2015."

15 (1) The Representation of the People (Northern Ireland) Regulations 2008 (S.I. 2008/1741) have effect for the purposes of the referendum with the following modifications.

(2) Regulation 105 (supply of full register etc to registered political parties etc and restrictions on use) has effect for those purposes as if—

(a) in paragraph (1)(c), for ", other than a registered political party" there were substituted "which either is not a registered political party or is a minor party within the meaning of section 160(1) of that Act", and

(b) at the end of paragraph (4)(b)(ii) there were inserted "; and

(iii) the purposes of complying with the requirements of Schedule 15A to that Act (control of loans etc to certain permitted participants); and

(iv) the purposes of complying with the requirements of paragraphs 39 and 40 of Schedule 1 and paragraphs 5 and 6 of Schedule 2 to the European Union Referendum Act 2015."

Payments to counting officers and Regional Counting Officers

16 (1) Subject to sub-paragraphs (3) and (4), a counting officer or Regional Counting Officer is entitled to recover his or her charges in respect of services rendered, or expenses incurred, for or in connection with the referendum if—

(a) the services were necessarily rendered, or the expenses were necessarily incurred, for the efficient and effective conduct of the referendum, and

(b) the total of the officer's charges does not exceed the amount ("the overall maximum recoverable amount") specified in, or determined in accordance with, regulations made by the Minister, with the consent of the Treasury, for the purposes of this sub-paragraph.

(2) Sub-paragraph (3) applies to a service rendered by—

(a) the counting officer for a voting area in England, Wales or Scotland,

(b) the Clerk to the Gibraltar Parliament, as counting officer for the Gibraltar voting area, or

(c) a Regional Counting Officer,

which in the opinion of the Electoral Commission was inadequately performed.

(3) In respect of a service to which this sub-paragraph applies, the officer is entitled under sub-paragraph (1) to no more than the amount (which may be nil) that seems reasonable in all the circumstances—

(a) to the Commission, or

(b) on a taxation under paragraph 17, to the county court, the Auditor of the Court of Session or the Gibraltar court (as the case may be).

(4) Regulations under sub-paragraph (1) may specify, or make provision for determining in accordance with the regulations, a maximum recoverable amount for services or expenses of a specified description—

(a) for counting officers;

(b) for Regional Counting Officers.

Subject to sub-paragraph (5), an officer may not recover more than the specified amount in respect of such services or expenses.

(5) In a particular case the Electoral Commission may, with the consent of the Treasury, authorise the payment of—

(a) more than the overall maximum recoverable amount, or

(b) more than the amount specified as the maximum recoverable amount for services or expenses of a specified description,

if the Commission are satisfied that the conditions in sub-paragraph (6) are met.

(6) The conditions are—

(a) that it was reasonable for the officer concerned to render the services or incur the expenses, and

(b) that the charges in question are reasonable.

(7) The Chief Counting Officer is entitled to recover expenses incurred by that officer for or in connection with the referendum if—

(a) the expenses are of a kind that would otherwise have been incurred by counting officers or Regional Counting Officers, and

(b) the Chief Counting Officer considered that it would be more economical for the expenses to be incurred by that officer instead.

(8) The Electoral Commission must pay the amount of any charges recoverable in accordance with this paragraph on an account being submitted to them.

But if the Commission think fit they may, before payment, apply for the account of a counting officer or Regional Counting Officer to be taxed under paragraph 17.

(9) At the request of a counting officer or Regional Counting Officer or the Chief Counting Officer, the Electoral Commission may make an advance on account of the officer's charges on such terms as they think fit.

(10) The Electoral Commission may by regulations make provision as to the time when and the manner and form in which accounts are to be rendered to the Commission for the purposes of the payment of the charges of a counting officer or Regional Counting Officer or the Chief Counting Officer.

(11) Regulations under this paragraph may make different provision for different cases or areas.

(12) Any sums required by the Electoral Commission for making payments under this paragraph are to be charged on and paid out of the Consolidated Fund.

Taxation of counting officer's or Regional Counting Officer's account

17 (1) An application for the account of a counting officer or Regional Counting Officer to be taxed may be made—

(a) except where any of paragraphs (b) to (d) applies, to the county court;

(b) in the case of the Chief Electoral Officer for Northern Ireland, to the county court that has jurisdiction at the place where the officer certified the number of ballot papers counted and votes cast;

(c) where the officer is one who was appointed for an area in Scotland, or for the region of Scotland, to the Auditor of the Court of Session;

(d) in the case of the Clerk to the Gibraltar Parliament, to the Gibraltar court.

(2) On any such application the court has jurisdiction to tax the account in whatever manner and at whatever time and place the court thinks fit, and finally to determine the amount payable to the officer.

(3) Where an application is made for the account of a counting officer or Regional Counting Officer to be taxed, the officer may apply to the court for it to examine any claim made by any person ("the claimant") against the officer in respect of matters charged in the account.

(4) On an application under sub-paragraph (3), after the claimant has been given notice and an opportunity to be heard and to tender any evidence, the court may allow, disallow or reduce the claim, with or without costs.

The court's determination of the claim is final for all purposes and as against all persons.

(5) A reference in this paragraph to "the court" includes a reference to the Auditor of the Court of Session.

(6) In this paragraph, "Gibraltar court" means the court determined by or under the law of Gibraltar to be the court for the purpose of this paragraph.

Electoral Commission accounts

18 (1) If directed to do so by the Treasury, the Electoral Commission must prepare accounts in respect of their expenditure in relation to the referendum.

(2) Accounts under this paragraph must be prepared in accordance with directions given to the Commission by the Treasury.

(3) Directions under sub-paragraph (2) may include, in particular, directions as to—

(a) the information to be contained in the accounts and the manner in which it is to be presented,

(b) the methods and principles in accordance with which the accounts are to be prepared, and

(c) the additional information (if any) that is to accompany the accounts.

(4) Accounts under this paragraph must be submitted by the Commission to—

(a) the Comptroller and Auditor General, and

(b) the Speaker's Committee,

as soon may be practicable after the giving of the direction under sub-paragraph (1).

Restriction on challenge to referendum result

19 (1) No court may entertain any proceedings for questioning the number of ballot papers counted or votes cast in the referendum as certified by the Chief Counting Officer or a Regional Counting Officer or counting officer unless—

(a) the proceedings are brought by a claim for judicial review, and

(b) the claim form is filed before the end of the permitted period.

(2) In sub-paragraph (1) "the permitted period" means the period of 6 weeks beginning with—

(a) the day on which the officer in question gives a certificate as to the number of ballot papers counted and votes cast in the referendum, or

(b) if the officer gives more than one such certificate, the day on which the last is given.

(3) In the application of this paragraph to Scotland, sub-paragraph (1) has effect—

(a) with the substitution in paragraph (a) of "a petition" for "a claim";

(b) with the substitution in paragraph (b) of "the petition is lodged" for "the claim form is filed".

(4) In the application of this paragraph to Northern Ireland, sub-paragraph (1) has effect—

(a) with the substitution in paragraph (a) of "an application" for "a claim";

(b) with the substitution in paragraph (b) of "the application for leave to apply for judicial review is lodged" for "the claim form is filed".

(5) In the application of this paragraph to Gibraltar, sub-paragraph (1) has effect with the substitution in paragraph (a) of "an application" for "a claim".

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