

LOCAL ELECTORAL ADMINISTRATION AND REGISTRATION SERVICES (SCOTLAND) ACT 2006

EXPLANATORY NOTES

THE ACT

Part 1: Electoral Administration

False information

Section 12 False information in applications relating to absent voting

17. This section inserts a new section 13CA of the Representation of the People Act 1983 to provide that it will be an offence to give false information in connection with an application for a postal or proxy vote at a local government election in Scotland. Section 13CA(3) states that in relation to a signature, “false information” means a signature which is not the usual signature of the person, or was written by a person other than the person whose signature it purports to be.

Section 13 False information in nomination papers etc.

18. This section inserts a new section 65B of the 1983 Act. Subsection (2) provides that a person will be guilty of a corrupt practice if he knowingly causes or allows a document to be supplied to a returning officer for use at an election if:
- (a) it contains a false statement of the name or home address of a candidate at the election
 - (b) it contains anything which claims to be the signature of an elector who is proposing, seconding or assenting to the nomination of a candidate but which he knows was not written by the elector or which was not written by the elector for any of those purposes.
19. Subsection (3) provides that it shall be a corrupt practice at a local government election in Scotland to make knowingly a false statement in the consent to nomination given by the candidate. The following would constitute a false statement:
- (a) an erroneous date of birth
 - (b) an incorrect statement that a candidate is or will be qualified for election or that to the best of their knowledge and belief they are not disqualified.
20. Certain offences under the 1983 Act are designated “corrupt practices” which are offences created by the 1983 Act and which are punishable by the criminal courts. These include bribery, treating, undue influence and personation.