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## SCHEDULE 3 CAMPAIGN RULES

### PART 2

#### PERMITTED PARTICIPANTS AND DESIGNATED ORGANISATIONS

##### *Permitted participants*

- 2 (1) For the purposes of this schedule, a registered party, a qualifying individual or a qualifying body may make a declaration to the Electoral Commission in accordance with this paragraph and paragraph 3 identifying the outcome for which the party, individual or body proposes to campaign at the referendum.
- (2) A party, individual or body which has made a declaration in accordance with this paragraph and paragraph 3 is referred to in this Act as a “permitted participant”.
- (3) A “qualifying individual” is an individual who is—
- (a) resident in the United Kingdom, or
  - (b) registered in an electoral register.
- (4) A “qualifying body” is a body which is—
- (a) a company—
    - (i) registered under the Companies Act 2006,
    - (ii) incorporated within the United Kingdom or another member State, and
    - (iii) carrying on business in the United Kingdom,
  - (b) a trade union entered in the list kept under the Trade Union and Labour Relations (Consolidation) Act 1992 or the Industrial Relations (Northern Ireland) Order 1992 (S.I. 1992/807),
  - (c) a building society within the meaning of the Building Societies Act 1986,
  - (d) a limited liability partnership—
    - (i) registered under the Limited Liability Partnerships Act 2000, and
    - (ii) carrying on business in the United Kingdom,
  - (e) a friendly society registered under the Friendly Societies Act 1974, a registered society within the meaning of the Co-operative and Community Benefit Societies Act 2014 or a society registered (or deemed to be registered) under the Industrial and Provident Societies Act (Northern Ireland) 1969,
  - (f) an unincorporated association of two or more persons which—
    - (i) does not fall within any of the preceding paragraphs,
    - (ii) carries on business or other activities wholly or mainly in the United Kingdom, and
    - (iii) has its main office in the United Kingdom,
  - (g) any body incorporated by Royal Charter and not otherwise within this subparagraph,
  - (h) any Scottish charitable incorporated organisation within the meaning of Chapter 7 of Part 1 of the Charities and Trustee Investment (Scotland) Act 2005,

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- (i) any charitable incorporated organisation within the meaning of Part 11 of the Charities Act 2011 or Part 11 of the Charities Act (Northern Ireland) 2008, or
- (j) any partnership constituted under the law of Scotland which carries on its business in the United Kingdom.

*Further provision about declarations under paragraph 2*

- 3 (1) A declaration under paragraph 2 by a registered party—
- (a) must be signed by the responsible officers of the party (within the meaning of section 64(7) of the 2000 Act), and
  - (b) if made by a minor party, must be accompanied by a notification which states the name of the person who will be responsible for compliance on the part of the party with the provisions of this schedule.
- (2) A declaration under paragraph 2 by a qualifying individual must—
- (a) state the individual's full name and home address, and
  - (b) be signed by the individual.
- (3) A declaration under paragraph 2 by a qualifying body within any of paragraphs (a) to (f) of paragraph 2(4) must—
- (a) state—
    - (i) all such details in respect of the body as are required by virtue of any of sub-paragraphs (4) and (6) to (10) of paragraph 2 of schedule 6 of the 2000 Act to be given in respect of such a body as the donor of a recordable donation,
    - (ii) the name of the person or officer who will be responsible for compliance on the part of the body with the provisions of this schedule, and
    - (iii) in the case of a body within paragraph (f) of paragraph 2(4) (unincorporated associations), the details mentioned in sub-paragraph (4),
  - (b) be signed by the body's secretary or a person who acts in a similar capacity in relation to the body.
- (4) The details referred to in sub-paragraph (3)(a)(iii) are the names of—
- (a) where the body has more than 15 members and has officers or a governing body, those officers or the members of the governing body, or
  - (b) otherwise, the body's members.
- (5) A declaration under paragraph 2 by a qualifying body within any of paragraphs (g) to (j) of paragraph 2(4) must—
- (a) state—
    - (i) the details mentioned in sub-paragraph (6), and
    - (ii) the name of the person or officer who will be responsible for compliance on the part of the body with the provisions of this schedule, and
  - (b) be signed by the body's secretary or a person who acts in a similar capacity in relation to the body.
- (6) The details referred to in sub-paragraph (5)(a)(i) are—

