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*Changes to legislation: There are currently no known outstanding effects for the Scottish Independence Referendum Act 2013, Cross Heading: Representations and appeals etc.. (See end of Document for details)*

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## SCHEDULE 6 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—
- (a) it was based on an error of fact,
  - (b) it was wrong in law, or
  - (c) it was 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penalty is suspended from the day on which the appeal is made until the day on which the appeal is determined or withdrawn.

**Changes to legislation:**

There are currently no known outstanding effects for the Scottish Independence Referendum Act 2013, Cross Heading: Representations and appeals etc..