

[REDACTED]

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**From:** FOI  
**Sent:** 23 May 2016 17:35  
**To:** [REDACTED]  
**Subject:** FOI 40/16 - EU Referendum Campaigning  
**Attachments:** Copy of Grant expenditure claim form (EU Referendum).xls; Copy of Grant List of Items above £200 (EU Referendum).xlsx; EU Referendum Designation decision letter - Vote Leave Ltd.docx; EU Referendum Grant Terms and Conditions.pdf; Grant Acceptance Form (EU Referendum).pdf

Dear [REDACTED]

**Our Ref: FOI 40/16**

Thank you for your request under the Freedom of Information Act 2000 (FOI Act) dated **22 April 2016**.

The Commission aims to respond to requests for information promptly and has done so within the statutory timeframe of twenty working days.

Your request is in bold below followed by our response.

You have requested:

- 1. Please provide a copy of the EUR2 form and all supporting documentation submitted by Vote Leave when applying to be the official EU Referendum Out Campaign.**
- 2. Please provide a copy of the agreement entered into after Vote Leave were awarded the position of the official EU Referendum Out Campaign.**
- 3. Please confirm that the Electoral Commission is actively monitoring the conduct of the respective campaigns in the EU Referendum.**

Our response is as follows:

The Electoral Commission holds information provided by Vote Leave Ltd. in its application for designation as the lead campaigner for the 'Leave' outcome at the EU referendum which may contain relevant information in relation to this request. Some of the information you have requested we have released. The remaining information, however, is exempt and has either been redacted or withheld (see below for our consideration of the exemptions).

Under the European Union Referendum Act 2015 (the EU Referendum Act), which applied the provisions set out in the Political Parties, Elections and Referendums Act 2000 (PPERA), the Electoral Commission was required to consider any applications from registered referendum campaigners to be designated as the lead campaigner for either of the outcomes at the June 2016 EU referendum. [Application forms](#) and [guidance](#) were available on the Commission's website, and the application period ran from 4 March 2016 to 31 March 2016.

In response to the specific questions asked in your request:

1. All information relating to the designation of lead campaigners at the EU referendum (including all application documents, Commission Board decision papers and minutes of the Commission Board meeting at which the designation decisions were made) has been published on the Commission's website at: <http://www.electoralcommission.org.uk/find-information-by-subject/elections-and-referendums/upcoming-elections-and-referendums/eu-referendum/designation-of-lead-campaigners-for-the-eu-referendum>.

The EUR2 form submitted by Vote Leave can be downloaded from the Commission's website at: [http://www.electoralcommission.org.uk/\\_data/assets/pdf\\_file/0008/199934/Vote-Leave-Ltd-designation-application.pdf](http://www.electoralcommission.org.uk/_data/assets/pdf_file/0008/199934/Vote-Leave-Ltd-designation-application.pdf)

The applicants' campaign strategies and all personal data have been redacted from these papers under section 40, 43 and 36 FOI Act as outlined below.

2. We have released documents that were sent by the Electoral Commission to Vote Leave after they were designated the lead campaigner for the 'Leave' outcome at the Referendum. These documents include:

- a copy of a letter sent by the Electoral Commission informing Vote Leave that their application to be designated as lead campaigner for the 'Leave' outcome has been successful;
- a copy of the terms and conditions of the Grant made available by the Electoral Commission to each Designated Organisation for the Referendum;
- a copy of the Grant Acceptance Form that was sent to Vote Leave;
- a copy of the template grant expenditure claim form that was sent to Vote Leave; and
- the template list of items purchased for more than £200 that was sent to Vote Leave.

3. The Commission checks the information that registered campaigners provide to us, and evaluates the risk of those we regulate to prioritise our compliance monitoring. In the run-up to major elections and referendums we also carry out targeted campaign monitoring to check that people are complying with the rules on spending and donations.

