

## SCHEDULE 2

### SCOTTISH PARLIAMENTARY ELECTION RULES

#### PART 2

#### STAGES COMMON TO CONTESTED AND UNCONTESTED ELECTIONS

##### Notice of election

##### *Nomination*

#### **Nomination of candidate for return as a constituency member**

4.—(1) Each candidate for return as a constituency member shall be nominated by a separate nomination paper (referred to in these Rules as a “constituency nomination paper”), in the form E set out in the Appendix, delivered to the CRO at the place fixed under rule 11 for this purpose.

(2) The constituency nomination paper shall be signed by the candidate and by a witness to the candidate’s signature.

(3) The constituency nomination paper shall state the candidate’s—

- (a) name in full;
- (b) home address in full; and
- (c) if desired, description,

and the surname shall be placed first in the list of the candidate’s names.

(4) If a candidate commonly uses a surname or forename in addition to, or instead of, any other surname or forename the candidate has, the nomination paper may state the commonly used surname or forename in addition to, or instead of, the other name, as the case may be.

(5) The description, if any, must consist of—

- (a) the name of one registered party;
- (b) the names of two registered parties; or
- (c) the word “Independent”.

(6) In paragraph (5) “name” means, subject to paragraph (7), the name as it has been registered under section 28 of the 2000 Political Parties Act<sup>(1)</sup> (registration of parties).

(7) Where the word “Scottish” is not used in a name so registered, the name given on the nomination paper may be preceded by that word (disregarding for this purpose the word “the” where it is the first word of the registered name).

(8) A description falling within paragraph (5)(b) may, in addition to the names of the parties, contain the word “and” between the names of the parties.

(9) If any constituency nomination paper includes the name of a registered party that has been preceded by the word “Scottish” by virtue of paragraph (7), then these Rules shall apply as if the name of the registered party of the relevant candidate included that word.

(10) The constituency nomination paper shall also state the name and address of the witness to the candidate’s signature.

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(1) Section 28 was amended by the 2006 Act, section 48 and S.I. 2004/366, Schedule 1, paragraph 4.

### **Nomination of individual candidate for return as a regional member**

5.—(1) Each individual candidate for return as a regional member shall be nominated by a separate nomination paper (referred to in these Rules as an “individual nomination paper”), in the form F set out in the Appendix, delivered to the RRO at the place or a place fixed under rule 12 for this purpose.

(2) The individual nomination paper shall be signed by the candidate and by a witness to the candidate’s signature.

(3) The individual nomination paper shall state the candidate’s—

- (a) name in full;
- (b) home address in full; and
- (c) if desired, description, consisting of the word “Independent”,

and the surname shall be placed first in the list of the candidate’s names.

(4) If a candidate commonly uses a surname or forename in addition to, or instead of, any other surname or forename the candidate has, the nomination paper may state the commonly used surname or forename in addition to, or instead of, the other name, as the case may be.

(5) The individual nomination paper shall also state the name and address of the witness to the candidate’s signature.

### **Nomination of candidates on a regional list**

6.—(1) A registered party’s regional list of candidates to be regional members for a particular region shall be in the form G set out in the Appendix and that party shall be nominated by the submission of that list by the party’s nominating officer or a person authorised in writing by that officer to the RRO at the place or a place fixed under rule 12 for this purpose.

(2) Each regional list shall include the name of the registered party, and, if desired, a description of that party which has been registered under section 28A of the 2000 Political Parties Act<sup>(2)</sup>, and the use of that name and, where applicable, description shall be authorised by a certificate issued by or on behalf of the registered nominating officer of the party in the form H1 set out in the Appendix.

(3) The name of the registered party authorised by the nominating officer in accordance with paragraph (2) may be preceded (disregarding, for this purpose, the word “the” where it is the first word of the name) by the word “Scottish” if that word is not used in the name of the party registered under section 28 of the 2000 Political Parties Act.

(4) If the name of any registered party authorised by the nominating officer has been preceded by the word “Scottish” in accordance with paragraph (3), then these Rules shall apply as if the name of the registered party included that word.

