
Status: Point in time view as at 18/12/2013.

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)

SCHEDULE 6 CAMPAIGN RULES: CIVIL SANCTIONS

PART 2

DISCRETIONARY REQUIREMENTS

Representations and appeals etc.

- 7 (1) Where the Electoral Commission propose to impose a discretionary requirement on a person, they must serve on the person a notice of what is proposed.
- (2) A person served with a notice under sub-paragraph (1) may make written representations and objections to the Commission in relation to the proposed imposition of the discretionary requirement.
- (3) After the end of the period for making such representations and objections (see paragraph 8(2)) the Commission must decide whether—
- (a) to impose the discretionary requirement, with or without modifications, or
 - (b) to impose any other discretionary requirement that the Commission have power to impose under paragraph 6.
- (4) The Commission may not impose a discretionary requirement 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 6(1) or (2) (as applicable).
- (5) Where the Commission decide to impose a discretionary requirement on a person, they must serve on the person a notice specifying what the requirement is.
- (6) A person on whom a discretionary requirement is imposed may appeal against the decision to impose the requirement on the ground—
- (a) that the decision was based on an error of fact,
 - (b) that the decision was wrong in law,
 - (c) in the case of a variable monetary penalty, that the amount of the penalty is unreasonable,
 - (d) in the case of a non-monetary discretionary requirement, that the nature of the requirement is unreasonable, or
 - (e) that the decision is unreasonable for any other reason.
- (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 (5) is received.
- (8) 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requirement is suspended from the day on which the appeal is made until the day on which the appeal is determined or withdrawn.

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