



# Scottish Independence Referendum Act 2013

2013 asp 14

## SCOTTISH INDEPENDENCE REFERENDUM ACT 2013

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#### SCHEDULE 1 — Form of ballot paper

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##### PART 1 — MANNER OF VOTING

*Manner of voting*

- 1 (1) This paragraph applies to determine the manner of voting...

*Existing absent voters*

- 2 (1) A person is taken to have been granted a...

*Applications for absent vote*

- 3 (1) Where a person applies to the registration officer to...

*Absent voters lists*

- 4 (1) Each registration officer must keep the 2 lists mentioned...

*Proxies*

- 5 (1) Subject to the provisions of this paragraph, any person...

*Voting as proxy*

- 6 (1) A person entitled to vote as proxy for another...

*Requirements as to applications*

- 7 (1) This paragraph applies in relation to applications under paragraph...

*Additional requirements as to certain applications to vote by proxy*

- 8 (1) Sub-paragraphs (2) to (5) apply in relation to an...

*Grant or refusal of applications*

- 9 (1) This paragraph applies in relation to applications under paragraph...

*Forms*

- 10 (1) The registration officer must provide free of charge to...

*Personal identifiers record*

- 11 (1) Each registration officer must keep a record in relation...

*Marked lists for polling stations*

- 12 To indicate that a voter or a voter's proxy is...

*Appeals*

- 13 (1) Where an appeal under section 56 of the 1983...

PART 2 — REGISTRATION

*Effect of register*

- 14 (1) A person registered in the register of electors or...

*Effect of misdescription*

- 15 No misnomer or inaccurate description of any person or place...

*Carrying out of registration functions*

- 16 (1) A registration officer must carry out the registration officer's...

*Alterations in the register of electors*

- 17 (1) An alteration in the register of electors under section...

*Preparation of the Polling List*

- 18 (1) Each registration officer must prepare, in accordance with this...

*The cut-off date*

- 19 (1) In this Act, the cut-off date means 5pm on...

PART 3 — POSTAL VOTING: ISSUE AND RECEIPT OF BALLOT PAPERS

*Persons entitled to be present at issue and receipt of postal ballot papers*

- 20 (1) Without prejudice to sections 18 to 20, no person...

*Notification of requirement of secrecy*

- 21 The counting officer must make such arrangements as are reasonably...

*Time when postal ballot papers are to be issued*

- 22 The counting officer is to issue postal ballot papers (and...

*Issue of postal ballot papers*

- 23 (1) The number of the voter as stated in the...

*Refusal to issue postal ballot paper*

- 24 Where a counting officer is satisfied that two or more...

*Envelopes*

- 25 (1) The envelope which the counting officer is required by...

*Sealing up of completed corresponding number lists and security of special lists*

- 26 (1) As soon as practicable after the issue of each...

*Payment of postage on postal ballot papers*

- 27 (1) Where ballot papers are posted to postal voters, postage...

*Spoilt postal ballot papers*

- 28 (1) If a postal voter has inadvertently dealt with a...

*Lost postal ballot papers*

- 29 (1) Where a postal voter claims either to have lost...

*Superseded postal ballot papers*

- 30 (1) This paragraph applies where— (a) an event mentioned in...

*Notice of opening of postal ballot paper envelopes*

- 31 (1) The counting officer must give to each of the...

*Boxes and receptacles*

- 32 (1) The counting officer must provide a separate box for...

*Receipt of covering envelopes and collection of postal votes*

- 33 (1) The counting officer must, immediately on receipt (whether by...

*Opening of postal voters box*

- 34 (1) Each postal voters box must be opened by the...

*Opening of covering envelopes*

- 35 (1) When a postal voters box is opened, the counting...

*Confirmation of receipt of postal voting statement*

- 36 (1) A voter or a voter's proxy who is shown...

*Procedure in relation to postal voting statements*

- 37 (1) This paragraph applies to any postal voting statement contained...

*Procedure in relation to postal voting statements: personal identifier verification*

- 38 (1) This paragraph applies to any postal voting statement contained...

*Postal voting statements: additional personal identifier verification*

- 39 (1) A counting officer may on any occasion on which...

