

## **EXPLANATORY NOTES**

### **REFERENDUMS (SCOTLAND) ACT 2020**

#### **INTRODUCTION**

#### **THE ACT**

#### **BACKGROUND TO THE ACT**

#### **COMMENTARY**

##### **Referendums**

Section 1 - Referendums to which this Act applies

Section 2 - Referendum questions

##### **Power to change date of referendum if UK election on the same day**

Section 3 – Power to change date of referendum if UK election on the same day

##### **Franchise**

Section 4 – Those who are entitled to vote

Section 5 – Those who are subject to a legal incapacity to vote

##### **Voting etc.**

Section 6 – Provision about voting etc.

Schedule 1: Further provision about voting in the referendum

##### **PART 1: MANNER OF VOTING**

##### **PART 2: REGISTRATION**

##### **PART 3: POSTAL VOTING: ISSUE AND RECEIPT OF BALLOT PAPERS**

##### **PART 4: SUPPLY OF REGISTER OF LOCAL GOVERNMENT ELECTORS ETC.**

##### **PART 5: SUPPLY OF MARKED REGISTER OF LOCAL GOVERNMENT ELECTORS ETC.**

##### **Conduct**

*These notes relate to the Referendums (Scotland) Act 2020 (asp 2)*

Section 7 – Chief Counting Officer (CCO)

Section 8 – Other counting officers

Section 9 – Functions of the Chief Counting Officer and other counting officers

Section 10 - Correction of procedural errors

Section 11 - Expenses of counting officers

Section 12 – Conduct rules

Schedule 2: Conduct rules

## **Campaign**

Section 13 - Campaign rules

Section 14 - Monitoring and securing compliance with the campaign rules

Section 15 - Inspection of Electoral Commission’s registers etc.

Section 16 - Campaign rules: general offences

Section 17 - Campaign offences: summary proceedings

Section 18 - Duty of court to report convictions to the Electoral Commission

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### **PART 2: PERMITTED PARTICIPANTS AND DESIGNATED ORGANISATIONS**

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### **PART 6: CONTROL OF LOANS AND CREDIT**

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Schedule 5: Campaign rules: civil sanctions

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### **PART 2: DISCRETIONARY REQUIREMENTS**

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### **Referendum agents**

Section 19 - Referendum agents

### **Observers**

Section 20 – Attendance of Electoral Commission at proceedings and observation of working practices

Section 21 – Accredited observers: individuals

Section 22 – Accredited observers: organisations

Section 23 – Attendance and conduct of accredited observers

Section 24 – Code of practice on attendance of observers

### **Information, guidance, advice and encouragement**

Section 25 – Information for voters

Section 26 - Guidance

Section 27 - Advice

Section 28 – Encouraging participation

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Section 29 - Report on the conduct of the referendum

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Section 30 – Reimbursement of Commission’s costs

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Section 32 - Maladministration

Section 33 - Information about persons aged under 16

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Section 35 - Offences

Section 36 – Individual culpability for offending by an organisation

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Section 37 - Power to modify this Act

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*These notes relate to the Referendums (Scotland) Act 2020 (asp 2)*

**Legal proceedings**

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Section 40 - Interpretation

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**PARLIAMENTARY HISTORY**

**ANNEX A DRAFT TIMETABLE FOR A REFERENDUM BASED ON THE PROVISIONS SET OUT IN THE REFERENDUMS (SCOTLAND) ACT 2020**

**ANNEX B**