

COMPARISON BETWEEN REFERENDUMS (SCOTLAND) BILL AND OTHER REFERENDUM LEGISLATION

This paper has been prepared for the Finance and Constitution Committee in response to a request for a comparison between the provisions of the Referendums (Scotland) Bill and those in other referendum legislation.

The methodology used takes the Referendums (Scotland) Bill as its starting point and then considers whether the provisions of the other Acts or regulations listed below align or do not align with those the Bill provides for.

The [Scottish Independence Referendum Act 2013](#) and the [Scottish Independence Referendum \(Franchise\) Act 2013](#) are the most recent Acts of the Scottish Parliament concerned with providing for a referendum.

The [Political Parties, Elections and Referendums Act 2000](#) as amended is the principal UK legislation on elections and referendums. Part VII provisions are specific to referendums.

The package of UK legislation which provided for the EU referendum in 2016 are also considered as the most recent example of UK legislation on referendums. This includes the [European Union Referendum Act 2015](#) (EURA); [the European Union Referendum \(Date of Referendum etc.\) Regulations 2016](#); [the European Union Referendum \(Counting Officers' and Regional Counting Officers' Charges\) Regulations 2016](#), and [the European Union Referendum \(Conduct\) Regulations 2016](#).

The approach taken means that this is not an exhaustive comparison of all referendum and electoral legislation.

Key points:

- The provisions in the Referendums (Scotland) Bill largely mirror the provisions set out in the Scottish Independence Referendum Act 2013.
- Most of the areas covered by the Referendums (Scotland) Bill are covered in either the Political Parties, Elections and Referendums Act 2000 or the UK legislation which provided for the EU referendum in 2016.
- The provisions in Sections 1 of the Referendums (Scotland) Bill are not replicated in the other legislation compared.

It may be helpful to read this comparison should alongside the accompanying [SPICe briefing for the Referendums \(Scotland\) Bill](#).

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COMPARISON BETWEEN REFERENDUMS (SCOTLAND) BILL AND OTHER REFERENDUM LEGISLATION

Section of Referendums (Scotland) Bill	Referendums (Scotland) Bill Brief explanation of sections	Scottish Independence Referendum Act 2013 (SIRA) and Scottish Independence Referendum (Franchise) Act 2013 (since Repealed) (SIR(F)A)	Political Parties, Elections and Referendums Act 2000 (PPERA) as amended Part VII Where the provisions apply to referendums rather than other polls.	European Union Referendum Act 2015 (EURA) The European Union Referendum (Date of Referendum etc.) Regulations 2016 The European Union Referendum (Counting Officers' and Regional Counting Officers' Charges) Regulations 2016 The European Union Referendum (Conduct) Regulations 2016	Other relevant legislation Representation of the People (Scotland) Regulations 2001 and subsequent amendments to the Regulations
1	Power to provide for referendum – gives Scottish	Section 1 of SIRA provides for an independence	No equivalent. Requires a further Act of the UK	EURA sets out that there shall be a referendum on EU	

	<p>Ministers an ongoing power to make regulations (under the affirmative procedure) for a referendum. Includes a requirement to consult the Electoral Commission.</p> <p>The Bill provides for Scotland wide referendums; it is unclear on what would happen in the event of a referendum in one part of Scotland.</p>	<p>referendum and includes date and question. Includes powers for Scottish Ministers to change the date by affirmative regulation.</p> <p>SIRA does not include a power for Scottish Ministers to provide for any other referendum by regulation.</p>	<p>Parliament for a specific referendum.</p> <p>The Act provides for national and sub-national referendums (Section101(1)).</p>	<p>membership and includes the question and date range for when the referendum should be held.</p> <p>Subsequently the European Union Referendum (Date of Referendum etc.) Regulations 2016 set out the date of the referendum and also the timing of the referendum period for the length of the campaign.</p>	
2	<p>Provides that the provisions in the Bill apply to any referendum for which provision is made under Section 1. Also requires that</p>	<p>Section 1 subsections (5) to (7) give Scottish Ministers power, by order approved by the Scottish Parliament, to modify the date of</p>	<p>There is no equivalent provision to Section 2 in the PPERA as that Act does not provide for Ministers to call a referendum by</p>		

	<p>Scottish Ministers must consult the Electoral Commission before laying regulations. Section 2 also provides a power to Scottish Ministers to modify any enactment as it relates to a future referendum made under these regulations.</p>	<p>the referendum to a later date.</p>	<p>bringing forward regulations.</p>		
3	<p>Referendum questions and the role of the Electoral Commission - requires consultation with the Electoral Commission and a report on the Electoral Commission's views.</p> <p>Section 3(7) states:</p>	<p>Specific question covered in Section 1 of SIRA so no equivalent to Section 3 of the Referendums (Scotland) Bill.</p>	<p>Section 104 basically mirrors the requirements in Section 3 of the Referendums (Scotland) Bill except the provision on not consulting the Electoral Commission where it's a previously used/recommended question.</p>	<p>The referendum question is outlined in Section 1 of the EURA.</p>	

	<p>“This section does not apply in relation to a question or statement if the Electoral Commission have— (a) previously published a report setting out their views as to the intelligibility of the question or statement, or (b) recommended the wording of the question or statement.”</p>				
4	<p>Franchise – sets out the details of those who can vote in a referendum. It’s the same as for SP and Scottish Local Government elections.</p> <p>Whilst SIRA always referred to the</p>	<p>Section 4 of Referendums (Scotland) Act is a copy of the provisions set out in Section 2(1) of SIR(F)A.</p> <p>Section 18 of SIR(F)A required the preparation of a</p>	<p>No reference to franchise.</p>	<p>Section 2 of EURA provides the franchise to those registered to vote in a UK general election along with Commonwealth and Republic of Ireland citizens.</p>	

	polling list (this was a combination of the local government elections list and those aged 16 and 17 in 2014), as 16 and 17 year olds now have the vote in local government elections reference to the franchise has been simplified in the Referendums (Scotland) Bill.	polling list combining the register of local government electors, and the register of young voters. This is no longer needed as young voters (over 16 and under 18) are now included on register for local government electors.			
5	Legal Incapacity – Bars those subject to a legal incapacity to vote if that legal incapacity would bar them from voting in a Local government election in Scotland on that date. No specific bar on prisoners voting in	Section 5 of the Referendums (Scotland) Bill is the same provision as set out in Section 2(2)(a) of SIR(F)A. Section 3 of SIR(F)A bars offenders in prison from voting in 2014 referendum. This is not replicated in	No reference	No reference	General bar on voting is covered in Part 1 of the Representation of the People Act 1983. The provision in the Referendums (Scotland) Bill matches this.

