

Scottish Independence Referendum Act 2013

SCOTTISH INDEPENDENCE REFERENDUM ACT 2013

Referendum

1 Referendum on Scottish independence

Franchise

- 2 Those who are entitled to vote
- 3 Declarations of local connection and service declarations: further provision

Voting etc.

4 Provision about voting etc.

Conduct

- 5 Chief Counting Officer
- 6 Other counting officers
- 7 Functions of the Chief Counting Officer and other counting officers
- 8 Correction of procedural errors
- 9 Expenses of counting officers
- 10 Conduct rules

Campaign

- 11 Campaign rules
- 12 Monitoring and securing compliance with the campaign rules
- 13 Inspection of Electoral Commission's registers etc.
- 14 Campaign rules: general offences
- 15 Campaign offences: summary proceedings
- 16 Duty of court to report convictions to the Electoral Commission

Referendum agents

17 Referendum agents

Observers

- 18 Attendance of Electoral Commission at proceedings and observation of working practices
- 19 Accredited observers: individuals
- 20 Accredited observers: organisations
- 21 Attendance and conduct of accredited observers
- 22 Code of practice on attendance of observers

Information, guidance, advice and encouragement

- 23 Information for voters
- 24 Guidance
- 25 Advice
- 26 Encouraging participation

Report on referendum

27 Report on the conduct of the referendum

Electoral Commission: administrative provision

- 28 Reimbursement of Commission's costs
- 29 Estimates of expenditure
- 30 Maladministration

Offences

- 31 Offences
- 32 Offences by bodies corporate etc.

Power to make supplementary etc. provision and modifications

33 Power to make supplementary etc. provision and modifications

Legal proceedings

34 Restriction on legal challenge to referendum result

Final provisions

- 35 Interpretation
- 36 Commencement
- 37 Short title

SCHEDULE 1 — Form of ballot paper

SCHEDULE 2 — Further provision about voting in the referendum

PART 1 — MANNER OF VOTING

- 1 Manner of voting
- 2 Existing absent voters

Status: This is the original version (as it was originally enacted).

- 3 Applications for absent vote
- 4 Absent voters lists
- 5 Proxies
- 6 Voting as proxy
- 7 Requirements as to applications
- 8 Additional requirements as to certain applications to vote by proxy
- 9 Grant or refusal of applications
- 10 Forms
- 11 Personal identifiers record
- 12 Marked lists for polling stations
- 13 Appeals

PART 2 — REGISTRATION

- 14 Effect of register
- 15 Effect of misdescription
- 16 Carrying out of registration functions
- 17 Alterations in the register of electors
- 18 Preparation of the Polling List
- 19 The cut-off date

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

- 20 Persons entitled to be present at issue and receipt of postal ballot papers
- 21 Notification of requirement of secrecy
- 22 Time when postal ballot papers are to be issued
- 23 Issue of postal ballot papers
- 24 Refusal to issue postal ballot paper
- 25 Envelopes
- 26 Sealing up of completed corresponding number lists and security of special lists
- 27 Payment of postage on postal ballot papers
- 28 Spoilt postal ballot papers
- 29 Lost postal ballot papers
- 30 Superseded postal ballot papers
- 31 Notice of opening of postal ballot paper envelopes
- 32 Boxes and receptacles
- 33 Receipt of covering envelopes and collection of postal votes
- 34 Opening of postal voters box
- 35 Opening of covering envelopes
- 36 Confirmation of receipt of postal voting statement
- 37 Procedure in relation to postal voting statements
- 38 Procedure in relation to postal voting statements: personal identifier verification
- 39 Postal voting statements: additional personal identifier verification
- 40 Opening of ballot paper envelopes
- 41 Retrieval of cancelled postal ballot papers
- 42 Lists of provisionally rejected postal ballot papers
- 43 Checking of lists kept under paragraph 42
- 44 Sealing of receptacles
- 45 Forwarding of documents
- 46 Power of Chief Counting Officer to prescribe
- 47 Interpretation of Part

PART 4 — SUPPLY OF POLLING LIST ETC.

