



SUPPLEMENT TO THE VOTES AND PROCEEDINGS

Monday 7 September 2015
REPORT STAGE PROCEEDINGS

EUROPEAN UNION REFERENDUM BILL, AS AMENDED

NEW CLAUSES, NEW SCHEDULES AND AMENDMENTS RELATING TO THE APPLICATION TO THE REFERENDUM OF SECTION 125 OF THE POLITICAL PARTIES, ELECTIONS AND REFERENDUMS ACT 2000 OR TO THE SUBJECT MATTER OF THAT SECTION

Secretary Philip Hammond

Agreed to, as amended **NC10**

To move the following Clause—

“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 26 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) In this section—

“prescribed” means prescribed by the regulations;

“publish” has the same meaning as in section 125.
- (7) This section does not affect the generality of section 4(1)(c).”

European Union Referendum Bill, *continued*

As an Amendment to Secretary Philip Hammond's proposed New Clause (*Power to modify section 125 of the 2000 Act*) (NC10):—

Mr Bernard Jenkin
Paul Flynn
Mrs Cheryl Gillan
Kate Hoey
Mr David Jones
Mr Andrew Turner

Kelvin Hopkins

Gerald Jones

Agreed to (a)

After subsection 5 insert—

“(5A) Any regulations under subsection (2) must be made not less than four months before the date of the referendum.”

Ms Harriet Harman
Hilary Benn
Ms Rosie Winterton
Mr Pat McFadden
Heidi Alexander

Not called NC5

To move the following Clause—

“Restriction on publication etc. of promotional material by central and local government etc.

- (1) This section applies to any material which—
 - (a) provides general information about the referendum;
 - (b) deals with any of the issues raised by the question on which the referendum is being held;
 - (c) puts any arguments for or against the proposition that the United Kingdom should remain a member of the European Union; or
 - (d) is designed to encourage voting at the referendum.
- (2) Subject to subsection (3), no material to which this section applies shall be published during the relevant period by or on behalf of—
 - (a) any Minister of the Crown, government department or local authority; or
 - (b) any other person or body whose expenses are defrayed wholly or mainly out of public funds or by any local authority.
- (3) Subsection (2) does not apply to—
 - (a) material made available to persons in response to specific requests for information or to persons specifically seeking access to it;
 - (b) anything done by or on behalf of the Electoral Commission or a person or body designated under section 108 (designation of organisations to whom assistance is available) of the 2000 Act;
 - (c) the publication of information relating to the holding of the poll; or
 - (d) the issue of press notices;

and subsection (2)(b) shall not be taken as applying to the British Broadcasting Corporation or Sianel Pedwar Cymru.
- (4) In this section—

European Union Referendum Bill, *continued*

- (a) publish” means make available to the public at large, or any section of the public, in whatever form and by whatever means (and “publication” shall be construed accordingly);
- (b) “the relevant period”, in relation to the referendum, means the period of 28 days ending with the date of the poll.”

Ms Harriet Harman
Hilary Benn
Ms Rosie Winterton
Mr Pat McFadden
Heidi Alexander

Not called NC6

To move the following Clause—

“Exemptions to prohibition on publication of promotional material by central and local government etc. (No.2)

- 5 (1) For the purposes of the referendum the Secretary of State may, by regulations, specify materials that he or she intends or expects to publish in the relevant period to be exempted from the prohibitions on the publication of materials under section (*Restriction on publication etc. of promotional material by central and local government etc.*).
- 10 (2) Any materials listed in regulations made under this section will not be subject to the prohibitions on publication under section 125 of the 2000 Act.
- (3) In this section “the relevant period”, in relation to the referendum, means the period of 28 days ending with the date of the poll.”