	Referendums (Scotland) Bill.	the Referendums (Scotland) Bill.			
6	Provisions about voting are set out in Schedule 1. Covers issues such as the ways of voting, registration on the electoral register, conduct of postal voting and supply of information about the electoral roll and registered electors.	Section 6 of the Referendums (Scotland) Act is a copy of Section 4 in SIRA. Differences between Schedule 1 of the Referendums (Scotland) Bill and Schedule 2 of SIRA are discussed later.	No equivalent	This is covered with reference to Schedules 2 and 3 of the Parliamentary Voting System and Constituencies Act 2011 which is relevant because Section 4 of the EURA gives Ministers powers to make regulations as follows: “Ministers may make provision about voting in the referendum and otherwise about the conduct of the referendum, which may include provision by regulations corresponding to any provision of Schedules 2 and 3	

				to the 2011 Act (with or without modifications)". The European Union Referendum (Conduct) Regulations 2016 are the consequent regulations made by UK Ministers in this case.	
7	Chief Counting Officer – provides for the appointment of the Chief Counting Officer (the convener of the Electoral Management Board from Scotland will take the role if the post is filled and he or she wishes to carry out the duties of CCO). Also provides for the removal of a CCO by Scottish	Section 7 of the Referendums (Scotland) Bill is largely the same as Section 5 of the SIRA with the additional reason for removing a Chief Counting Officer when he or she has ceased to be convener of the Electoral Management Board. SIRA provides that the Electoral	Section 128 subsections (1) and (2) mirrors some of the provisions in Section 7 of the Referendums (Scotland) Bill though there is no provision for a Chief Counting Officer or counting officer to resign. Also notable that Electoral Commission is responsible for the administration and	Links to Section 128 of PPERA with slight amendment to role set out in Schedule 3 Section 2 of EURA. Schedule 3(3) of EURA sets out who the counting officers in Scotland are – “The counting officer for a voting area that is a local government area in Scotland is the person who, by virtue of section 41	

	<p>Ministers in specific circumstances. Finally, provides for the appointment of deputies by the Chief Counting Officer.</p> <p>The Referendums (Scotland) Bill adds one additional reason for removing a Chief Counting Officer when he or she has ceased to be convenor of the Electoral Management Board (Section 7 (5)(a).</p> <p>In the Bill the Electoral Management Board is responsible for the administration of the referendum with the Electoral</p>	<p>Management Board provides the administrative function for the referendum, with the Electoral Commission as regulator.</p>	<p>the regulation of any referendum as Chair is appointed as CCO.</p>	<p>of the 1983 Act, is the returning officer for elections of councillors of the local government area.”</p>	
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	Commission providing the regulatory function.				
8	Other counting officers – provides for the appointment and replacement of a counting officer for each local authority area.	Section 8 of the Referendums (Scotland) Bill is a copy of Section 6 of SIRA.	Section 128(3) mirrors Section 8 of the Referendums (Scotland) Bill.	Schedule 3 Paragraph 5 of the EURA allows that for the purposes of the referendum, the Chief Counting Officer may appoint a Regional Counting Officer for Scotland.	
9	Functions of the Chief Counting Officer and other counting officers – sets out the responsibilities of the Chief Counting Officer and the counting officers with regards to referendums.	Section 9 of the Referendums (Scotland) Bill is a copy of Section 7 of SIRA.	Section 128 subsections (4) to (9) mirror the responsibilities given to the Chief Counting Officer in the Referendums (Scotland) Bill.	Links to Section 128 of PPERA. The provisions are also set out in Schedule 3 Paragraph 7 of the EURA.	
10	Correction of Procedural Errors – gives powers to the Chief Counting	Section 10 of the Referendums (Scotland) Act is a		Schedule 3(9) of EURA provides the equivalent provisions.	

	Officer and counting officers to correct errors.	copy of Section 8 of SIRA.			
11	<p>Expenses of counting officers – makes provision to allow for the payment by Scottish Ministers of any expenses incurred in connection with the exercise of the Chief Counting Officer’s functions under the Act.</p> <p>The Referendums (Scotland) Bill allows Scottish Ministers to pay in excess of the maximum amount as long as the charges and expenses were reasonable.</p>	Section 11 of the Referendums (Scotland) Bill is a copy of Section 9 of SIRA with the additional clause allowing Scottish Ministers to pay expenses in excess of the maximum amount.		Schedule 3 Paragraph 16 of EURA is the equivalent provision with Regulations made for the EU Referendum in The European Union Referendum (Counting Officers’ and Regional Counting Officers’ Charges) Regulations 2016.	
12	Conduct rules are covered in	Section 12 of the Referendums		The European Union Referendum	

	Schedule 2. Section 12 introduces Schedule 2.	(Scotland) Bill is a copy of Section 10 in SIRA with the detail for SIRA covered in Schedule 3.		(Conduct) Regulations 2016 are the equivalent rules.	
13	Campaign Rules are covered in Schedule 3. Section 13 introduces Schedule 3.	Section 13 of the Referendums (Scotland) Bill is a copy of Section 11 in SIRA with the detail for SIRA covered in Schedule 4.	Part VII of PPERA provides a framework which is complemented by Schedule 1 of the European Union Referendum Act 2015.	Schedule 1 of the European Union Referendum Act 2015 covers Campaigning and Financial Controls and complements measures in PPERA.	
14	Gives the Electoral Commission responsibility for monitoring and securing compliance with the campaign rules (which are set out in Schedule 3).	Section 14 of the Referendums (Scotland) Bill is a copy of Section 12 of the SIRA.	Section 145(1) and (6A) provide the relative comparative enforcement powers for the Electoral Commission in relation to PPERA. These provisions mirror the text in Section 14 of the		

			Referendums (Scotland) Bill.		
15	Inspection of the Electoral Commission's registers – the Electoral Commission must make the register of declarations they hold (under Schedule 3(6) available for public inspection.	Section 15 of the Referendums (Scotland) Bill is a copy of Section 13 of the SIRA.	Section 149 provides the comparative requirement for the Electoral Commission in PPERA. These provisions mirror the text in Section 15 of the Referendums (Scotland) Bill.		
16	Campaign rules – general offences. This section sets out the ways in which a person commits an offence by breaching the referendum campaign rules (which are set out in Schedule 3).	Section 16 of the Referendums (Scotland) Bill is a copy of Section 14 of the SIRA.	Section 148 provides the comparative provision in PPERA. These provisions closely follow the text in Section 16 of the Referendums (Scotland) Bill.		
17	Campaign offences – summary	Section 17 of the Referendums	Section 151 provides the		

	<p>proceedings Section 17 states that summary proceedings under Section 16 or Schedules 3 to 5 may be taken against a body or a person. Subsection (2) allows criminal proceedings to be commenced at any time within three years after the offence is committed, or within six months of the prosecutor having knowledge of sufficient evidence to justify proceedings.</p>	<p>(Scotland) Bill is a copy of Section 15 of the SIRA.</p>	<p>comparative provision in PPERA. These provisions closely follow the text in Section 17 of the Bill.</p>		
18	<p>Duty of Court to report convictions to the Electoral Commission - Section 18 places an obligation on the courts to notify the</p>	<p>Section 18 of the Referendums (Scotland) Bill is a copy of Section 16 of the SIRA.</p>	<p>Section 154 provides the comparative provision in PPERA. These provisions closely follow the text in</p>		

	Electoral Commission of a conviction for any campaign offence under the Bill as soon as practicable after it arises.		Section 18 of the Bill.		
19	<p>Referendum agents - Referendum agents may be appointed by permitted participants for a particular local government area, and notice must be given to the relevant counting officer of the appointment</p> <p>At Section 19(7), the Referendums (Scotland) Bill makes provision for the appointment of a new referendum agent if a permitted</p>	Section 19 of the Referendums (Scotland) Bill is a very near copy of Section 17 of the SIRA with a slight amendment to subsection (8).		Schedule 1 Paragraphs 15 to 17 of EURA are relevant provisions. They closely match the provisions in Section 19 of the Bill.	

