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*Changes to legislation: There are currently no known outstanding effects for the Referendums (Scotland) Act 2020, Paragraph 26. (See end of Document for details)*

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## SCHEDULE 5 CAMPAIGN RULES: CIVIL SANCTIONS

### PART 5

#### GENERAL AND SUPPLEMENTAL

##### *Guidance as to enforcement*

- 26 (1) The Electoral Commission must prepare and publish guidance as to—
- (a) the sanctions (including criminal sanctions) that may be imposed on a person who does something that might lead to—
    - (i) a fixed monetary penalty or a discretionary requirement being imposed on the person,
    - (ii) a stop notice being served on the person,
    - (iii) an enforcement undertaking being accepted from the person,
  - (b) the action that the Commission may take in relation to such a person (whether by virtue of this schedule or otherwise),
  - (c) the circumstances in which the Commission are likely to take any such action.
- (2) The guidance must include guidance about the Commission's use of the power to impose a fixed monetary penalty, with information as to—
- (a) the circumstances in which such a penalty may not be imposed,
  - (b) the amount of such a penalty,
  - (c) how liability for such a penalty may be discharged and the effect of discharge,
  - (d) rights to make representations and objections and rights of appeal in relation to such a penalty.
- (3) The guidance must include guidance about the Commission's use of the power to impose a discretionary requirement, with information as to—
- (a) the circumstances in which such a requirement may not be imposed,
  - (b) rights to make representations and objections and rights of appeal in relation to such a requirement,
  - (c) in the case of a variable monetary penalty, the matters likely to be taken into account by the Commission in determining the amount of the penalty (including, where relevant, any discounts for voluntary reporting of non-compliance).
- (4) The guidance must include guidance about the Commission's use of the power to serve a stop notice, with information as to—
- (a) the circumstances in which such a notice may not be served,
  - (b) rights of appeal in relation to such a notice.
- (5) The guidance must include guidance about the Commission's use of the power to accept an enforcement undertaking.
- (6) Where appropriate, the Commission must revise guidance published under subparagraphs (1) to (5) and publish the revised guidance.

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- (7) The Commission must consult such persons as they consider appropriate before publishing guidance or revised guidance under this paragraph.
- (8) The Commission must have regard to the guidance or revised guidance published under this paragraph in exercising their functions under this Act.

**Changes to legislation:**

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