

## SCHEDULE

### Amendment of Political Parties, Elections and Referendums Act 2000

1. Section 54(2A)(1) (permissible donors) is amended as follows—
  - (a) in paragraph (b)(i) for “Ordinance” substitute “Act”;
  - (b) in paragraph (d) for “Ordinance” substitute “Act”; and
  - (c) in paragraph (e) for “Ordinance 1997” substitute “Act”.
2. Omit section 57A(2) (additional limit on Gibraltar donations to UK parties).
3. After section 71G(3) (valuation of regulated transaction), insert—

#### **“Prohibition on increase in value of Gibraltar regulated transaction following European parliamentary election**

**71GA.**—(1) This section applies to a Gibraltar regulated transaction which is entered into within the permitted period and which does not fall to be dealt with by section 71HA.

(2) A registered party which is not a Gibraltar party shall not, whether during the permitted period or otherwise, enter into an arrangement with any person which has the effect, on or after the date of the poll for an election to the European Parliament in the combined region, of increasing the value of a transaction to which this section applies or which enables that value to be increased.

(3) Where such a party enters into an arrangement contrary to subsection (2), the related transaction is to be treated for the purposes of this Part (other than this section) as if it was entered into with a participant who is not an authorised participant within the meaning of section 71H(3A).

(4) This section does not apply to an arrangement entered into before the commencement of the European Parliamentary Elections (Loans and Related Transactions and Miscellaneous Provisions) (United Kingdom and Gibraltar) Order 2009.”.

4. In section 71H (authorised participants)—
  - (a) subsection (2) has effect in relation to a registered party whose entry in the register includes a statement that it intends to contest one or more elections to the European Parliament in the combined region as if for the words from “section 61” to the end there were substituted “the European Parliamentary Elections (Loans and Related Transactions and Miscellaneous Provisions) (United Kingdom and Gibraltar) Order 2009”;
  - (b) after subsection (3) insert—

“(3A) As respects a registered party whose entry in the register includes a statement that it intends to contest one or more elections to the European Parliament in the combined region, “authorised participant” means a person who is a permissible donor under section 54(2A).

(3B) In its application for the purposes of this Part by virtue of subsection (3A), section 54(2A) has effect as if for “the donation is received” there were substituted “the regulated transaction” is entered into.”.
5. After section 71H insert—

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(1) Section 54(2A) was inserted in the 2000 Act by paragraph 12(b) of the Schedule to the 2004 Order.

(2) Section 57A was inserted in the 2000 Act by paragraph 14 of the Schedule to the 2004 Order.

(3) Sections 71F to 71X of the 2000 Act were inserted by section 61(1) of the 2006 Act.

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**“Financial limit on Gibraltar donations and Gibraltar regulated transactions**

**71HA.**—(1) This section applies where the permitted maximum is exceeded by the aggregate value of—

- (a) Gibraltar donations which are received and accepted;
- (b) Gibraltar regulated transactions which are entered into;

within the permitted period by a registered party which is not a Gibraltar party.

(2) Such of the Gibraltar donations and Gibraltar regulated transactions as fall within subsection (3) are to be treated for the purposes of Part 4 and this Part as if—

- (a) they were received or entered into, as the case may be, at the end of the period of three months after the end of the permitted period;
- (b) in the case of a Gibraltar donation, it was received from a person who was not a permissible donor at the time;
- (c) in the case of a Gibraltar regulated transaction, it was entered into with a person who was not an authorised participant at the time.

(3) A Gibraltar donation or Gibraltar regulated transaction falls within this subsection if—

- (a) in a case where it is the first of the Gibraltar donations received or is the only one, the value of the donation alone exceeds the permitted maximum;
- (b) in a case where it is the first of the Gibraltar regulated transactions entered into or is the only one, the value of the transaction alone exceeds the permitted maximum; or
- (c) otherwise, the aggregate value of that donation or regulated transaction and such of the Gibraltar donations and Gibraltar regulated transactions previously received or entered into, as the case may be, exceeds the permitted maximum.