	<p>participant revokes the appointment of a referendum agent or a referendum agent dies. The slight change compared to SIRA is that Section 19(8) makes direct reference to 19(7) as a reason for appointing a new referendum agent.</p>				
20	<p>Electoral Commission observers – Gives the Electoral Commission Observers a right to attend any proceedings which are the responsibility of the Chief Counting Officer or a counting officer, or to observe any of</p>	<p>Section 20 of the Referendums (Scotland) Bill is a copy of Section 18 of the SIRA.</p>	<p>Sections 6A and 6B of PPERA provide the comparative provisions to Section 20 of the Bill. The provisions in Section 6A and 6B are the same as those provided in Section 20 of the Referendums (Scotland) Bill.</p>		

	their work carried out under this Act.				
21	Accredited observers – individuals - allows anyone aged 16 or over to apply to the Commission to be accredited as an observer, which permits them to be present at the issue or receipt of postal ballot papers, proceedings at the poll, or at the count.	Section 21 of the Referendums (Scotland) Bill is a copy of Section 19 of the SIRA.	Section 6C of PPERA is the same as Section 21 of the Referendums (Scotland) Bill with the exception outlined below. The provisions in Section 6C are identical to Section 21 except for subsection (3) which for PPERA makes direct reference to the code of practice prepared by the Electoral Commission whereas the Referendums (Scotland) Bill refers to an application being made “in the manner specified		

			by the Commission”.		
22	Accredited observers – organisations - provides for organisations to apply to be accredited to allow them to nominate observers, who may attend the proceedings.	Section 22 of the Referendums (Scotland) Bill is a copy of Section 20 of the SIRA.	Section 6D of PPERA is the same as Section 22 of the Referendums (Scotland) Bill with the exception outlined below. Referendums (Scotland) Bill. The provisions in Section 6D are identical to Section 22 except for subsection (4) which for PPERA makes direct reference to the code of practice prepared by the Electoral Commission whereas the Referendums (Scotland) Bill refers to an application being		

			made “in the manner specified by the Commission”.		
23	Attendance and conduct of accredited observers - allows a CCO, counting officer, or any person authorised by them, to limit the number of people in attendance at proceedings under Sections 21 or 22, or to cancel the entitlement to attend in case of misconduct.	Section 23 of the Referendums (Scotland) Bill is a copy of Section 21 of the SIRA.	Section 6E of PPERA is the same as Section 23 of the Referendums (Scotland) Bill.		
24	Code of Practice on attendance of observers - requires the Electoral Commission to prepare a code of practice on the	Section 24 of the Referendums (Scotland) Bill is a copy of Section 22 of the SIRA.	Section 6G of PPERA (code of practice on attendance of observers at local government elections in Scotland) is		

	attendance of representatives of the Commission; accredited observers; and nominated members of accredited organisations at proceedings related to the referendum.		basically the same as Section 24 of the Referendums (Scotland) Bill.		
25	Information for voters - allows the Electoral Commission to give voters information on the referendum, the referendum question and the manner of voting in the referendum.	Section 25 of the Referendums (Scotland) Bill is a copy of Section 23 of the SIRA.	No direct equivalent provision in PPERA, though Part 1 Section 13 commits the Electoral Commission to: (1) The Commission shall promote public awareness of— Education about electoral and (a) current electoral systems in the United Kingdom and any democratic		

			<p>pending such systems, together with such matters connected systems. with any such existing or pending systems as the Commission may determine;</p> <p>(b) current systems of local government and national government in the United Kingdom and any pending such systems; and</p> <p>(c) the institutions of the European Union.</p>		
26	<p>Guidance - gives the Electoral Commission power to issue guidance to the Chief Counting Officer regarding the Chief Counting Officer's role under the Bill, and with the</p>	<p>Section 26 of the Referendums (Scotland) Bill is a copy of Section 24 of the SIRA.</p>	<p>Section 10 of PPERA appears to be the broad equivalent provision of Section 26 of the Referendums (Scotland) Bill.</p>		

	consent of the Chief Counting Officer to issue guidance to counting officers.				
27	Advice - gives the Electoral Commission power to provide advice to anyone who requests it regarding the application of the Bill or any other matter relating to the referendum.	Section 27 of the Referendums (Scotland) Bill is a copy of Section 25 of the SIRA.	Section 10 of PPERA appears to be the broad equivalent provision of Section 27 of the Referendums (Scotland) Bill.		
28	Encouraging participation - confers a power on the Chief Counting Officer to take whatever steps are considered to be appropriate to encourage participation in the referendum, and to facilitate co-operation among	Section 28 of the Referendums (Scotland) Bill is a copy of Section 26 of the SIRA.		Schedule 3 Section 12 of the EURA is the equivalent of Section 28 of the Referendums (Scotland) Bill though the provisions in the EURA are more detailed.	

	counting officers in doing the same.				
29	Report on conduct of the referendum - the Electoral Commission must prepare a report for the Scottish Parliament on the conduct of the referendum and must publish that report.	Section 29 of the Referendums (Scotland) Bill is a copy of Section 27 of the SIRA.	Section 5 of PPERA places a duty on the Electoral Commission “to prepare and publish (in such manner as the Commission may determine) a report on the administration of the election or referendum.” The requirements placed on the Electoral Commission under Section 5 of PPERA appear to be less detailed than the requirements set out in Section 29 of the Referendums (Scotland) Bill.		

30	Reimbursement of Commission's costs - deals with the Electoral Commission's costs in respect of functions under the Act, which will be refunded by the Scottish Parliamentary Corporate Body.	Section 30 of the Referendums (Scotland) Bill is a copy of Section 28 of the SIRA.	Section 13A of PPERA places the requirement on Scottish Ministers to reimburse the Electoral Commission for any expenditure incurred by them which is attributable to the exercise of its functions in relation to Local Government elections in Scotland.		
31	Estimates of expenditure - requires the Electoral Commission to estimate their costs and income before the start of each financial year and send this to the Scottish Parliament Corporate Body for approval.	Section 31 of the Referendums (Scotland) Bill is a copy of Section 29 of the SIRA.	Schedule 1 Paragraph 14(2) of PPERA states: "For each financial year (other than the Commission's first financial year) the Commission shall prepare, and submit to the Speaker's Committee, an estimate of the		

			<p>Commission's income and expenditure."</p> <p>PPERA does not appear to provide an option for the Electoral Commission to prepare a revised estimate of expenditure during the course of the year in the way the Referendums (Scotland) Bill proposes.</p>		
32	<p>Maladministration - provides that an investigation by the Scottish Public Services Ombudsman into the Electoral Commission's functions under the Bill is not prevented under the Scottish Public Services</p>	<p>SIRA provides for a Scottish Public Services Ombudsman investigation in relation to the Electoral Commission's functions under SIRA to be included in the Scottish Public</p>			<p>There is no UK-wide Public Services Ombudsman. However, there is a Parliamentary Commissioner whose powers are set out in the Parliamentary Commissioner Act 1967.</p>

