

SCHEDULE 4

CAMPAIGN RULES: INVESTIGATORY POWERS OF THE ELECTORAL COMMISSION

Powers in relation to suspected offences or contraventions

- 3 (1) This paragraph applies where the Electoral Commission have reasonable grounds to suspect that—
- (a) a person has committed a campaign offence, or
 - (b) a person has contravened (otherwise than by committing an offence) any restriction or other requirement imposed by schedule 3.
- (2) In this paragraph, “the suspected offence or contravention” means the offence or contravention referred to in sub-paragraph (1).
- (3) The Commission may by notice require any person (including an organisation or individual to whom paragraph 1 applies)—
- (a) to produce for inspection by the Commission, or a person authorised by the Commission, any documents that they reasonably require for the purposes of investigating the suspected offence or contravention,
 - (b) to provide the Commission, or a person authorised by the Commission, with any information or explanation that they reasonably require for those purposes.
- (4) A person to whom a notice is given under sub-paragraph (3) must comply with the notice within such reasonable time as is specified in the notice.
- (5) A person authorised by the Commission (“the investigator”) may require—
- (a) the person mentioned in sub-paragraph (1) (if that person is an individual), or
 - (b) an individual who the investigator reasonably believes has relevant information,
- to attend before the investigator at a specified time and place and answer any questions that the investigator reasonably considers to be relevant.
- (6) The time specified must be a reasonable time.
- (7) In sub-paragraph (5), “relevant” means relevant to an investigation by the Commission of the suspected offence or contravention.

Changes to legislation:

There are currently no known outstanding effects for the Referendums (Scotland) Act 2020,
Cross Heading: Powers in relation to suspected offences or contraventions.