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

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## SCHEDULE 5 CAMPAIGN RULES: CIVIL SANCTIONS

### PART 2

#### DISCRETIONARY REQUIREMENTS

##### *Compliance and restoration certificates*

- 10 (1) Where, after the service of a notice under paragraph 7(5) imposing a non-monetary discretionary requirement on a person, the Commission are satisfied that the person has taken the steps specified in the notice, they must issue a certificate to that effect.
- (2) A notice served under paragraph 7(5) ceases to have effect on the issue of a certificate relating to that notice.
- (3) A person on whom a notice under paragraph 7(5) has been served may at any time apply for a certificate and the Commission must make a decision whether to issue a certificate within the period of 28 days beginning with the day on which they receive such an application.
- (4) An application under sub-paragraph (3) must be accompanied by such information as is reasonably necessary to enable the Commission to determine whether the notice has been complied with.
- (5) Where, on an application under sub-paragraph (3), the Commission decide not to issue a certificate they must notify the applicant and provide the applicant with information as to—
- (a) the grounds for the decision not to issue a certificate, and
  - (b) rights of appeal.
- (6) The Commission may revoke a certificate if it was granted on the basis of inaccurate, incomplete or misleading information.
- (7) Where the Commission revoke a certificate, the notice has effect as if the certificate had not been issued.
- (8) A person who has applied for a certificate under sub-paragraph (3) may appeal to a sheriff against a decision not to issue a certificate under this paragraph on the ground that the decision was—
- (a) based on an error of fact,
  - (b) wrong in law, or
  - (c) unfair or unreasonable.
- (9) An appeal must be made within the period of 28 days beginning with the day on which notification of the decision is received.

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Cross Heading: Compliance and restoration certificates.