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*Changes to legislation: There are currently no known outstanding effects for the European Union Referendum Act 2015, Paragraph 39. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 1

#### CAMPAIGNING AND FINANCIAL CONTROLS

##### *Reporting of donations during referendum period*

- 39 (1) In this paragraph references to a permitted participant are to a permitted participant which either is not a registered party or is a minor party.
- (2) In relation to the referendum, the responsible person in relation to a permitted participant must prepare reports under this paragraph in respect of—
- (a) the period (“the first reporting period”) beginning with the commencement day and ending with the 7th day of the referendum period, and
  - (b) such other periods ending before the date of the referendum as may be prescribed by regulations made by the Minister;
- and in paragraph (a) “the commencement day” means the day on which that paragraph comes into force.
- (3) The report for a period must record, in relation to each relevant donation of more than £7,500 which is received by the permitted participant during the period—
- (a) the amount of the donation (if it is a donation of money, in cash or otherwise) or (in any other case) the nature of the donation and its value as determined in accordance with paragraph 5 of Schedule 15 to the 2000 Act,
  - (b) the date when the donation was received by the permitted participant, and
  - (c) the information about the donor which is, in connection with recordable donations to registered parties, required to be recorded in weekly donation reports by virtue of paragraph 3 of Schedule 6 to the 2000 Act.
- (4) If during any period no relevant donations of more than £7,500 were received by the permitted participant, the report for the period must contain a statement of that fact.
- (5) A report under this paragraph in respect of a period must be delivered by the responsible person to the Electoral Commission—
- (a) in the case of the report for the first reporting period, within 7 days beginning with the end of that period;
  - (b) in the case of the report for a period prescribed under sub-paragraph (2)(b), within such time as may be prescribed by regulations made by the Minister.
- (6) If, in relation to a donation made by an individual who has an anonymous entry in an electoral register, a report under this paragraph contains a statement that the permitted participant has seen evidence that the individual has such an anonymous entry, the report must be accompanied by a copy of the evidence.
- (7) The Minister may by regulations modify the operation of sub-paragraphs (2) to (4) in relation to cases where an individual or body becomes a permitted participant during a period prescribed under sub-paragraph (2)(b).

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- (8) Regulations under sub-paragraph (5) or (7) may make different provision for different cases.
- (9) The responsible person commits an offence if, without reasonable excuse, that person—
- (a) fails to comply with the requirements of sub-paragraph (5) in relation to a report under this paragraph, or
  - (b) delivers a report to the Electoral Commission that does not comply with the requirements of sub-paragraph (3), (4) or (6).
- (10) A person guilty of an offence under sub-paragraph (9)(a) is liable—
- (a) on summary conviction in England and Wales, to a fine;
  - (b) on summary conviction in Scotland or Northern Ireland, to a fine not exceeding level 5 on the standard scale;
  - (c) on summary conviction in Gibraltar, to a fine not exceeding level 5 on the Gibraltar standard scale.
- (11) A person guilty of an offence under sub-paragraph (9)(b) is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding 12 months or to a fine, or to both;
  - (b) on summary conviction in England and Wales, to imprisonment for a term not exceeding [<sup>F1</sup>the general limit in a magistrates’ court] or to a fine, or to both;
  - (c) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or to both;
  - (d) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both;
  - (e) on summary conviction in Gibraltar, to imprisonment for a term not exceeding 12 months or to a fine not exceeding level 5 on the Gibraltar standard scale, or to both.
- (12) The reference in sub-paragraph (11)(b) to [<sup>F2</sup>the general limit in a magistrates’ court] is to be read as a reference to 6 months in relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003.
- (13) In this paragraph—
- (a) “electoral register” means—
    - (i) an electoral register as defined by 54(8) of the 2000 Act, or
    - (ii) the Gibraltar register as defined by section 14 of the European Parliament (Representation) Act 2003,
  - (b) “relevant donation” has the same meaning as in Schedule 15 to the 2000 Act, and
  - (c) references to a relevant donation received by a permitted participant include any donation received at a time before the individual or body concerned became a permitted participant, if the donation would have been a relevant donation had the individual or body been a permitted participant at that time.

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- (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.

**Textual Amendments**

- F1** Words in [Sch. 1 para. 39\(11\)\(b\)](#) substituted (E.W.) (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), [Sch. Pt. 1](#) table
- F2** Words in [Sch. 1 para. 39\(12\)](#) substituted (E.W.) (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), [Sch. Pt. 1](#) table

**Commencement Information**

- I1** [Sch. 1 para. 39](#) in force at 1.2.2016 by [S.I. 2016/69](#), [reg. 2](#)

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