

Scottish Independence Referendum Bill

2nd Groupings of Amendments for Stage 2

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- a list of any amendments already debated;
- the text of amendments to be debated on the second day of Stage 2 consideration, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

Groupings of amendments

Campaign rules: publications by SPCB

3, 121

Campaign rules: pre-poll reports of donations

42, 43, 117, 45, 46, 118

Enforcement of campaign rules: civil sanctions

48, 49, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 98, 101, 102, 103, 104, 119

Enforcement of campaign rules: Electoral Commission's guidance and reports

50, 51, 52, 97, 99, 100

Code of practice on attendance of observers

110

Power for chief counting officer to issue guidance to counting officers and registration officers

107

Guidance on common plans

122

Encouraging participation

111

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Amendments already debated

Absent voting

With 7 - 108, 109

Computation of periods: exclusion of days appointed for public thanksgiving or mourning

With 11 - 106

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Amendments in debating order

Campaign rules: publications by SPCB

Patrick Harvie

3 In schedule 4, page 89, line 21, at end insert—

<() material published—

- (i) in the Business Bulletin or Official Report of the Scottish Parliament, in accordance with the Parliament's Standing Orders, or
- (ii) on the Scottish Parliament official website,>

Liam McArthur (on behalf of the SPCB)

121 In schedule 4, page 89, line 21, at end insert—

<() material published—

- (i) in a report of a committee, the Business Bulletin or the Official Report of the Scottish Parliament, in accordance with the Parliament's Standing Orders,
- (ii) on the Scottish Parliament official website, or
- (iii) in relation to any meeting, debate, discussion or other Parliamentary event authorised by the SPCB and held in accordance with the SPCB's rules and policies applicable during the relevant period,>

Campaign rules: pre-poll reports of donations

Nicola Sturgeon

42 In schedule 4, page 100, line 24, leave out from <of> to end of line 25 and insert <ending with the 28th day of the referendum period (including the time before the referendum period),>

Nicola Sturgeon

43 In schedule 4, page 100, line 40, at end insert—

<() Where an individual or body becomes a permitted participant during a period mentioned in sub-paragraph (1)(b) or (c) ("the period in question")—

- (a) a separate report under this paragraph need not be prepared in respect of any preceding period, but
 - (b) for the purposes of sub-paragraphs (2) and (3), the report for the period in question must also cover the time before the start of the period, and references in those sub-paragraphs to the period are to be read accordingly.
- () Sub-paragraphs (2) and (3) apply to a relevant donation received by a permitted participant before the start of the referendum period only if the donation was for the purpose of meeting referendum expenses to be incurred by the permitted participant during the referendum period.

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- () References in this paragraph and in paragraph 41A to a relevant donation received by a permitted participant include any donation received at a time before the individual or body concerned became a permitted participant, if the donation would have been a relevant donation had the individual or body been a permitted participant at that time.>

Nicola Sturgeon

117 In schedule 4, page 101, line 27, at end insert—

<Declaration of responsible person as to donation reports under paragraph 41

- 41A(1) Each report prepared under paragraph 41 in respect of relevant donations received by a permitted participant must be accompanied by a declaration which complies with sub-paragraph (2) and is signed by the responsible person.
- (2) The declaration must state—
- (a) that the responsible person has examined the report, and
 - (b) that to the best of the responsible person's knowledge and belief, it is a complete and correct report as required by law.
- (3) A person commits an offence if—
- (a) the person knowingly or recklessly makes a false declaration under this paragraph, or
 - (b) sub-paragraph (1) is contravened at a time when the person is the responsible person in the case of the permitted participant to which the report relates.
- (4) A person who commits an offence under sub-paragraph (3) is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum (or both),
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 12 months or to a fine (or both).

