

## SCHEDULE 7 OFFENCES

### *Breach of official duty*

- 5 (1) If a person to whom this paragraph applies without reasonable cause (and whether by act or omission) breaches the person's official duty, the person commits an offence.
- (2) A person who commits an offence under sub-paragraph (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (3) No person to whom this paragraph applies is liable for breach of official duty to any penalty at common law and no action for damages lies in respect of the breach by such a person of the person's official duty.
- (4) The persons to whom this paragraph applies are—
- (a) the Chief Counting Officer,
  - (b) any proper officer, registration officer, counting officer or presiding officer, and
  - (c) any deputy of a person mentioned in paragraph (a) or (b) or any other person appointed to assist or, in the course of the other person's employment, assisting a person so mentioned in connection with that person's official duties,
- and “official duty” for the purpose of this paragraph is to be construed accordingly, but does not include duties imposed otherwise than by this Act.

**Changes to legislation:**

There are currently no known outstanding effects for the Scottish Independence Referendum Act 2013, Paragraph 5.