*Opening of ballot paper envelopes*

- 40 (1) The counting officer must open separately each ballot paper...

*Retrieval of cancelled postal ballot papers*

- 41 (1) Where it appears to the counting officer that a...

*Lists of provisionally rejected postal ballot papers*

- 42 (1) The counting officer must keep two separate lists of...

*Checking of lists kept under paragraph 42*

- 43 (1) Where the counting officer receives a valid postal voting...

*Sealing of receptacles*

- 44 (1) As soon as practicable after the completion of the...

*Forwarding of documents*

- 45 (1) The counting officer must, at the same time as...

*Changes to legislation: There are currently no known outstanding effects for the Scottish Independence Referendum Act 2013. (See end of Document for details)*

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*Power of Chief Counting Officer to prescribe*

- 46 (1) In paragraphs 10(2) and 45(1)(b), “prescribed” means prescribed by...

*Interpretation of Part*

- 47 In this Part— “postal ballot paper” means a ballot paper...  
PART 4 — SUPPLY OF POLLING LIST ETC.

*Supply of free copy of Polling List etc. to counting officers*

- 48 (1) Each registration officer must, at the request of the...

*Supply of free copy of Polling List etc. to Electoral Commission*

- 49 (1) Each registration officer must supply free of charge to...

*Supply of free copy of edited Polling List etc. to designated organisations*

- 50 (1) If a designated organisation so requests, the registration officer...

*Supply of free copy of register of local government electors etc. to permitted participants*

- 51 (1) If a permitted participant so requests, the registration officer...

*Supply of data*

- 52 A duty of a registration officer to supply data under...

*General restriction on use of registration documents and information contained in them*

- 53 (1) This paragraph applies to— (a) any person to whom...

*Offence in relation to disclosure of registration documents*

- 54 (1) A person (“A”) commits an offence—

*Destruction of copies of the Polling List etc.*

- 55 (1) This paragraph applies to any person holding a copy...  
PART 5 — SUPPLY OF MARKED POLLING LIST ETC.

*Supply of marked Polling List etc. to designated organisations*

- 56 (1) A designated organisation may request that a counting officer...

*Fee for supply of marked Polling List etc.*

- 57 (1) The fee to be paid in accordance with sub-paragraph...

SCHEDULE 3 — Conduct rules

*Publication of notice of the referendum*

- 1 (1) The counting officer must publish notice of the referendum...

*Hours of polling*

- 2 The hours of polling are between 7am and 10pm.

*The ballot*

- 3 (1) The votes at the referendum are to be given...

*Printing of ballot papers*

- 4 The counting officer must arrange for the printing of the...

*The corresponding number list*

- 5 (1) The counting officer must prepare a list (the “corresponding...

*Security marking*

- 6 (1) Every ballot paper must bear or contain—

*Use of schools and public rooms for polling and counting votes*

- 7 (1) The counting officer may use, free of charge, for...

*Postal ballot papers*

- 8 (1) The counting officer must issue to those entitled to...

*Provision of polling stations*

- 9 (1) The counting officer must— (a) provide a sufficient number...

*Appointment of presiding officers and clerks*

- 10 (1) The counting officer must appoint and pay—

*Issue of poll cards*

- 11 (1) The counting officer must, as soon as reasonably practicable...

*Loan of equipment for referendum*

- 12 (1) A council must, if requested to do so by...

*Equipment of polling stations*

- 13 (1) The counting officer must provide each presiding officer with...

*Appointment of polling and counting agents*

- 14 (1) A referendum agent may appoint— (a) polling agents to...

*Admission to polling station*

- 15 (1) No person other than the presiding officer and the...

*Notification of requirement of secrecy*

- 16 (1) The counting officer must make such arrangements as are...

*Keeping of order in polling station*

- 17 (1) The presiding officer must keep order at the polling...

*Sealing of ballot boxes*

- 18 (1) Immediately before the commencement of the poll, the presiding...

*Questions to be put to voters*

- 19 (1) At the time a voter applies for a ballot...

*Challenge of voter*

- 20 (1) A person is not to be prevented from voting...

*Voting procedure*

- 21 (1) Subject to rule 19(4), a ballot paper must be...

