

SCHEDULE 2

SCOTTISH PARLIAMENTARY ELECTION RULES

PART 2

STAGES COMMON TO CONTESTED AND UNCONTESTED ELECTIONS

Notice of election

Nomination

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 - (b) the candidate withdraws or the candidate's candidature is withdrawn in accordance with rule 17,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

Status: This is the original version (as it was originally made).

(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.