(5) Each regional list shall set out the names and home addresses, in full, of each candidate included in that list and shall be accompanied by a statement of the names by which each such candidate is to be known for the purposes of the election, which may include any forename or surname that the candidate commonly uses.

(6) Each regional list shall include a statement that it is issued by the nominating officer of the registered party in question or by a person authorised in writing by that officer.

(7) Each regional list may be accompanied by a request made by or on behalf of the nominating officer of the party in question that the regional ballot paper shall contain against the party’s name the party’s registered emblem (or, as the case may be, one of the party’s registered emblems).

(8) In the application of this rule and rule 7, in relation to an election—

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(2) Section 28A was inserted by the 2006 Act, section 49.

- (a) “registered party” means a party which was registered under Part 2 of the 2000 Political Parties Act on the day which is two days before the last day for the delivery of nomination papers at the election (“the relevant day”); and
  - (b) a registered party is a qualifying party in relation to a constituency if the party was, on the relevant day, registered in respect of Scotland in the Great Britain register maintained under that Part of that Act.
- (9) For the purposes of paragraph (8)(a), any day falling within rule 2 shall be disregarded.

### **Constituency nomination papers: name of registered party**

7.—(1) A constituency nomination paper may not include a description of a candidate which is likely to lead electors to associate the candidate with a registered party or parties unless the party (or each party) is a qualifying party in relation to the constituency and the description is authorised by a certificate in the form H2 set out in the Appendix—

- (a) issued by or on behalf of the nominating officer of that party (or each party); and
- (b) received by the CRO at some time during the period for the delivery of nomination papers set out in the Table in rule 1(1).

(2) A person shall be guilty of a corrupt practice if the person fraudulently purports to be authorised to issue a certificate under paragraph (1) on behalf of a registered party’s nominating officer.

### **Nomination papers and regional lists: miscellaneous**

8.—(1) The CRO shall—

- (a) supply any person with a form of constituency nomination paper at the place and during the time for delivery of nomination papers; and
- (b) at any person’s request, prepare such a nomination paper for signature,

but it is not necessary for a nomination to be on a form supplied by the CRO.

(2) The RRO shall—

- (a) supply any person with a form of individual nomination paper at the place or a place, and during the time, for delivery of nomination papers; and
- (b) at any person’s request, prepare such a nomination paper for signature,

but it is not necessary for a nomination to be on a form supplied by the RRO.

(3) The RRO shall, on request, supply any person with a form of regional list, but it is not necessary for a regional list to be submitted in the form supplied by the RRO.

### **Consent to nomination**

9.—(1) Subject to paragraph (3), a person shall not be validly nominated as a candidate for return as a constituency member unless that person’s consent to nomination—

- (a) is given and dated in writing on, or within one month before, the day fixed as the last day for the delivery of constituency nomination papers;
- (b) is attested by one witness; and
- (c) is delivered at the place, and within the time, for the delivery of constituency nomination papers.

(2) Subject to paragraph (3), a person shall not be validly nominated as an individual candidate for return as a regional member or as a candidate on a registered party’s regional list unless that person’s consent to nomination—

- (a) is given and dated in writing on, or within one month before, the day fixed as the last day for the delivery of individual nomination papers and regional lists;
  - (b) is attested by one witness; and
  - (c) is delivered at the place or a place, and within the time, for the delivery of individual nomination papers and regional lists.
- (3) If the appropriate returning officer is satisfied that, owing to the absence of a person (“P”) from the United Kingdom it has not been reasonably practicable for P’s consent in writing to be given as mentioned above, a facsimile communication (or any similar means of communication) consenting to P’s nomination and purporting to have been sent by P shall be deemed for the purposes of this rule to be consent in writing given by P on the day on which it purports to have been sent, and attestation of P’s consent shall not be required.
- (4) The consent of a candidate (“Q”) given under this rule—
- (a) shall state the day, month and year of Q’s birth; and
  - (b) shall state—
    - (i) that Q is aware of the provisions of sections 15 to 18 of the 1998 Act<sup>(3)</sup> and of any Order in Council made under section 15 of that Act;
    - (ii) that to the best of Q’s knowledge and belief Q is not disqualified from being a member of the Scottish Parliament;
    - (iii) in the case of a candidate for return as a constituency member, that Q is aware of the provisions of sections 5(2) and 9(6) of the 1998 Act and that, to the best of Q’s knowledge and belief, Q may stand as a candidate to be a member for that constituency;
    - (iv) in the case of a candidate on a registered party’s regional list, that Q is aware of the provisions of section 5(7) of the 1998 Act and that, to the best of Q’s knowledge and belief, Q may be included in that list;
    - (v) in the case of an individual candidate for return as a regional member, that Q is aware of the terms of section 5(8) of the 1998 Act and, to the best of Q’s knowledge and belief, Q may stand as an individual candidate to be a regional member for that region.