As an Amendment to Ms Harriet Harman’s proposed New Clause (*Exemptions to prohibition on publication of promotional material by central and local government etc. (No. 2)*) (NC6):—

Mr Bernard Jenkin
Paul Flynn
Mrs Cheryl Gillan
Kate Hoey
Mr David Jones
Mr Andrew Turner

Kelvin Hopkins
Mr Steve Baker
Mr Graham Brady
Sir Edward Leigh
Mr Peter Bone
Dr Julian Lewis

Gerald Jones
Mr David Nuttall
Mrs Anne Main
Mr John Baron
Tim Loughton
Mr Christopher Chope

Sir William Cash
Nadine Dorries
John Redwood
Stephen McPartland
Zac Goldsmith

Not called (a)

Line 11, at end add—

- “(4) Before laying any regulations under subsection (1) the Government shall seek the advice of the Electoral Commission on the subject of the proposed regulation.
- (5) Any advice given by the Electoral Commission under this section shall be published by the time the regulation is laid.

European Union Referendum Bill, *continued*

- (6) Any regulations under subsection (1) must be made not less than four months before the date of the referendum.”

Alex Salmond
 Stephen Gethins
 Ms Tasmina Ahmed-Sheikh
 Patrick Grady
 Stuart Blair Donaldson
 Caroline Lucas

Negated on division **11**

Clause **10**, page **5**, line **28**, at end insert—

- “(1A) (a) Section 1 will come into effect after a resolution has been passed by both Houses approving arrangements for a purdah period covering a period of five weeks before the referendum date.
- (b) arrangements for a purdah period will include—
- (i) restrictions on material that can be published by the government, public bodies and the EU institutions; and
 - (ii) measures to determine breaches of purdah and penalties for such a breach.”
-

Secretary Philip Hammond

Negated on division **53**

Schedule **1**, page **19**, line **23**, leave out paragraph 26 and insert—

- “26 (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 (which clarify the effect of certain provisions of that section and apply it to public bodies in Gibraltar).
- (2) Subsection (1) has effect for the purposes of the referendum as if for paragraphs (a) to (d) there were substituted—
- “(a) provides general information about the referendum,
 - (b) directly addresses the question of whether the United Kingdom should remain a member of the European Union or leave the European Union (however that question is worded in the material),
 - (c) contains any statement or claim that—
 - (i) a particular outcome in the referendum, or
 - (ii) the United Kingdom’s remaining a member of the European Union or leaving the European Union, would have particular consequences or might have such consequences, or
 - (d) is designed to encourage voting in the referendum.”
- (3) 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”
- (4) Subsection (3) has effect for those purposes as if—

European Union Referendum Bill, *continued*

- (a) for paragraph (b) there were substituted—
- “(b) anything done by or on behalf of the Electoral Commission or a permitted participant designated under section 108 (designation of permitted participants to whom assistance is available);”, and
- (b) after “Sianel Pedwar Cymru” there were inserted “or the Gibraltar Broadcasting Corporation”.
- (5) Subsection (4) has effect for those purposes as if after paragraph (a) there were inserted—
- “(aa) “the referendum” means the referendum under section 1 of the European Union Referendum Act 2015;”.
- (6) For the purposes of the referendum the following subsection is to be treated as inserted after subsection (4)—
- “(5) A reference in this section to expenses being defrayed wholly or mainly out of public funds includes those expenses being defrayed wholly or mainly 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.””

Sir William Cash
 Mr Steve Baker
 Dr Julian Lewis
 Mr Christopher Chope
 Mr Owen Paterson

Not called 78

Schedule 1, page 19, line 23, leave out paragraph 26 and insert—

- “26 (1) Section 125 of the 2000 Act (restriction of publication etc of promotional material by central and local government etc) applies in relation to the referendum during the referendum period with the following modification.
- (2) Section 125 (2) (a) of the 2000 Act has effect for the purposes of the referendum as if, after “Crown”, there were inserted “including ministers in the Scottish Government, the Welsh Government, the Northern Ireland Executive and Her Majesty’s Government of Gibraltar”.

Ms Harriet Harman
 Hilary Benn
 Ms Rosie Winterton
 Mr Pat McFadden
 Heidi Alexander

Agreed to 4

Schedule 1, page 19, line 23, leave out paragraph 26

European Union Referendum Bill, *continued*

NEW CLAUSES AND NEW SCHEDULES RELATING TO THE SUBJECT MATTER OF CLAUSE 2; AMENDMENTS TO CLAUSE 2; REMAINING PROCEEDINGS ON CONSIDERATION

Mike Gapes

Withdrawn **20**

Clause 2, page 2, line 2, leave out “parliamentary” and insert “local government”

Ms Harriet Harman
Hilary Benn
Ms Rosie Winterton
Mr Pat McFadden
Heidi Alexander

Negatived on division **17**

Clause 2, page 2, line 2, at end insert “and persons who would be so entitled except for the fact that they will be aged 16 or 17 on the date on which the referendum is to be held.”