	<p>Ombudsman Act 2002.</p> <p>The Scottish Public Services Ombudsman already has a role investigating complaints about the Electoral Commission's work relating to Scottish local government elections.</p> <p>Section 32 of the Referendums (Scotland) Bill is worded slightly differently to Section 30 of the SIRA.</p> <p>Section 32 amends the Scottish Public Services Ombudsman Act 2002 to include the Electoral Commission's functions under the</p>	<p>Services Ombudsman Act 2002.</p>			<p>The Parliamentary Commissioner has a statutory role in relation to investigations about the Electoral Commission.</p>
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	Referendums (Scotland) Bill.				
33	Registration - provides that provisions in the Scottish Elections (Reduction of Voting Age) Act 2015 concerning exceptions from prohibition on disclosure of information about persons aged under 16 have effect in relation to the conduct of a referendum under this Bill.	No equivalent provision was included in SIRA as the Scottish Elections (Reduction of Voting Age) Act 2015 was not in force at that time.			There are no equivalent provisions in UK law as the voting age remains 18.
34	Registration officers' expenses - provides that a registration officer is entitled to recover from the Scottish Ministers any expenses incurred by them	No equivalent provision was included in SIRA.			Cannot find equivalent provisions in UK legislation.

	that are attributable specifically to the exercise of the registration officer's functions under this Bill.				
35	Offences – Section 35 introduces Schedule 6.	Section 35 of the Referendums (Scotland) Bill is a copy of Section 31 in SIRA with the detail for SIRA covered in Schedule 7.		The offences listed in the Referendums (Scotland) Bill Schedule 6 are similar to those set out in Representation of the People Act 1983 (as amended). These offences were applied to the EU referendum by The European Union Referendum (Conduct) Regulations 2016 . They are discussed further down the table.	
36	Individual culpability for	Section 32 of SIRA is titled Offences by			Cannot find equivalent

	<p>offending by an organisation - provides for offences by a body corporate, a Scottish partnership or other unincorporated association under the Bill</p> <p>Section 36 of the Referendums (Scotland) Bill is worded slightly differently to Section 32 of the SIRA..</p>	<p>bodies corporate etc and Section 32(2) added the words “and is liable to be proceeded against and punished accordingly” compared to Section 36(2) of the Referendums (Scotland) Bill. This appears to be a drafting change.</p>			<p>provisions in UK legislation.</p>
37	<p>Power to modify this Act - confers a power on Scottish Ministers to make regulations to modify the Act resulting from the Bill in certain circumstances.</p>	<p>Section 33 of the SIRA provides a power to Scottish Ministers to make supplementary provision and modifications.</p>			

38	Power to vary specified sums - confers a power on the Scottish Ministers to make regulations to vary any sum specified in this Act.	No equivalent provision was included in SIRA as that Act was for one event rather than setting a framework under which financial sums may need to be varied over the time the Act is in force.	Provision is made in Section 155 of PPERA. PPERA requires Scottish Ministers to consider each Parliamentary Session (unless such a Session is less than two years) whether to adjust sums and lay regulations doing so or lay a statement in the Scottish Parliament explaining why it is not doing so.		
39	Restriction on legal challenge to referendum result - provides that any legal challenge to the certification of the votes cast at the referendum must be brought by way of judicial	Section 39 of the Referendums (Scotland) Bill is a copy of Section 34 in SIRA.		Replicated by Schedule 3 Paragraph 19 of the EURA.	

	review and must be lodged with the court within six weeks of the last certification of the result.				
40	Interpretation – Section 40 introduces Schedule 7, which contains the definitions of words and expressions used in the Bill.	Section 40 of the Referendums (Scotland) Bill is a copy of Section 35 in SIRA. Section 35 of SIRA introduces Schedule 8.			
41	Commencement – the day after Royal Assent.	Section 41 of the Referendums (Scotland) Bill is a copy of Section 36 of SIRA.			
Ballot paper	No provision.	Schedule 1 of SIRA provides the form of ballot paper	No provision.	The image of the ballot paper was provided in Schedule 4 of The European Union Referendum (Conduct) Regulations 2016.	
Schedule 1 Further Provision about	There is a slight drafting change at	Schedule 2 in SIRA.		Section 4 of EURA provides that “The	

<p>voting in the referendum</p> <p>Part 1 Manner of Voting</p>	<p>Paragraph 2(1)(b) which appears to be a drafting change to represent the register held for people entitled to vote by post at Scottish Parliamentary elections.</p> <p>The same drafting change but in relation to the record for proxy voting is reflected at Paragraph 2(3)(b).</p> <p>Paragraph 5(4) is a new part in the Bill in relation to proxy voting. It states: "A person is not capable of being appointed to vote, or of voting, as proxy unless the registration officer</p>	<p>Differences highlighted under the Referendums (Scotland) Bill column.</p>		<p>Minister may by regulations—</p> <p>(a) make provision about voting in the referendum and otherwise about the conduct of the referendum, which may include provision corresponding to any provision of Schedules 2 and 3 to the 2011 Act (with or without modifications);"</p> <p>The 2011 Act is the Parliamentary Voting System and Constituencies Act 2011.</p> <p>This power provided to Ministers was used in the laying of The European Union Referendum</p>	
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	<p>is satisfied that the person is or will be registered in the register of local government electors.”</p> <p>Paragraph 5(8)(b) is a slight drafting change similar and to the same effect as Paragraph 2(3)(b) detailed above.</p> <p>Paragraph 6(4)(b) is a slight drafting change similar and to the same effect as Paragraph 2(3)(b) detailed above.</p> <p>Paragraph 7(9) removes the eligibility to vote by proxy from those who apply after the cut-of date where</p>			<p>(Conduct) Regulations 2016.</p> <p>In terms of a comparison with the relevant provisions of Schedule 1 of the Referendums (Scotland) Bill, the following points are of note:</p> <p>Part 3 Chapter 1 Regulation 60 and Schedule 3 Part 1 of the European Union Referendum (Conduct) Regulations 2016 along with Part IV of the Representation of the People (Scotland) Regulations 2001 covers absent voting in the referendum in Great Britain. Both</p>	
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	<p>“the applicant will be, or is likely to be, unavoidably absent from the applicant’s qualifying address on the date of the referendum and the applicant only became aware of that fact after the cut-off date.</p> <p>Paragraph 8(9)(b)(i) and Paragraph 8(11)(c)(i) changes the age from 18 to 16 for signature of an application as one of the criteria where an application for a proxy vote is made late.</p>			<p>sets of Regulations cover much of the same policy area, and in many cases use the same wording as Schedule 1 Part 1 of the Referendums (Scotland) Bill. There are no obvious policy differences between the two.</p>	
<p>Schedule 1 Part 2 Registration</p>	<p>Paragraph 16(4) provides that a registration officer</p>	<p>Differences compared to SIRA are highlighted</p>		<p>The European Union Referendum (Conduct)</p>	

