

SCHEDULE 4

CAMPAIGN RULES: INVESTIGATORY POWERS OF THE ELECTORAL COMMISSION

Document disclosure orders

- 4 (1) This paragraph applies where the Electoral Commission have given a notice under paragraph 3 requiring documents to be produced.
- (2) The Court of Session may, on the application of the Commission, make a document disclosure order against a person (“the respondent”) if satisfied that—
- (a) there are reasonable grounds to suspect that a person (whether or not the respondent) has committed a campaign offence or has otherwise contravened any restriction or other requirement imposed by schedule 3, and
 - (b) there are documents referred to in the notice under paragraph 3 which—
 - (i) have not been produced as required by the notice (either within the time specified in the notice for compliance or subsequently),
 - (ii) are reasonably required by the Commission for the purposes of investigating the offence or contravention referred to in paragraph (a), and
 - (iii) are in the custody or under the control of the respondent.
- (3) A document disclosure order is an order requiring the respondent to deliver to the Commission, within such time as is specified in the order, such documents falling within sub-paragraph (2)(b) as are identified in the order (either specifically or by reference to any category or description of document).
- (4) For the purposes of sub-paragraph (2)(b)(iii) a document is under a person's control if it is in the person's possession or if the person has a right to possession of it.
- (5) A person who fails to comply with a document disclosure order may not, in respect of that failure, be both punished for contempt of court and convicted of an offence under paragraph 12(1).

Changes to legislation:

There are currently no known outstanding effects for the Referendums (Scotland) Act 2020, Paragraph 4.