*Votes marked by presiding officer*

- 22 (1) On the application of a voter—

*Voting by persons with disabilities*

- 23 (1) If a voter applies to the presiding officer to...

*Tendered ballot papers*

- 24 (1) Paragraph (6) applies if any of situations A to...

*Spoilt ballot papers*

- 25 (1) A voter who has inadvertently dealt with a ballot...

*Correction of errors on polling day*

- 26 (1) The presiding officer must keep a list of persons...

*Adjournment of poll in case of riot*

- 27 (1) Where the proceedings at any polling station are interrupted...

*Procedure on close of poll*

- 28 (1) As soon as reasonably practicable after the close of...

*Attendance at counting of votes*

- 29 (1) The counting officer must make arrangements for counting of...

*The count*

- 30 (1) The counting officer must— (a) in the presence of...

*Rejected ballot papers*

- 31 (1) Any ballot paper to which paragraph (2) applies is...

*Counting the votes*

- 32 The counting officer must count the votes in favour of...



*Decisions on ballot papers*

- 33 The decision of the counting officer on any question arising...

*Re-counts*

- 34 (1) The counting officer may have the votes re-counted (or...

*Declaration of result*

- 35 (1) After making the certification under section 7(2)(b) (results for...

*Sealing up of ballot papers*

- 36 (1) On the completion of the counting, the counting officer...

*Delivery of papers*

- 37 (1) After sealing the papers in accordance with rule 36,...

*Retention and public inspection of papers*

- 38 (1) The proper officer of the council must retain for...

*Retention and public inspection of certifications*

- 39 (1) The Chief Counting Officer must retain for one year—...

*Orders for production of documents*

- 40 (1) The Court of Session or a sheriff principal may...

*Power of Chief Counting Officer to prescribe*

- 41 (1) In this schedule, “prescribed” means prescribed by the Chief...

SCHEDULE 4 — Campaign rules  
PART 1 — INTERPRETATION

*Interpretation of schedule*

- 1 (1) In this schedule— “bequest” includes any form of testamentary...  
PART 2 — PERMITTED PARTICIPANTS AND DESIGNATED ORGANISATIONS

*Permitted participants*

- 2 (1) For the purposes of this schedule, a registered party,...

*Further provision about declarations under paragraph 2*

- 3 (1) A declaration under paragraph 2 by a registered party—...

*Further provision about responsible persons*

- 4 (1) A person who is the responsible person in relation...

*Register of declarations under paragraph 2*

- 5 (1) The Electoral Commission must maintain a register of all...

*Designated organisations*

- 6 (1) The Electoral Commission may, in relation to each of...

*Applications for designation under paragraph 6*

- 7 (1) A permitted participant seeking to be designated under paragraph...

*Designated organisation's right to use rooms for holding public meetings*

- 8 (1) Subject to the provisions of this paragraph, persons authorised...

*Supplementary provisions about use of rooms for public meetings*

- 9 (1) This paragraph has effect with respect to the rights...

PART 3 — REFERENDUM EXPENSES

*Referendum expenses*

- 10 (1) The following provisions have effect for the purposes of...

*Expenses qualifying where incurred for referendum purposes*

- 11 (1) For the purposes of paragraph 10(2)(a) the expenses falling...

*Notional referendum expenses*

- 12 (1) This paragraph applies where, in the case of any...

*Restriction on incurring referendum expenses*

- 13 (1) No amount of referendum expenses is to be incurred...

*Restriction on payments in respect of referendum expenses*

- 14 (1) No payment (of whatever nature) may be made in...

*Restriction on making claims in respect of referendum expenses*

- 15 (1) A claim for payment in respect of referendum expenses...

*Disputed claims*

- 16 (1) This paragraph applies where— (a) a claim for payment...

*Rights of creditors*

- 17 Nothing in this schedule which prohibits— (a) payments and contracts...

*General restriction on referendum expenses*

- 18 (1) This paragraph applies in relation to an individual or...

*Special restrictions on referendum expenses by permitted participants*

- 19 (1) The total referendum expenses incurred by or on behalf...

*Referendum expenses incurred as part of common plan*

- 20 (1) This paragraph applies where— (a) referendum expenses are incurred...