	<p>may appoint more than one deputy for the purposes of the Act. This is an addition to the Bill compared to SIRA.</p> <p>Paragraph 18(1) provides that the cut-off date for applying for an absent (postal) or proxy vote under Paragraphs 3(2) and 5(9) has been reduced to 6 days ahead of the poll rather than 11 days as set out in Schedule 2 Paragraph 19(2) of the SIRA. In all other cases, the cut-off date remains 11 days before the referendum.</p> <p>Paragraph 17(4) gives Scottish</p>	<p>under the Referendums (Scotland) Bill column.</p> <p>The Preparation of Polling List (Section 18 in SIRA) is not replicated in the Referendums (Scotland) Bill – this is a result of the change to the franchise which means 16 and 17 year olds are not included on the local government register.</p>		<p>Regulations 2016 include Schedule 1 on the Application of Provisions of the Representation of the People Act 1983. The consequential effect of these Regulations cover the relevant section for the European Union referendum for comparative purposes with Schedule 1 Part 2 of the Referendums (Scotland) Bill.</p> <p>Where relevant, there does not appear to be any policy divergence between the provisions set out in the Representation of the People Act 1983 compared to</p>	
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	<p>Ministers the power by regulations to modify Subparagraph (1) or (3)(a) for the purposes of the referendum. Subparagraphs (1) and (3)(a) relate to provisions in the Representation of the People Act 1983. Any regulations made under the power in Paragraph 17(4) are subject to the negative procedure and Scottish Ministers must consult the Electoral Commission before making such regulations.</p> <p>Section 13BB of the Representation of the People Act 1983 has been</p>			<p>the appropriate provisions on registration in the Referendums (Scotland) Bill.</p>	
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	removed from the Referendums (Scotland) Bill compared to SIRA. Section 13BB of the Representation of the People Act 1938 refers to an “Election falling within a canvas period”.				
Schedule 1 Part 3 Postal voting: issue and receipt of ballot papers	Paragraph 28(1) on lost postal ballots removes the requirement that voters must apply for a replacement ballot by the fourth day before the date of the referendum. Paragraph 28(8) is added meaning “The counting officer may refuse to issue another postal ballot paper if the officer	Differences compared to SIRA are highlighted under the Referendums (Scotland) Bill column.		Part V of the Representation of the People (Scotland) Regulations 2001 on the Issue and Receipt of Postal Ballot Papers (Regulations 67 to 89) cover this section in the European Union Referendum (Conduct) Regulations 2016. The policy approach is similar	

	<p>considers that it is reasonable for the voter to allow further time for the delivery of the documents referred to in subparagraph (1).” The documents are a lost postal ballot paper, a postal voting statement and/or one or more of the envelopes supplied for their return.</p> <p>The provisions on personal identifier verification in relation to postal votes in SIRA (Paragraphs 35(2), 37 and 39 of Part 3 Schedule 2 have been removed in the Referendums (Scotland) Bill meaning all postal vote verification</p>			<p>to that set out in the Referendums (Scotland) Bill.</p> <p>The requirement to verify a minimum of 20% of postal votes was removed for the European Union referendum by the European Union Referendum (Conduct) Regulations 2016 with 100% to be checked. This is matched in the Referendums (Scotland) Bill.</p> <p>The European Union Referendum (Conduct) Regulations 2016 required that postal ballot papers must not be issued so as to be received by persons entitled to vote in the</p>	
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	<p>statements (rather than 20% in SIRA) will be checked under the terms of the Bill.</p> <p>Consequential amendments have also been made as a result of this change.</p>			<p>referendum before the beginning of the relevant period. This compares with the provision in the Referendums (Scotland) Bill (Schedule 1 Part 3 Paragraph 21) which states that the counting officer is to issue postal ballot papers (and postal voting statements) as soon as practicable.</p>	
<p>Schedule 1</p> <p>Part 4 Supply of register of local government electors etc.</p>	<p>Paragraph 45(4) provides that a registration officer may hold a second copy in data form of the supply of registers.</p> <p>Paragraph 46(6) is a new provision which means that a Registration Officer</p>	<p>Differences compared to SIRA are highlighted under the Referendums (Scotland) Bill column.</p> <p>Paragraph 51 of Schedule 2 Part 4 of SIRA on "Supply of free copy of</p>		<p>The powers regarding supply of register of local government electors for the European Union referendum is outlined in the Representation of the People (Scotland)</p>	

	<p>must, at the request of the Electoral Commission, supply free of charge to the Commission a further copy of any of the documents listed in Subparagraph (1). The documents listed in Subparagraph (1) are the latest version of the register of local government electors, any notice setting out an alteration of the register of local government electors, the postal voters list, the list of proxies and the proxy postal voters list.</p>	<p>register of local government electors etc. to permitted participants” has been removed in the Referendums (Scotland) Bill.</p>		<p>(Amendment) Regulations 2002.</p> <p>Whilst the wording in the Referendums (Scotland) Bill is more detailed, it is not clear that the policy objective is different.</p>	
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	<p>Paragraph 48 is a new addition to the Referendums (Scotland) Bill compared to SIRA. It states: “A copy of the register of local government electors supplied under Paragraph 45, 46 or 47 is to contain the same information as in the register except that, in the case of an entry relating to a person aged 16 or 17, the date on which the person will attain the age of 18 is to be omitted.” This is a drafting change to reflect the age to vote in all elections covered by the local government</p>				
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	<p>franchise is 16 in Scotland.</p> <p>Paragraph 49(b) allows the register data to be shared in a mutually agreed form.</p>				
<p>Schedule 1</p> <p>Part 5 Supply of marked register of local government electors</p>	<p>The text in the Referendums (Scotland) Bill is basically the same as the text in the equivalent part in SIRA. The policy objective is the same.</p>	<p>Differences compared to SIRA are highlighted under the Referendums (Scotland) Bill column.</p>		<p>The powers regarding supply of register of local government electors for the European Union referendum is outlined in the Representation of the People (Scotland) (Amendment) Regulations 2002</p> <p>Whilst the wording in the Referendums (Scotland) Bill is more detailed, it is not clear that the</p>	

				policy objective is different.	
Schedule 2 Conduct Rules	<p>Schedule 2 of the Referendums (Scotland) Bill relates to the rules for the conduct of a referendum. The provisions largely mirror those provisions set out in the SIRA. There are the following policy differences:</p> <p>Paragraph 18(1)(b) is new and allows “any referendum agent or polling agent present who wishes to affix the agent’s seal to do so”.</p> <p>Paragraph 29(2) is new and states, “In making arrangements, the counting officer</p>	<p>Schedule 3 in SIRA</p> <p>Differences highlighted under the Referendums (Scotland) Bill column.</p>		<p>The equivalent regulations are contained in the European Union Referendum Act and the European Union Referendum (Conduct) Regulations 2016 (EURCR). These are listed below.</p> <p>Publication of notice of the referendum is covered by Part 2, Regulations 6 and 7 of the EURCR</p> <p>Hours of Polling is covered by Part 2, Regulation 6. Of the EURCR</p> <p>The ballot is covered by Part 2</p>	