Public inspection of donation reports under paragraph 41

- 41B(1) Where the Electoral Commission receive a report under paragraph 41 they must—
- (a) as soon as reasonably practicable after receiving the report, make a copy of the report and of any document accompanying it available for public inspection, and
 - (b) keep any such copy available for public inspection for the period for which the report or other document is held by them.
- (2) The Commission must secure that the copy of the report made available for public inspection does not include, in the case of any donation by an individual, the donor's address.
- (3) At the end of the period of 2 years beginning with the date when any report under paragraph 41 or other document accompanying it is received by the Commission—
- (a) they may cause the report or other document to be destroyed, or
 - (b) if requested to do so by the responsible person in the case of the permitted participant concerned, they must arrange for the report or other document to be returned to that person.>

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Nicola Sturgeon

- 45 In schedule 4, page 110, line 1, leave out from <of> to end of line 2 and insert <ending with the 28th day of the referendum period (including the time before the referendum period),>

Nicola Sturgeon

- 46 In schedule 4, page 110, line 21, at end insert—
- <() Where an individual or body becomes a permitted participant during a period mentioned in sub-paragraph (1)(b) or (c) (“the period in question”)—
 - (a) a separate report under this paragraph need not be prepared for any preceding period, but
 - (b) for the purposes of sub-paragraphs (2) and (3), the report for the period in question must also cover the time before the start of the period, and references in those sub-paragraphs are to be read accordingly.
 - () Sub-paragraphs (2) and (3) apply to a regulated transaction entered into by a permitted participant before the start of the referendum period only if any money or benefit obtained in consequence of the transaction is to be used for meeting referendum expenses to be incurred by the permitted participant during the referendum period.
 - () References in this paragraph and in paragraph 57A to a regulated transaction entered into by a permitted participant include any transaction entered into at a time before the individual or body concerned became a permitted participant, if the transaction would have been a regulated transaction had the individual or body been a permitted participant at that time.>

Nicola Sturgeon

- 118 In schedule 4, page 111, line 7, at end insert—
- <*Declaration of responsible person as to transaction reports under paragraph 57*
- 57A(1) Each report prepared under paragraph 57 in respect of regulated transactions entered into by a permitted participant must be accompanied by a declaration which complies with sub-paragraph (2) and is signed by the responsible person.
- (2) The declaration must state—
 - (a) that the responsible person has examined the report, and
 - (b) that to the best of the responsible person’s knowledge and belief, it is a complete and correct report as required by law.
 - (3) A person commits an offence if—
 - (a) the person knowingly or recklessly makes a false declaration under this paragraph, or
 - (b) sub-paragraph (1) is contravened at a time when the person is the responsible person in the case of the permitted participant to which the report relates.
 - (4) A person who commits an offence under sub-paragraph (3) is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum (or both),
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 12 months or to a fine (or both).

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Public inspection of transaction reports under paragraph 57

- 57B(1) Where the Electoral Commission receive a report under paragraph 57 they must—
- (a) as soon as reasonably practicable after receiving the report, make a copy of the report and of any document accompanying it available for public inspection, and
 - (b) keep any such copy available for public inspection for the period for which the report or other document is held by them.
- (2) The Commission must secure that the copy of the report made available for public inspection does not include, in the case of any transaction entered into by the permitted participant with an individual, the individual's address.
- (3) At the end of the period of 2 years beginning with the date when any report under paragraph 57 or other document accompanying it is received by the Commission—
- (a) they may cause the report or other document to be destroyed, or
 - (b) if requested to do so by the responsible person in the case of the permitted participant concerned, they must arrange for the report or other document to be returned to that person.>

Enforcement of campaign rules: civil sanctions

Nicola Sturgeon

- 48** In section 11, page 6, line 8, leave out <contravention of restrictions or other> and insert <failure to comply with certain>

Nicola Sturgeon

- 49** In section 11, page 6, leave out line 10

Nicola Sturgeon

- 53** In schedule 6, page 119, line 32, leave out <prescribed>

Nicola Sturgeon

- 54** In schedule 6, page 119, line 32, leave out from <, or> to end of line 34 and insert <listed in Part 8.>