Further information may be found in our Briefing Note which sets out our approach to campaign monitoring in the lead up to the referendum on the UK's membership of the European Union and is available at: [http://www.electoralcommission.org.uk/\\_data/assets/pdf\\_file/0012/201180/EU-Referendum-Briefing-Note.pdf](http://www.electoralcommission.org.uk/_data/assets/pdf_file/0012/201180/EU-Referendum-Briefing-Note.pdf)

### **Section 40(2) and (3)(a)(i) of the FOI Act**

In the information we are releasing, we have redacted some of the information in the documents. Section 40(2) provides for an exemption where the information requested constitutes personal data as defined by the Data Protection Act 2000 (DPA), and where release of the information requested would breach one of the data protection principles. Some of the information contained in the requested information falls within the description of personal data as defined by section 1 of the DPA because the information relates directly to an identifiable living individual.

### **Section 43(2) of the FOI Act**

Section 43(2) provides for exemption from disclosure information that would or would be likely to prejudice the commercial interests of any person. In this circumstance, the information we hold relates to the commercial interests of a third party, Vote Leave, the lead campaigner for the Leave

outcome in the EU Referendum. The information relates to their campaign strategy for the EU Referendum and contains relevant confidential information. We have consulted with Vote Leave and they have stated to release these documents would prejudice their commercial interests as it could have a detrimental impact on their ability to campaign.

Application of this exemption is also subject to the public interest test. The Commission recognises there is a public interest in understanding how public funds are spent in an open and accountable manner.

There is also a public interest in companies being able to compete fairly within the market in which they operate and therefore not putting companies at a commercial disadvantage. Releasing this information relating to technical configurations would weaken their ability to participate competitively in the market and put them at a commercial disadvantage.

Having carefully weighed the public interest relating to possible disclosure of the information requested under section 43(2), we are satisfied that it is not appropriate at this time to disclose the information which the Commission holds. The Commission is satisfied that maintaining the exemption outweighs the public interest in disclosure.

### **Section 41 of the FOI Act**

Section 41(1) states that information is exempt from disclosure if it was obtained by the public authority from any other person and the disclosure would constitute an actionable breach of confidence. To constitute an actionable breach of confidence, the following criteria applies: the information must not be publicly available elsewhere, an understanding of confidentiality must have been made and there must be a detriment to the confider if the information is released.

The 'Campaign Capacity' section of the designation application was provided to the Commission by a third party, Vote Leave. The information contained in that section is not publicly available. The Commission made an explicit statement, during the designation application process, that this information would be kept confidential. We have been in contact with Vote Leave and they have stated the release of this information would have a detrimental effect to their campaign.

Application of this exemption is also subject to the public interest test. The Commission recognises there is a public interest in transparency and accountability of public decision making. In efforts to promote public understanding of our designation decision making, we have published numerous documents from the application process and documents setting out the Commission's decision. There is also a public interest in maintaining confidentiality as releasing information would discourage individuals and organisations from confiding in the Commission or providing us with confidential information necessary to the conduct of our statutory functions.

Having carefully weighed the public interest relating to possible disclosure of the information requested under section 41(1), we are satisfied that it is not appropriate at this time to disclose the information which the Commission holds. The Commission considers this information exempt under section 41(1) as it would not be lawful to provide you with the information requested as it would lead to an actionable breach of confidence. We do not consider that there are overriding matters of public interest here which would justify breaching confidentiality. The Commission is satisfied that maintaining the exemption outweighs the public interest in disclosure.

### **Section 36 of the FOI Act**

In addition to section 41 and 43, we consider section 36(2)(c) of FOIA is engaged in relation to the requested information. Section 36(2)(c) provides that information is exempt if in the reasonable

opinion of the qualified person, disclosure of the information would, or would be likely to, prejudice the effective conduct of public affairs.

The documents you requested contain confidential financial and campaign information which was provided to the Commission by Vote Leave as part of their application for designation. Section 36 applies where in the reasonable opinion of a qualified person, disclosure of the information would, or would be likely to, inhibit the free and frank exchange of views for the purposes of deliberation.