## Deposit

10.—(1) A person shall not be validly nominated as a candidate for return as a constituency member unless the sum of £500 is deposited by, or on behalf of, that person with the CRO at the place and during the time for delivery of nomination papers.

(2) An individual candidate for return as a regional member shall not be validly nominated unless the sum of £500 is deposited by, or on behalf of, that candidate with the RRO at the place or a place, and during the time, for delivery of individual nomination papers.

(3) A registered party shall not be validly nominated in relation to a regional list of that party for a particular region unless the sum of £500 is deposited by or on behalf of the party’s nominating officer with the RRO at the place or a place, and during the time, for delivery of regional lists.

- (4) The deposit may be made—
- (a) by the deposit of any legal tender; or
  - (b) by means of a banker’s draft; or

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(3) Section 15 was amended by the Constitutional Reform Act 2005 (c.4), Schedule 18, Part 5. Section 16 was amended by the House of Commons (Removal of Clergy Disqualification) Act 2001 (c.13), Schedule 1, paragraph 4 and by the 2006 Act, Schedule 1, paragraph 45.

- (c) with the appropriate returning officer's consent, in any other manner (including by means of a debit or credit card or the electronic transfer of funds),

but the appropriate returning officer may refuse to accept a deposit sought to be made by means of a banker's draft if that officer does not know that the drawer carries on business as a banker in the United Kingdom.

(5) Where the deposit is made on behalf of a candidate for return as a constituency member or an individual candidate for return as a regional member, the person making the deposit shall at the time of making it give that person's name and address to the appropriate returning officer unless that information has previously been given to that officer under article 32 (appointment of election agent) or rule 4 or 5.

(6) Where the deposit is made on behalf of a party's nominating officer the person making the deposit shall at the time of making it give that person's name and address to the RRO unless that information has previously been given to that officer under article 32 or rule 6.

#### **Place for delivery of constituency nomination papers**

**11.—**(1) The CRO shall fix the place at which constituency nomination papers (together with home address forms) are to be delivered to the CRO, and shall attend there during the time for their delivery and for making of objections to them.

- (2) The place shall be in—
  - (a) the constituency;
  - (b) the local government area or (if more than one) any of the local government areas in which the constituency is situated; or
  - (c) any local government area adjoining the local government area or areas (as the case may be) in which the constituency is situated.

#### **Place for delivery of individual nomination papers and regional lists**

**12.—**(1) The RRO shall fix the place or places at which individual nomination papers and regional lists are to be delivered to the RRO, and the RRO shall attend there during the time for their delivery and for making objections to them.

- (2) The place or places shall be in the region.

#### **Right to attend nomination**

**13.—**(1) Except for the purpose of delivering a constituency nomination paper or of assisting the CRO, no person is entitled to attend the proceedings during the time for delivery of constituency nomination papers or for making objections to them unless that person is—

- (a) a person standing nominated as a candidate for return as a constituency member;
- (b) the election agent of such a person;
- (c) a person who has issued a certificate under rule 7(1)(a) in relation to such a candidate; or
- (d) a person who is entitled to attend by virtue of section 6A or 6B of the 2000 Political Parties Act<sup>(4)</sup> (representatives of the Electoral Commission),

but where a candidate acts as the candidate's own election agent the candidate may name one other person who shall be entitled to attend in place of the candidate's election agent.