Nicola Sturgeon

- 55** In schedule 6, page 120, line 3, leave out <prescribed>

Nicola Sturgeon

- 56** In schedule 6, page 120, line 3, after <offence> insert <listed in Part 8>

Nicola Sturgeon

- 57** In schedule 6, page 120, line 4, leave out from <(otherwise> to <virtue> in line 5 and insert <failed to comply with a requirement imposed by paragraph 22(2), (3) or (4)>

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Nicola Sturgeon

- 58 In schedule 6, page 120, line 7, leave out <a prescribed amount> and insert <£200>

Nicola Sturgeon

- 59 In schedule 6, page 120, leave out lines 8 to 13

Nicola Sturgeon

- 60 In schedule 6, page 120, line 18, leave out from <a> to end of line 19 and insert <£200.>

Nicola Sturgeon

- 61 In schedule 6, page 120, leave out line 31

Nicola Sturgeon

- 62 In schedule 6, page 120, leave out line 37

Nicola Sturgeon

- 63 In schedule 6, page 120, line 38, at end insert <and must be made within the period of 28 days beginning with the day on which the notice under sub-paragraph (4) is received.

- () 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.>

Nicola Sturgeon

- 64 In schedule 6, page 121, line 20, at end insert—

<Late payment

- (1) A fixed monetary penalty must be paid within the period of 28 days beginning with the day on which the notice under paragraph 2(4) is received.
- (2) If the penalty is not paid within that period the amount payable is increased by 25%.
- (3) If the penalty (as increased by sub-paragraph (2)) is not paid within the period of 56 days beginning with the day on which the notice under paragraph 2(4) is received, the amount payable is the amount of the fixed monetary penalty originally imposed increased by 50%.
- (4) In the case of an appeal, any penalty which falls to be paid, whether because the sheriff upheld the penalty or because the appeal was withdrawn, is payable within the period of 28 days beginning with the day of determination or withdrawal of the appeal, and if not paid within that period the amount payable is increased by 25%.
- (5) If the penalty (as increased by sub-paragraph (4)) is not paid within the period of 56 days beginning with the day of determination or withdrawal of the appeal, the amount payable is the amount of the fixed monetary penalty originally imposed increased by 50%.>

Nicola Sturgeon

- 65 In schedule 6, page 122, line 1, leave out <prescribed>

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Nicola Sturgeon

66 In schedule 6, page 122, line 1, leave out from <, or> to end of line 3 and insert <listed in Part 8.>

Nicola Sturgeon

67 In schedule 6, page 122, line 6, leave out <prescribed>

Nicola Sturgeon

68 In schedule 6, page 122, line 6, after <offence> insert <listed in Part 8>

Nicola Sturgeon

69 In schedule 6, page 122, line 7, leave out from <(otherwise> to <virtue> in line 8 and insert <failed to comply with a requirement imposed by paragraph 22(2), (3) or (4)>

Nicola Sturgeon

70 In schedule 6, page 122, line 11, after <determine> insert <up to a maximum of £10,000, (but see also sub-paragraph (6))>

Nicola Sturgeon

71 In schedule 6, page 122, line 13, leave out <contravention> and insert <failure to comply>

Nicola Sturgeon

72 In schedule 6, page 122, line 17, leave out <contravention> and insert <failure to comply>

Nicola Sturgeon

73 In schedule 6, page 122, line 26, leave out <(1)(a)> and insert <(1)>

Nicola Sturgeon

74 In schedule 6, page 123, leave out line 7

Nicola Sturgeon

75 In schedule 6, page 123, leave out line 19

Nicola Sturgeon

76 In schedule 6, page 123, line 20 at end insert <and must be made within the period of 28 days beginning with the day on which the notice under sub-paragraph (5) is received.