	<p>must not knowingly appoint or employ any person who has been involved in campaigning for a particular outcome in the referendum.”</p> <p>A further addition is Paragraph 29(4) which states: “The counting officer need not begin the counting of the votes in the period from the close of the poll until 9am on the following morning if the officer considers that it would be unreasonable to do so having regard to the time at which the poll closed.”</p> <p>Paragraph 30(3) requires the</p>			<p>Regulation 9 of the EURCR.</p> <p>Printing of ballot papers is covered by Schedule 3 Paragraph 7(2)(b) of the EURA. The corresponding number list is covered by Part 2 Regulation 11 of the EURCR.</p> <p>Security marking is covered by Part 2 Regulation 12 of the EURCR.</p> <p>Use of schools and public rooms for polling and counting votes is covered by Part 2 Regulation 14 of the EURCR.</p> <p>Postal ballot papers is covered by Part 2</p>	
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	<p>counting officer to supply a copy of the verification statement to the counting agent. This provision is worded slightly differently in SIRA but appears to achieve the same policy approach.</p> <p>Paragraph 15(2) 'Admission to Polling Station', makes no mention of accredited observers in the lists of who can attend proceedings. Reference is made to, 'any other person which the presiding officer permits to attend'. Electoral Commission accredited observers are able</p>			<p>Regulation 17 of the EURCR.</p> <p>Provision of polling stations is covered by Part 2 Regulation 18 of the EURCR.</p> <p>Appointment of presiding officers and clerks is covered by Part 2 Regulation 19 of the EURCR.</p> <p>Issue of poll cards is covered by Part 2 Regulation 20 of the EURCR.</p> <p>Loan of equipment for referendum is covered by Schedule 1, Part 2, Paragraph 6.</p> <p>Equipment of polling stations is covered by Part 2</p>	
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	<p>to attend various events in the taking of the poll (Sections 21 and 22).</p>			<p>Regulation 22 of the EURCR.</p> <p>Appointment of polling and counting agents is covered by Part 2 Regulation 23 of the EURCR.</p> <p>Admission to polling station is covered by Part 2 Regulation 26 of the EURCR.</p> <p>Notification of the requirement of secrecy is covered by Part 2 Regulation 24 of the EURCR.</p> <p>Keeping of order at polling station is covered by Part 2 Regulation 27 of the EURCR.</p>	
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				<p>Sealing of ballot boxes is covered by Part 2 Regulation 28 of the EURCR.</p> <p>Questions to be put to voters is covered by Part 2 Regulation 29 of the EURCR.</p> <p>Challenge of voter is covered by Part 2 Regulation 30 of the EURCR.</p> <p>Voting procedure is covered by Part 2 Regulations 31, 33(1) and 34.</p> <p>Votes marked by the presiding officer is covered by Part 2 Regulation 35 of the EURCR.</p> <p>Voting by persons with disabilities is</p>	
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				<p>covered by Part 2 Regulation 36 of the EURCR.</p> <p>Tendered ballot papers is covered by Part 2 Regulations 37 and 38 of the EURCR.</p> <p>Spoilt ballot papers are covered by Part 2 Regulation 41 of the EURCR.</p> <p>Correction of errors on polling day is covered by Part 2 Regulation 42 of the EURCR.</p> <p>Adjournment of poll in case of riot is covered by Part 2 Regulation 43 of the EURCR.</p> <p>Procedure on close of poll is covered by Part 2</p>	
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				<p>Regulation 44 of the EURCR.</p> <p>Attendance at counting of votes is covered by Part 2 Regulation 45 of the EURCR.</p> <p>The count is covered by Part 2 Regulation 46 of the EURCR.</p> <p>Rejected ballot papers is covered by Part 2 Regulation 48 of the EURCR.</p> <p>Counting the votes is covered in Schedule 3 Paragraph 7(2)(d) of the EURA.</p> <p>Decisions on ballot papers is covered by Part 2</p>	
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				<p>Regulation 50 of the EURCR.</p> <p>Re-counts is covered by Part 2 Regulation 47 of the EURCR.</p> <p>Declaration of result is covered by Part 2 Regulation 54 of the EURCR.</p> <p>Sealing up of ballot papers is covered by Part 2 Regulation 55 of the EURCR.</p> <p>Delivery of papers is covered by Part 2 Regulation 56 of the EURCR.</p> <p>Retention and public inspection of papers is covered by Part 2 Regulation 56 of the EURCR.</p>	
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				Retention and public inspection of certifications is covered in Part 2 Regulation 58 of the EURCR. Orders for production of documents is covered by Part 2 Regulation 57 of the EURCR.	
Schedule 3 Part 1 Interpretation	In addition to the list of “permissible donor” in SIRA, the Referendums (Scotland) Bill adds: charitable incorporated organisations; bodies established by Royal Charter; and partnerships. This reflects changes to PPERA	Schedule 4 in SIRA. Differences highlighted under the Referendums (Scotland) Bill column.			

	made by the Transparency of Lobbying, Non-party Campaigning and Trade Union Administration Act 2014.				
Part 2 Permitted participants and designated organisations	<p>Paragraph 2(3) defining a “qualifying individual” does not refer to the “register of young voters” (as the SIRA did) because young voters are now on the local government electoral register. This is not a policy change.</p> <p>In addition to the list of “qualifying body” in SIRA, the Referendums (Scotland) Bill</p>	Differences highlighted under the Referendums (Scotland) Bill column.	<p>Corresponding provisions are in PPERA sections 105-110 covering:</p> <p>Permitted participants (Section 105);</p> <p>Declarations and notifications (Section 106);</p> <p>Register of declarations and notifications (Section 107);</p> <p>Designation of organisations to whom assistance is</p>	<p>Additional corresponding provisions are in EURA Schedule 1 Paragraphs 2 to 12 including on:</p> <p>Permitted participants (Paragraph 2);</p> <p>Notifications and declarations for purpose of becoming permitted participant (Paragraph 3);</p> <p>Person may not be responsible for</p>	

	<p>Paragraph 2(4) adds charitable incorporated organisations; bodies established by Royal Charter; and partnerships. Paragraphs 3(5) and 3(6) define declaration rules for these bodies. This reflects changes to PPERA made by the Transparency of Lobbying, Non-party Campaigning and Trade Union Administration Act 2014.</p> <p>Paragraph 3(4) adds a requirement for unincorporated organisations which have more than 15 members and has officers or a governing body</p>		<p>available (Section 108);</p> <p>Applications for designation (Section 109);</p> <p>Assistance available to designated organisations (Section 110). This allows the Electoral Commission to grant each designated organisation up to £600,000. There is no public financial support available to designated organisations under SIRA or the Referendums (Scotland) Bill.</p>	<p>compliance for two or more permitted participants (Paragraph 6);</p> <p>Unincorporated associations with offensive etc names (Paragraph 7);</p> <p>Designation of organisations: designation of one organisation only (Paragraph 9), and</p> <p>Applying to become a designated organisation: period for making application (Paragraph 12).</p>	
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	<p>to list its officers or the members of the governing body when declaring the campaigning outcome its spending money on.</p> <p>Paragraph 3(10) provides that a person who is to be appointed as the responsible person for permitted participant bodies should sign the application for declaration as a permitted participant. This is to ensure that the person is aware that they are being appointed and the responsibilities they will take on.</p> <p>Paragraph 4 includes drafting to allow the Electoral</p>				
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	<p>Commission to reject a declaration if the campaigner proposes to register a name which is obscene or offensive and also allows the Electoral Commission to reject unincorporated organisations from registering with a name that:</p> <ul style="list-style-type: none">(a) is obscene or offensive,(b) includes words the publication of which would be likely to amount to the commission of an offence,(c) is the same as or similar to the name of an existing permitted participant, or(d) would otherwise be likely to result in				
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	<p>voters confusing the association with an existing permitted participant.</p> <p>The Bill prevents an individual from acting as the responsible person for more than one permitted participant. Paragraph 5(1) and (3)(a) and (c) sets out that a declaration does not comply with the requirement (Paragraph 3 of Schedule 3 requires that the declaration must state the name of the responsible person) if the person is already a responsible person in relation to a</p>				
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	<p>permitted participant.</p> <p>Paragraph 5(6) allows political party campaign officers to take on the treasurer's role of "responsible person".</p> <p>Paragraph 8(6) provides for applications to the Electoral Commission for designation will be 12 noon on the last day for applications rather than 12 midnight which it was in SIRA.</p>				
Part 3 Referendum expenses	Paragraph 20(2)(b) is a change to how rounding is done in calculation of spending limits. In line with an	Differences highlighted under the Referendums (Scotland) Bill column.	Corresponding provisions are covered in the following sections of PPERA:	Additional corresponding provisions are in Schedule 1 Paragraphs 18-25 of the EURA	