(2) The right to attend conferred by paragraph (1) includes the right to inspect and to object to the validity of any constituency nomination paper.

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(4) Sections 6A and 6B were inserted by the 2006 Act, section 29.

(3) Paragraph (2) does not apply to a person mentioned in paragraph (1)(d).

(4) Except for the purpose of delivering an individual nomination paper or regional list or of assisting the RRO, no person is entitled to attend the proceedings during the time for delivery of individual nomination papers or regional lists or for making objections to them unless that person is—

- (a) a person standing nominated as an individual candidate for return as a regional member;
- (b) the election agent of such a person;
- (c) a candidate included on a party's regional list;
- (d) the election agent or nominating officer of a party which has submitted a regional list; or
- (e) a person who is entitled to attend by virtue of section 6A or 6B of the 2000 Political Parties Act,

but where an individual candidate acts as the candidate's own election agent, or a candidate on a party's regional list acts as election agent of that party in relation to that list, the candidate may name one other person who shall be entitled to attend in place of the election agent for that individual candidate or, as the case may be, party.

(5) The right conferred by paragraph (4) includes the right to inspect and to object to the validity of any individual nomination paper or any regional list (including the nomination of any candidate on such a list).

(6) Paragraph (5) does not apply to a person mentioned in paragraph (4)(e).

(7) One other person chosen by the candidate is entitled to be present at the delivery of the candidate's nomination under paragraph (1) or (4), and may afterwards, so long as the candidate stands nominated, attend the proceedings referred to in paragraph (1) or (4) as the case may be, but without any such right as is conferred by paragraph (2) or (5).

### **Decisions as to validity of constituency nomination papers**

**14.—**(1) Where a constituency nomination paper and the candidate's consent to it are delivered and a deposit is made in accordance with these Rules, the candidate shall be deemed to stand nominated unless and until—

- (a) the CRO decides that the constituency nomination paper is invalid;
- (b) proof is given to the CRO's satisfaction of the candidate's death; or
- (c) the candidate withdraws.

(2) The CRO is entitled to hold a constituency nomination paper invalid only on one of the following grounds—

- (a) that the particulars of the candidate or the witness signing the paper are not as required by law;
- (b) that the paper is not witnessed as so required;
- (c) that the candidate is disqualified by virtue of the Representation of the People Act 1981(5) (disqualification of certain offenders for membership of the House of Commons).

(3) Subject to paragraph (4), the CRO shall give a decision on any objection to a constituency nomination paper—

- (a) as soon as practicable after the objection is made, and
- (b) in any event, before the end of the period of 24 hours starting with the close of the period for delivery of nomination papers set out in the Table in rule 1.

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(5) 1981 c.34.

(4) If in the CRO's opinion a constituency nomination paper breaches rule 7, the CRO shall give a decision to that effect—

- (a) as soon as practicable after delivery of the nomination paper; and
- (b) in any event, before the end of the period of 24 hours starting with the close of the period for delivery of nomination papers set out in the Table in rule 1.

(5) Where the CRO decides that a constituency nomination paper is invalid, the CRO shall endorse and sign on the paper that fact and the reasons for the decision.

(6) The CRO's decision that a constituency nomination paper is valid shall be final and shall not be questioned in any proceeding whatsoever.

(7) Subject to paragraph (6), nothing in this rule prevents the validity of a nomination being questioned on an election petition.

### **Decisions as to validity of individual nomination papers**

**15.**—(1) Where an individual nomination paper and the candidate's consent to it are delivered and a deposit is made in accordance with these Rules, the candidate shall be deemed to stand nominated unless and until—

- (a) the RRO decides that the individual nomination paper is invalid;
- (b) proof is given to the RRO's satisfaction of the candidate's death; or
- (c) the candidate withdraws.