() Where an appeal under sub-paragraph (6) is made, the discretionary requirement is suspended from the day on which the appeal is made until the day on which the appeal is determined or withdrawn.>

Nicola Sturgeon

77 In schedule 6, page 124, line 8, at end insert—

<Compliance and restoration certificates

8A(1) Where, after the service of a notice under paragraph 6(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.

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- (2) A notice served under paragraph 6(5) ceases to have effect on the issue of a certificate relating to that notice.
- (3) A person on whom a notice under paragraph 6(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.>

Nicola Sturgeon

78 In schedule 6, page 124, leave out lines 13 and 14 and insert—

- <() The amount of a non-compliance penalty is to be determined by the Commission, but must not exceed £10,000.
- () A non-compliance penalty must be paid to the Commission.
- () A notice under sub-paragraph (1) must include information as to—
 - (a) the grounds for imposing the non-compliance penalty,
 - (b) the amount of the penalty,
 - (c) how payment may be made,
 - (d) the period within which payment must be made, which must be not less than 28 days beginning with the day on which the notice imposing the penalty is received,
 - (e) rights of appeal, and
 - (f) the consequences of failure to make payment within the period specified.
- () If, before the end of the period specified for payment of a non-compliance penalty—

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- (a) the person on whom the penalty was imposed has taken the steps specified in the notice imposing the non-monetary discretionary requirement to which the penalty relates, and
- (b) the Commission have issued a certificate under paragraph 8A(1) in respect of that notice,

the Commission may waive, or reduce the amount of, the penalty.>

Nicola Sturgeon

79 In schedule 6, page 124, leave out line 21

Nicola Sturgeon

80 In schedule 6, page 124, line 22, at end insert <and must be made within the period of 28 days beginning with the day on which the notice under sub-paragraph (1) is received.

- () Where an appeal under sub-paragraph (3) is made, the non-compliance penalty is suspended from the day on which the appeal is made until the day on which the appeal is determined or withdrawn.

Late payment

- (1) A variable monetary penalty must be paid within the period of 28 days beginning with the day on which the notice under paragraph 6(5) is received.
- (2) If the penalty is not paid within that period the amount payable is increased by 25%.
- (3) If the penalty (as increased by sub-paragraph (2)) is not paid within 56 days of the day on which the notice under paragraph 6(5) is received, the amount payable is the amount of the penalty originally imposed increased by 50%.
- (4) In the case of an appeal, any penalty which falls to be paid, whether because the sheriff upheld the penalty or varied it, or because the appeal was withdrawn, is payable within 28 days of the day of determination or withdrawal of the appeal, and if it is not paid within that period the amount payable is increased by 25%.
- (5) If the penalty (as increased by sub-paragraph (4)) is not paid within 56 days of the day of determination or withdrawal of the appeal the amount payable is the amount of the penalty originally imposed increased by 50%.>

Nicola Sturgeon

81 In schedule 6, page 124, line 33, leave out <prescribed>

Nicola Sturgeon

82 In schedule 6, page 124, line 33, leave out from <, or> to <4> in line 35 and insert <listed in Part 8>

Nicola Sturgeon

83 In schedule 6, page 125, line 8, leave out <prescribed>

Nicola Sturgeon

84 In schedule 6, page 125, line 8, leave out from <, or> to <4> in line 10 and insert <listed in Part 8>

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Nicola Sturgeon

85 In schedule 6, page 125, line 32, at end insert—

- <() An application for a completion certificate must be accompanied by such information as is reasonably necessary to enable the Commission to determine whether the stop notice has been complied with.
- () Where, on an application under sub-paragraph (3), the Commission decide not to issue a completion certificate they must notify the applicant and provide the applicant with information as to—
 - (a) the grounds for the decision not to issue a completion certificate, and
 - (b) rights of appeal.
- () The Commission may revoke a completion certificate if it was granted on the basis of inaccurate, incomplete or misleading information.
- () Where the Commission revoke a completion certificate, the stop notice has effect as if the certificate had not been issued.>

