



INTRODUCTION

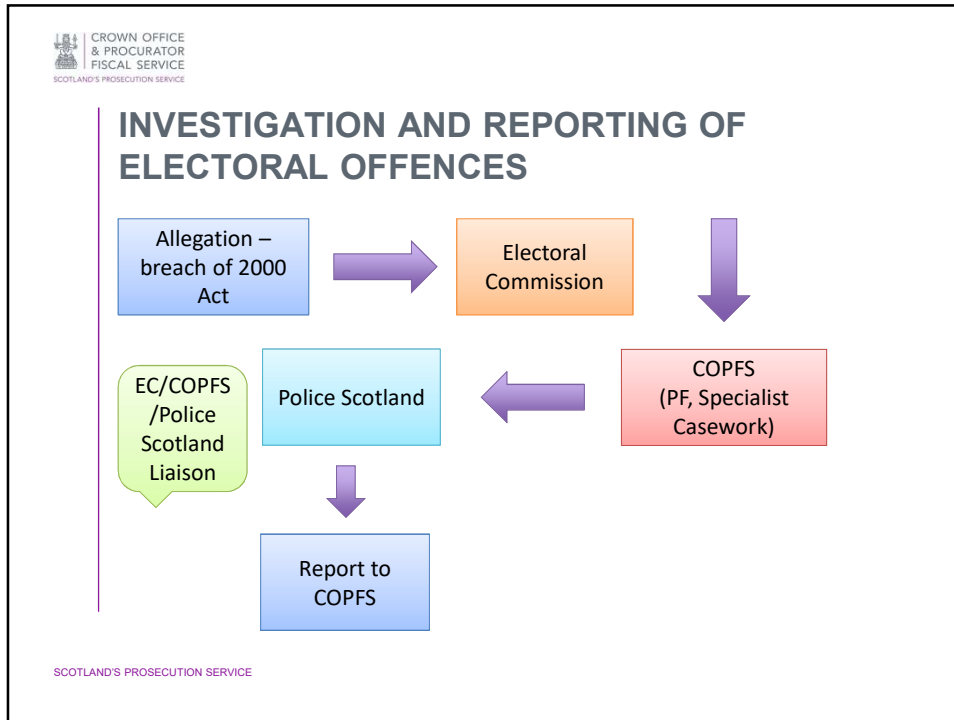
- Crown Office and Procurator Fiscal Service ('COPFS') sole prosecuting authority for Scotland
- COPFS now structured on functional lines: e.g Local Court, High Court, Specialist Casework
- Serious and Organised Crime Unit ('SOCU') part of Specialist Casework headed by Procurator Fiscal, Specialist Casework
- SOCU deals with highest levels of organised criminality in Scotland, including major frauds and counter terrorism
- SOCU evolved from number of predecessor units which may still be referred to in guidance: Economic Crime Unit, National Casework Division and Serious and Organised Crime Division
- SOCU (East) team based in Edinburgh has responsibility for Electoral Offences.

ELECTORAL OFFENCES

- Offences under Representation of the People Act 1983
- Offences under Political Parties, Elections and Referendums Act 2000 ('the 2000 Act')
- Local Electoral Administration and Registration Services (Scotland) Act 2006
- Scottish Independence Referendum Act 2013
- Any other offence of non-compliance, whether at common law or statutory equivalent, of fraud, conspiracy, bribery or dishonesty, committed in respect of any election campaign or referendum, by any person, including any elected member, councillor or candidate.

COPFS AND THE ELECTORAL COMMISSION

- The Electoral Commission is a Specialist Reporting Agency but does not directly report cases to COPFS and does not instruct the police to investigate offending;
- Protocol between COPFS and the Commission;
- Protocol reflects the responsibility of the Commission for monitoring and securing the compliance with the provisions of the 2000 Act and with provisions in other legislation in relation to the expenses of, and donations to, candidates: section 145 of the 2000 Act



ELECTORAL OFFENCES PROSECUTION POLICY

- If sufficient admissible evidence strong presumption that in public interest to raise criminal proceedings at Sheriff Court level or above
- Non-court disposal requires authorisation of Deputy PF Specialist Casework
- Discontinuation of court proceedings requires approval of Deputy PF Specialist Casework or Crown Counsel

PERSONATION OFFENCES

- 2019 UKPGE – 5 warrants declined by sheriff
- Checks for human/clerical error
- Who by & when carried out
- Prior to submission of warrant request

GENERAL LEARNING POINTS

- Early engagement between investigating officer and SOCU always beneficial
- Will early executive action prevent an Electoral Offence becoming more widespread?
- Sharing of information regarding key decision making in anticipation of media enquiries
- Consideration of complementary media responses

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