(2) The RRO is entitled to hold an individual nomination paper invalid only on one of the following grounds—

- (a) that the particulars of the candidate or the witness signing the paper are not as required by law;
- (b) that the paper is not witnessed as so required;
- (c) that the candidate is disqualified by virtue of the Representation of the People Act 1981.

(3) The RRO shall give a decision on any objection to an individual nomination paper—

- (a) as soon as practicable after the objection is made, and
- (b) in any event, before the end of the period of 24 hours starting with the close of the period for delivery of nomination papers set out in the Table in rule 1.

(4) Where a RRO decides that an individual nomination paper is invalid, the RRO shall endorse and sign on the paper that fact and the reasons for the decision.

(5) The RRO's decision that an individual nomination paper is valid shall be final and shall not be questioned in any proceeding whatsoever.

(6) Subject to paragraph (5), nothing in this rule prevents the validity of a nomination being questioned on an election petition.

### **Decisions as to validity of regional lists and as to the validity of nominations included on such a list**

**16.**—(1) Where a registered party's regional list and the consent of each candidate included in that list are delivered and a deposit is made in accordance with these Rules, the party and (subject to paragraphs (3) and (4)) each candidate on its list shall be deemed to stand nominated unless and until the RRO decides that the regional list is invalid.

(2) The RRO is entitled to hold a regional list invalid only on one of the following grounds—

- (a) that the name of the registered party stated under paragraph (2) of rule 6 breaches that rule;

- (b) that the number of candidates on the list is greater than 12;
  - (c) that the list does not contain the statement that it is issued by the nominating officer or by the person authorised by the nominating officer as required by rule 6(6).
- (3) Where, in respect of a candidate included in a registered party's regional list—
- (a) proof is given to the RRO's satisfaction of the candidate's death; or
  - (b) the candidate withdraws or the candidate's candidature is withdrawn in accordance with rule 17,
- the RRO shall delete the name and address of that candidate from the list.
- (4) Where, in respect of a candidate included on a registered party's regional list—
- (a) the candidate's particulars in that list are not as required by law;
  - (b) the candidate is disqualified by virtue of the Representation of the People Act 1981 (disqualification of certain offenders for membership of the House of Commons); or
  - (c) the consent to nomination of that candidate is not delivered in accordance with these Rules,
- the RRO shall delete the name and address of that candidate from the list.
- (5) The RRO shall give a decision on any objection in respect of a regional list—
- (a) as soon as practicable after the objection is made; and
  - (b) in any event, before the end of the period of 24 hours starting with the close of the period for delivery of nomination papers set out in the Table in rule 1.
- (6) Where the RRO decides that—
- (a) a regional list is invalid; or
  - (b) the name and address of a candidate shall be deleted from a regional list,
- the RRO shall endorse and sign on the list that fact and the reasons for the decision.
- (7) The RRO's decision that—
- (a) a regional list is valid; or
  - (b) the name and address of a candidate should not be removed from a party list,
- shall not be questioned in any proceeding whatsoever.
- (8) Subject to paragraph (7), nothing in this rule prevents the validity of a nomination being questioned on an election petition.

### **Withdrawal of candidates**

- 17.—(1) A candidate for return as a constituency member may withdraw that candidate's candidature by notice of withdrawal—
- (a) signed by the candidate and attested by one witness; and
  - (b) delivered to the CRO at the place for delivery of constituency nomination papers.
- (2) A candidate for return as a regional member may withdraw that candidate's candidature by notice of withdrawal—
- (a) signed by the candidate and attested by one witness; and
  - (b) delivered to the RRO at the place or a place for delivery of individual nomination papers and regional lists.
- (3) A registered party may withdraw the candidature of any or all of the candidates included in a regional list of that party by notice of withdrawal—
- (a) signed by the party's nominating officer and attested by one witness; and



(b) delivered to the RRO at the place or places for the delivery of regional lists.

(4) Where a candidate in a regional list has been withdrawn in accordance with this rule the RRO shall delete the name and address of that candidate from the list.