(4) But—

- (a) in a case within subsection (3)(a), only so much of the donation as exceeds the permitted maximum is a donation falling within subsection (3); and
- (b) in a case within subsection (3)(c) in which the aggregate value of the Gibraltar donations and Gibraltar regulated transactions previously received or entered into, as the case may be, 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 subsection (3).

(5) In this section “permitted maximum” means an amount equal to the limit imposed by paragraph 4(2) of Schedule 9 on campaign expenditure incurred by or on behalf of a registered party which is not a Gibraltar party and which stands for election at an election to the European Parliament in the combined region.”.

6. Section 71I(7) has effect in relation to a registered party whose entry in the register includes a statement that it intends to contest one or more elections to the European Parliament in the combined region as if for the words from “section 61” to the end there were substituted “the European Parliamentary Elections (Loans and Related Transactions and Miscellaneous Provisions) (United Kingdom and Gibraltar) Order 2009”.

7. Section 71J(8) has effect in relation to a registered party whose entry in the register includes a statement that it intends to contest one or more elections to the European Parliament in the combined region as if for the words from “section 61” to the end there were substituted “the European Parliamentary Elections (Loans and Related Transactions and Miscellaneous Provisions) (United Kingdom and Gibraltar) Order 2009”.

**8.** Section 71L(14) has effect in relation to a registered party whose entry in the register includes a statement that it intends to contest one or more elections to the European Parliament in the combined region as if for the words from “section 61” to the end there were substituted “the European Parliamentary Elections (Loans and Related Transactions and Miscellaneous Provisions) (United Kingdom and Gibraltar) Order 2009.”

**9.** In section 71O (existing transactions) after subsection (3) insert—

“(4) The date referred to in subsection (3) for the purposes of Gibraltar is the commencement date of the European Parliamentary Elections (Loans and Related Transactions and Miscellaneous Provisions) (United Kingdom and Gibraltar) Order 2009.”

**10.** In section 71R (exemptions from section 71Q), after subsection (1) insert—

“(1A) Section 71Q does not apply in relation to a Gibraltar party.”

**11.** In section 71S (submission of transaction reports to Commission) in subsection (3), after “the Representation of the People Act 1983” insert “or corresponding provisions forming part of the law of Gibraltar”.

**12.** In section 71U (weekly donation reports other than in general elections) after subsection (2) insert—

“(3) An order applying the provisions mentioned in subsection (1)(a) may disapply section 71R(1A) (which excludes Gibraltar parties from the operation of section 71Q).”

**13.** In section 71W (proceedings under sections 71I and 71S) —

(a) in subsection (2) after paragraph (c) insert—

“(d) in Gibraltar, the Gibraltar Court.”; and

(b) in subsection (6) after “Rules of court” insert “in any part of the United Kingdom”.

**14.** In section 71X (constructions of Part 4A) after the definition of “credit facility” insert—

“Gibraltar donation” means a donation —

(a) which is received from a permissible donor falling within subsection (2A) (but not subsection (2)) of section 54; or

(b) which is an exempt Gibraltar trust donation regarded by virtue of section 55(5A) as received from a permissible donor.

“Gibraltar regulated transaction” means a regulated transaction which is entered into with an authorised participant who, by virtue of section 71H(3A), is listed in section 54(2A) (but not subsection (2));

“permitted period” means the period of four months ending with the date of the poll for an election to the European Parliament in the combined region.”

**15.** In section 160(6)(4) for “Ordinance” in both places where it appears substitute “Act”.

**16.—**(1) Schedule 6 (details to be given in donation reports) is amended as follows.

(2) In paragraph 2(2A)(a) and (b)(5) for “House of Assembly” substitute “Gibraltar Parliament”.

(3) In paragraph 2(3A)(a) and (b)(ii)(6) for “House of Assembly” substitute “Gibraltar Parliament”.