Nicola Sturgeon

86 In schedule 6, page 126, leave out line 4

Nicola Sturgeon

87 In schedule 6, page 126, leave out line 10

Nicola Sturgeon

88 In schedule 6, page 126, line 11, at end insert—

- <() An appeal under sub-paragraph (1) against a decision to serve a stop notice must be made within the period of 28 days beginning with the day on which the stop notice is received.
- () An appeal under sub-paragraph (2) against a decision not to issue a completion certificate must be made within the period of 28 days beginning with the day on which notification of the decision is received.
- () Where an appeal under sub-paragraph (1) or (2) is made, the stop notice continues to have effect unless it is suspended or varied on the order of the sheriff.>

Nicola Sturgeon

89 In schedule 6, page 126, line 23, leave out <prescribed>

Nicola Sturgeon

90 In schedule 6, page 126, line 23, leave out from <, or> to end of line 25 and insert <listed in Part 8,>

Nicola Sturgeon

91 In schedule 6, page 126, line 29, leave out <or contravention>

Nicola Sturgeon

92 In schedule 6, page 126, line 32, leave out <or contravention>

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Nicola Sturgeon

- 93 In schedule 6, page 126, line 32, leave out from second <or> to <description,> in line 33

Nicola Sturgeon

- 94 In schedule 6, page 127, line 8, at end insert—

<Enforcement undertakings: further provision

15A(1) An enforcement undertaking must be in writing and include—

- (a) a statement that the undertaking is an enforcement undertaking regulated by this Act,
 - (b) the terms of the undertaking,
 - (c) the period within which the action specified in the undertaking must be completed,
 - (d) details of how and when a person is to be considered to have complied with the undertaking, and
 - (e) information as to the consequences of failure to comply in full or in part with the undertaking, including reference to the effect of paragraph 15(2).
- (2) The enforcement undertaking may be varied or extended if the person who has given the undertaking and the Electoral Commission agree.
- (3) The Commission may publish any enforcement undertaking which they accept in whatever manner they see fit.

Compliance certificate

15B(1) Where, after accepting an enforcement undertaking from a person, the Electoral Commission are satisfied that the undertaking has been complied with in full they must issue a certificate to that effect.

- (2) An enforcement undertaking ceases to have effect on the issue of a certificate relating to that undertaking.
- (3) A person who has given an enforcement undertaking 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 undertaking 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 enforcement undertaking has effect as if the certificate had not been issued.

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Appeals

- 15C (1) A person who has given an enforcement undertaking may appeal to the sheriff against a decision not to issue a certificate under paragraph 15B on the ground that the decision was—
- (a) based on an error of fact,
 - (b) wrong in law, or
 - (c) unfair or unreasonable.
- (2) An appeal must be made within the period of 28 days beginning with the day on which notification of the Electoral Commission's decision is received.>

Nicola Sturgeon

- 95 In schedule 6, page 127, line 12, leave out paragraphs 16 to 21

Nicola Sturgeon

- 96 In schedule 6, page 130, line 6, at end insert—

<Withdrawal or variation of notice

- (1) The Electoral Commission may by notice in writing at any time withdraw a notice served under paragraph 2(4).
- (2) The Commission may by notice in writing at any time—
 - (a) withdraw a notice served under paragraph 6(5),
 - (b) reduce the monetary amount payable under such a notice, or
 - (c) reduce the steps to be taken under such a notice.
- (3) The Commission may by notice in writing at any time withdraw a stop notice (but may serve another stop notice in respect of the same activity specified in the withdrawn notice).>

Nicola Sturgeon

- 98 In schedule 6, page 131, line 18, at end insert—

<Recovery of penalties etc.