- 48 Supply of free copy of Polling List etc. to counting officers
- 49 Supply of free copy of Polling List etc. to Electoral Commission

- 50 Supply of free copy of edited Polling List etc. to designated organisations
- 51 Supply of free copy of register of local government electors etc. to permitted participants
- 52 Supply of data
- 53 General restriction on use of registration documents and information contained in them
- 54 Offence in relation to disclosure of registration documents
- Destruction of copies of the Polling List etc.
 - PART 5 SUPPLY OF MARKED POLLING LIST ETC.
- 56 Supply of marked Polling List etc. to designated organisations
- 57 Fee for supply of marked Polling List etc.

SCHEDULE 3 — Conduct rules

- 1 Publication of notice of the referendum
- 2 Hours of polling
- 3 The ballot
- 4 Printing of ballot papers
- 5 The corresponding number list
- 6 Security marking
- 7 Use of schools and public rooms for polling and counting votes
- 8 Postal ballot papers
- 9 Provision of polling stations
- 10 Appointment of presiding officers and clerks
- 11 Issue of poll cards
- 12 Loan of equipment for referendum
- 13 Equipment of polling stations
- 14 Appointment of polling and counting agents
- 15 Admission to polling station
- 16 Notification of requirement of secrecy
- 17 Keeping of order in polling station
- 18 Sealing of ballot boxes
- 19 Questions to be put to voters
- 20 Challenge of voter
- 21 Voting procedure
- 22 Votes marked by presiding officer
- Voting by persons with disabilities
- 24 Tendered ballot papers
- 25 Spoilt ballot papers
- 26 Correction of errors on polling day
- 27 Adjournment of poll in case of riot
- 28 Procedure on close of poll
- 29 Attendance at counting of votes
- 30 The count
- 31 Rejected ballot papers
- 32 Counting the votes
- 33 Decisions on ballot papers
- 34 Re-counts
- 35 Declaration of result
- 36 Sealing up of ballot papers
- 37 Delivery of papers
- 38 Retention and public inspection of papers
- 39 Retention and public inspection of certifications

- 40 Orders for production of documents
- 41 Power of Chief Counting Officer to prescribe

SCHEDULE 4 — Campaign rules

PART 1 — INTERPRETATION

Interpretation of schedule

PART 2 — PERMITTED PARTICIPANTS AND DESIGNATED ORGANISATIONS

- 2 Permitted participants
- 3 Further provision about declarations under paragraph 2
- 4 Further provision about responsible persons
- 5 Register of declarations under paragraph 2
- 6 Designated organisations
- 7 Applications for designation under paragraph 6
- 8 Designated organisation's right to use rooms for holding public meetings
- 9 Supplementary provisions about use of rooms for public meetings PART 3 REFERENDUM EXPENSES
- 10 Referendum expenses
- 11 Expenses qualifying where incurred for referendum purposes
- 12 Notional referendum expenses
- 13 Restriction on incurring referendum expenses
- 14 Restriction on payments in respect of referendum expenses
- 15 Restriction on making claims in respect of referendum expenses
- 16 Disputed claims
- 17 Rights of creditors
- 18 General restriction on referendum expenses
- 19 Special restrictions on referendum expenses by permitted participants
- 20 Referendum expenses incurred as part of common plan
- 21 Returns as to referendum expenses
- 22 Auditor's report on return
- 23 Delivery of returns to Electoral Commission
- 24 Declaration of responsible person as to return under paragraph 21
- 25 Public inspection of returns under paragraph 21
 - PART 4 PUBLICATIONS
- 26 Restriction on publication etc. of promotional material by central and local government etc.
- 27 Details to appear on referendum material
- 28 Display of advertisements
 - PART 5 CONTROL OF DONATIONS
- 29 Operation and interpretation of this Part
- 30 Donations: general rules
- 31 Sponsorship
- Payments etc. not to be regarded as donations
- 33 Value of donations
- 34 Prohibition on accepting donations from impermissible donors
- 35 Acceptance or return of donations
- 36 Return of donation where donor unidentifiable
- 37 Forfeiture of donations made by impermissible or unidentifiable donors
- 38 Evasion of restrictions on donations
- 39 Statement of relevant donations
- 40 Donations from permissible donors
- 41 Donations from impermissible or unidentifiable donors
- 42 Donation reports during referendum period

