

## **Scottish National Party**

This is the response of the Scottish National Party to the review.

We have had sight of the Yes Scotland response to the review, which we adopt in relation to the independence referendum to be held in Autumn 2014.

### **Question 1**

We agree with the suggested approach in relation to “major parties”.

### **Question 2**

Scotland has neither Mayorial elections nor Police and Crime Commissioner elections. We therefore express no view on this question.

### **Question 3**

We agree that Scottish Community Council elections should not fall within the scope of the rules. If the intention is to set out a comprehensive list of statutory public elections, then other public statutory elections which are not mentioned in the proposed rule changes are elections to the Crofting Commission and to Cairngorms National Park Authority and to Loch Lomond and the Trossachs National Park. There were also pilot health board elections held in Fife as well as in Dumfries and Galloway in 2010.

### **Question 4**

We welcome the confirmation that the two recently awarded local television licences in Glasgow and Edinburgh will require to carry the broadcasts for the independence referendum.

There are no current local television licences in the two national park areas or in the crofting counties so no issue therefore arises at present in relation to these elections.

### **Question 5**

We support Option (B) in relation to local digital programme services. Although we would have preferred the “All Candidate Offer Proposal” we appreciate the issues this involves in the current regulatory regime. It would also create practical difficulties for candidates in relation to the apportionment of the expense of producing the broadcast in their election returns as between the participating candidates and the party.

## **Question 6**

We agree that the one sixth rule appears to be working sufficiently well, at least in Scotland. We express no view on its use in other parts of the United Kingdom.

We see no reason to change the existing rule in relation to the number of PEBs for major parties.

It is not clear what intent is behind the amendment proposed in paragraph 3.79 and the practical consequences of an amendment. Technically, there is no minimum share of the vote necessary to have a seat allocated under the d'Hondt system. It all depends on the votes of other parties.

We agree that Party Election Broadcasts cannot be prohibited during a referendum campaign, as opposed to Party Political Broadcasts. However, we think that a simple "purpose" test is very weak. If this means "principal purpose" then a broadcast which was 51% about an election and 49% about a referendum would be permissible under the rules.

We propose that there should be a complete prohibition on making any reference to an ongoing referendum in any PEB. Any other rule risks broadcasters ending up in court, as happened with the Scottish devolution referendum in 1979. It also avoids broadcasters having to answer potentially difficult issues over what the purpose of a particular broadcast is. If the issue is one of parties simply being able to advise the electorate of their support for a particular referendum proposition, this can be done as part of an RCB or through the normal programming services.

## **Question 7**

Although we have generally produced broadcasts of 2'40" duration in recent years, there does not appear to be a significant body of evidence that the flexibility in the current system is a cause of difficulty for broadcasters. We therefore favour Option (C1).

In relation to radio, we support Option (E2).

## **Question 9**

We agree with the proposed amendments to bring the rules in line with the BBC PPB criteria.

## **Proposed Code Guidance**

On page 70, you will wish to note that our party name is the Scottish National Party, not the Scottish Nationalist Party.