

# Scottish Independence Referendum

Report on the regulation of campaigners at the  
Scottish independence referendum held on 18  
September 2014 – supplementary information

**March 2016**

This report is laid before the Scottish Parliament in pursuance of Schedule 5, paragraph 14 and Schedule 6, paragraph 29 of the Scottish Independence Referendum Act 2013.

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We are an independent body established in 2000. We regulate party and election finance and set standards for well-run elections. We work to support a healthy democracy, where elections and referendums are based on our principles of trust, participation, and no undue influence. The Scottish Independence Referendum Act 2013 gave the Commission a number of responsibilities for the independence referendum, for which we report directly to the Scottish Parliament.

## Introduction

The Electoral Commission is required by paragraph 14 of schedule 5 to SIRA to report about the use made of our investigative powers, specifically:

- the cases in which a disclosure notice was issued under paragraph 1 or 3(3)
- the cases in which premises were entered using an inspection warrant issued by a Justice of the Peace under paragraph 2
- the cases in which we applied to a court for an order for disclosure under paragraph 3(5)
- the cases in which a court order under paragraph 4 or 5 was applied for, and
- the cases in which a court order under paragraph 4 or 5 was made.

We are also required by paragraph 29 of schedule 6 to SIRA to report about the use made of our sanctioning powers, specifically:

- the cases in which a fixed monetary penalty or discretionary requirement was imposed or a stop notice served (other than cases in which the penalty, requirement or notice was overturned on appeal)
- the cases in which liability for a fixed monetary penalty was discharged as mentioned in paragraph 2(2), and
- the cases in which an enforcement undertaking was accepted.

In our [Report on the regulation of campaigners at the independence referendum held on 18 September 2014](#), published in June 2015, we advised the Scottish Parliament of our use of statutory investigative and sanctioning powers up until that point in time, as required under paragraph 14 of schedule 5 and paragraph 29 of schedule 6 respectively.

We reported that we have not needed to use any of the investigatory powers under SIRA as we had been able to obtain voluntary cooperation in obtaining information.

We also reported that we had imposed one discretionary requirement, a variable monetary penalty of £500, on the Communication Workers Union. No fixed monetary penalties, or stop notices were issued, and no enforcement undertakings were offered or accepted. We did not need to consider the use of stop notices in achieving voluntary compliance with the rules.

We advised that it was possible we would identify further non-compliance, and were we to use our investigative or sanctioning powers after publication of the report, we would write to the Scottish Parliament to notify it of that. This brief report fulfils that duty.

## Investigations concluded since June 2015

We have concluded three investigations since publication of the report, all of which related to the delivery of campaign spending returns by campaigners in the referendum. The deadline for delivery of those reports was by 18 December 2014 for campaigners that spent £250,000 or less and 18 March 2015 for those that spent over £250,000.

Two cases related to campaigners who delivered returns by the due deadline but the returns were not complete (one spending less than £250,000 and one spending more). The third related to a campaigner who failed to deliver a return by the deadline (and spent less than £250,000). We have published brief details of those cases on our website (under '[Closed Cases](#)'), in accordance with our disclosure policy and standard approach to publication of cases.

As with the casework reported in the original report, we have not used any of the investigatory powers provided under SIRA. Campaigners provided information to us voluntarily.

Each of the three cases led to the imposition of a variable monetary penalty, as follows:

- A penalty of £1500 on Labour for Independence for failing to deliver a spending report by the due date (the report was delivered after the penalty was imposed and the penalty is being paid in instalments)
- A penalty of £750 on Wings Over Scotland for delivering an incomplete spending report by the due date (further information was provided after the deadline, and the penalty has been paid)
- A penalty of £2000 on Better Together Ltd 2012 (a designated lead campaigner) for delivering an incomplete spending report by the due date (further information was provided after the deadline, and the penalty has been paid)

No fixed monetary penalties, or stop notices were issued, and no enforcement undertakings were offered or accepted. We did not need to use stop notices in achieving voluntary compliance with the rules.

We have now completed all casework relating to the Scottish Independence Referendum, and we have no reason to believe any further issues will come to light. Should any new issues arise, we will consider them in line with our normal procedures. We have reviewed our conclusions and recommendations in our original report in light of the additional casework reported here, and we are satisfied that those conclusions and recommendations remain appropriate.