
*Changes to legislation: There are currently no known outstanding effects for the
Scottish Independence Referendum Act 2013, PART 3. (See end of Document for details)*

SCHEDULE 6 CAMPAIGN RULES: CIVIL SANCTIONS

PART 3

STOP NOTICES

Imposition of stop notices

- 13 (1) Where sub-paragraph (2) or (3) applies, the Electoral Commission may serve on a person a notice (a “stop notice”) prohibiting the person from carrying on an activity specified in the notice until the person has taken the steps specified in the notice.
- (2) This sub-paragraph applies where—
- (a) the person is carrying on the activity,
 - (b) the Commission reasonably believe that the activity as carried on by the person involves or is likely to involve the person committing a campaign offence listed in Part 7, and
 - (c) the Commission reasonably believe that the activity as carried on by the person is seriously damaging public confidence in the effectiveness of the controls in schedule 4, or presents a significant risk of doing so.
- (3) This sub-paragraph applies where—
- (a) the person is likely to carry on the activity,
 - (b) the Commission reasonably believe that the activity as carried on by the person will involve or will be likely to involve the person committing a campaign offence listed in Part 7, and
 - (c) the Commission reasonably believe that the activity as likely to be carried on by the person will seriously damage public confidence in the effectiveness of the controls mentioned in sub-paragraph (2)(c), or will present a significant risk of doing so.
- (4) The steps referred to in sub-paragraph (1) must be steps to secure that the activity is carried on or (as the case may be) will be carried on in a way that does not involve the person acting as mentioned in sub-paragraph (2)(b) or (3)(b).

Information to be included in stop notices

- 14 A stop notice must include information as to—
- (a) the grounds for serving the notice,
 - (b) rights of appeal,
 - (c) the consequences of not complying with the notice.

Completion certificates

- 15 (1) Where, after the service of a stop notice on a person, the Electoral Commission are satisfied that the person has taken the steps specified in the notice, they must issue a certificate to that effect (a “completion certificate”).
- (2) A stop notice ceases to have effect on the issue of a completion certificate relating to that notice.

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- (3) A person on whom a stop notice is served may at any time apply for a completion certificate. The Commission must make a decision whether to issue a completion certificate within the period of 14 days of the day on which they receive such an application.
- (4) An application for a completion certificate must be accompanied by such information as is reasonably necessary to enable the Commission to determine whether the stop notice has been complied with.
- (5) Where, on an application under sub-paragraph (3), the Commission decide not to issue a completion certificate they must notify the applicant and provide the applicant with information as to—
 - (a) the grounds for the decision not to issue a completion certificate, and
 - (b) rights of appeal.
- (6) The Commission may revoke a completion certificate if it was granted on the basis of inaccurate, incomplete or misleading information.
- (7) Where the Commission revoke a completion certificate, the stop notice has effect as if the certificate had not been issued.

Appeals etc.

- 16 (1) A person served with a stop notice may appeal against the decision to serve it on the ground that—
 - (a) the decision was based on an error of fact,
 - (b) the decision was wrong in law,
 - (c) the decision was unreasonable,
 - (d) any step specified in the notice is unreasonable, or
 - (e) the person has not acted as mentioned in paragraph 13(2)(b) or (3)(b) and would not have done so even if the stop notice had not been served.
- (2) A person served with a stop notice may appeal against a decision not to issue a completion certificate on the ground that the decision—
 - (a) was based on an error of fact,
 - (b) was wrong in law, or
 - (c) was unfair or unreasonable.
- (3) An appeal under sub-paragraph (1) or (2) is to a sheriff.
- (4) An appeal under sub-paragraph (1) against a decision to serve a stop notice must be made within the period of 28 days beginning with the day on which the stop notice is received.
- (5) An appeal under sub-paragraph (2) against a decision not to issue a completion certificate must be made within the period of 28 days beginning with the day on which notification of the decision is received.
- (6) Where an appeal under sub-paragraph (1) or (2) is made, the stop notice continues to have effect unless it is suspended or varied on the order of the sheriff.

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Failure to comply with stop notice

- 17 (1) A person served with a stop notice who does not comply with it commits an offence.
- (2) A person who commits an offence under sub-paragraph (1) 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),
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine (or both).

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