(4) In paragraph 2(6)(7)—

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(4) Section 160(6) was inserted in the 2000 Act by paragraph 31(b) of the Schedule to the 2004 Order.

(5) Paragraph 2(2A) of Schedule 6 was inserted by paragraph 33(b) of the Schedule to the 2004 Order.

(6) Paragraph 2(3A) of Schedule 6 was inserted by paragraph 33(d) of the Schedule to the 2004 Order.

(7) Reference to the Trade Unions and Disputes Ordinance was inserted in paragraph 2(6) of Schedule 6 by paragraph 33(f) of the Schedule to the 2004 Order.

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- (a) after “Order 1992” insert “as registered in accordance with”; and
  - (b) for “Trade Union and Trade Disputes Ordinance” substitute “Trade Unions and Trade Disputes Act”.
- (5) In paragraph 2(7) for “Ordinance 1997” substitute “Act”.

**17.**—(1) Schedule 6A**(8)** (details to be given in transaction reports) shall be amended as follows.

(2) In paragraph 2(2)(a), after “(within the meaning of section 54)” insert “or the Gibraltar register”.

(3) In paragraph 2(3), after “the Representation of the People Act 1983” insert “or corresponding provisions forming part of the law of Gibraltar”.

(4) In paragraph 2(4) after “section 54(2)(b)” insert “or section 54(2A)(b)”.

(5) In paragraph 2(6)—

(a) after “section 54(2)(d) insert “or section 54(2A)(d)””; and

(b) after “the Industrial Relations (Northern Ireland) Order 1992” insert “or as registered in accordance with the Trade Unions and Trade Disputes Act**(9)**”.

(6) In paragraph 2(7)**(10)**, after “1986” insert “or which is an existing registered society within the meaning of the Banking (Extension to Building Societies) Act**(11)**”.

(7) In paragraph 2(8) after “section 54(2)(f)” insert “or section 54(2A)(f)”.

(8) In paragraph 2(10), after “section 54(2)(h), insert “or section 54(2A)(g)” and after “United Kingdom” insert “or Gibraltar, as the case may be”.

(9) In paragraph 3(2), after “the Representation of the People Act 1983” insert “or corresponding provisions forming part of the law of Gibraltar”

**18.**—(1) Schedule 7A**(12)** (control of loans etc to individuals and members associations) shall be amended as follows.

(2) After paragraph 4(3) insert—

“(3A) A person who is a permissible donor within the meaning of section 54(2A) is also an authorised participant if—

(a) the regulated transaction is entered into by—

(i) a member of a registered party; or

(ii) a members association whose membership consists wholly or mainly of members of a registered party,

and the party is a Gibraltar party whose entry in the register includes a statement that it intends to contest one or more elections to the European Parliament in the combined region; or

(b) the regulated transaction is entered into by a member of the European Parliament elected in the combined region.

(3B) In its application for the purposes of this Part by virtue of subsection (3A), section 54(2A) has effect as if for “the donation is received” there were substituted “the regulated transaction” is entered into.”.

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**(8)** Schedule 6A was inserted in the 2000 Act by section 61(5) of the 2006 Act.

**(9)** Gibraltar Principal Act 1947-15.

**(10)** Reference to the Banking (Extension to Building Societies) Ordinance was inserted in paragraph 2(6) of Schedule 6 by paragraph 33(g) of the Schedule to the 2004 Order.

**(11)** Gibraltar Principal Act 1998-04.

**(12)** Schedule 7A was inserted in the 2000 Act by paragraph 99 in Part 6 of Schedule 1 to the 2006 Act.

- (3) In paragraph 9(4)(a) after “section 54(2)” insert “or (2A)”.
- (4) In paragraph 17—
  - (a) in subsection (2) after paragraph (c) insert—
    - “(d) in Gibraltar, the Gibraltar Court.”; and
  - (b) in subsection (6) after “Rules of court” insert “in any part of the United Kingdom”.