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*Changes to legislation: There are currently no known outstanding effects for the Referendums (Scotland) Act 2020, PART 4. (See end of Document for details)*

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### SCHEDULE 3 CAMPAIGN RULES

#### PART 4

##### PUBLICATIONS

*Restriction on publication etc. of promotional material by central and local government etc.*

- 27 (1) This paragraph applies to any material which—
- (a) provides general information about the referendum,
  - (b) deals with any of the issues raised by the referendum question,
  - (c) puts any arguments for or against any outcome, or
  - (d) is designed to encourage voting in the referendum.
- (2) Subject to sub-paragraph (3), no material to which this paragraph applies is to be published during the relevant period by or on behalf of—
- (a) the Scottish Ministers or any other part of the Scottish Administration,
  - (b) the SPCB, or
  - (c) any Scottish public authority with mixed functions or no reserved functions (within the meaning of the Scotland Act 1998).
- (3) Sub-paragraph (2) does not apply to—
- (a) material made available to persons in response to specific requests for information or to persons specifically seeking access to it,
  - (b) 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) by the SPCB on the internet, 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,
  - (c) anything done by or on behalf of—
    - (i) a designated organisation,
    - (ii) the Electoral Commission, or
    - (iii) the Chief Counting Officer, any other counting officer or a registration officer, or
  - (d) the publication of information relating to the holding of the poll.
- (4) In this paragraph—
- “publish” means make available to the public at large, or any section of the public, in whatever form and by whatever means (and “publication” is to be construed accordingly),
- “the relevant period” means the period of 28 days ending with the date of the referendum.

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*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).
- (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

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

#### *Display of advertisements*

- 29 The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (S.I. 1984/467) have effect in relation to the display on any site in Scotland of an advertisement relating specifically to the referendum as they have effect in relation to the display of an advertisement relating specifically to a parliamentary election.

**Changes to legislation:**

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