Secretary Philip Hammond

Agreed to **24**

Clause 2, page 2, line 13, leave out paragraph (c) and insert—

“(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 (1A).

(1A) A person falls within this subsection if the person is either—

- (a) a Commonwealth citizen, or
- (b) a citizen of the Republic of Ireland.”

Ms Harriet Harman
Hilary Benn
Ms Rosie Winterton
Mr Pat McFadden
Heidi Alexander

Not called **18**

Clause 2, page 2, line 13, after “Commonwealth citizens”, insert “or citizens of the Republic of Ireland”

Ms Harriet Harman
Hilary Benn
Ms Rosie Winterton
Mr Pat McFadden
Heidi Alexander

Not called **19**

Clause 2, page 2, line 16, at end insert “and persons who would be so entitled except for the fact that they will be aged 16 or 17 on the date on which the referendum is to be held.”

European Union Referendum Bill, *continued*

Alex Salmond
Stephen Gethins
Ms Tasmina Ahmed-Sheikh
Patrick Grady
Stuart Blair Donaldson
Caroline Lucas

Andrew Rosindell

Negatived on division 7

Clause 2, page 2, line 16, at end insert—

- “(d) the persons who on the date of the referendum would be entitled to vote in a European parliamentary election by virtue of the European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations 2001 (S.I. 2001/1184) (citizens of the European Union other than Commonwealth and Republic of Ireland citizens).”

Alex Salmond
Stephen Gethins
Ms Tasmina Ahmed-Sheikh
Patrick Grady
Stuart Blair Donaldson
Caroline Lucas

Andrew Rosindell

Not called 8

Clause 2, page 2, line 16, at end insert—

- “(1A) In subsection 1(a), “persons” include individuals who are aged 16 or 17 and would otherwise meet the conditions to be entitled to vote as electors in a parliamentary election.”

Alex Salmond
Stephen Gethins
Ms Tasmina Ahmed-Sheikh
Patrick Grady
Stuart Blair Donaldson
Caroline Lucas

Not called 9

Clause 2, page 2, line 20, at end insert—

- “(3) (a) In subsection 1(a) “a parliamentary election” includes elections to the Scottish Parliament,
(b) a person resident in England, Wales, Northern Ireland or Gibraltar who, if resident in Scotland, met the conditions for inclusion in the electoral register for Scottish elections, will be entitled to vote in the referendum.”

Alex Salmond
Stephen Gethins
Ms Tasmina Ahmed-Sheikh
Patrick Grady
Stuart Blair Donaldson
Caroline Lucas

Not called 10

Clause 2, page 2, line 20, at end insert—

- “(3) In subsection 1(a) “a parliamentary election” includes elections to the Scottish Parliament.”

European Union Referendum Bill, *continued*

Mike Gapes

Not called 21

Clause 2, page 2, line 20, at end add—

- “(3) Notwithstanding the provisions of the Representation of the People Act 1983, as amended, or of any other statute, a British citizen resident overseas in a country within the European Union will be eligible—
- (a) to register to vote, and
 - (b) to vote in the referendum,
- irrespective of the length of time that the citizen has been resident overseas.”

Sir William Cash
Mr Owen Paterson
Mr Steve Baker
Mr Nigel Dodds
Mr Jacob Rees-Mogg
Kelvin Hopkins

