

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.

Status: This is the original version (as it was originally enacted).

- (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.

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).