	<p>Electoral Commission recommendation.</p> <p>Paragraph 21(1)(d) provides that in the event of one-sided designation, the common plan rules under paragraph 21 on referendum expenses fall away.</p> <p>The Scottish Government has indicated that, as provision allowing a broadcaster to provide referendum campaign broadcasts is reserved, the intention would be to include provision analogous to Paragraph 11(4) of the EU Referendum Act 2015, by order under Section 30 or</p>		<p>Referendum expenses in Section 111;</p> <p>Notional expenses in Section 112;</p> <p>Restriction on incurring referendum expenses in Section 113;</p> <p>Restriction on payments in respect of referendum expenses in Section 114;</p> <p>Restriction on making claims in respect of referendum expenses in Section 115;</p> <p>Disputed claims in Section 116;</p>	<p>including provisions on the Rights of Creditors (Paragraph 21) and Referendum expenses incurred as part of common plan (Paragraph 22).</p> <p>Schedule 1 Paragraph 11(4) makes provision that in the case of one sided designation, right to a campaign broadcast falls away.</p>	
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	<p>Section 104 of the Scotland Act 1998, equivalent to. This was the case for the 2014 independence referendum (article 4 of the Section 30 order for the 2014 referendum).</p> <p>It is understood that the Bill also follows the model of the EU Ref Act in that right to a campaign broadcast falls away in the event of one sided designation.</p> <p>Paragraph 22(2)(d) and (e) requires referendum expenses returns to include</p>		<p>General restriction on referendum expenses in Section 117;</p> <p>Special restrictions on referendum expenses by permitted participants in Section 118;</p> <p>Returns as to referendum expenses in Section 120;</p> <p>Auditor's report on return in Section 121;</p> <p>Delivery of returns to the Electoral Commission in Section 122;</p> <p>Declaration of responsible person as to return in Section 123, and</p>		
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	<p>declarations of expenses incurred by others who are not permitted participants (under certain defined circumstances).</p> <p>Paragraph 22(2)(d) and (e) also includes a requirement that campaigners include in the post-referendum spending report the names of those worked with, and how much each spent.</p>		Public inspection of returns in Section 124.		
Part 4 Publications	Paragraph 28(2) creates a new “reasonably regarded” test for material published online – online material will only require an imprint if it can be	Differences highlighted under the Referendums (Scotland) Bill column.	Corresponding provisions on publications are covered in PPERA: Sections 125 on Restriction on publication etc. of promotional material by central		

	reasonably regarded as trying to influence the referendum outcome. The imprint would include details of the promoter and publisher of such information.		and local government and Section 126 on details to appear on referendum material.		
Part 5 Control of donations	<p>Paragraph 41(2) adds detail on recording information on donations from SCIOs, CIOs and Royal Charter organisations.</p> <p>Paragraph 43(1) defines the time periods for reporting donations differently to the SIRA. The final period now goes to the day before polling day (rather</p>	Differences highlighted under the Referendums (Scotland) Bill column.	<p>Corresponding provisions on control of donations are in PPERA Schedule 15 enabled by Section 119.</p> <p>The headings in PPERA Schedule 15 largely mirror the headings in Schedule 3 Part 5 of the Referendums (Scotland) Bill including:</p>	<p>Provisions (in addition to those in PPERA) on campaigning and financial controls are provided in Schedule 1 Paragraphs 26-41 of the EURA. Some of these provisions amend the operation of PPERA in relation to the European Referendum. Amongst the provisions covered are:</p>	

	<p>than 11 days before polling day in SIRA) and the report is due after the poll happens (rather than before it).</p>		<p>Donations: general rules in Paragraph 2 of Schedule 15;</p> <p>Sponsorship in Paragraph 3;</p> <p>Payments etc. not to be regarded as donations in Paragraph 4;</p> <p>Value of donations in Paragraph 5;</p> <p>Prohibition on accepting donations from impermissible donors in Paragraph 6;</p> <p>Acceptance or return of donations in Paragraph 7; and</p> <p>Evasion of restrictions on donations in Paragraph 8.</p>	<p>Permissible donors: donations to registered parties other than minor parties (Paragraph 26);</p> <p>Acceptance or return of donations (Paragraph 32);</p> <p>Evasion of restrictions on donations (Paragraph 33);</p> <p>Reporting of donations during referendum period (Paragraph 39);</p> <p>Declaration of responsible person as to donation reports under Paragraph 39 (Paragraph 40), and</p>	
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			<p>Acceptance or return of donations in Paragraph 7 links to Sections 56 to 60 of PPERA which cover the following headings also covered in the Referendums (Scotland) Bill:</p> <p>Acceptance or return of donations: general (Section 56);</p> <p>Return of donations where donor unidentifiable (Section 57);</p> <p>Forfeiture of donations made by impermissible or unidentifiable donors (Section 58).</p>	Public inspection of donation reports under Paragraph 39 (Paragraph 41).	
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<p>Part 6 Control of loans and credit</p>	<p>Exact circumstances of offences for certain regulated transactions are different in Paragraph 53(17) to 53(20) compared with SIRA.</p> <p>The Bill has been updated to reflect changes brought in for other referendums since the 2013 Act. These provide that it is an offence for a permitted participant knowingly to receive money under a loan or other regulated transaction from a person who has ceased to be a qualifying person, or to fail to repay money received</p>	<p>Differences highlighted under the Referendums (Scotland) Bill column.</p>	<p>Part 4A of PPERA includes provisions on loans and related transactions. The headings in Part 4A include the following which also appear in Schedule 3 Part 6 of the Referendums (Scotland) Bill:</p> <p>Regulated transactions (Section 71F);</p> <p>Valuation of regulated transaction (Section 71G);</p> <p>Authorised participants (Section 71H);</p> <p>Regulated transaction involving unauthorised</p>	<p>Corresponding provisions are in EURA Schedule 2, which (for the purposes of the EU referendum) operated as if they were added into PPERA after Schedule 15. The headings include: Reporting of regulated transactions during referendum period (Paragraph 5);</p>	
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	<p>under a loan or other regulated transaction from a person who has ceased to be a qualifying person after becoming aware the person has so ceased.</p> <p>Paragraph 56 in the Referendums (Scotland) Bill corresponds to Paragraph 55 in SIRA. Changes in the Referendums (Scotland) Bill accommodate information required for recordable transactions where the authorised participant is a SCIOs, CIOs or Royal Charter organisation.</p>		<p>participant (Section 71I);</p> <p>Guarantees and securities: unauthorised participants (Section 71J); Transfer to unauthorised participant invalid (Section 71K);</p> <p>Offences relating to regulated transactions (Section 71L);</p>		
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	<p>Paragraph 61(1) defines the time periods for reporting transactions differently to the SIRA.</p> <p>Schedule 3 Part 6 of the Referendums (Scotland) Bill includes some paragraphs which don't appear to have been replicated in either PPERA or the EURA. These are:</p> <p>Information about authorised participants (Paragraph 56);</p> <p>Identity of unauthorised participants (Paragraph 57);</p>				
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	<p>Details of transactions (Paragraph 58), and</p> <p>Non—disclosure with intent to conceal (Paragraph 64).</p>				
<p>Schedule 4</p> <p>Campaign rules: investigatory powers of the Electoral Commission</p>	<p>No material difference to Schedule 5 of SIRA.</p> <p>Wording of Paragraph 13(1) on Electoral Commission guidance is different to the corresponding section in SIRA, but there is no policy difference.</p>	<p>Differences highlighted under the Referendums (Scotland) Bill column.</p>	<p>No material differences compared with PPERA Schedule 19B, apart from:</p> <p>Referendums (Scotland) Bill requires information on the use of investigatory powers to be published.</p> <p>Schedule 19B of PPERA covers the following provisions which are also covered in the</p>		