Jim Shannon
Graham Stringer
Sir Gerald Howarth
Mr Christopher Chope

Mr Richard Bacon
Richard Drax
Mr Andrew Turner
Andrew Rosindell

Mr Bernard Jenkin
Kate Hoey
Dr Julian Lewis

Not called NC1

To move the following Clause—

“Impartiality of broadcasters

- (1) Notwithstanding any enactment or legal instrument, before the start of the referendum period the Secretary of State shall by regulations make provision to ensure the impartiality of broadcasters during the referendum period.
- (2) Regulations made under this section must include provision for the appointment by the Secretary of State of a referendum broadcasting adjudicator.
- (3) Regulations made under this section must require the referendum broadcasting adjudicator
 - (a) to draw up and publish guidance applicable to the referendum to ensure the impartiality of broadcasters during the referendum period, notwithstanding any relevant guidance currently in force or in draft; and
 - (b) to make arrangements by which any allegations of breach of the guidance on impartiality can be referred to and determined by the adjudicator and where an allegation, in the adjudicator’s view, is vexatious or frivolous to dismiss the allegation.
- (4) Guidance published under subsection (3)(a) shall apply to—
 - (a) the holder of a licence under the Broadcasting Act 1990 or 1996 and
 - (b) the British Broadcasting Corporation.
- (5) Regulations made under this section shall require the referendum broadcasting adjudicator within one day of receipt of an allegation that a broadcaster has breached the guidance on impartiality to determine whether the guidance has been breached and publish its determination and, where a breach has taken place, to require the broadcaster to remedy the breach within one day.

European Union Referendum Bill, *continued*

- (6) Regulations made under this section are to be made by statutory instrument which is subject to annulment in pursuance of a resolution of either House of Parliament.”
-

Alex Salmond
Stephen Gethins
Ms Tasmina Ahmed-Sheikh
Patrick Grady
Stuart Blair Donaldson
Caroline Lucas

Not selected NC3

To move the following Clause—

“Declaration of intent for withdrawal from the EU

The Secretary of State will present to Parliament a declaration of intent for withdrawal from the European Union if—

- (a) a majority of total votes cast in the referendum in the United Kingdom are against the United Kingdom remaining a member of the European Union, and
 - (b) a majority of the votes cast in the referendum in each of England, Scotland, Wales and Northern Ireland are against the United Kingdom remaining a member of the European Union.”
-

Philip Davies
Mr David Nuttall

Not selected NC4

To move the following Clause—

“Referendum result

In the event that the referendum result is in favour of the United Kingdom leaving the European Union—

- (a) notice of withdrawal under Article 50 of the Treaty of Lisbon must be served by the Government on the European Council within 28 days of the referendum;
 - (b) withdrawal must be completed within two years of serving notice as per (1) above; and
 - (c) there shall not be another referendum on the United Kingdom’s membership of the European Union before withdrawal from the European Union has been completed.”
-

European Union Referendum Bill, *continued*

Hywel Williams

Not selected NC7

To move the following Clause—

“Protection of structural funds in the event of withdrawal from the European Union

The Secretary of State may not appoint a date for the referendum under section 1(2) before a scheme has been laid before each House of Parliament for the continued provision of funding by Her Majesty’s Government to those regions of the UK that qualify for European Union structural funds, to be equivalent in timescale and conditions as the European Union structural funds available at the date of the referendum.”

Hywel Williams

Not selected NC8

To move the following Clause—

“Return of Powers

The Secretary of State may not appoint a date for the referendum under section 1(2) before a scheme has been laid before each House of Parliament for the further devolution of legislative competence to the National Assembly of Wales, the Northern Ireland Assembly and the Scottish Parliament in relation to matters currently subject to European Union Regulations or Directives.”

Hywel Williams

Not selected NC9

To move the following Clause—

“Protection of the Farming Community

The Secretary of State may not appoint a date for the referendum under section 1(2) before a scheme has been laid before each House of Parliament for the continued provision of funding by Her Majesty’s Government to the devolved administrations in Northern Ireland, Scotland and Wales equivalent to the support provided in promotion of agriculture by the Common Agricultural Policy as at the date of the referendum.”