The Electoral Commission may recover as a civil debt—

- (a) a fixed monetary penalty, a variable monetary penalty or a non-compliance penalty, and
- (b) any interest or other financial payment for late payment of such a penalty.>

Nicola Sturgeon

- 101 In schedule 6, page 132, line 13, at end insert—

<Powers of sheriff

- (1) On an appeal under paragraph 2(6) the sheriff may overturn or confirm the penalty.
- (2) On an appeal under paragraph 6(6), 9(3) or 13(1) the sheriff may—
 - (a) overturn, confirm or vary the requirement or notice,

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- (b) take such steps as the Electoral Commission could take in relation to the act or omission giving rise to the requirement or notice,
 - (c) remit the decision whether to confirm the requirement or notice, or any matter relating to that decision, to the Commission.
- (3) On an appeal under paragraph 8A(3), 13(2) or 15C(1) the sheriff may make an order requiring the Commission to issue (as appropriate)—
- (a) a certificate under paragraph 8A(1),
 - (b) a completion certificate under paragraph 12(1), or
 - (c) a certificate under paragraph 15B(1).>

Nicola Sturgeon

102 In schedule 6, page 132, leave out lines 18 and 19

Nicola Sturgeon

103 In schedule 6, page 132, leave out line 26

Nicola Sturgeon

104 In schedule 6, page 132, leave out line 31

Nicola Sturgeon

119 In schedule 6, page 132, line 32, at end insert—

<PART 8

LISTED CAMPAIGN OFFENCES

The following table lists campaign offences for the purposes of this schedule.

<i>Provision creating offence</i>	<i>General description of campaign offence</i>
Section 13(4)(a)	Failure to supply information to relevant person as required by schedules 4 to 6
Paragraph 12(2) of schedule 4	Incurring referendum expenses without authority
Paragraph 13(4)(a) of schedule 4	Making payment in respect of referendum expenses without authority
Paragraph 13(4)(b) of schedule 4	Failure to notify responsible person of payment in respect of referendum expenses
Paragraph 14(3)(a) of schedule 4	Paying claim in respect of referendum expenses where failure to comply with procedure

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<i>Provision creating offence</i>	<i>General description of campaign offence</i>
Paragraph 14(3)(b) of schedule 4	Paying claim in respect of referendum expenses outside specified time period
Paragraph 17(3) of schedule 4	Individual (other than permitted participant) exceeding limits on referendum expenses
Paragraph 17(5) of schedule 4	Body (other than permitted participant) exceeding limits on referendum expenses
Paragraph 18(6) of schedule 4	Permitted participant exceeding limits on referendum expenses
Paragraph 20(7)(a) of schedule 4	Failure to comply with requirements for declaration
Paragraph 22(5)(a) of schedule 4	Failure to deliver return to Electoral Commission
Paragraph 22(5)(b) of schedule 4	Failure to comply with requirements for return to Electoral Commission
Paragraph 22(5)(c) of schedule 4	Failure to deliver to the Electoral Commission a return of sums paid in pursuance of leave given to pay late claims
Paragraph 23(4)(b) of schedule 4	Failure of responsible person of permitted participant (other than an individual) to provide or sign declaration with return to Electoral Commission
Paragraph 26(7) or (8) of schedule 4	Printing or publishing referendum material without details of printer or publisher
Paragraph 33(7) of schedule 4	Failure to provide information about donors
Paragraph 34(4) or (6) of schedule 4	Failure to return donations