The Commission's qualified person for the purpose of this request is our Deputy Chief Executive, Carolyn Hughes, and she has decided that the exemption applies in this case. This is because the records to information provided to the Commission in confidence as part of our statutory functions.

We have discussed this matter with Vote Leave and they agreed that there would be prejudice to future exchanges if this information is released. There is strong public interest in the Commission and organisations we regulate being able to discuss matters and a release of this information would have a detrimental effect on any such communication. Furthermore, release of this information would be likely to prejudice any future designation applications as the organisations would be less likely to provide us with information needed to assess their applications.

Exemptions under s.36 of FOIA are subject to the public interest test, where information must be disclosed if the public interest in disclosure outweighs the public interest in maintaining the exemption. On balance, the qualified person has confirmed that the public interest falls in favour of not releasing this information.

I trust that this information satisfies your request. The Commission strives to be an open, transparent authority, but in some circumstances we cannot responsibly release requested information, and we ask for your understanding in this regard.

If you are not satisfied with this response, please note that the Commission operates a review procedure, details of which can be found on the Commission website at: <http://www.electoralcommission.org.uk/about-us/freedom-of-information-requests/how-do-i-make-an-foi-request>

Please also note that if you have exhausted all internal Commission review procedures and you are still not satisfied you have the right to appeal to the Information Commissioner. Details of this procedure can be found on the ICO website: <http://www.ico.gov.uk>

Yours sincerely

**Paul O'Malley**  
**Information Adviser (Records Management)**

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[www.electoralcommission.org.uk](http://www.electoralcommission.org.uk)  
[www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk)

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EU  
REFERENDUM

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Front Sheet

Annex B to grant Terms and Conditions



UK European Union Membership Referendum, 2016  
Grant expenditure claim form for designated organisations

Date: \_\_\_\_\_

Name of organisation: \_\_\_\_\_

Total amount of this claim: \_\_\_\_\_

Declaration:

I declare that the information submitted as part of this claim is complete, accurate and complies with the grant terms and conditions. I also declare that the sums claimed have been (or will be, in the case of an advance) spent on eligible spending.

Signed: \_\_\_\_\_

Responsible person/authorised signatory (delete as applicable)

Summary by category:

| Category of expenditure   | Terms and Conditions "eligible spending" reference | Total amount for this claim (£) |
|---|--|---------------------------------|
| Costs incurred in establishing or operating offices   | 3.3.1 (a-d)  |                                 |
| Costs incurred in connection with the sending of referendum addresses free of charge and the referendum campaign broadcasts | 3.3.2  |                                 |
| Costs in connection with voter inclusion and safety   | 3.3.3  |                                 |
|   | <b>Total (£)</b>                                   |                                 |

For Electoral Commission use only:

Request received by: \_\_\_\_\_ Date: \_\_\_\_\_

Claim checked by: \_\_\_\_\_ Date: \_\_\_\_\_

Authorisation completed by: \_\_\_\_\_ Date: \_\_\_\_\_

Front sheet

Annex C to the grant Terms and Conditions



UK European Union Membership Referendum, 2016

List of items purchased for more than £200  
(under 3.3 of the grant terms and conditions)

Name of  
organisation :



Declaration:

I declare that this list is complete, accurate and complies with paragraph 5.1 of the grant terms and conditions.

Signed:



Responsible person/authorised signatory (delete as applicable)

Date



**Summary of listed items above £200**

| Total number of listed Items above<br>£200 | Total value of items (£) |
|--|--------------------------|
|--|--------------------------|

**For Electoral Commission use only:**

Request received by: \_\_\_\_\_ Date: \_\_\_\_\_

List checked by: \_\_\_\_\_ Date: \_\_\_\_\_

Signed off by: \_\_\_\_\_ Date: \_\_\_\_\_

Additional action taken? Y/N

Description of action taken:

Ms V Woodcock  
Vote Leave  
Westminster Tower  
3 Albert Embankment  
London  
SE1 75P  
*By email*

13 April 2016

Dear Ms Woodcock

**Referendum on the UK's membership of the European Union: designation decision**

I am writing to inform you that your application for designation as lead campaigner for the 'Leave' outcome on the referendum on the UK's membership of the European Union has been successful.

