
Changes to legislation: There are currently no known outstanding effects for the Referendums (Scotland) Act 2020, Paragraph 22. (See end of Document for details)

SCHEDULE 3 CAMPAIGN RULES

PART 3

REFERENDUM EXPENSES

Returns as to referendum expenses

- 22 (1) The responsible person in relation to a permitted participant must make a return under this paragraph in respect of any referendum expenses incurred by or on behalf of the permitted participant during the referendum period.
- (2) A return under this paragraph must contain—
- (a) a statement of all payments made in respect of referendum expenses incurred by or on behalf of the permitted participant during the referendum period,
 - (b) a statement of all disputed claims (within the meaning of paragraph 17),
 - (c) a statement of all the unpaid claims (if any) of which the responsible person is aware in respect of which an application has been made, or is about to be made, to the Electoral Commission under paragraph 16(5),
 - (d) a declaration under sub-paragraph (5),
 - (e) a declaration under sub-paragraph (6), and
 - (f) in a case where the permitted participant either is not a registered party or is a minor party—
 - (i) the statement required by paragraph 40, and
 - (ii) a statement of regulated transactions entered into in respect of the referendum which complies with the requirements of paragraphs 55 to 59.
- (3) A return under this paragraph must be accompanied by—
- (a) all invoices or receipts relating to the payments mentioned in sub-paragraph (2)(a), and
 - (b) in the case of any referendum expenses treated as incurred by virtue of paragraph 13, any declaration falling to be made with respect to those expenses in accordance with paragraph 13(8).
- (4) Sub-paragraphs (2)(a) to (c) and (3) do not apply to any referendum expenses incurred at any time before the individual or body became a permitted participant, but the return must be accompanied by a declaration made by the responsible person of the total amount of such expenses incurred at any such time.
- (5) For the purposes of sub-paragraph (2)(d), a declaration under this sub-paragraph is a declaration of—
- (a) whether there are any referendum expenses incurred by or on behalf of an individual or body other than the permitted participant that must under paragraph 21 be treated as having been incurred during the referendum period by or on behalf of the permitted participant, and
 - (b) if so, in the case of each such individual or body—
 - (i) the individual's or body's name, and

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- (ii) the amount of referendum expenses incurred by or on behalf of the individual or body that must be treated as mentioned in paragraph (a).
- (6) For the purposes of sub-paragraph (2)(e), a declaration under this sub-paragraph is a declaration of—
 - (a) whether there are any referendum expenses incurred by or on behalf of the permitted participant that must under paragraph 21 be treated as having been incurred during the referendum period by or on behalf of another individual or body, and
 - (b) if so, in the case of each such individual or body—
 - (i) the individual's or body's name, and
 - (ii) the amount of referendum expenses incurred by or on behalf of the permitted participant that must be treated as mentioned in paragraph (a).
- (7) The reference in sub-paragraph (6) to referendum expenses incurred by or on behalf of the permitted participant includes referendum expenses incurred before the individual or body by or on whose behalf the expenses were incurred became a permitted participant.
- (8) A reference in sub-paragraph (5) or (6) to referendum expenses that must be treated under paragraph 21 as having been incurred during the referendum period by or on behalf of a particular person includes—
 - (a) referendum expenses that, under that paragraph, must be treated as having been incurred by or on behalf of that person only, and
 - (b) referendum expenses that, under that paragraph, must be treated as having also been incurred by or on behalf of that person.
- (9) A reference in sub-paragraph (5) or (6) to the name of an individual or body is to be read, in the case where the individual or body is a permitted participant, as a reference to the name under which the permitted participant is registered in the register maintained under paragraph 6.
- (10) Sub-paragraph (11) applies where the responsible person in relation to a permitted participant makes a declaration that, to the best of the person's knowledge and belief—
 - (a) no referendum expenses have been incurred by or on behalf of a permitted participant during the referendum period, or
 - (b) the total amount of such expenses incurred by or on behalf of a permitted participant during that period does not exceed £10,000.
- (11) The responsible person in relation to the permitted participant—
 - (a) is not required to make a return under this paragraph, but
 - (b) must instead deliver the declaration referred to in sub-paragraph (10) to the Electoral Commission within the period of 3 months beginning with the end of the referendum period.
- (12) The responsible person commits an offence if—
 - (a) without reasonable excuse, the person fails to comply with the requirements of sub-paragraph (11) in relation to a declaration, or
 - (b) the person knowingly or recklessly makes a false declaration under that sub-paragraph.

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- (13) A person who commits an offence under sub-paragraph (12)(a) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (14) A person who commits an offence under sub-paragraph (12)(b) 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 12 months or to a fine (or both).
- (15) The Electoral Commission may issue guidance about the form of return to be used for the purposes of this paragraph.

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