European Union Referendum Bill, *continued*

Sir William Cash
Dr Julian Lewis
Mr Christopher Chope
Andrew Rosindell

Not called **NC11**

To move the following Clause—

“Limit of the expenditure of registered political parties

- (1) Notwithstanding Schedule 14 of the 2000 Act and any other enactment, for the purposes of the referendum there will be a cumulative limit on the expenditure which political parties registered under Part II of the 2000 Act can spend cumulatively on campaigning during the referendum.
- (2) For the purpose of subsection (1) the cumulative limit is £14,000,000.
- (3) Each political party’s share of the cumulative limit shall be determined in proportion to its share of the total votes cast at the general election that took place on 7 May 2015.
- (4) On the basis set out at subsection (3) the Electoral Commission shall calculate and notify each political party of its share of the cumulative limit.
- (5) No registered political party shall spend any money in respect of the referendum campaign until the notification required at subsection (4) has been issued.
- (6) Each political party is responsible for its own expenditure and must not breach the limit notified by the Electoral Commission in respect of its own expenditure.”

Sir William Cash
Dr Julian Lewis
Mr Steve Baker
Mr Christopher Chope
Andrew Rosindell

Not selected **NC12**

To move the following Clause—

“Course of action in the event of the result of the Referendum that the UK leave the EU

Notwithstanding the European Communities Act 1972, the Vienna Convention on the Law of Treaties and Article 50 of the Treaty of Lisbon, in the event that the outcome of the referendum is that the United Kingdom should not remain a member of the European Union the United Kingdom may determine its own course of action on its own terms and the means by which it shall achieve the course of action.”

European Union Referendum Bill, *continued*

Alex Salmond
 Stephen Gethins
 Ms Tasmina Ahmed-Sheikh
 Patrick Grady
 Stuart Blair Donaldson
 Caroline Lucas

Negatived on division 5

Clause 1, page 1, line 9, at end insert “or a date within three months before or after May 5.”

Secretary Philip Hammond
 Philip Davies
 Mr David Nuttall

Agreed to 12

Clause 1, page 1, line 9, at end insert “and
 (c) must not be 4 May 2017.”

Alex Salmond
 Stephen Gethins
 Ms Tasmina Ahmed-Sheikh
 Patrick Grady
 Stuart Blair Donaldson
 Caroline Lucas

Not called 6

Clause 1, page 1, line 9, at end insert—
 “(c) must not be the same day as local government elections in England, Scotland, Wales or Northern Ireland.”

Ms Harriet Harman
 Hilary Benn
 Ms Rosie Winterton
 Mr Pat McFadden
 Heidi Alexander

Not called 15

Clause 1, page 1, line 9, at end insert—
 “(c) must not coincide with local or mayoral elections planned for 4 May 2017.”

Secretary Philip Hammond

Agreed to 23

Clause 1, page 1, line 10, leave out subsections (4) and (5) and insert—
 “(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—

European Union Referendum Bill, *continued*

*“Aros yn aelod o’r Undeb Ewropeaidd
Gadael yr Undeb Ewropeaidd”.*”

Philip Davies
Mr David Nuttall

Not called **13**

Clause 1, page 1, line 11, at end insert “or leave the European Union?”

Philip Davies
Mr David Nuttall

Not called **14**

Clause 1, page 1, leave out line 14 and insert—
*“A ddylai’r Deyrnas Unedig bara i fod yn aelod o’r Undeb Ewropeaidd neu adael
yr Undeb Ewropeaidd?”*

Ms Harriet Harman
Hilary Benn
Ms Rosie Winterton
Mr Pat McFadden
Heidi Alexander

Negatived on division **16**

Clause 1, page 1, line 14, at end insert—
“(6) At least 10 weeks before the date on which the referendum is to be held the Government shall publish a White Paper outlining the terms of any renegotiation between the United Kingdom and the European Union and the consequences for the United Kingdom of leaving the European Union.”

Secretary Philip Hammond

Agreed to **25**

Clause 5, page 3, line 23, leave out from “existence” to end of line 24 and insert “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.”

Secretary Philip Hammond

Agreed to **26**

Clause 5, page 3, line 26, leave out “regulations made under such a power” and insert “Gibraltar conduct law”

Secretary Philip Hammond

Agreed to **27**

Clause 6, page 3, line 35, leave out subsection (3) and insert—

European Union Referendum Bill, *continued*

- “(3) Subsection (2) does not apply to a statutory instrument containing only regulations within subsection (3A).
- (3A) Regulations within this subsection are any of the following—
- (a) regulations under section 10;
 - (b) regulations under paragraph 6C of Schedule 1;
 - (c) regulations made by the Minister under paragraph 12 of Schedule 3.
- (3B) A statutory instrument containing only regulations under paragraph 6C of Schedule 1 (or only such regulations and other regulations within subsection (3A)) is subject to annulment in pursuance of a resolution of either House of Parliament.”

