## **EXPLANATORY NOTES**

# REFERENDUMS (SCOTLAND) ACT 2020

#### INTRODUCTION

THE ACT

#### **BACKGROUND TO THE ACT**

### **COMMENTARY**

### Referendums

- Section 1 Referendums to which this Act applies
- Section 2 Referendum questions

## Power to change date of referendum if UK election on the same day

Section 3 – Power to change date of referendum if UK election on the same day

## **Franchise**

- Section 4 Those who are entitled to vote
- Section 5 Those who are subject to a legal incapacity to vote

## Voting etc.

- Section 6 Provision about voting etc.
- Schedule 1: Further provision about voting in the referendum
  - **PART 1: MANNER OF VOTING**
  - **PART 2: REGISTRATION**
  - PART 3: POSTAL VOTING: ISSUE AND RECEIPT OF BALLOT PAPERS
  - PART 4: SUPPLY OF REGISTER OF LOCAL GOVERNMENT ELECTORS ETC.
  - PART 5: SUPPLY OF MARKED REGISTER OF LOCAL GOVERNMENT ELECTORS ETC.

#### **Conduct**

- Section 7 Chief Counting Officer (CCO)
- Section 8 Other counting officers
- Section 9 Functions of the Chief Counting Officer and other counting officers
- Section 10 Correction of procedural errors
- Section 11 Expenses of counting officers
- Section 12 Conduct rules
- Schedule 2: Conduct rules

## Campaign

- Section 13 Campaign rules
- Section 14 Monitoring and securing compliance with the campaign rules
- Section 15 Inspection of Electoral Commission's registers etc.
- Section 16 Campaign rules: general offences
- Section 17 Campaign offences: summary proceedings
- Section 18 Duty of court to report convictions to the Electoral Commission
- Schedule 3: Campaign rules
  - **PART 1: INTERPRETATION**
  - PART 2: PERMITTED PARTICIPANTS AND DESIGNATED ORGANISATIONS
  - **PART 3: REFERENDUM EXPENSES**
  - **PART 4: PUBLICATIONS**
  - **PART 5: CONTROL OF DONATIONS**
  - PART 6: CONTROL OF LOANS AND CREDIT
- Schedule 4: Campaign rules: investigatory powers of the Electoral Commission
- Schedule 5: Campaign rules: civil sanctions
  - **PART 1: FIXED MONETARY PENALTIES**
  - **PART 2: DISCRETIONARY REQUIREMENTS**
  - **PART 3: STOP NOTICES**
  - **PART 4: ENFORCEMENT UNDERTAKINGS**
  - PART 5: GENERAL AND SUPPLEMENTAL
  - **PART 6: INTERPRETATION**

### **PART 7: LISTED CAMPAIGN OFFENCES**

## **Referendum agents**

Section 19 - Referendum agents

#### **Observers**

Section 20 – Attendance of Electoral Commission at proceedings and observation of working practices

Section 21 – Accredited observers: individuals

Section 22 – Accredited observers: organisations

Section 23 – Attendance and conduct of accredited observers

Section 24 – Code of practice on attendance of observers

## Information, guidance, advice and encouragement

Section 25 – Information for voters

Section 26 - Guidance

Section 27 - Advice

Section 28 – Encouraging participation

## Report on referendum

Section 29 - Report on the conduct of the referendum

## **Electoral Commission: administrative provision**

Section 30 – Reimbursement of Commission's costs

Section 31 – Estimates of expenditure

Section 32 - Maladministration

Section 33 - Information about persons aged under 16

Section 34 - Registration officers' expenses

## **Offences**

Section 35 - Offences

Section 36 – Individual culpability for offending by an organisation

Schedule 6: Offences

## Power to modify this Act

Section 37 - Power to modify this Act

Section 38 - Power to vary specified sums

# Legal proceedings

Section 39 – Restriction on legal challenge to referendum result

# **Final provisions**

Section 40 - Interpretation

Section 41 - Commencement

Section 42 – Short title

## **PARLIAMENTARY HISTORY**

ANNEX A DRAFT TIMETABLE FOR A REFERENDUM BASED ON THE PROVISIONS SET OUT IN THE REFERENDUMS (SCOTLAND) ACT 2020

ANNEX B