
Changes to legislation: There are currently no known outstanding effects for the Referendums (Scotland) Act 2020, Paragraph 4. (See end of Document for details)

SCHEDULE 3 CAMPAIGN RULES

PART 2

PERMITTED PARTICIPANTS AND DESIGNATED ORGANISATIONS

Unincorporated associations with offensive or similar names

- 4 (1) Sub-paragraphs (2) to (4) apply to a declaration made under paragraph 2 by an unincorporated association within sub-paragraph (4)(f) of that paragraph.
- (2) The declaration is not to be treated for the purposes of paragraph 2 or 6 as having been made unless the Electoral Commission have accepted the declaration.
- (3) As soon as reasonably practicable after receiving the declaration, the Electoral Commission must decide whether or not to accept the declaration and they must accept it unless, in their opinion, the name of the association—
- (a) is obscene or offensive,
 - (b) includes words the publication of which would be likely to amount to the commission of an offence,
 - (c) is the same as or similar to the name of an existing permitted participant, or
 - (d) would otherwise be likely to result in voters confusing the association with an existing permitted participant.
- (4) As soon as reasonably practicable after deciding whether to accept the declaration, the Electoral Commission must give written notice to the association—
- (a) stating whether they accept the declaration, and
 - (b) if their decision is not to accept the declaration, giving the reasons for that decision.
- (5) Where—
- (a) a permitted participant is an unincorporated association within paragraph 2(4)(f),
 - (b) the Electoral Commission is notified under paragraph 3(8) of a change of name of the association, and
 - (c) in the opinion of the Electoral Commission the new name—
 - (i) is obscene or offensive,
 - (ii) includes words the publication of which would be likely to amount to the commission of an offence,
 - (iii) is the same as or similar to the name of another permitted participant, or
 - (iv) would otherwise be likely to result in voters confusing the permitted participant with another permitted participant.
- the Electoral Commission does not have to enter the new name in the register under paragraph 6.
- (6) If the Electoral Commission decide not to enter the new name in that register, the Electoral Commission—
- (a) must as soon as reasonably practicable give written notice to the association of that decision and the reasons for it, and

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- (b) in any case where they are required to make available for public inspection a document that uses the association's new name, may replace that name in the document with the name that appears on the register in respect of the association.
- (7) The fact that the association's new name is not entered in the register does not cause the association to cease to be a permitted participant.

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