
Changes to legislation: There are currently no known outstanding effects for the Referendums (Scotland) Act 2020, Paragraph 43. (See end of Document for details)

SCHEDULE 3 CAMPAIGN RULES

PART 5

CONTROL OF DONATIONS

Donation reports during referendum period

- 43 (1) The responsible person in relation to a permitted participant must prepare a report under this paragraph in respect of each of the following periods—
- (a) the period starting with the relevant day and ending with the 14th day of the referendum period,
 - (b) the succeeding period of 4 weeks during the referendum period, and
 - (c) the period from the end of the succeeding 4 week period referred to in paragraph (b) until the end of the day before the date of the referendum.
- (2) In sub-paragraph (1)(a), the “relevant day” is the day on which the Act of the Scottish Parliament referred to in section 1(2) is passed or regulations made under that Act are laid before the Scottish Parliament.
- (3) The report for a period must record, in relation to each relevant donation of more than £7,500 which is received by the permitted participant during the period—
- (a) the amount of the donation (if a donation of money, in cash or otherwise) or (in any other case) the nature of the donation and its value as determined in accordance with paragraph 34,
 - (b) the date when the donation was received by the permitted participant, and
 - (c) the information about the donor which is, in connection with recordable donations to registered parties, required to be recorded in weekly donation reports by virtue of paragraph 3 of schedule 6 of the 2000 Act.
- (4) If during any period no relevant donations of more than £7,500 were received by the permitted participant, the report for the period must contain a statement of that fact.
- (5) Where an individual or body becomes a permitted participant during a period mentioned in sub-paragraph (1)(b) or (c) (“the period in question”)—
- (a) a separate report under this paragraph need not be prepared in respect of any preceding period, but
 - (b) for the purposes of sub-paragraphs (3) and (4), the report for the period in question must also cover the time from the relevant day (as defined in sub-paragraph (2)) to the start of the period, and references in those sub-paragraphs to the period are to be read accordingly.
- (6) Sub-paragraphs (3) and (4) apply to a relevant donation received by a permitted participant before the start of the referendum period only if the donation was for the purpose of meeting referendum expenses to be incurred by the permitted participant during the referendum period.
- (7) References in this paragraph and in paragraph 44 to a relevant donation received by a permitted participant include any donation received at a time before the individual or body concerned became a permitted participant, if the donation would have been a relevant donation had the individual or body been a permitted participant at that time.

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- (8) A report under this paragraph must be delivered by the responsible person to the Electoral Commission within the period of 7 days beginning with the end of the period to which the report relates.
- (9) For the purpose of sub-paragraph (8), the following days are to be disregarded—
- (a) a Saturday or Sunday,
 - (b) Christmas Eve, Christmas Day or Easter Monday,
 - (c) a day which is a bank holiday in Scotland under the Banking and Financial Dealings Act 1971,
 - (d) a day appointed for public thanksgiving or mourning.
- (10) If, in relation to a donation made by an individual who has an anonymous entry in an electoral register, a report under this paragraph contains a statement that the permitted participant has seen evidence that the individual has such an anonymous entry, the report must be accompanied by a copy of the evidence.
- (11) The responsible person commits an offence if, without reasonable excuse, the person—
- (a) fails to comply with the requirements of sub-paragraph (8) in relation to a report under this paragraph,
 - (b) delivers a report to the Electoral Commission that does not comply with the requirements of sub-paragraphs (3), (4) or (10).
- (12) A person who commits an offence under sub-paragraph (11) 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).

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