Secretary Philip Hammond

Agreed to **28**

Clause 6, page 3, line 40, at end insert—

- “() 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.”

Sir William Cash
Mr Owen Paterson
Mr Steve Baker
Mr Nigel Dodds
Mr Jacob Rees-Mogg
Kelvin Hopkins

Jim Shannon
Graham Stringer
Sir Gerald Howarth
Andrew Rosindell

Mr Richard Bacon
Richard Drax
Mr Andrew Turner

Mr Bernard Jenkin
Kate Hoey
Dr Julian Lewis

Not called **3**

Clause 6, page 3, line 40, at end insert—

- “(5) Regulations made under this Act or the 2000 Act in respect of the referendum must be made and come into force not less than six months before the start of the referendum period.”

Secretary Philip Hammond

Agreed to **29**

Clause 8, page 4, line 32, at end insert—

- ““Gibraltar conduct law” has the meaning given by section 5(2);”

Secretary Philip Hammond

Agreed to **30**

Clause 8, page 4, line 45, at end insert—

- ““registered party” and “minor party” have the same meaning as in the 2000 Act (see section 160(1) of that Act);”
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European Union Referendum Bill, *continued*

Sir William Cash
 Mr Owen Paterson
 Mr Steve Baker
 Mr Nigel Dodds
 Mr Jacob Rees-Mogg
 Kelvin Hopkins

Jim Shannon
 Graham Stringer
 Sir Gerald Howarth
 Andrew Rosindell

Mr Richard Bacon
 Richard Drax
 Mr Andrew Turner

Mr Bernard Jenkin
 Kate Hoey
 Dr Julian Lewis

Not called **1**

Schedule **1**, page **6**, line **6**, after second “period”, insert “of not less than 16 weeks”

Secretary Philip Hammond

Agreed to **31**

Schedule **1**, page **6**, line **21**, leave out “(b) to (g)” insert “(b) and (d) to (g)”

Secretary Philip Hammond

Agreed to **32**

Schedule **1**, page **8**, line **36**, leave out sub-paragraph (6) and insert—
 “(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.”

Secretary Philip Hammond

Agreed to **33**

Schedule **1**, page **8**, line **37**, at end insert—

“Unincorporated associations with offensive etc names

- 6A (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.

6B (1) Where—

European Union Referendum Bill, *continued*

- (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.”

Secretary Philip Hammond

Agreed to 34

Schedule 1, page 8, line 37, at end insert—

“Applying to become a designated organisation: period for making application

- 6C 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.”

Secretary Philip Hammond

Agreed to 35

Schedule 1, page 9, line 11, after first “of” insert “Gibraltar”

Secretary Philip Hammond

Agreed to 36

Schedule 1, page 9, line 12, at end insert—

“() Paragraph 2 has effect for those purposes as if after sub-paragraph (7) there were inserted—

“(7A) A reference in this paragraph to an expense being payable out of “Gibraltar public funds” is to the expense being payable 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.”

European Union Referendum Bill, *continued*

Secretary Philip Hammond

Schedule 1, page 9, line 20, leave out sub-paragraph (5)

Agreed to 37

Secretary Philip Hammond

Schedule 1, page 9, line 27, leave out sub-paragraphs (2) and (3) and insert—

Agreed to 38

“(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 10 and 11) in connection with referendum agents.”

Secretary Philip Hammond

Schedule 1, page 10, line 32, at end insert—

Agreed to 39

“12A(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 commencement of this Schedule.

- (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.”

Secretary Philip Hammond

Schedule 1, page 11, line 16, leave out sub-paragraphs (2) and (3) and insert—

Agreed to 40

“(2) The expenses 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).”

Secretary Philip Hammond

Schedule 1, page 11, line 28, leave out sub-paragraph (5) and insert—

Agreed to 41

“(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 body 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 referendum expenses incurred during the referendum period by or on behalf 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

European Union Referendum Bill, *continued*

referendum expenses incurred during the referendum period by or on behalf of that individual or body.