In making our decision, the Commission has considered carefully each application and assessed them in accordance with the statutory tests in the Political Parties Elections and Referendums Act 2000, as they have been applied and modified by the European Union Referendum Act 2015.

This letter formally confirms the designation. Your date of designation is 13 April 2016. A copy of Vote Leave's amended entry as it appears on the register will follow by post. It is important that you notify us immediately if there is any error in these details.

We are publishing all the applications, the Board's decision papers and the minutes of the designation decision meeting on the Commission's website. This is where you will find the reasons for our decision. In accordance with our published process, personal information and information provided in the 'Campaigning capacity' section of your application has been redacted from the papers.

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An independent body established by Act of the UK Parliament





Our objectives for the referendum are that it should be well-run, produce results that are accepted and that there should be integrity and transparency of campaign funding and spending. As part of meeting those objectives, we will be pleased to continue to provide advice to you and your organisation to ensure you meet your responsibilities on complying with the rules in this referendum and when reporting on your finances afterwards. If at any point you have any concerns that you or your organisation may have breached any rules, you must immediately let us know so appropriate action can be taken.

Yours sincerely,



**Claire Bassett**  
**Chief Executive**

# Designated Lead Campaigner Information Sheet

## Terms and conditions for grant

As a designated lead campaigner, a publicly funded grant of up to £600,000 is available for you to use on eligible spending, including the administration costs associated with setting up and running a referendum campaign and the costs associated with the referendum broadcasts and free mailing to voters, as permitted under PPERA. The grant is administered by the Electoral Commission. The full terms and conditions of the grant, which set out how grant payments will be made, the eligible spending criteria that the grant can be used towards and how claims against the grant must be submitted, are included with this letter. Copies of three forms to be used in connection with the grant are also included with this letter.

If you wish to accept the grant and agree to the Terms and Conditions attached to it, then the Responsible Person for your organisation must complete box one of the Grant Acceptance Form (Annex A to the Terms and Conditions) and return it to the Commission on or before polling day on 23 June 2016.

If the grant is accepted, your organisation's Responsible Person is responsible for ensuring the Terms and Conditions to the grant are adhered to and that claims for payments against the grant follow the process set out in the Terms and Conditions.

The Responsible Person may authorise, in writing, up to two additional named individuals to submit claims against the grant to the Commission on behalf of the designated lead campaigner. If you wish to authorise individuals, you must indicate this as the Responsible Person, and those you are authorising must also provide formal acceptance and agreement with the terms of this grant, by signing box two on the grant acceptance form.

## Free distribution of information to households or voters in the UK and Gibraltar

As a designated lead campaigner you can choose to send one free distribution of information to all households or to all registered electors in the UK who are eligible to vote in the referendum.

The rules in Gibraltar are different. Royal Mail will work with you to organise your free mailing in Gibraltar.

To discuss your options for the free distribution with Royal Mail please contact [REDACTED] on either [REDACTED] [@royalmail.com](mailto:[REDACTED]@royalmail.com) or the Election support team on 08456 564 998.

## Referendum broadcasts

You will need to contact each broadcaster individually to discuss broadcasts. The decision on how many broadcasts to allocate to the designated lead campaigners is for the broadcasters to decide.

As designated lead campaigners you must pay for and produce the content of the referendum broadcasts, which must observe the law – for example on copyright, defamation, contempt, obscenity and incitement to racial hatred or violence. You must comply with the Ofcom Broadcasting Code or the BBC Editorial Guidelines that relate to harm and offence and fairness and privacy.

