



# Local Electoral Administration and Registration Services (Scotland) Act 2006

2006 asp 14

## PART 1

### LOCAL GOVERNMENT ELECTIONS

#### *False information*

#### **12 False information in applications relating to absent voting**

Before section 13D of the 1983 Act (provision of false information) insert—

**“13CA Scottish local government elections: false information in connection with applications for absent voting**

- (1) A person who provides false information in connection with an application mentioned in subsection (2) below commits an offence.
- (2) The application referred to in subsection (1) above is an application—
  - (a) relating to a local government election in Scotland; and
  - (b) to which any of the following provisions of Schedule 4 to the Representation of the People Act 2000 (c. 2) applies, namely—
    - (i) paragraph 3(1) or (2);
    - (ii) paragraph 4(1) or (2);
    - (iii) paragraph 7(4).
- (3) In relation to a signature, “false information” for the purposes of subsection (1) above means a signature which—
  - (a) is not the usual signature of; or
  - (b) was written by a person other than, the person whose signature it purports to be.
- (4) A person does not commit an offence under subsection (1) above if the person did not know, and had no reason to suspect, that the information was false.

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*Status: This is the original version (as it was originally enacted).*

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- (5) Where sufficient evidence is adduced to raise an issue with respect to the defence under subsection (4) above, the court must assume that the defence is satisfied unless the prosecutor proves beyond reasonable doubt that it is not.
- (6) A person guilty of an offence under subsection (1) above is liable on summary conviction to (either or both)—
  - (a) imprisonment for a term not exceeding 6 months;
  - (b) a fine not exceeding level 5 on the standard scale.”.

### 13 **False information in nomination papers etc.**

After section 65A of the 1983 Act (false information in nomination papers etc. at elections other than Scottish local government elections) insert—

**“65B Scottish local government elections: false information in nomination papers etc.**

- (1) This section applies in relation to a local government election in Scotland.
- (2) A person is guilty of a corrupt practice if he causes or permits to be included in a document delivered or otherwise furnished to a returning officer for use in connection with the election—
  - (a) a statement of the name or home address of a candidate at the election which he knows to be false in any particular; or
  - (b) anything which purports to be the signature of an elector who proposes, seconds or assents to the nomination of such a candidate but which he knows—
    - (i) was not written by the elector by whom it purports to have been written; or
    - (ii) if written by that elector, was not written by him for the purpose of signifying that he was proposing, seconding or, as the case may be, assenting to that candidate’s nomination.
- (3) A person is guilty of a corrupt practice if he makes in any document in which he gives his consent to his nomination as a candidate at the election—
  - (a) a statement of his date of birth; or
  - (b) a statement as to his qualification for being elected at the election, which he knows to be false in any particular.
- (4) For the purposes of subsection (3) above, a statement as to a candidate’s qualification is a statement—
  - (a) that he is qualified for being elected;
  - (b) that he will be qualified for being elected; or
  - (c) that to the best of his knowledge and belief he is not disqualified for being elected.”.