
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2003 No.

The Cairngorms National Park Elections (Scotland) Order 2003

**PART II
ELECTIONS**

Disqualifications for nomination, election and holding office as a member

- 7.—(1) Subject to paragraphs (2) and (3) below, a person shall be disqualified—
- (a) from being nominated as a candidate for election as, or from being elected, or from being, an elected member if—
 - (i) he or she holds any paid office or employment or other place of profit in the gift or disposal of the Authority;
 - (ii) he or she is a person whose estate has been sequestrated or who has been adjudged bankrupt or has made an arrangement with creditors or has granted a trust deed for creditors or a composition contract;
 - (iii) he or she has, within five years before the day of nomination, or of election or since his or her election, as the case may be, been convicted in the United Kingdom, the Channel Islands, the Isle of Man or the Irish Republic of any offence and has had passed on him or her a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine;
 - (iv) he or she is disqualified from being elected under Part III of the Representation of the People Act 1983; or
 - (iv) he or she is incapacitated by physical or mental illness from discharging the functions of a member;
 - (b) from being an elected member if he or she has been absent from meetings of the Authority for a period longer than three consecutive months without the permission of the Authority.
- (2) Where a person is disqualified under paragraph (1) above by reason of his or her estate having been sequestrated, the disqualification shall cease if and when—
- (a) the sequestration of his or her estate is recalled or reduced; or
 - (b) he or she is discharged under or by virtue of the Bankruptcy (Scotland) Act 1985(1).
- (3) Where a person is disqualified under paragraph (1) above by reason of having been adjudged bankrupt, then—
- (a) if the bankruptcy is annulled on the ground that he or she ought not to have been adjudged bankrupt or on the ground that his or her debts have been paid in full, the disqualification shall cease on the date of the annulment;

- (b) if he or she is discharged with a certificate that the bankruptcy was caused by misfortune without any misconduct on his or her part, the disqualification shall cease on the date of his or her discharge; or
- (c) if he or she is discharged without such a certificate, his or her disqualification shall cease on the expiration of five years from the date of his or her discharge.