
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2015 No.

The Scottish Parliament (Elections etc.) Order 2015

PART 3

THE ELECTION CAMPAIGN

Effect of default in election agent's appointment

35.—(1) If no person's name and address is declared as required by article 32 (appointment of election agent) as the election agent of a candidate for return as a constituency member or an individual candidate for return as a regional member who remains validly nominated, at the latest time for delivery of notices of withdrawal of candidature the candidate shall be deemed at that time to have been appointed as election agent and to have revoked any appointment of another person as the candidate's election agent.

(2) If no person's name and address is declared as required by article 32 as the election agent of a registered party submitting a regional list, at the latest time for delivery of notices of withdrawal of candidature the candidate who is highest in that party's regional list shall be deemed at that time to have been appointed as election agent and to have revoked any appointment of another person as that party's election agent.

(3) This paragraph applies if—

- (a) the person whose name and address have been so given as those of an election agent for a candidate (not being the candidate) or of a registered party dies; and
- (b) a new appointment is not made on the day of the death or on the following day.

(4) Where paragraph (3) applies—

- (a) in the case of a candidate for return as a constituency member or an individual candidate for return as a regional member, the candidate shall be deemed to have been appointed as from the time of death; and
- (b) in the case of the death of an election agent for a registered party—
 - (i) the candidate who is highest in that party's regional list shall be deemed to have been appointed from the time of the death; or
 - (ii) where paragraph (3) applies through the death of such a candidate, the candidate whose name is next highest in that registered party's regional list shall be deemed to have been appointed from the time of the death.

(5) If the appointment of an election agent is revoked without a new appointment being made—

- (a) in the case of a candidate for return as a constituency member or an individual candidate for return as a regional member, the candidate shall be deemed to have been appointed (or re-appointed) election agent; and
- (b) in the case of a registered party, the candidate who is highest in that party's regional list shall be deemed to have been appointed (or re-appointed) election agent.

(6) The deemed appointment of an election agent may be revoked as if it were an actual appointment.

(7) Where a candidate is by virtue of this article to be treated as an election agent, for the purposes of article 34 (office of election agent) the election agent's office shall be deemed to be at the address given for the candidate-

- (a) in the case of a candidate for return as a constituency member, in the constituency nomination paper under rule 4 of the Scottish Parliamentary Election Rules;
- (b) in the case of an individual candidate for return as a regional member, in the individual nomination paper under rule 5 of those rules;
- (c) in the case of a candidate on a party's regional list, in the regional list under rule 6 of those rules.

(8) The appropriate returning officer, on being satisfied that a person is by virtue of this article to be treated as an election agent, shall forthwith proceed to give such like notice as if the name and address of the person and the address of that person's office had been duly given to the returning officer under articles 32 and 34.