*Returns as to referendum expenses*

- 21 (1) The responsible person in relation to a permitted participant...

*Auditor's report on return*

- 22 (1) Where the return prepared under paragraph 21 in respect...

*Delivery of returns to Electoral Commission*

- 23 (1) Sub-paragraph (2) applies where— (a) a return falls to...

*Declaration of responsible person as to return under paragraph 21*

- 24 (1) Each return prepared under paragraph 21 in respect of...

*Public inspection of returns under paragraph 21*

- 25 (1) Where the Electoral Commission receive any return under paragraph...

PART 4 — PUBLICATIONS

*Restriction on publication etc. of promotional material by central and local government etc.*

- 26 (1) This paragraph applies to any material which—

*Details to appear on referendum material*

- 27 (1) No material wholly or mainly relating to the referendum...

*Display of advertisements*

- 28 The Town and Country Planning (Control of Advertisements) (Scotland) Regulations...

PART 5 — CONTROL OF DONATIONS

*Operation and interpretation of this Part*

- 29 (1) This Part has effect for controlling donations to permitted...

*Donations: general rules*

- 30 (1) “Donation”, in relation to a permitted participant, means (subject...

*Sponsorship*

- 31 (1) For the purposes of this schedule sponsorship is provided...

*Payments etc. not to be regarded as donations*

- 32 (1) None of the following is to be regarded as...

*Value of donations*

- 33 (1) The value of any donation falling within paragraph 30(1)(a)...

*Prohibition on accepting donations from impermissible donors*

34 (1) A relevant donation received by a permitted participant must...

*Acceptance or return of donations*

35 (1) Sub-paragraph (2) applies where— (a) a donation is received...

*Return of donation where donor unidentifiable*

36 (1) For the purposes of paragraph 35(3)(b), the required steps...

*Forfeiture of donations made by impermissible or unidentifiable donors*

37 (1) This paragraph applies to any donation received by a...

*Evasion of restrictions on donations*

38 (1) A person commits an offence if the person—

*Statement of relevant donations*

39 The responsible person in relation to a permitted participant must...

*Donations from permissible donors*

40 (1) The statement must record, in relation to each relevant...

*Donations from impermissible or unidentifiable donors*

41 (1) This paragraph applies to relevant donations falling within paragraph...

*Donation reports during referendum period*

42 (1) The responsible person in relation to a permitted participant...

*Declaration of responsible person as to donation reports under paragraph 42*

43 (1) Each report prepared under paragraph 42 in respect of...

*Public inspection of donation reports under paragraph 42*

44 (1) Where the Electoral Commission receive a report under paragraph...  
 PART 6 — CONTROL OF LOANS AND CREDIT

*Operation of Part*

45 (1) This Part has effect for controlling regulated transactions entered...

*Regulated transactions*

46 (1) An agreement between a permitted participant and another person...

*Valuation of regulated transaction*

47 (1) The value of a regulated transaction which is a...

*Authorised participants*

48 (1) A permitted participant must not— (a) be a party...

*Regulated transaction involving unauthorised participant*

49 (1) This paragraph applies if a permitted participant is a...

*Guarantees and securities: unauthorised participant*

50 (1) This paragraph applies if— (a) a permitted participant and...

*Transfer to unauthorised participant invalid*

51 If an authorised participant purports to transfer the participant's interest...

*Offences*

52 (1) An individual who is a permitted participant commits an...

*Penalties*

53 (1) A person who commits an offence under sub-paragraph (1),...

*Statement of regulated transactions*

54 (1) The responsible person in relation to a permitted participant...

*Identity of authorised participants*

55 The statement must record, in relation to each recordable transaction...

*Identity of unauthorised participants*

56 The statement must record, in relation to each recordable transaction...

*Details of transaction*

57 (1) The statement must record, in relation to each recordable...

*Changes*

58 (1) Where another authorised participant has become a party to...

*Total value of non-recordable transactions*

59 The statement must record the total value of any regulated...

*Transaction reports during referendum period*

60 (1) The responsible person in relation to a permitted participant...

