



# Political Parties, Elections and Referendums Act 2000

## 2000 CHAPTER 41

### PART VII

#### REFERENDUMS

### CHAPTER III

#### CONTROLS ON PUBLICATIONS

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

- (1) This section applies to any material which—
  - (a) provides general information about a referendum to which this Part applies;
  - (b) deals with any of the issues raised by any question on which such a referendum is being held;
  - (c) puts any arguments for or against any particular answer to any such question; or
  - (d) is designed to encourage voting at such a referendum.
- (2) Subject to subsection (3), no material to which this section applies shall be published during the relevant period by or on behalf of—
  - (a) any Minister of the Crown, government department or local authority; or
  - (b) any other person or body whose expenses are defrayed wholly or mainly out of public funds or by any local authority.
- (3) Subsection (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;

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- (b) anything done by or on behalf of the Commission or a person or body designated under section 108 (designation of organisations to whom assistance is available);
- (c) the publication of information relating to the holding of the poll; or
- (d) the issue of press notices;

and subsection (2)(b) shall not be taken as applying to the British Broadcasting Corporation or Sianel Pedwar Cymru.

(4) In this section—

- (a) “publish” means make available to the public at large, or any section of the public, in whatever form and by whatever means (and “publication” shall be construed accordingly);
- (b) “the relevant period”, in relation to a referendum, means the period of 28 days ending with the date of the poll.

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

- (1) No material wholly or mainly relating to a referendum to which this Part applies shall 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 subsection (3), (4) or (5), the requirements of that subsection are complied with; or
  - (b) in the case of any other material, any requirements falling to be complied with in relation to the material by virtue of regulations under subsection (6) are complied with.
- (2) For the purposes of subsections (3) to (5) the following details are “the relevant details” in the case of any material falling within subsection (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).
- (3) 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.
- (4) Where the material is a printed document other than one to which subsection (3) applies, the relevant details must appear either on the first or the last page of the document.
- (5) 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 either on its first or last page; and
  - (b) the relevant details specified in subsection (2)(b) and (c) must be included in the advertisement.
- (6) The Secretary of State may, after consulting the Commission, by regulations make provision for and in connection with the imposition of requirements as to the inclusion in material falling within subsection (1)(b) of 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).

- (7) Regulations under subsection (6) may in particular specify—
- (a) the manner and form in which such details must be included in any such material for the purpose of complying with any such requirement;
  - (b) circumstances in which—
    - (i) any such requirement does not have to be complied with by a person of any description specified in the regulations, or
    - (ii) a breach of any such requirement by a person of any description so specified is not to result in the commission of an offence under this section by that person or by a person of any other such description;
  - (c) circumstances in which material is, or is not, to be taken for the purposes of the regulations to be published or (as the case may be) published by a person of any description so specified.
- (8) Where during the referendum period any material falling within subsection (1)(a) is published in contravention of subsection (1), then (subject to subsection (10))—
- (a) the promoter of the material,
  - (b) any other person by whom the material is so published, and
  - (c) the printer of the document,
- shall be guilty of an offence.
- (9) Where during the referendum period any material falling within subsection (1)(b) is published in contravention of subsection (1), then (subject to regulations made by virtue of subsection (7)(b) and to subsection (10))—
- (a) the promoter of the material, and
  - (b) any other person by whom the material is so published,
- shall be guilty of an offence.
- (10) It shall be a defence for a person charged with an offence under this section to prove—
- (a) that the contravention of subsection (1) arose from circumstances beyond his control; and
  - (b) that he took all reasonable steps, and exercised all due diligence, to ensure that that contravention would not arise.
- (11) In this section—
- “print” means print by whatever means, and “printer” shall be construed accordingly;
- “the promoter”, in relation to any material falling within subsection (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.

## **127 Referendum campaign broadcasts**

- (1) A broadcaster shall not include in its broadcasting services any referendum campaign broadcast made on behalf of any person or body other than one designated in respect of the referendum in question under section 108.
- (2) In this section “referendum campaign broadcast” means any broadcast whose purpose (or main purpose) is or may reasonably be assumed to be—

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- (a) to further any campaign conducted with a view to promoting or procuring a particular outcome in relation to any question asked in a referendum to which this Part applies, or
- (b) otherwise to promote or procure any such outcome.