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<i>Provision creating offence</i>	<i>General description of campaign offence</i>
Paragraph 41(7)(a) of schedule 4	Failure to deliver donation reports to Electoral Commission within time limits
Paragraph 41(7)(b) of schedule 4	Failure to comply with requirements for recording donations in donation reports
Paragraph 41A(3)(b) of schedule 4	Failure of responsible person of permitted participant (other than an individual) to provide or sign declaration with donation report
Paragraph 49(1) of schedule 4	Permitted participant (individual) knowingly enters into regulated transaction with unauthorised participant
Paragraph 49(2) of schedule 4	Permitted participant (other than an individual) knowingly enters into regulated transaction with unauthorised participant
Paragraph 49(3) of schedule 4	Responsible person for permitted participant (other than an individual) knowingly enters into regulated transaction with unauthorised participant
Paragraph 49(4) of schedule 4	Permitted participant (individual) unknowingly enters into regulated transaction with unauthorised participant and fails to take steps to repay
Paragraph 49(5) or (6) of schedule 4	Failure of responsible person for permitted participant (other than an individual) to take steps to repay money received in connection with a regulated transaction with an unauthorised participant which was entered into unknowingly
Paragraph 49(7) of schedule 4	Permitted participant (individual) knowingly benefits from regulated transaction with unauthorised participant
Paragraph 49(8) or (9) of schedule 4	Permitted participant (other than an individual) knowingly benefits from connected transaction with unauthorised participant
Paragraph 49(10) of schedule 4	Permitted participant (individual) fails to take steps to repay benefits from connected transaction with unauthorised participant which was entered into unknowingly

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<i>Provision creating offence</i>	<i>General description of campaign offence</i>
Paragraph 49(11) or (12) of schedule 4	Failure of responsible person for permitted participant (other than an individual) to take steps to repay benefits from connected transaction with unauthorised participant which was entered into unknowingly
Paragraph 57(7)(a) of schedule 4	Failure to deliver transaction reports to Electoral Commission within time limits
Paragraph 57(7)(b) of schedule 4	Failure to comply with requirements for recording transactions in transaction reports
Paragraph 57A(3)(b) of schedule 4	Failure of responsible person of permitted participant (other than an individual) to provide or sign declaration with report relating to regulated transactions
Paragraph 12(1) of schedule 5	Failure to comply with investigation requirement>

Enforcement of campaign rules: Electoral Commission's guidance and reports

Nicola Sturgeon

- 50** In schedule 5, page 118, line 23, leave out paragraph 13 and insert—
- <(1) Guidance (and revised guidance) published by the Electoral Commission under paragraph 14 of Schedule 19B (investigatory powers of the Commission) to the 2000 Act has effect, with any necessary modifications, for the purposes of this schedule as it has effect for the purposes of that Schedule.
 - (2) The Commission may publish additional guidance in relation to the application of this schedule.
 - (3) Where appropriate, the Commission must revise guidance published under sub-paragraph (2) and publish the revised guidance.
 - (4) The Commission must have regard to the guidance and revised guidance referred to in sub-paragraph (1) and any guidance or revised guidance published under sub-paragraph (2) or (3) in exercising their functions under this Act.>

Nicola Sturgeon

- 51** In schedule 5, page 119, line 4, leave out from <report> to <information> and insert <Electoral Commission must, in accordance with this paragraph, make a report>

Nicola Sturgeon

- 52** In schedule 5, page 119, line 17, at end insert—

THIS IS NOT THE MARSHALLED LIST

- <(4) The report may be made—
 - (a) in the report by the Commission under section 24,
 - (b) in a separate report made as soon as reasonably practicable after the report under section 24 is published, or
 - (c) partly in accordance with paragraph (a) and partly in accordance with paragraph (b).
- (5) The Commission must—
 - (a) lay any report under sub-paragraph (4)(b) before the Scottish Parliament, and
 - (b) after laying, publish the report in such manner as they may determine.>

Nicola Sturgeon

97 In schedule 6, page 130, line 20, leave out paragraph 25 and insert—

- <(1) Guidance (and revised guidance) published by the Electoral Commission under paragraph 25 of Schedule 19C (civil sanctions) to the 2000 Act has effect, with any necessary modifications, for the purposes of this schedule as it has effect for the purposes of that Schedule.
- (2) The Commission may publish additional guidance in relation to the application of this schedule.
- (3) Where appropriate, the Commission must revise guidance published under sub-paragraph (2) and publish the revised guidance.
- (4) The Commission must have regard to the guidance and revised guidance referred to in sub-paragraph (1) and any guidance or revised guidance published under sub-paragraph (2) or (3) in exercising their functions under this Act.>

