

SCHEDULE 6 CAMPAIGN RULES: CIVIL SANCTIONS

PART 2

DISCRETIONARY REQUIREMENTS

Failure to comply with discretionary requirements

- 11 (1) The Electoral Commission may by notice impose a monetary penalty (a “non-compliance penalty”) on a person for failing to comply with a non-monetary discretionary requirement imposed on the person.
- (2) The amount of a non-compliance penalty is to be determined by the Commission, but must not exceed £10,000.
- (3) A non-compliance penalty must be paid to the Commission.
- (4) A notice under sub-paragraph (1) must include information as to—
- (a) the grounds for imposing the non-compliance penalty,
 - (b) the amount of the penalty,
 - (c) how payment may be made,
 - (d) the period within which payment must be made, which must be not less than 28 days beginning with the day on which the notice imposing the penalty is received,
 - (e) rights of appeal, and
 - (f) the consequences of failure to make payment within the period specified.
- (5) If, before the end of the period specified for payment of a non-compliance penalty—
- (a) the person on whom the penalty was imposed has taken the steps specified in the notice imposing the non-monetary discretionary requirement to which the penalty relates, and
 - (b) the Commission have issued a certificate under paragraph 10(1) in respect of that notice,
- the Commission may waive, or reduce the amount of, the penalty.
- (6) A person served with a notice imposing a non-compliance penalty may appeal against the notice on the ground that the decision to serve the notice—
- (a) was based on an error of fact,
 - (b) was wrong in law, or
 - (c) was unfair or unreasonable for any reason (for example because the amount is unreasonable).
- (7) An appeal under sub-paragraph (6) is to a sheriff and must be made within the period of 28 days beginning with the day on which the notice under sub-paragraph (1) is received.
- (8) Where an appeal under sub-paragraph (6) is made, the non-compliance penalty is suspended from the day on which the appeal is made until the day on which the appeal is determined or withdrawn.