*Declaration of responsible person as to transaction reports under paragraph 60*

61 (1) Each report prepared under paragraph 60 in respect of...

*Public inspection of transaction reports under paragraph 60*

62 (1) Where the Electoral Commission receive a report under paragraph...

*Changes to legislation:* There are currently no known outstanding effects for the Scottish Independence Referendum Act 2013. (See end of Document for details)

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*Non-disclosure with intent to conceal*

- 63 (1) This paragraph applies where, on an application made by...

*Proceedings under paragraphs 49 and 63*

- 64 (1) This paragraph has effect in relation to proceedings on...

*Interpretation*

- 65 (1) In this Part— “authorised participant” is to be construed...

SCHEDULE 5 — Campaign rules: investigatory powers of the Electoral Commission

*Power to require disclosure*

- 1 (1) This paragraph applies in relation to an organisation or...

*Inspection warrants*

- 2 (1) This paragraph applies in relation to an organisation or...

*Powers in relation to suspected offences or contraventions*

- 3 (1) This paragraph applies where the Electoral Commission have reasonable...

*Court order for delivery of documents or provision of information etc.*

- 4 (1) This paragraph applies where the Electoral Commission have given...  
5 (1) This paragraph applies where the Electoral Commission have given...

*Retention of documents delivered under paragraph 4*

- 6 (1) The Electoral Commission may retain any documents delivered to...

*Power to make copies and records*

- 7 The Electoral Commission or a person authorised by the Commission —...

*Authorisation to be in writing*

- 8 An authorisation of a person by the Electoral Commission under...

*Documents in electronic form*

- 9 (1) In the case of documents kept in electronic form—...

*Legal professional privilege*

- 10 Nothing in this schedule requires a person to produce or...

*Admissibility of statements*

- 11 (1) A statement made by a person (“P”) in compliance...

**Changes to legislation:** There are currently no known outstanding effects for the Scottish Independence Referendum Act 2013. (See end of Document for details)

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### *Offences*

- 12 (1) A person who fails, without reasonable excuse, to comply...

### *Guidance by Commission*

- 13 (1) Guidance (and revised guidance) published by the Electoral Commission...

### *Information about use of investigatory powers in Commission's report*

- 14 (1) The Electoral Commission must, in accordance with this paragraph,...

### *Interpretation*

- 15 In this schedule— “contravention” includes a failure to comply, and...

## SCHEDULE 6 — Campaign rules: civil sanctions

### PART 1 — FIXED MONETARY PENALTIES

#### *Imposition of fixed monetary penalties*

- 1 (1) The Electoral Commission may by notice impose a fixed...

#### *Representations and appeals etc.*

- 2 (1) Where the Electoral Commission propose to impose a fixed...

#### *Information to be included in notices under paragraph 2*

- 3 (1) A notice under paragraph 2(1) must include information as...

#### *Late payment*

- 4 (1) A fixed monetary penalty must be paid within the...

#### *Fixed monetary penalties: criminal proceedings and conviction*

- 5 (1) Where a notice under paragraph 2(1) is served on...

### PART 2 — DISCRETIONARY REQUIREMENTS

#### *Imposition of discretionary requirements*

- 6 (1) The Electoral Commission may impose one or more discretionary...

#### *Representations and appeals etc.*

- 7 (1) Where the Electoral Commission propose to impose a discretionary...

#### *Information to be included in notices under paragraph 7*

- 8 (1) A notice under paragraph 7(1) must include information as...

#### *Discretionary requirements: criminal conviction*

- 9 (1) A person on whom a discretionary requirement is imposed...

*Compliance and restoration certificates*

- 10 (1) Where, after the service of a notice under paragraph...

*Failure to comply with discretionary requirements*

- 11 (1) The Electoral Commission may by notice impose a monetary...

*Late payment*

- 12 (1) A variable monetary penalty must be paid within the...

PART 3 — STOP NOTICES

*Imposition of stop notices*

- 13 (1) Where sub-paragraph (2) or (3) applies, the Electoral Commission...

*Information to be included in stop notices*

- 14 A stop notice must include information as to—

*Completion certificates*

- 15 (1) Where, after the service of a stop notice on...

*Appeals etc.*

- 16 (1) A person served with a stop notice may appeal...