More information about how referendum broadcasts are allocated will be available from the Broadcasters' Liaison Group, the group of broadcasters that discusses the allocation of PEBs, visit [www.broadcastersliaisongroup.org.uk](http://www.broadcastersliaisongroup.org.uk). Relevant contact details for each broadcaster are also available on this site.

## Access to free public rooms

In England, Wales, Scotland and Gibraltar designated lead campaigners are entitled to use certain rooms free of charge at reasonable times during the 28 days prior to the referendum. There is no provision for this in Northern Ireland.

The Electoral Registration Officer of each local authority in England and Wales, and each proper officer in Scotland keeps a list of the location and availability of meeting rooms in their area. They will make this list available for inspection to persons authorised by you, from the date of the designation decision. Contact details for Electoral Registration Officers can be found on [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk).

Persons authorised by you to use such rooms should contact the owner of the premises to make a booking, giving reasonable notice to reduce the risk of the request being refused.

There is no hire charge for using these rooms, but any expenses incurred, such as heating, lighting and cleaning and for any damage to the premises must be paid for. The right to use rooms does not include hours during which a school is used for educational purposes. Equally, any prior letting of a meeting room must take precedence.

## Meeting with Jenny Watson

We would like to invite you to a meeting with the Chair of the Electoral Commission and Chief Counting Officer, Jenny Watson. This will also be an opportunity to meet Vicky Fox, Head of Guidance and Louise Edwards Head of Regulatory Compliance and Casework. Please confirm your availability to [pef@electoralcommission.org.uk](mailto:pef@electoralcommission.org.uk) for one of the times set out below: on Tuesday 19 April: 10.00-11.30am / 11.30-13.00pm / 13.00-14.30pm / 14.30-16.00pm / 16.00-17.30pm

## PEF Online Compliance Training

We would like to invite your responsible person and compliance team to attend a three hour training session on the use of our online reporting system, PEF Online. Please let us know which of the following sessions would be most convenient for you:

Tuesday 26 April: 14.00-17.00

Wednesday 27 April: 10.00-13.00

Thursday 28 April: 14.00-17.00

## Campaigner Guidance

Our guidance for campaigners at the referendum is available on our [website](#). The guidance is also available from the links below:

- [Overview: Campaigning and Registering for EU referendum campaigners \(PDF\)](#)
- [Situations and Procedures: The designation process for the EU referendum \(PDF\)](#)
- [Overview: Donations for EU referendum campaigners \(PDF\)](#)
- [Overview: Loans for EU referendum campaigners \(PDF\)](#)
- [Situations and Procedures: Permissibility for EU referendum campaigners \(PDF\)](#)
- [Permissibility for Northern Ireland political parties at the EU referendum \(PDF\)](#)
- [Factsheet: Public bodies and EU Referendum material \(PDF\)](#)
- [Overview: Spending for EU referendum campaigners \(PDF\)](#)
- [Working together for EU referendum campaigners \(PDF\)](#)
- [The EU Referendum and May 2016 elections \(PDF\)](#)
- [Situations and procedures: Timetables and reporting deadlines at the EU Referendum \(PDF\)](#)
- [Situations and Procedures: Pre-poll reporting for EU referendum campaigners](#)
- [Expert paper: Splitting campaign spending](#)