### **Publication of statement of persons nominated as candidates for return as a constituency member**

**18.**—(1) The CRO shall prepare and publish a statement showing—

- (a) the persons who have been and stand nominated as candidates for return as a constituency member; and
- (b) any other persons who have been nominated as such candidates, but who no longer stand nominated, with the reason why they no longer stand nominated.

(2) The statement shall show the names and descriptions of the persons nominated as given in their constituency nomination papers.

(3) The statement shall show the persons standing nominated arranged alphabetically in the order of their surnames, and, if there are two or more persons with the same surname, of their other names.

(4) Unless paragraph (5) applies, if a person's nomination paper gives a commonly used surname or forename in addition to, or instead of, another name the statement shall show the person's commonly used surname or forename (as the case may be) instead of any other name.

(5) This paragraph applies where the CRO thinks—

- (a) that the use of the person's commonly used name may be likely to mislead or confuse electors; or
- (b) that the commonly used name is obscene or offensive.

(6) Where paragraph (5) applies, the CRO must give notice in writing to the candidate of the CRO's reasons for refusing to allow the use of a commonly used name.

(7) In the case of a person nominated by more than one constituency nomination paper, the CRO shall take the particulars required by this rule from such one of the papers as the candidate (or the CRO in default of the candidate) may select.

(8) The CRO shall send to the Electoral Commission—

- (a) a copy of the statement; and
- (b) in the case of each candidate standing nominated in respect of whom a certificate has been received by the returning officer in accordance with rule 7, a copy of that certificate.

### **Publication of statement of persons and parties nominated for return as regional members**

**19.**—(1) The RRO shall prepare and publish a statement showing—

- (a) each registered party which has been and stands nominated together with that party's regional list;
- (b) the persons who have been and stand nominated as individual candidates for return as a regional member; and
- (c) any other persons or parties who have been nominated, but who no longer stand nominated, together with the reason why they no longer stand nominated.

(2) The statement shall show the registered parties which have been and stand nominated in alphabetical order with the name and description of the party as given in that list and the names of the candidates who appear on the regional list of each party as given in that list and arranged in the order in which their names appear on that list.

(3) The statement shall also show the names of the persons nominated as individual candidates as given in their individual nomination papers, with the description as “Independent” if that is requested in those papers.

(4) Unless paragraph (5) applies, if a regional list or an individual candidate’s nomination paper gives a person’s commonly used surname or forename in addition to, or instead of, another name the statement shall show the person’s commonly used surname or forename (as the case may be) instead of any other name.

(5) This paragraph applies where the RRO thinks—

- (a) that the use of the person’s commonly used name may be likely to mislead or confuse electors; or
- (b) that the commonly used name is obscene or offensive.

(6) Where paragraph (5) applies, the RRO must give notice in writing to the candidate of the RRO’s reasons for refusing to allow the use of a commonly used name.

(7) The statement shall show the names and descriptions of the persons standing nominated as individual candidates after the names and descriptions of the registered parties standing nominated and the names of those individual candidates shall be arranged alphabetically in the order of their surnames and, if there are two or more persons with the same surname, of their other names.

(8) In the case of a person nominated by more than one individual nomination paper, the RRO shall take the particulars required by this rule from such one of the papers as the candidate (or the RRO in default of the candidate) may select.

(9) In the case of a registered party which has delivered more than one regional list for a particular region (and which stands nominated by more than one of those lists), the RRO shall take the particulars required by this rule from such one of the lists as the nominating officer of that party (or the RRO in default of that officer) may select; and if any candidate is shown standing nominated by a list not so selected but is not so shown in the selected list, that candidate shall no longer stand nominated.

(10) The RRO shall send a copy of the statement to the Electoral Commission.

### **Correction of minor errors**

**20.**—(1) A CRO may, if the CRO thinks fit, at any time before the publication under rule 18 of the statement of persons nominated as candidates for return as a constituency member, correct minor errors in the nomination paper.

(2) A RRO may, if the RRO thinks fit, at any time before the publication under rule 19 of the statement of persons and parties nominated for return as regional members, correct minor errors in the nomination paper.