- (5A) 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.”

Secretary Philip Hammond

Agreed to 42

Schedule 1, page 11, line 31, leave out sub-paragraphs (6) to (8) and insert—

- “(6) 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.
- (7) 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.”

Secretary Philip Hammond

Agreed to 43

Schedule 1, page 11, line 39, at end insert—

- “14A(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 14 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

European Union Referendum Bill, *continued*

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 14 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 14 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.””

Mr Steve Baker
Dr Julian Lewis
Mr Christopher Chope
Andrew Rosindell

Not called 22

Schedule 1, page 12, line 23, at end insert—

- “(3) Notwithstanding the European Communities Act 1972, an EU institution (within the meaning of article 13(1) of the Treaty on European Union) may not incur referendum expenses during the referendum period.”

Secretary Philip Hammond

Agreed to 44

Schedule 1, page 12, line 23, at end insert—

“Permissible donors: donations to registered parties other than minor parties

- 16A (1) This paragraph applies in relation to a donation received by a permitted participant if—

European Union Referendum Bill, *continued*

- (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 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).
- 16B Where paragraph 16A 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 16A(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 16A(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 16A(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.””

European Union Referendum Bill, *continued*

Secretary Philip Hammond

Agreed to 45

Schedule 1, page 12, line 24, at end insert—

“16C(1) 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.””

Secretary Philip Hammond

Agreed to 46

Schedule 1, page 13, line 11, at end insert—

“() 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.””

Sir William Cash
Mr Owen Paterson
Mr Steve Baker
Mr Nigel Dodds
Mr Jacob Rees-Mogg
Kelvin Hopkins

Jim Shannon
Graham Stringer
Sir Gerald Howarth

Mr Richard Bacon
Richard Drax
Mr Andrew Turner

Mr Bernard Jenkin
Kate Hoey
Andrew Rosindell

Not called 2

Schedule 1, page 13, line 11, at end add—

“(6) For the purposes of paragraph 6 of Schedule 15 of the 2000 Act a permitted participant must not accept a relevant donation, irrespective of whether or not it meets the requirements of the 2000 Act and this Act, if the donation is funded directly or indirectly in whole or part from moneys, resources or support disbursed or allocated by or at the direction of the European Commission, its agencies or any related European institution to the donor or via other parties to the donor.”

European Union Referendum Bill, *continued*

As an Amendment to Sir William Cash's proposed Amendment (No. 2):—

Mr Steve Baker
Dr Julian Lewis
Mr Christopher Chope

Not called (a)

Line 2, after “(6)” insert “Notwithstanding the European Communities Act 1972,”

Secretary Philip Hammond

Agreed to 47

Schedule 1, page 13, line 18, at end insert—

“Evasion of restrictions on donations

18A 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.”

Secretary Philip Hammond

Agreed to 48

Schedule 1, page 16, line 26, at end insert—

“(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.”

Secretary Philip Hammond

Agreed to 49

Schedule 1, page 16, line 26, at end insert—

“(2) Nothing in subsection (10) of the section treated as inserted by this paragraph (read with section 9 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.”

Secretary Philip Hammond

Agreed to 50

Schedule 1, page 16, line 27, at end insert—

“() 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.”

Secretary Philip Hammond

Agreed to 51

Schedule 1, page 18, line 16, leave out sub-paragraph (14) and insert—

European Union Referendum Bill, *continued*

“(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.”

Secretary Philip Hammond

Agreed to 52

Schedule 1, page 19, line 21, at end insert—

“25A 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 25 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.”

Secretary Philip Hammond

Agreed to 54

Schedule 1, page 20, line 5, at end insert—

“() 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.”

Secretary Philip Hammond

Agreed to 55

Schedule 1, page 20, line 10, leave out sub-paragraphs (3) and (4) and insert—

- “(3) 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.
- (4) 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 23(9) of this Schedule.
- (5) Nothing in sub-paragraph (3) or (4) (read with section 9) is to be taken to mean that Schedule 19B or 19C of the 2000 Act extends or applies to Gibraltar for the purposes of the referendum.”

