

LORDS AMENDMENTS TO THE
EUROPEAN UNION REFERENDUM BILL

[The page and line references are to HL Bill 60, the bill as first printed for the Lords]

Clause 2

- 1 Page 2, line 7, 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,”

Clause 4

- 2 Page 3, line 5, after “enactment” insert “(other than this Act)”
- 3 Page 3, line 12, leave out “this Act or any other” and insert “any”
- 4 Page 3, line 14, at end insert –

“() The reference in subsection (2) to any enactment includes –

- (a) the definition of “counting officer” in section 9(1),
- (b) section 9(2), and
- (c) Schedule 3,

but does not include any other provision of this Act.”

After Clause 5

- 5 Insert the following new Clause –
- “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.”

6 Insert the following new Clause –

“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.”

Clause 6

7 Page 4, line 3, leave out “()” and insert “31A”

Clause 7

8 Page 4, line 40, leave out paragraph (b)

9 Page 5, line 1, leave out subsection (5)

Clause 9

10 Page 6, line 9, at end insert –

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

Schedule 1

11 Page 8, line 5, leave out “Schedule” and insert “Act”

12 Page 8, line 7, at end insert –

- “() 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.”

13 Page 11, line 37, at end insert—

“Designation of organisations: designation of one organisation only

- 8A (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.
- 8B 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.
- 8C (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.”

(5) 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.”

14 Page 12, line 19, leave out sub-paragraph (3)

15 Page 13, line 25, at end insert—

“14A 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”.”

16 Page 14, line 5, leave out “commencement of this Schedule” and insert “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”

17 Page 14, line 35, at end insert—

“() 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).”

18 Page 14, line 36, leave out “expenses” and insert “common plan expenses of the individual or body which is”

19 Page 15, line 9, leave out from “any” to “of” in line 10 and insert “common plan expenses”

20 Page 15, line 13, leave out from “any” to “of” in line 14 and insert “common plan expenses”

21 Page 18, line 2, at end insert—

“() 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.”

22 Page 18, line 29, at end insert—

“Financial limit on certain donations etc to registered parties other than minor parties

23A (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 22 and 23 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 21 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 22 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).”

23 Page 19, line 4, at end insert—

“24A 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;”

24 Page 20, line 4, at end insert—

“(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

(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”.”

25 Page 20, line 38, at end insert—

“() 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.”

26 Page 23, line 33, at end insert –

“Application to Gibraltar public bodies of restriction on publication of promotional material

31A (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”.

27 Page 23, line 39, leave out from first “of” to end of line 40 and insert “ –

(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.”

28 Page 24, line 11, leave out from “Commission” to end of line 12 and insert “ –

(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 subparagraph (2)(b), within such time as may be prescribed by regulations made by the Minister.”

29 Page 24, line 18, leave out sub-paragraph (7)

30 Page 24, line 29, leave out “(2)” and insert “(2)(b)”

31 Page 27, line 26, at end insert –

“Interpretation

38 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

- 32 Page 38, line 7, leave out “6A,” and insert “6A (reading references in that paragraph to an authorised participant as references to a qualifying person who is a party to the transaction)”
- 33 Page 38, line 25, at end insert –
- “() 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.”
- 34 Page 43, line 2, after “of” insert “paragraph 1 of”
- 35 Page 43, line 11, after “of” insert “paragraph 1 of”
- 36 Page 43, line 35, after “of” insert “paragraph 1 of”
- 37 Page 43, line 42, leave out from first “of” to end of line 43 and insert “ –
- (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.”
- 38 Page 43, line 47, leave out paragraphs (a) and (b) and insert –
- “(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 of this Schedule (“Schedule 15A”)) or, in the case of a credit facility or security to which no limit is specified, a statement to that effect,
 - (ba) the date when the transaction was entered into by the permitted participant,
 - (bb) 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,
 - (bc) 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”
- 39 Page 44, line 15, leave out from “Commission” to end of line 16 and insert “ –
- (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.”

40 Page 44, line 22, leave out sub-paragraph (7)

41 Page 44, line 34, leave out “(2)” and insert “(2)(b)”

42 Page 45, line 23, leave out paragraph (b)

43 Page 45, line 25, leave out paragraph (c) and insert –

“(c) the following expressions –

“qualifying person”, and

“regulated transaction”,

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

44 Page 45, line 31, at end insert –

“() 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.”

45 Page 47, line 21, at end insert –

“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

46 Page 53, line 36, at end insert –

“Supply and use of register of electors

- 12A (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 32 and 33 of Schedule 1 and paragraphs 5 and 6 of Schedule 2 to the European Union Referendum Act 2015.”
- 12B (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 32 and 33 of Schedule 1 and paragraphs 5 and 6 of Schedule 2 to the European Union Referendum Act 2015.”
- 12C (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 32 and 33 of Schedule 1 and paragraphs 5 and 6 of Schedule 2 to the European Union Referendum Act 2015.”

LORDS AMENDMENTS TO THE
EUROPEAN UNION REFERENDUM
BILL

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