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- (a) in the case of a body within paragraph 2(4)(g) (body incorporated by Royal Charter)—
    - (i) the name of the body, and
    - (ii) the address of its main office in the United Kingdom,
  - (b) in the case of a body within paragraph 2(4)(h) or (i) (charitable incorporate organisation)—
    - (i) the name of the body, and
    - (ii) the address of its principal office,
  - (c) in the case of a body within paragraph 2(4)(j) (Scottish partnership)—
    - (i) the name of the body, and
    - (ii) the address of its main office in the United Kingdom.
- (7) Sub-paragraph (8) applies if, at any time before the end of the compliance period, any statement which—
- (a) is contained in a notification under sub-paragraph (1)(b), or
  - (b) in accordance with any provision of sub-paragraph (2), (3) or (5), is contained in a declaration under paragraph 2,
- ceases to be accurate.
- (8) The permitted participant by whom the notification was given or declaration was made must give the Electoral Commission a notification (“a notification of alteration”) replacing the statement with another statement—
- (a) contained in the notification of alteration, and
  - (b) conforming with sub-paragraph (1)(b), (2), (3) or (as the case may be) (5).
- (9) For the purposes of sub-paragraph (7), “the compliance period” is the period during which any provision of this schedule remains to be complied with on the part of the permitted participant.
- (10) A declaration under paragraph 2 must be accompanied by a statement by the person who is the responsible person which—
- (a) states that the person is willing to exercise in relation to the referendum the functions conferred by and under this Act on the responsible person, and
  - (b) is signed by that person.
- (11) Sub-paragraph (10) applies to a notification of alteration if the notification replaces a statement under sub-paragraph (1)(b), (3)(a)(ii) or (5)(a)(ii).

*Unincorporated associations with offensive or similar names*

- 4
- (1) Sub-paragraphs (2) to (4) apply to a declaration made under paragraph 2 by an unincorporated association within sub-paragraph (4)(f) of that paragraph.
  - (2) The declaration is not to be treated for the purposes of paragraph 2 or 6 as having been made unless the Electoral Commission have accepted the declaration.
  - (3) As soon as reasonably practicable after receiving the declaration, the Electoral Commission must decide whether or not to accept the declaration and they must accept it unless, in their opinion, the name of the association—
    - (a) is obscene or offensive,
    - (b) includes words the publication of which would be likely to amount to the commission of an offence,

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- (c) is the same as or similar to the name of an existing permitted participant, or
  - (d) would otherwise be likely to result in voters confusing the association with an existing permitted participant.
- (4) As soon as reasonably practicable after deciding whether to accept the declaration, the Electoral Commission must give written notice to the association—
- (a) stating whether they accept the declaration, and
  - (b) if their decision is not to accept the declaration, giving the reasons for that decision.
- (5) Where—
- (a) a permitted participant is an unincorporated association within paragraph 2(4)(f),
  - (b) the Electoral Commission is notified under paragraph 3(8) of a change of name of the association, and
  - (c) in the opinion of the Electoral Commission the new name—
    - (i) is obscene or offensive,
    - (ii) includes words the publication of which would be likely to amount to the commission of an offence,
    - (iii) is the same as or similar to the name of another permitted participant, or
    - (iv) would otherwise be likely to result in voters confusing the permitted participant with another permitted participant.
- the Electoral Commission does not have to enter the new name in the register under paragraph 6.
- (6) If the Electoral Commission decide not to enter the new name in that register, the Electoral Commission—
- (a) must as soon as reasonably practicable give written notice to the association of that decision and the reasons for it, and
  - (b) in any case where they are required to make available for public inspection a document that uses the association's new name, may replace that name in the document with the name that appears on the register in respect of the association.
- (7) The fact that the association's new name is not entered in the register does not cause the association to cease to be a permitted participant.

*Further provision about responsible persons*

- 5
- (1) A person who is the responsible person in relation to a permitted participant may not make a declaration under paragraph 2 as a qualifying individual or on behalf of a qualifying body.
  - (2) An individual who is a permitted participant ceases to be a permitted participant if the individual is the treasurer of a registered party (other than a minor party) that becomes a permitted participant.
  - (3) A declaration made or notification given by a minor party or a qualifying body does not comply with the requirement in paragraph 3(1)(b), (3)(a)(ii) or (5)(a)(ii) if the person whose name is stated—
    - (a) is already the responsible person in relation to a permitted participant,

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- (b) is an individual who makes a declaration under paragraph 2 at the same time, or
  - (c) is the person whose name is stated, in purported compliance with paragraph 3(1)(b), (3)(a)(ii) or (5)(a)(ii), in a declaration made or notification given at the same time by another minor party or qualifying body.
- (4) Where a registered party (other than a minor party) makes a declaration under paragraph 2 and the treasurer of the party (“T”) is already the responsible person in relation to a permitted participant (“P”)—
- (a) T ceases to be the responsible person in relation to P at the end of the period of 14 days beginning with the day on which (by reason of the declaration) T becomes the responsible person for the party,
  - (b) P must, before the end of that period, give a notification of alteration under paragraph 3(8) stating the name of the person who is to replace T as the responsible person in relation to P.
- (5) In sub-paragraphs (3) and (4), “the person”, in relation to a qualifying body, is to be read as “the person or officer”.
- (6) Section 25(6) of the 2000 Act (references to the treasurer to be read in certain cases as references to the campaigns officer) applies for the purposes of this Act as it applies for the purposes of Part 7 of that Act.