Nicola Sturgeon

99 In schedule 6, page 131, line 29, leave out from <report> to <information> and insert <Electoral Commission must, in accordance with this paragraph, make a report>

Nicola Sturgeon

100 In schedule 6, page 132, line 4, at end insert—

- <(4) The report may be made—
 - (a) in the report by the Commission under section 24,
 - (b) in a separate report made as soon as reasonably practicable after the report under section 24 is published, or
 - (c) partly in accordance with paragraph (a) and partly in accordance with paragraph (b).
- (5) The Commission must—
 - (a) lay any report under sub-paragraph (4)(b) before the Scottish Parliament, and
 - (b) after laying, publish the report in such manner as they may determine.>

THIS IS NOT THE MARSHALLED LIST

Code of practice on attendance of observers

Annabelle Ewing

110 After section 20, insert—

<Code of practice on attendance of observers

- (1) The Electoral Commission must prepare a code of practice on the attendance of—
 - (a) representatives of the Commission,
 - (b) accredited observers, and
 - (c) nominated members of accredited organisations,at proceedings relating to the referendum.
- (2) The code must in particular—
 - (a) specify the manner in which applications under section 18(1) or 19(1) are to be made to the Commission,
 - (b) specify the criteria that the Commission will take into account in determining such applications,
 - (c) give guidance to relevant officers as to the exercise of the powers conferred by section 20(1) and (2),
 - (d) give guidance to such officers as to the exercise, in relation to a person entitled to attend any proceedings by virtue of section 18 or 19, of any other power under this Act to control the number of persons present at any proceedings relating to the referendum,
 - (e) give guidance to representatives of the Commission, accredited observers and nominated members of accredited organisations as to the exercise of the rights conferred by sections 17, 18 and 19.
- (3) The code may make different provision for different purposes.
- (4) Before preparing the code, the Commission must consult the Scottish Ministers.
- (5) The Commission must lay the code before the Scottish Parliament.
- (6) The Commission must publish the code in such manner as they may determine.
- (7) The following persons must have regard to the code in exercising any function or right conferred by section 17, 18, 19 or 20—
 - (a) the Commission,
 - (b) representatives of the Commission,
 - (c) relevant officers.
- (8) The Commission may at any time revise the code.
- (9) Subsections (4) to (7) apply to a revision of the code as they apply to the code.
- (10) In this section—

“accredited observer” is to be construed in accordance with section 18,
“accredited organisation” is to be construed in accordance with section 19, and
“nominated member” is to be construed accordingly,
“relevant officer” has the meaning given in section 20(4),

THIS IS NOT THE MARSHALLED LIST

“representative of the Commission” means a representative of the Electoral Commission within the meaning of section 17(4).>

Power for chief counting officer to issue guidance to counting officers and registration officers

Nicola Sturgeon

107 In section 22, page 11, line 18, at end insert—

<() The Chief Counting Officer may issue guidance to counting officers and registration officers about the exercise of their respective functions under this Act.>

Guidance on common plans

Drew Smith

122 In section 22, page 11, line 23, at end insert—

<() Guidance issued under subsection (3) must include information on what may constitute a common plan or other arrangement for the purposes of paragraph 19 of schedule 4.>

Encouraging participation

Rob Gibson

111 After section 23, insert—

<Encouraging participation

- (1) The Chief Counting Officer must take whatever steps the Chief Counting Officer considers appropriate to—
 - (a) encourage participation in the referendum, and
 - (b) facilitate co-operation among officers taking steps under this section.
- (2) A counting officer must take whatever steps the counting officer considers appropriate to encourage participation in the referendum in the local government area for which the officer is appointed.>