			<p>Referendums (Scotland) Bill:</p> <p>Power to require disclosure (Paragraph 1);</p> <p>Inspection warrants (Paragraph 2);</p> <p>Powers in relation to suspected offences or contraventions (Paragraph 3);</p> <p>Court order for delivery of documents or provision of information etc (Paragraph 4);</p> <p>Retention of documents delivered under paragraph 4 (Paragraph 6);</p>		
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			<p>Power to make copies and records (Paragraph 7);</p> <p>Authorisation to be in writing (Paragraph 8);</p> <p>Meaning of “documents” Paragraph 9);</p> <p>Documents in electronic form (Paragraph 10);</p> <p>Legal professional privilege (Paragraph 11);</p> <p>Admissibility of statements (Paragraph 12);</p> <p>Offences (Paragraph 13);</p> <p>Guidance by Commission</p>		
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			(Paragraph 14), and Information about use of investigatory powers in Commission's annual report (paragraph 15).		
Schedule 5 Part 1 Fixed monetary penalties	This is a copy of SIRA Schedule 6, Part 1.	Differences highlighted under the Referendums (Scotland) Bill column.	The headings in PPERA schedule 19C Part 1 Paragraphs 1-4, mirror the headings in Schedule 5 Part 1 of the Referendums (Scotland) Bill on Fixed Monetary Penalties with the provision for late payments in Paragraph 4 of the Referendums (Scotland) Bill. Notable policy differences are the		

			<p>Fixed Penalty Notice amount is set at £200 for all offences in the Referendums (Scotland) Bill but not specified in PPERA.</p> <p>The provisions in Paragraph 4 of the Referendums (Scotland) Bill to increase the Fixed Penalty Notice in cases of late payment are included in PPERA though this is allowed by an Order from the Secretary of State (see Schedule 19C, Paragraph 18).</p>		
Part 2 Discretionary requirements	This is a copy of SIRA Schedule 6, Part 2.	Differences highlighted under the Referendums	PPERA Schedule 19C Part 2 Paragraphs 5-9 provide the		

		(Scotland) Bill column.	<p>equivalent provisions on Discretionary requirements. The headings in PPERA mirror those in the Referendums (Scotland) Bill apart from provisions on late payment covered in Schedule 5 Part 2 Paragraph 12.</p> <p>Schedule 5 Part 2 Paragraph 10 of the Referendums (Scotland) Bill introduces a requirement for the Electoral Commission to issue a compliance certificate to participants when they have complied with a “non-monetary discretionary requirement”. This</p>		
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			<p>is provided for under PPERA by an Order by the Secretary of State (Schedule 19C, Paragraph 19). The Referendums (Scotland) Bill proposes a £10,000 limit on non-compliance fines at paragraph 11 whilst PPERA does not fix an amount.</p> <p>The provisions on late payment in Schedule 5 Part 2 Paragraph 12 of the Referendums (Scotland) Bill are allowed under PPERA but it requires an Order by the Secretary of State (Schedule 19C, Paragraph 18)</p>		
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Part 3 Stop notices	This is a copy of SIRA Schedule 6, Part 3.	Differences highlighted under the Referendums (Scotland) Bill column.	The headings in PPERA Schedule 19C Part 3 mirror those in Schedule 5 Part 3 Paragraphs 13-17 on Stop Notices.		
Part 4 Enforcement undertakings	This is a copy of SIRA Schedule 6, Part 4.	Differences highlighted under the Referendums (Scotland) Bill column.	<p>PPERA Schedule 19C Part 4 on enforcement undertakings is Paragraph 15.</p> <p>In contrast, the Referendums (Scotland) Bill includes a requirement for the enforcement undertaking to be in writing and contain certain information and makes provision for a compliance certificate to be issued (or non-</p>		

			<p>issuance to be appealed).</p> <p>Schedule 19C Part 5 of PPERA provides powers to the Secretary of State to make Orders as appropriate.</p>		
Part 5 General and supplemental	<p>This is a copy of SIRA Schedule 6, Part 6 with the exception of Paragraph 26 which in the Referendums (Scotland) Bill provides more detail as to the guidance to be published by the Electoral Commission on enforcement.</p>	<p>Differences highlighted under the Referendums (Scotland) Bill column.</p>	<p>Schedule 19C Part 6 of PPERA provides the equivalent provisions. The headings are largely the same with the exception that the Referendums (Scotland) Bill includes headings on Withdrawal or variation of notice, Recovery of penalties and Powers of sheriff.</p>		

Part 6 Interpretation	This is a copy of SIRA Schedule 6 Part 6.	Differences highlighted under the Referendums (Scotland) Bill column.	No material difference.		
Part 7 Listed campaign offences	The campaign offences are the same as those set out in Schedule 6 Part 7 of SIRA.	Differences highlighted under the Referendums (Scotland) Bill column.	The table in Schedule 20 of PPERA sets out the offences and lists each offence's penalty. The table in the Referendums (Scotland) Bill does not set out the penalty for each offence which is instead set out in the body text.		
Schedule 6 Offences	The offences are the same as those set out in Schedule 7 of SIRA.	Differences highlighted under the Referendums (Scotland) Bill column.		The offences listed in Referendums (Scotland) Bill Schedule 6 are similar to those set out in Representation of the People Act 1983 (as amended) ("RPA"). These offences were	

				<p>applied to the EU referendum by The European Union Referendum (Conduct) Regulations 2016.</p> <p>Offences listed in Schedule 6 of the Referendums (Scotland) Bill and corresponding provisions in the RPA are:</p> <ul style="list-style-type: none"> • Personation - RPA section 60; • Other voting offences – RPA section 61; • Imitation poll cards – RPA section 94; • Postal/proxy votes – RPA sections 62A + 62B; • Official duty – RPA section 63; 	
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				<ul style="list-style-type: none"> • Tampering with ballot papers – RPA section 65; • Secrecy – RPA section 66; • Exit polls – RPA section 66A; • Exhibition of notices – RPA section 94; • Treating – RPA section 114; • Undue influence – RPA section 115; • Bribery – RPA section 113; • Disturbance at public meetings – RPA section 97; • Illegal canvassing by constables – RPA section 100; • Paid canvassers – 	
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				<p>RPA section 111;</p> <ul style="list-style-type: none"> • Money for illegal purposes – RPA section 112. <p>Rules on barring persons convicted of corrupt or illegal election practice from holding office are the same as set out in RPA section 173A.</p>	
Schedule 7 Interpretation	No material differences.	Differences highlighted under the Referendums (Scotland) Bill column.			