*Failure to comply with stop notice*

- 17 (1) A person served with a stop notice who does...

PART 4 — ENFORCEMENT UNDERTAKINGS

- 18 (1) This paragraph applies where— (a) the Electoral Commission have...

*Enforcement undertakings: further provision*

- 19 (1) An enforcement undertaking must be in writing and include—...

*Compliance certificate*

- 20 (1) Where, after accepting an enforcement undertaking from a person,...

*Appeals*

- 21 (1) A person who has given an enforcement undertaking may...

PART 5 — GENERAL AND SUPPLEMENTAL

*Combination of sanctions*

- 22 (1) The Electoral Commission may not serve on a person...

*Withdrawal or variation of notice*

- 23 (1) The Electoral Commission may by notice in writing at...

*Use of statements made compulsorily*

- 24 (1) The Electoral Commission must not take into account a...



*Unincorporated associations*

- 25 Any amount that is payable under this schedule by an...

*Guidance as to enforcement*

- 26 (1) Guidance (and revised guidance) published by the Electoral Commission...

*Recovery of penalties etc.*

- 27 The Electoral Commission may recover as a civil debt—

*Payment of penalties etc into Scottish Consolidated Fund*

- 28 Where, in pursuance of any provision contained in or made...

*Reports on use of civil sanctions*

- 29 (1) The Electoral Commission must, in accordance with this paragraph,...

*Disclosure of information*

- 30 (1) Information held by or on behalf of a procurator...

*Powers of sheriff*

- 31 (1) On an appeal under paragraph 2(6) the sheriff may...

PART 6 — INTERPRETATION

- 32 In this schedule— “completion certificate” has the meaning given in...

PART 7 — LISTED CAMPAIGN OFFENCES

The following table lists campaign offences for the purposes of...

SCHEDULE 7 — Offences

*Personation*

- 1 (1) A person (“A”) commits the offence of personation in...

*Other voting offences*

- 2 (1) A person (“A”) commits an offence if—

*Imitation poll cards*

- 3 (1) A person commits an offence if the person, for...

*Offences relating to applications for postal and proxy votes*

- 4 (1) A person (“A”) commits an offence if A—

*Breach of official duty*

- 5 (1) If a person to whom this paragraph applies without...

*Tampering with ballot papers etc.*

- 6 (1) A person (“A”) commits an offence if, in connection...

*Changes to legislation:* There are currently no known outstanding effects for the Scottish Independence Referendum Act 2013. (See end of Document for details)

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*Requirement of secrecy*

- 7 (1) Every person (other than one mentioned in sub-paragraph (2))...

*Prohibition on publication of exit polls*

- 8 (1) No person may publish before the close of the...

*Payments to voters for exhibition of referendum notices*

- 9 (1) No payment or contract for payment may, for the...

*Treating*

- 10 (1) A person (“A”) commits the offence of treating in...

*Undue influence*

- 11 (1) A person (“A”) commits the offence of undue influence...

*Bribery*

- 12 (1) A person commits the offence of bribery in connection...

*Disturbances at public meetings*

- 13 (1) A person commits an offence if the person, at...

*Illegal canvassing by police officers*

- 14 (1) A person who is a constable commits an offence...

*Prosecutions for corrupt practices*

- 15 A person who commits a corrupt practice under any provision...

*Prosecutions for illegal practices*

- 16 (1) A person who commits an illegal practice under any...

*Conviction of illegal practice on charge of corrupt practice etc.*

- 17 A person charged with a corrupt practice under any provision...

*Incapacity to hold public or judicial office in Scotland*

- 18 (1) A person convicted of a corrupt or illegal practice...

*Prohibition of paid canvassers*

- 19 If a person is, whether before or during the referendum,...

*Providing money for illegal purposes*

- 20 If a person knowingly provides money— (a) for any payment...

*Prosecutions for illegal employment or illegal payment*

- 21 (1) A person who commits an offence of—

## SCHEDULE 8 — Interpretation

In this Act— “the 1983 Act” means the Representation of...

**Changes to legislation:**

There are currently no known outstanding effects for the Scottish Independence Referendum Act 2013.