(3) Errors which may be corrected include obvious errors of spelling in relation to the details of a candidate or a party.

(4) Anything done by a CRO or RRO in pursuance of this rule must not be questioned in any proceedings other than proceedings on an election petition.

(5) A CRO or RRO must have regard to any guidance issued by the Electoral Commission for the purposes of this rule.

### **Disqualification by Representation of the People Act 1981: candidates for return as constituency members**

**21.**—(1) If it appears to the CRO that any of the persons nominated as candidates for return as a constituency member might be disqualified by virtue of the Representation of the People Act 1981 (disqualification of certain offenders for membership of the House of Commons), the CRO shall, as

soon as practicable after the expiry of the time allowed for the delivery of constituency nomination papers, prepare and publish a draft of the statement required by rule 18.

(2) The draft shall be headed “Draft statement of persons nominated for return as a constituency member” and shall contain a notice stating that any person who wishes to object to the nomination of any candidate on the ground that the candidate is disqualified for nomination under the Representation of the People Act 1981 may do so between the hours of 10 am and 4 pm on the day and at the place specified in the notice; and the day so specified shall be the day after the last day for the delivery of constituency nomination papers.

### **Disqualification by Representation of the People Act 1981: candidates for return as regional members**

**22.**—(1) If it appears to the RRO that any of the persons nominated as candidates for return as a regional member might be disqualified by the Representation of the People Act 1981 the RRO shall, as soon as practicable after the expiry of the time allowed for the delivery of individual nomination papers and regional lists, prepare and publish a draft of the statement required by rule 19.

(2) The draft shall be headed “Draft statement of persons nominated for return as regional members” and shall contain a notice stating that any person who wishes to object to the nomination of any candidate on the ground that the candidate is disqualified for nomination under the Representation of the People Act 1981 may do so between the hours of 10 am and 4 pm on the day and at the place specified in the notice; and the day so specified shall be the day after the last day for the delivery of individual nomination papers and regional lists.

### **Adjournment of nomination proceedings in the case of riot**

**23.**—(1) Where the proceedings for, or in connection with, nomination are on any day interrupted or obstructed by riot or open violence—

- (a) the proceedings shall be abandoned for that day; and
  - (b) if that day is the last day for the delivery of constituency nomination papers, or of individual nomination papers and regional lists, the proceedings shall be continued on the next day as if that were the last day for such delivery, and that day shall be treated for the purposes of these Rules as being the last day for such delivery (subject to any further application of this paragraph in the event of interruption or obstruction on that day).
- (2) Where proceedings are abandoned by virtue of this rule nothing—
- (a) may be done after they are continued if the time for doing it had passed at the time of the abandonment;
  - (b) done before the abandonment shall be invalidated by reason of the abandonment.

### **Method of election: candidates for return as constituency members**

**24.**—(1) If the statement required by rule 18 shows more than one person standing nominated, a poll shall be taken in accordance with Part 3 of these Rules (contested elections).

(2) If that statement shows only one person standing nominated, that person shall be declared to be elected in accordance with Part 4 of these Rules (final proceedings in contested and uncontested elections).

### **Method of election: candidates for return as regional members**

**25.**—(1) Subject to paragraph (2)(b), if the statement of persons required by rule 19 shows more candidates (whether on a registered party’s regional list or individual candidates) than the number of seats for that region a poll shall be taken in accordance with Part 3 of these Rules.

**Draft Legislation:** This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Scottish Parliament (Elections etc.) Order 2015 ISBN 978-0-11-102982-4

(2) If that statement shows—

- (a) a number of candidates (whether on a registered party's regional list or individual candidates) which is the same as, or less than, the number of seats for that region; or
- (b) all of the candidates shown on that statement are on the regional list of the same registered party,

the RRO shall, following receipt of the notification under rule 62(3) (declaration of result for constituency members), allocate the seats in accordance with sections 7 and 8 of the 1998 Act<sup>(6)</sup> (return of regional members at a general election).

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<sup>(6)</sup> Section 8 is modified by rule 65 of [S.I. 2010/2999](#).