# Terms and Conditions of Grant to a Designated Organisation

## The European Union (Referendum) Act 2015

### 1 Introduction

- 1.1 In exercise of its powers under section 110 of PPERA, the Commission will make available a grant of up to £600,000 to each Designated Organisation for the Referendum.
- 1.2 Section 110(3) of PPERA states that these grants may be made subject to such conditions as the Commission considers appropriate. This document sets out the conditions attached to any grant made.
- 1.3 The grant is subject to the controls on donations applying to permitted participants in the Referendum under section 119 and schedule 15 PPERA and the 2015 Act (or Part 4 PPERA for registered parties that are not minor parties). It will therefore need to be included in pre- and post-poll reports, in which it should be referred to as the “grant from public funds to designated lead organisations under s.110 of the Political Parties, Elections and Referendums Act 2000”.
- 1.4 To the extent that Eligible Spending falls within the definition of Referendum expenses in section 111(2) PPERA, it is subject to the controls on spending in part 7 and schedules 13 and 14 PPERA and the 2015 Act in addition to the requirements in this document. For the avoidance of doubt, the Commission does not consider that the exclusion in paragraph 2(a) schedule 13 PPERA (exclusion from the definition of Referendum expenses for certain expenses which fall to be met out of public funds) is applicable to expenses which a Designated Organisation decides to fund from the grant.
- 1.5 For the purposes of this document:
  - “2015 Act” means the European Union Referendum Act 2015;
  - “Commission” means The Electoral Commission;
  - “Designated Organisation” means a person or body designated by the Commission under section 108 of PPERA in respect of the Referendum;

“Eligible Spending” has the meaning ascribed to it under paragraph 3;

“PPERA” means the Political Parties, Elections and Referendums Act 2000, together, where applicable, with any modifications or additional provisions made for the purposes of the Referendum by the 2015 Act;

“Referendum” means the Referendum under the 2015 Act;

“Referendum Period” means the period beginning on 15 April 2016, and ending on 23 June 2016;

“Responsible Person” means the person notified to the Commission under s.106(4)(b)(ii) PERA, or under any notification of alteration under s.106(5) PERA, as being responsible for compliance with the Designated Organisation’s regulatory obligations.

## 2 General Conditions

- 2.1 A Designated Organisation must comply with the ‘notification of alteration’ provisions under s.106(5) of PERA as they relate to any change in the Responsible Person.
- 2.2 A Designated Organisation must retain all invoices, receipts, financial records and other documents relating to its use of grant monies until 23 June 2018.
- 2.3 By making a grant available to a Designated Organisation, the Commission is discharging its statutory duty as set out by Parliament to make a grant of public funding available to each designated lead campaigner. As such, the Designated Organisation must not:
  - 2.3.1. represent or imply that the Commission supports or endorses the views or opinions of the Designated Organisation or has exercised any control over the content of any of its campaign material; or
  - 2.3.2. include any reference or assertion in the campaign leaflet or television broadcast under paragraph 3.3.2 that the Commission has paid for or funded such material.

## 3 Eligible Spending

- 3.1 Grant monies may only be used by a Designated Organisation to meet Eligible Spending, as defined in this section 3.

3.2 Eligible Spending is spending incurred by a Designated Organisation for the purposes of their Referendum campaign in providing any of the items specified in paragraph 3.3 during the following periods:

3.2.1. subject to paragraph 3.2.2, the period starting with 1 February 2016 and ending on 23 June 2016;

3.2.2. in respect of spending on administrative staff under paragraph 3.3.1 (c), the period starting with 1 February 2016 and ending on 23 November 2016.

3.3 The eligible items of spending are as follows:

3.3.1. Costs incurred in establishing or operating offices, including:

(a) the cost of purchasing:

- office equipment
- general office IT software, but not the cost of purchasing specialist campaign software
- IT hardware
- general office supplies, but not supplies used to communicate with voters in relation to matters listed under Schedule 13 Part 1 of PPERA;

(b) subject to paragraph 3.4, the cost of renting:

- premises
- office equipment
- IT hardware;

(c) up to five members of staff (subject to paragraph 3.5) engaged with office administration and regulatory compliance, including pre- and post-poll reporting requirements, but not campaigning activities;

(d) the cost of utilities, including water, gas, electricity, internet services and telephone (but not the cost of unsolicited calls to voters) for such offices.

3.3.2. Costs reasonably incurred in connection with s.110(4)(a) PPERA 'the sending of referendum addresses free of charge' and s.110(4)(c) PPERA 'referendum campaign broadcasts'.

