
Changes to legislation: There are currently no known outstanding effects for the Scottish Independence Referendum Act 2013, Cross Heading: Acceptance or return of donations. (See end of Document for details)

SCHEDULE 4 CAMPAIGN RULES

PART 5

CONTROL OF DONATIONS

Acceptance or return of donations

- 35 (1) Sub-paragraph (2) applies where—
- (a) a donation is received by a permitted participant, and
 - (b) it is not immediately decided that the permitted participant should (for whatever reason) refuse the donation.
- (2) All reasonable steps must be taken without delay by or on behalf of the permitted participant to verify (or, so far as any of the following is not apparent, ascertain)—
- (a) the identity of the donor,
 - (b) whether the donor is a permissible donor, and
 - (c) if it appears that the donor is a permissible donor, all such details in respect of the donor as are required by virtue of paragraph 40(1)(c) to be included in a statement under paragraph 39 in respect of a relevant donation.
- (3) If a permitted participant receives a donation which the permitted participant is prohibited from accepting by virtue of paragraph 34(1), or which it is decided the permitted participant should refuse, then—
- (a) unless the donation falls within paragraph 34(1)(b), the donation, or a payment of an equivalent amount, must be sent back to the person who made the donation or any person appearing to be acting on that person's behalf,
 - (b) if the donation falls within that paragraph, the required steps (see paragraph 36(1)) must be taken in relation to the donation,
- within the period of 30 days beginning with the date when the donation is received by the permitted participant.
- (4) The permitted participant and the responsible person each commit an offence if—
- (a) sub-paragraph (3)(a) applies in relation to a donation, and
 - (b) the donation is not dealt with in accordance with that sub-paragraph.
- (5) It is a defence for a permitted participant or responsible person charged with an offence under sub-paragraph (4) to show that—
- (a) all reasonable steps were taken by or on behalf of the permitted participant to verify (or ascertain) whether the donor was a permissible donor, and
 - (b) as a result, the responsible person believed the donor to be a permissible donor.
- (6) The responsible person in relation to a permitted participant commits an offence if—
- (a) sub-paragraph (3)(b) applies in relation to a donation, and
 - (b) the donation is not dealt with in accordance with that sub-paragraph.
- (7) A person who commits an offence under sub-paragraph (4) or (6) is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum (or both),

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- (b) on conviction on indictment, to imprisonment for a term not exceeding 12 months or to a fine (or both).
- (8) For the purposes of this schedule, a donation received by a permitted participant is to be taken to have been accepted by the permitted participant unless—
 - (a) it is dealt with in accordance with sub-paragraph (3), and
 - (b) a record can be produced of the receipt of the donation and of its having been dealt in accordance with that sub-paragraph.
- (9) Where a donation is received by a permitted participant in the form of an amount paid into an account held by the permitted participant with a financial institution, it is to be taken for the purposes of this schedule to have been received by the permitted participant at the time when the permitted participant is notified in the usual way of the payment into the account.

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