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**Changes to legislation:** There are currently no known outstanding effects for the Referendums (Scotland) Act 2020, Cross Heading: Details to appear on referendum material. (See end of Document for details)

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## SCHEDULE 3 **S** CAMPAIGN RULES

### PART 4 **S**

#### PUBLICATIONS

##### *Details to appear on referendum material*

- 28 (1) No material wholly or mainly relating to the referendum is to be published during the referendum period unless—
- (a) in the case of material which is, or is contained in, such a printed document as is mentioned in sub-paragraph (6), (7) or (8), the requirements of that sub-paragraph are complied with, or
  - (b) in the case of any other material, the requirements of sub-paragraph (9) are complied with.
- (2) Sub-paragraph (1)(b) applies to the publication of material only if the publication can reasonably be regarded as being done with a view to promoting or procuring a particular outcome in the referendum.
- (3) Sub-paragraph (1)(b) does not apply to the publication of material by an individual other than a relevant person if—
- (a) the material expresses the individual's personal opinion, and
  - (b) the material is published on the individual's own behalf on a non-commercial basis.
- (4) In sub-paragraph (3), “relevant person” means an individual—
- (a) who is a permitted participant,
  - (b) who is a responsible person in relation to a permitted participant,
  - (c) who falls within one of the following categories of person in relation to a permitted participant—
    - (i) if the permitted participant is a body corporate (other than a limited liability partnership), a director, manager, secretary or other similar officer of the body,
    - (ii) if the permitted participant is a limited liability partnership, a member of that partnership,
    - (iii) if the permitted participant is a Scottish partnership, a partner of that partnership,
    - (iv) if the permitted participant is an unincorporated association other than a Scottish partnership, a person who is concerned in the management or control of the association.
- (5) For the purposes of sub-paragraphs (6) to (8) the following details are “the relevant details” in the case of any material falling within sub-paragraph (1)(a), namely—
- (a) the name and address of the printer of the document,
  - (b) the name and address of the promoter of the material, and
  - (c) the name and address of any person on behalf of whom the material is being published (and who is not the promoter).

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- (6) Where the material is a document consisting (or consisting principally) of a single side of printed matter, the relevant details must appear on the face of the document.
- (7) Where the material is a printed document other than one to which sub-paragraph (6) applies, the relevant details must appear on either the first or last page of the document.
- (8) Where the material is an advertisement contained in a newspaper or periodical—
- (a) the name and address of the printer of the newspaper or periodical must appear on either its first or last page, and
  - (b) the relevant details specified in sub-paragraph (5)(b) and (c) must be included in the advertisement.
- (9) In the case of material falling within sub-paragraph (1)(b), the following details, namely—
- (a) the name and address of the promoter of the material, and
  - (b) the name and address of any person on behalf of whom the material is being published (and who is not the promoter),
- must be included in the material.
- (10) Where, during the referendum period, any material is published in contravention of sub-paragraph (1)(a), then the following persons commit an offence, namely—
- (a) the promoter of the material,
  - (b) any other person by whom the material is so published, and
  - (c) the printer of the document.
- (11) Where, during the referendum period, any material is published in contravention of sub-paragraph (1)(b), then the following persons commit an offence, namely—
- (a) the promoter of the material, and
  - (b) any other person by whom the material is so published.
- (12) A person who commits an offence under sub-paragraph (10) or (11) 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).
- (13) It is a defence for a person charged with an offence under sub-paragraph (10) or (11) to show—
- (a) that the offence arose from circumstances beyond the person's control, and
  - (b) that the person took all reasonable steps, and exercised all due diligence, to ensure that an offence under this paragraph would not be committed.
- (14) Sub-paragraph (1) does not apply to any material published for the purposes of the referendum if the publication is required under or by virtue of any enactment.
- (15) In this paragraph—
- “address” means postal address,
  - “print” means print by whatever means, and “printer” is to be construed accordingly,
  - “the promoter”, in relation to any material falling within sub-paragraph (1), means the person causing the material to be published,

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“publish” means make available to the public at large, or any section of the public, in whatever form and by whatever means.

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