

SCHEDULE 4 CAMPAIGN RULES

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—
- (a) provides general information about the referendum,
 - (b) deals with any of the issues raised by the referendum question,
 - (c) puts any arguments for or against any outcome, or
 - (d) is designed to encourage voting at the referendum.
- (2) Subject to sub-paragraph (3), no material to which this paragraph applies is to be published during the relevant period by or on behalf of—
- (a) the Scottish Ministers or any other part of the Scottish Administration,
 - (b) the SPCB, or
 - (c) any Scottish public authority with mixed functions or no reserved functions (within the meaning of the Scotland Act 1998).
- (3) Sub-paragraph (2) does not apply to—
- (a) material made available to persons in response to specific requests for information or to persons specifically seeking access to it,
 - (b) material published—
 - (i) in a report of a committee, the Business Bulletin or the Official Report of the Scottish Parliament, in accordance with the Parliament’s Standing Orders,
 - (ii) on the Scottish Parliament official website, or
 - (iii) in relation to any meeting, debate, discussion or other Parliamentary event authorised by the SPCB and held in accordance with the SPCB’s rules and policies applicable during the relevant period,
 - (c) anything done by or on behalf of—
 - (i) a designated organisation,
 - (ii) the Electoral Commission, or
 - (iii) the Chief Counting Officer or any other counting officer, or
 - (d) the publication of information relating to the holding of the poll.
- (4) In this paragraph—
- “publish” means make available to the public at large, or any section of the public, in whatever form and by whatever means (and “publication” is to be construed accordingly),
- “the relevant period” means the period of 28 days ending with the date of the referendum.

Details to appear on referendum material

- 27 (1) No material wholly or mainly relating to the referendum is to be published during the referendum period unless—

Status: This is the original version (as it was originally enacted).

- (a) in the case of material which is, or is contained in, such a printed document as is mentioned in sub-paragraph (3), (4) or (5), the requirements of that sub-paragraph are complied with, or
 - (b) in the case of any other material, the requirements of sub-paragraph (6) are complied with.
- (2) For the purposes of sub-paragraphs (3) to (5) the following details are “the relevant details” in the case of any material falling within sub-paragraph (1)(a), namely—
 - (a) the name and address of the printer of the document,
 - (b) the name and address of the promoter of the material, and
 - (c) the name and address of any person on behalf of whom the material is being published (and who is not the promoter).
- (3) Where the material is a document consisting (or consisting principally) of a single side of printed matter, the relevant details must appear on the face of the document.
- (4) Where the material is a printed document other than one to which sub-paragraph (3) applies, the relevant details must appear on either the first or last page of the document.
- (5) Where the material is an advertisement contained in a newspaper or periodical—
 - (a) the name and address of the printer of the newspaper or periodical must appear on either its first or last page, and
 - (b) the relevant details specified in sub-paragraph (2)(b) and (c) must be included in the advertisement.
- (6) In the case of material falling within sub-paragraph (1)(b), the following details, namely—
 - (a) the name and address of the promoter of the material, and
 - (b) the name and address of any person on behalf of whom the material is being published (and who is not the promoter),must be included in the material unless it is not reasonably practicable to include the details.
- (7) Where during the referendum period any material falling within sub-paragraph (1) (a) is published in contravention of sub-paragraph (1), then the following persons commit an offence, namely—
 - (a) the promoter of the material,
 - (b) any other person by whom the material is so published, and
 - (c) the printer of the document.
- (8) Where during the referendum period any material falling within sub-paragraph (1) (b) is published in contravention of sub-paragraph (1), then the following persons commit an offence, namely—
 - (a) the promoter of the material, and
 - (b) any other person by whom the material is so published.
- (9) A person who commits an offence under sub-paragraph (7) or (8) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (10) It is a defence for a person charged with an offence under sub-paragraph (7) or (8) to show—
 - (a) that the offence arose from circumstances beyond the person’s control, and

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

- (b) that the person took all reasonable steps, and exercised all due diligence, to ensure that that an offence under this paragraph would not be committed.
- (11) Sub-paragraph (1) does not apply to any material published for the purposes of the referendum if the publication is required under or by virtue of any enactment.
- (12) In this paragraph—
 - “print” means print by whatever means, and “printer” is to be construed accordingly,
 - “the promoter”, in relation to any material falling within sub-paragraph (1), means the person causing the material to be published,
 - “publish” means make available to the public at large, or any section of the public, in whatever form and by whatever means.

Display of advertisements

- 28 The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 ([SI 1984/467](#)) have effect in relation to the display on any site in Scotland of an advertisement relating specifically to the referendum as they have effect in relation to the display of an advertisement relating specifically to a Parliamentary election.