
Changes to legislation: There are currently no known outstanding effects for the Referendums (Scotland) Act 2020.
Cross Heading: Prohibition on accepting donations from impermissible donors. (See end of Document for details)

SCHEDULE 3 CAMPAIGN RULES

PART 5

CONTROL OF DONATIONS

Prohibition on accepting donations from impermissible donors

- 35 (1) A relevant donation received by a permitted participant must not be accepted by the permitted participant if—
- (a) the person by whom the donation would be made is not, at the time of its receipt by the permitted participant, a permissible donor, or
 - (b) the permitted participant is (whether because the donation is given anonymously or by reason of any deception or concealment or otherwise) unable to ascertain the identity of the person offering the donation.
- (2) For the purposes of this schedule, any relevant donation received by a permitted participant which is an exempt trust donation is to be regarded as a relevant donation received by the permitted participant from a permissible donor.
- (3) But, for the purposes of this schedule, any relevant donation received by a permitted participant from a trustee of any property (in the trustee's capacity as such) is to be regarded as a relevant donation received by the permitted participant from a person who is not a permissible donor unless it is—
- (a) an exempt trust donation, or
 - (b) a relevant donation transmitted by the trustee to the permitted participant on behalf of beneficiaries under the trust who are—
 - (i) persons who at the time of its receipt by the permitted participant are permissible donors, or
 - (ii) the members of an unincorporated association which at that time is a permissible donor.
- (4) Where any person (“the principal donor”) causes an amount (“the principal donation”) to be received by a permitted participant by way of a relevant donation—
- (a) on behalf of the principal donor and one or more other persons, or
 - (b) on behalf of two or more other persons,
- then for the purposes of this schedule each individual contribution by a person falling within paragraph (a) or (b) which exceeds £500 is to be treated as if it were a separate donation received from that person.
- (5) In relation to each such separate donation, the principal donor must ensure that, at the time when the principal donation is received by the permitted participant, the responsible person is given—
- (a) (except in the case of a donation which the principal donor is treated as making) all such details in respect of the person treated as making the donation as are required by virtue of paragraph 41(1)(c) to be given in respect of the donor of a donation to which that paragraph applies, and
 - (b) (in any case) all such details in respect of the donation as are required by virtue of paragraph 41(1)(a).
- (6) Where—

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- (a) any person (“the agent”) causes an amount to be received by a permitted participant by way of a donation on behalf of another person (“the donor”), and
 - (b) the amount of the donation exceeds £500,
- the agent must ensure that, at the time when the donation is received by the permitted participant, the responsible person is given all such details in respect of the donor as are required by virtue of paragraph 41(1)(c) to be given in respect of the donor of a donation to which that paragraph applies.
- (7) A person commits an offence if, without reasonable excuse, the person fails to comply with sub-paragraph (5) or (6).
- (8) A person who commits an offence under sub-paragraph (7) 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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