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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2015 No.**

**The Scottish Parliament (Elections etc.) Order 2015**

**PART 3**

**THE ELECTION CAMPAIGN**

**Return as to election expenses: constituency and individual regional candidates**

**47.**—(1) Within 35 days after the day on which the result of a Scottish parliamentary election is declared the election agent of each candidate for return as a constituency member, and of each individual candidate for return as a regional member, at the election shall deliver to the appropriate returning officer a true return containing as respects that candidate—

- (a) a statement of all election expenses incurred by or on behalf of the candidate;
- (b) a statement of all expenses to which article 43 (pre-candidacy election expenses) applies;
- (c) a statement of all payments made by the election agent together with all bills or receipts relating to the payments.

(2) A return under this article must—

- (a) specify the poll by virtue of which the return is required;
- (b) specify the name of the candidate to whom the return relates and of the candidate's election agent; and
- (c) deal under a separate heading with any expenses in respect of which a return is required by virtue of article 41(5).

(3) The return shall also contain as respects that candidate—

- (a) a statement relating to such other expenses in connection with which provision is made by this Part as the Electoral Commission provide in regulations;
- (b) a statement relating to such claims (whether paid, unpaid or disputed) in connection with such election expenses or such other expenses mentioned in sub-paragraph (a) as the Electoral Commission so provide;
- (c) a statement of relevant donations as required by paragraph 10 of Schedule 2A to the 1983 Act<sup>(1)</sup> as applied by article 36.

(4) Where after the date at which the return as to election expenses is delivered leave is given by the court under article 44(5) for any claims to be paid, the candidate or the candidate's election agent shall, within seven days after its payment, deliver to the appropriate returning officer a return of the sums paid in pursuance of the leave, accompanied by a copy of the order of the court giving the leave, and in default the election agent shall be deemed to have failed to comply with the requirements of this article without such authorised excuse as is mentioned in article 53.

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(1) Schedule 2A was inserted by the 2000 Political Parties Act, section 130 and Schedule 16. Paragraph 10 was amended by the 2006 Act, Schedule 1, paragraph 16.

(5) If any payments made by the election agent were in respect of two or more candidates, the return shall deal under a separate heading or subsection with all such payments, and the expenses to which they relate, in respect of those candidates.

(6) The statements which the return is required to contain by virtue of paragraph (3) in respect of the matters there mentioned shall be a separate statement as respects each of the candidates in question.

(7) If and to the extent that any such matter is referable to two or more candidates together, the return shall contain a separate statement of that matter as respects those candidates.

(8) The Electoral Commission may, by regulations, prescribe a form of return which may be used for the purposes of making any (or any description of) return required by this article.