

SCHEDULE 4

CAMPAIGN RULES: INVESTIGATORY POWERS OF THE ELECTORAL COMMISSION

Admissibility of statements

- 11 (1) A statement made by a person (“P”) in compliance with a requirement imposed under this schedule is admissible in evidence in any proceedings (as long as it also complies with any requirements governing the admissibility of evidence in the circumstances in question).
- (2) But in criminal proceedings in which P is charged with an offence (other than one to which sub-paragraph (3) applies) or in proceedings within sub-paragraph (4) to which both the Electoral Commission and P are parties—
- (a) no evidence relating to the statement is admissible against P, and
 - (b) no question relating to the statement may be asked on behalf of the prosecution or (as the case may be) the Commission in cross-examination of P,
- unless evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of P.
- (3) This sub-paragraph applies to—
- (a) an offence under paragraph 12(3),
 - (b) an offence under section 44(2) of the Criminal Law (Consolidation) (Scotland) Act 1995 (false statements made otherwise than on oath).
- (4) Proceedings are within this sub-paragraph if they arise out of the exercise by the Commission of any of their powers under schedule 5 other than powers in relation to an offence under paragraph 12(3) below.

Changes to legislation:

There are currently no known outstanding effects for the Referendums (Scotland) Act 2020,
Cross Heading: Admissibility of statements.