3.3.3. The following costs under paragraph 19(2) of schedule 1 to the 2015 Act in connection with voter inclusion and with security at public events:

- Para 19(2)(b) (costs for translating from English into Welsh or vice versa);
- Para 19(2)(c) (reasonable expenses attributable to an individual's disability); and

- Para 19(2)(d) (costs for protection of persons or property at rallies/public events).
- 3.4 Spending by a Designated Organisation may be Eligible Spending even though the purchase, rental, employment or other agreement to which the spending relates was finalised before the relevant period in paragraph 3.2, so long as the goods or services are used during that period. The Designated Organisation will need to demonstrate to the Commission's reasonable satisfaction that the use of such goods or services has taken place during the period in paragraph 3.2.
- 3.5 The list of items that constitute Eligible Spending under 3.3.1 is not exhaustive and additional types of office costs may be allowed at the Commission's discretion. Additional members of staff under 3.3.1(c) may also be allowed at the Commission's discretion. If a Designated Organisation wishes to make such claims, it should contact the Commission to ask about the eligibility of those items.

## 4 Payment of the Grant

- 4.1 If a Designated Organisation wishes to accept the grant, the form at Annex A to these terms and conditions must be completed and signed by the Responsible Person and returned to the Commission by 23 June 2016. At the same time as completing the grant acceptance form, the Responsible Person may authorise up to two other people to make the declaration on a claim form under paragraph 4.5, provided that each person also signs the form to confirm their agreement.
- 4.2 After a Designated Organisation has declared their intent to accept the grant in accordance with paragraph 4.1, the Commission will pay grant monies of £200,000 (the 'initial payment') to that Designated Organisation as soon as is reasonable in the circumstances.
- 4.3 Subject to paragraph 4.9, the Commission will pay a Designated Organisation so much of the remaining grant monies of £400,000 as is claimed in accordance with this section 4.
- 4.4 Once the initial payment has been spent on Eligible Spending, a Designated Organisation may either:
- 4.4.1. make a first claim for a minimum of £100,000 and then make subsequent claims of a minimum of £100,000 each until the final claim for the remainder of the grant; or
  - 4.4.2. make a single claim for the remaining £400,000 of the grant.
- 4.5 A claim under paragraph 4.4 must be made on the forms at Annex B to these terms and conditions, or such reasonable alternative as may be provided by the Commission from time to time, and include the following:



4.5.1. details, supported by documentary evidence in the form set out in paragraph 4.6, that show to the Commission's reasonable satisfaction:

(a) in the case of a first claim under 4.4.1, or a claim under 4.4.2, that the initial payment has been spent on Eligible Spending, and

(b) in any claim, that the sum claimed has been or is intended to be spent on Eligible Spending.

4.5.2. a declaration by the Responsible Person or a person nominated under paragraph 4.1 that the money claimed has been (or will be, in the case of an advance) spent on Eligible Spending.

4.6 The form of evidence to be submitted under paragraph 4.5.1 is:

4.6.1. in respect of sums already spent: receipts or invoices;

4.6.2. in respect of intended spending: purchase orders or contracts with suppliers that show to the Commission's reasonable satisfaction that the Designated Organisation intends to incur Eligible Spending on the specified item and to the specified value after the date the claim is submitted;

4.6.3. in respect of items which only partly constitute Eligible Spending under the grant: the evidence required under paragraph 4.6.1 for the full cost plus details of the amount which the Designated Organisation considers to constitute Eligible Spending and a full explanation of the basis for that apportionment.

or such evidence as the Commission may in its discretion agree to accept.

4.7 Any claim for grant monies under paragraph 4.4 must be received by the Commission on or before 23 August 2016, except for any claims under 3.3.1(c) incurred after 23 June 2016, which must be received by the Commission on or before 23 November 2016.

4.8 Eligible Spending specified in one claim may not be specified in another claim.

4.9 Under paragraph 13(3) of schedule 1 to the 2015 Act, grant instalments to a Designated Organisation may be withheld if the Commission is satisfied that the Designated Organisation has failed to comply with any of the terms and conditions within this document. Instalments will be withheld until the Commission is satisfied that any such breach has been remedied.