- Declaration of responsible person as to donation reports under paragraph 42
- Public inspection of donation reports under paragraph 42
 PART 6 CONTROL OF LOANS AND CREDIT
- 45 Operation of Part
- 46 Regulated transactions
- 47 Valuation of regulated transaction
- 48 Authorised participants
- 49 Regulated transaction involving unauthorised participant
- 50 Guarantees and securities: unauthorised participant
- 51 Transfer to unauthorised participant invalid
- 52 Offences
- 53 Penalties
- 54 Statement of regulated transactions
- 55 Identity of authorised participants
- 56 Identity of unauthorised participants
- 57 Details of transaction
- 58 Changes
- 59 Total value of non-recordable transactions
- 60 Transaction reports during referendum period
- Declaration of responsible person as to transaction reports under paragraph 60
- 62 Public inspection of transaction reports under paragraph 60
- Non-disclosure with intent to conceal
- 64 Proceedings under paragraphs 49 and 63
- 65 Interpretation

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

- 1 Power to require disclosure
- 2 Inspection warrants
- 3 Powers in relation to suspected offences or contraventions
- 4 Court order for delivery of documents or provision of information etc.
- 5 (1) This paragraph applies where the Electoral Commission have given...
- 6 Retention of documents delivered under paragraph 4
- Power to make copies and records
- 8 Authorisation to be in writing
- 9 Documents in electronic form
- 10 Legal professional privilege
- 11 Admissibility of statements
- 12 Offences
- 13 Guidance by Commission
- 14 Information about use of investigatory powers in Commission's report
- 15 Interpretation

SCHEDULE 6 — Campaign rules: civil sanctions

PART 1 — FIXED MONETARY PENALTIES

- Imposition of fixed monetary penalties
- 2 Representations and appeals etc.
- 3 Information to be included in notices under paragraph 2
- 4 Late payment
- 5 Fixed monetary penalties: criminal proceedings and conviction

PART 2 — DISCRETIONARY REQUIREMENTS

- 6 Imposition of discretionary requirements
- 7 Representations and appeals etc.
- 8 Information to be included in notices under paragraph 7
- 9 Discretionary requirements: criminal conviction
- 10 Compliance and restoration certificates
- 11 Failure to comply with discretionary requirements
- 12 Late payment

PART 3 — STOP NOTICES

- 13 Imposition of stop notices
- 14 Information to be included in stop notices
- 15 Completion certificates
- 16 Appeals etc.
- 17 Failure to comply with stop notice

PART 4 — ENFORCEMENT UNDERTAKINGS

- 18 (1) This paragraph applies where— (a) the Electoral Commission have
- 19 Enforcement undertakings: further provision
- 20 Compliance certificate
- 21 Appeals

PART 5 — GENERAL AND SUPPLEMENTAL

- 22 Combination of sanctions
- 23 Withdrawal or variation of notice
- 24 Use of statements made compulsorily
- 25 Unincorporated associations
- 26 Guidance as to enforcement
- 27 Recovery of penalties etc.
- 28 Payment of penalties etc into Scottish Consolidated Fund
- 29 Reports on use of civil sanctions
- 30 Disclosure of information
- 31 Powers of sheriff

PART 6 — INTERPRETATION

In this schedule— "completion certificate" has the meaning given in...

PART 7 — LISTED CAMPAIGN OFFENCES

SCHEDULE 7 — Offences

- 1 Personation
- 2 Other voting offences
- 3 Imitation poll cards
- 4 Offences relating to applications for postal and proxy votes
- 5 Breach of official duty
- 6 Tampering with ballot papers etc.
- 7 Requirement of secrecy
- 8 Prohibition on publication of exit polls
- 9 Payments to voters for exhibition of referendum notices
- 10 Treating
- 11 Undue influence
- 12 Bribery
- 13 Disturbances at public meetings
- 14 Illegal canvassing by police officers
- 15 Prosecutions for corrupt practices
- 16 Prosecutions for illegal practices
- 17 Conviction of illegal practice on charge of corrupt practice etc.

- 18 Incapacity to hold public or judicial office in Scotland
- Prohibition of paid canvassers 19
- 20
- Providing money for illegal purposes Prosecutions for illegal employment or illegal payment

SCHEDULE 8 — Interpretation