#### *Register of declarations under paragraph 2*

- 6
- (1) The Electoral Commission must maintain a register of all declarations made to them under paragraph 2.
  - (2) The register is to be maintained by the Commission in such form as the Commission may determine.
  - (3) The register must contain, in relation to each declaration, all of the information supplied to the Commission in connection with the declaration in accordance with paragraph 3.
  - (4) Where a declaration is made to the Commission under paragraph 2, the Commission must cause the information mentioned in sub-paragraph (3) to be entered in the register as soon as practicable.
  - (5) Where a notification of alteration is given to the Commission under paragraph 3(8) the Commission must cause any change required as a consequence of the notification to be made in the register as soon as practicable.
  - (6) The information to be entered in the register in respect of a permitted participant who is an individual must not include the individual's home address.

#### *Designated organisations*

- 7
- (1) The Electoral Commission may, in relation to any of the possible outcomes in the referendum, designate under this paragraph one permitted participant as representing those campaigning for the outcome in question.
  - (2) The Commission may make a designation under this paragraph only on an application made under paragraph 8.

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- (3) The Commission may designate a permitted participant under this paragraph in relation to one of the possible outcomes whether or not a permitted participant is designated in relation to any of the other possible outcomes.
- (4) The Commission may designate the same permitted participant under this paragraph in relation to more than one of the possible outcomes.
- (5) A permitted participant designated under this paragraph is referred to in this Act as a “designated organisation”.

*Applications for designation under paragraph 7*

- 8 (1) A permitted participant seeking to be designated under paragraph 7 must make an application for that purpose to the Electoral Commission.
- (2) An application for designation must—
  - (a) be accompanied by information or statements designed to show that the applicant adequately represents those campaigning for the outcome in the referendum in relation to which the applicant seeks to be designated, and
  - (b) be made within the application period.
- (3) Where an application for designation has been made to the Commission in accordance with this paragraph, the application must be determined by the Commission within the decision period.
- (4) If there is only one application in relation to a particular outcome in the referendum, the Commission must designate the applicant unless they are not satisfied that the applicant adequately represents those campaigning for that outcome.
- (5) If there is more than one application in relation to a particular outcome in the referendum, the Commission must designate whichever of the applicants appears to them to represent to the greatest extent those campaigning for that outcome unless they are not satisfied that any of the applicants adequately represents those campaigning for that outcome.
- (6) In this paragraph—
  - “the application period” is the period of 28 days ending at 12 noon on the day before the first day of the decision period, and
  - “the decision period” is the period of 16 days ending with the second day before the first day of the referendum period.

*Designated organisation's right to use rooms for holding public meetings*

- 9 (1) Persons authorised by a designated organisation are entitled, for the purpose of holding public meetings in furtherance of the organisation's referendum campaign, to the use free of charge, at reasonable times during the relevant period, of—
  - (a) a suitable room in the premises of a school to which this paragraph applies in accordance with sub-paragraph (2), and
  - (b) any meeting room to which this paragraph applies in accordance with sub-paragraph (3).

For this purpose, “the relevant period” means the period of 28 days ending with the day before the date of the referendum.

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- (2) This paragraph applies to any school maintained by an education authority.
- (3) This paragraph applies to meeting rooms situated in Scotland the expense of maintaining which is payable wholly or mainly by—
  - (a) the Scottish Ministers or any other part of the Scottish Administration, or
  - (b) any Scottish public authority with mixed functions or no reserved functions (within the meaning of the Scotland Act 1998).
- (4) Where a room is used for a meeting in pursuance of the rights conferred by this paragraph, the person by whom or on whose behalf the meeting is convened—
  - (a) must pay any expenses incurred in preparing, warming, lighting and cleaning the room and providing attendance for the meeting and restoring the room to its usual condition after the meeting, and
  - (b) must pay for any damage done to the room or the premises in which it is situated, or to the furniture, fittings or apparatus in the room or premises.
- (5) A person is not entitled to exercise the rights conferred by this paragraph except on reasonable notice; and this paragraph does not authorise any interference with the hours during which a room in school premises is used for educational purposes, or any interference with the use of a meeting room either for the purposes of the person maintaining it or under a prior agreement for its letting for any purpose.
- (6) For the purposes of this paragraph (except those of sub-paragraph (4)(b)), the premises of a school are not to be taken to include any private dwelling.
- (7) In this paragraph—
  - “dwelling” includes any part of a building where that part is occupied separately as a dwelling,
  - “meeting room” means any room which it is the practice to let for public meetings, and
  - “room” includes a hall, gallery or gymnasium.

*Supplementary provisions about use of rooms for public meetings*

- 10 (1) This paragraph has effect with respect to the rights conferred by paragraph 9 and the arrangements to be made for their exercise.
- (2) Any arrangement for the use of a room in school premises is to be made with the education authority maintaining the school.
- (3) The Scottish Ministers may determine any question as to—
  - (a) the rooms in school premises which a person authorised by a designated organisation is entitled to use,
  - (b) the times at which the person is entitled to use them,
  - (c) the notice which is reasonable.
- (4) Any person authorised by a designated organisation is entitled at all reasonable hours to inspect—
  - (a) any lists prepared in pursuance of paragraph 6 of schedule 5 of the 1983 Act (use of rooms for parliamentary election meetings), or
  - (b) a copy of any such lists,in connection with exercising the rights conferred by paragraph 9.

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