
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2015 No.

The Scottish Parliament (Elections etc.) Order 2015

PART 3

THE ELECTION CAMPAIGN

Disputed claims

45.—(1) If an election agent disputes any claim sent to the election agent within the period of 21 days mentioned in article 44 or refuses or fails to pay the claim within the period of 28 days so mentioned, the claim shall be deemed to be a disputed claim.

(2) The claimant may, if the claimant thinks fit, bring an action for a disputed claim in any competent court and any sum paid by a candidate or the candidate's election agent in pursuance of the judgement or order of the court shall not be deemed to be in contravention of article 44(2).

(3) If the defender in the action admits liability but disputes the amount of the claim, that amount shall, unless the court on the pursuer's application otherwise directs, be forthwith referred for taxation to the auditor of the Court of Session or, as the case may be, the sheriff court and the amount found due on the taxation shall be the amount to be recovered in the action in respect of the claim.

(4) Paragraphs (5) to (8) of article 44 apply in relation to a disputed claim as they apply in relation to a claim for election expenses sent in after the period of 21 days.