Secretary Philip Hammond

Agreed to 56

Schedule 2, page 23, line 21, leave out from “organisation,” to end of line 23 and insert “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.”

European Union Referendum Bill, *continued*

Secretary Philip Hammond

Agreed to **57**

Schedule 2, page 28, line 36, at end insert—

- “(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.”

Secretary Philip Hammond

Agreed to **58**

Schedule 2, page 30, line 33, leave out “any” and insert “the modifications mentioned in sub-paragraph (1A) and any other”

Secretary Philip Hammond

Agreed to **59**

Schedule 2, page 30, line 34, at end insert—

- “(1A) 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.”

Secretary Philip Hammond

Agreed to **60**

Schedule 2, page 33, line 39, at end insert—

- “(5A) 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

European Union Referendum Bill, *continued*

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)”.

Secretary Philip Hammond

Agreed to **61**

Schedule 2, page 33, line 43, at end insert—

- “() Nothing in sub-paragraph (5A) or (6) (read with section 9) 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.”

Secretary Philip Hammond

Agreed to **62**

Schedule 2, page 33, line 45, leave out paragraph 3 and insert—

- “3 (1) In this paragraph and paragraph 3A “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 3A a transaction is a “relevant varied transaction” if—
- (a) the transaction was entered into, before or after the commencement 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 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)—

European Union Referendum Bill, *continued*

- (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.
- 3A Paragraphs 4 to 7 and Part 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 this Schedule or before a party to the transaction became a permitted participant).”

Secretary Philip Hammond

Agreed to 63

Schedule 2, page 34, line 8, at end insert—

- “() 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.”

Secretary Philip Hammond

Agreed to 64

Schedule 2, page 37, line 7, at end insert—

- “6A 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 6 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.”

Secretary Philip Hammond

Agreed to 65

Schedule 2, page 37, line 12, at end insert—

- “() 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.”

Secretary Philip Hammond

Agreed to 66

Schedule 2, page 37, line 17, leave out sub-paragraphs (3) and (4) and insert—

- “(3) 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.
- (4) 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 4(9) of this Schedule.

European Union Referendum Bill, *continued*

- (5) Nothing in sub-paragraph (3) or (4) (read with section 9) is to be taken to mean that Schedule 19B or 19C of the 2000 Act extends or applies to Gibraltar for the purposes of the referendum.”
-

Secretary Philip Hammond

Schedule 3, page 37, line 24, at end insert—

Agreed to 67

“Interpretation

- A1 In this Schedule a reference to functions includes functions conferred by any provision of law made in and for Gibraltar.”

Secretary Philip Hammond

Schedule 3, page 39, line 1, at end insert “and Gibraltar”

Agreed to 68

Secretary Philip Hammond

Schedule 3, page 39, line 6, leave out sub-paragraph (2) and insert—

Agreed to 69

“(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.”

Secretary Philip Hammond

Schedule 3, page 39, line 34, at end insert “and Gibraltar”

Agreed to 70

Secretary Philip Hammond

Schedule 3, page 39, line 37, at end insert “as counting officer or as Regional Counting Officer (as the case may be)”

Agreed to 71

Secretary Philip Hammond

Schedule 3, page 39, line 44, leave out “provided by and under this Act” and insert “provided—

Agreed to 72

- (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

European Union Referendum Bill, *continued*

the counting officer for the Gibraltar voting area, by Gibraltar conduct law.”

Secretary Philip Hammond

Agreed to 73

Schedule 3, page 40, line 8, after “regulations” insert “or Gibraltar conduct law (as the case may be)”.

Secretary Philip Hammond

Agreed to 74

Schedule 3, page 41, leave out lines 19 to 36 and insert—

- “(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

European Union Referendum Bill, *continued*

- (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.”

Secretary Philip Hammond

Schedule 3, page 41, line 38, after “Act” insert “or Gibraltar conduct law”. *Agreed to 75*

Secretary Philip Hammond

Schedule 3, page 42, line 12, leave out sub-paragraph (4) and insert— *Agreed to 76*

“(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.”

Secretary Philip Hammond

Schedule 3, page 42, line 32, at end insert— *Agreed to 77*

“() 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).”

Bill read the third time, and passed.