## 5 Conditions to be met after Referendum Period

- 5.1 A Designated Organisation must, by 7 July 2016, submit to the Commission a document, in the form at Annex C to these terms and conditions, listing assets acquired as Eligible Spending for more than £200 in relation to which the Designated Organisation has claimed under section 4 or will provide evidence of payment under paragraph 5.4 ('listed item').
- 5.2 The Designated Organisation must, if requested by the Commission and as soon as reasonably practicable, transfer ownership of a specified listed item to the Commission and permit the Commission to take possession of the item, together with all warranties, guarantees and maintenance records. The Commission will pay the cost of preparing any document necessary to transfer ownership and the cost of collecting any item.
- 5.3 The Commission may not make a request for a listed item after the period of 14 days following the date of receipt of the document referred to at paragraph 5.1.
- 5.4 A Designated Organisation must, by 23 December 2016, and in the manner reasonably specified by the Commission, submit to the Commission receipts or other documents evidencing all payments for which grant monies have been used (unless such evidence of payment was previously submitted to the Commission).
- 5.5 A Designated Organisation must return to the Commission, by 23 December 2016, so much of the grant monies for which the Designated Organisation has not provided evidence of payment.

## 6 Audit

- 6.1 The Commission may audit a Designated Organisation's use of grant monies. For the purpose of an audit, the Commission may use its supervisory powers under Schedule 19B of PPERA.

## 7 Recovery

- 7.1 Where a Designated Organisation is in breach of any of the terms and conditions set out in this document, including but not limited to the conditions set out at paragraph 3.1, 5.2 and 5.4, the Commission may require the Designated Organisation to repay all or part of the grant.
- 7.2 A demand for repayment by the Commission must be made in writing and the Designated Organisation must comply within fourteen days of the date of the demand.

## Annexes

**Annex A – Acceptance of grant form**  
(word document provided)

**Annex B – Grant expenditure claim form**  
(excel document provided)

**Annex C – List of items above £200**  
(excel document provided)

**Annex A to the EU Referendum Grant Terms and Conditions**



**Grant Acceptance Form**

**Box one**

As the person registered under section 106(4)(b)(ii) of the Political Parties, Election and Referendums Act 2000 (the Responsible Person) for the designated lead campaigner called \_\_\_\_\_, I, \_\_\_\_\_, confirm that \_\_\_\_\_ wishes to accept the publicly funded grant available to the designated lead campaigner and accepts and agrees to be legally bound by the terms and conditions of the grant set out in the document entitled 'Terms and Conditions of a grant to a Designated Organisation, The European Union (Referendum) Act 2015'. I further confirm that I have read the grant terms and conditions and will comply with them.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Position: \_\_\_\_\_

**Box two**

I, \_\_\_\_\_, as the Responsible Person of the above named designated lead campaigner, hereby authorise the following individuals to submit claims against the grant to the Commission on behalf of the designated lead campaigner:

1) \_\_\_\_\_

2) \_\_\_\_\_

Signature of Responsible Person: \_\_\_\_\_ Date: \_\_\_\_\_

**Authorised Individual 1**

I, \_\_\_\_\_, confirm that I have read the terms and conditions of the grant set out in the document entitled 'Terms and Conditions of a grant to a Designated Organisation, The European Union (Referendum) Act 2015' and will comply with them.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Position: \_\_\_\_\_

Continued overleaf

**Authorised Individual 2**

I, \_\_\_\_\_, confirm that I have read the terms and conditions of the grant set out in the document entitled 'Terms and Conditions of a grant to a Designated Organisation, The European Union (Referendum) Act 2015' and will comply with them.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Positon: \_\_\_\_\_

The completed form must be returned to \_\_\_\_\_ at The Electoral Commission, 3 Bunhill Row, London EC1Y 8YZ or \_\_\_\_\_electoralcommission.org.uk.