
Changes to legislation: There are currently no known outstanding effects for the Scottish Independence Referendum Act 2013, Cross Heading: Forfeiture of donations made by impermissible or unidentifiable donors. (See end of Document for details)

SCHEDULE 4 CAMPAIGN RULES

PART 5

CONTROL OF DONATIONS

Forfeiture of donations made by impermissible or unidentifiable donors

- 37 (1) This paragraph applies to any donation received by a permitted participant—
- (a) which, by virtue of paragraph 34(1), the permitted participant is prohibited from accepting, but
 - (b) which has been accepted by the permitted participant.
- (2) A sheriff may, on the application of the Electoral Commission, order the forfeiture by the permitted participant of an amount equal to the value of the donation.
- (3) An order may be made under this paragraph whether or not proceedings are brought against any person for an offence connected with the donation.
- (4) Proceedings on an application for an order under this paragraph are civil proceedings and, accordingly, the standard of proof that applies is that applicable in civil proceedings.
- (5) The permitted participant may appeal to the Court of Session against an order made under this paragraph.
- (6) Rules of court may make provision—
- (a) with respect to applications and appeals under this paragraph,
 - (b) for the giving of notice of such applications or appeals to persons affected by them,
 - (c) for the sisting of such persons as parties,
 - (d) generally with respect to procedure in such applications or appeals.
- (7) An amount forfeited by virtue of an order under this paragraph is to be paid into the Scottish Consolidated Fund.
- (8) Sub-paragraph (7) does not apply—
- (a) where an appeal is made under sub-paragraph (5), before the appeal is determined or otherwise disposed of, or
 - (b) in any other case, before the end of any period within which, in accordance with rules of court, an appeal under sub-paragraph (5) is to be made.

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