
Changes to legislation: There are currently no known outstanding effects for the Referendums (Scotland) Act 2020, Cross Heading: Representations and appeals etc.. (See end of Document for details)

SCHEDULE 5 CAMPAIGN RULES: CIVIL SANCTIONS

PART 1

FIXED MONETARY PENALTIES

Representations and appeals etc.

- 2 (1) Where the Electoral Commission propose to impose a fixed monetary penalty on a person, they must serve on the person a notice of what is proposed.
- (2) A notice under sub-paragraph (1) must offer the person the opportunity to discharge the person's liability for the fixed monetary penalty by payment of £200.
- The following provisions of this paragraph apply if the person does not do so.
- (3) The person may make written representations and objections to the Commission in relation to the proposed imposition of the fixed monetary penalty.
- (4) After the end of the period for making such representations and objections (see paragraph 3(2)) the Commission must decide whether to impose the fixed monetary penalty.
- If they decide to do so they must serve on the person a notice imposing the penalty.
- (5) The Commission may not impose a fixed monetary penalty on a person if, taking into account (in particular) any matter raised by the person, the Commission are no longer satisfied as mentioned in paragraph 1(1) or (2) (as applicable).
- (6) A person on whom a fixed monetary penalty is imposed may appeal against the decision to impose the penalty on the ground that the decision was—
- (a) based on an error of fact,
 - (b) wrong in law, or
 - (c) unreasonable.
- (7) An appeal under sub-paragraph (6) is to a sheriff and must be made within the period of 28 days beginning with the day on which the notice under sub-paragraph (4) is received.
- (8) Where an appeal under sub-paragraph (6) is made, the fixed monetary penalty is suspended from the day on which the appeal is made until the day on which the appeal is determined or withdrawn.

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