

# European Union Referendum Bill

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## AMENDMENTS TO BE MOVED IN COMMITTEE

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### Clause 2

LORD GREEN OF DEDDINGTON

Page 2, line 7, at end insert “by virtue of being, under the British Nationality Acts 1981 and 1983 or the British Overseas Territories Act 2002, a British citizen, a British overseas territories citizen, a British National (Overseas), a British Overseas citizen or a British subject.”

Page 2, line 21, leave out from “comprised” to end of line 25 and insert “by virtue of being, under the British Nationality Acts 1981 and 1983 or the British Overseas Territories Act 2002, a British citizen, a British overseas territories citizen, a British National (Overseas), a British Overseas citizen or a British subject.”

### Clause 6

BARONESS ANELAY OF ST JOHNS

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

### Clause 9

BARONESS ANELAY OF ST JOHNS

Page 6, line 9, at end insert—

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

### Schedule 1

BARONESS ANELAY OF ST JOHNS

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

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

**Schedule 1 – continued**

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”.”

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.”

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.

**Schedule 1 – continued**

- (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).”

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;”.

**Schedule 1 – continued**

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”. ”

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”.

**Schedule 1 – continued**

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**

BARONESS ANELAY OF ST JOHNS

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

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;

**Schedule 2 – continued**

- (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.

**Schedule 2 – continued**

- (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**

BARONESS ANELAY OF ST JOHNS

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.

**Schedule 3 – continued**

- (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

**Schedule 3** – *continued*

- (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.””

# European Union Referendum Bill

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AMENDMENTS  
TO BE MOVED  
IN COMMITTEE

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*21st October 2015*

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