

SCHEDULE 2

SCOTTISH PARLIAMENTARY ELECTION RULES

PART 4

FINAL PROCEEDINGS IN CONTESTED AND UNCONTESTED ELECTIONS

Return or forfeiture of deposit

66.—(1) The deposit made under rule 10 is either to be returned to the person making it or to that person's personal representatives or to be forfeited.

(2) Except in the cases mentioned below in this rule, the deposit shall be returned not later than the next day after that on which the result or results of the election is or are declared.

(3) For the purposes of paragraph (2)—

- (a) a day shall be disregarded if it would be disregarded under rule 2 in computing any period of time for the purposes of the timetable for the election; and
- (b) the deposit shall be treated as being returned on a day if a cheque for the amount of the deposit is posted on that day.

(4) If a candidate for return as a constituency member is not shown as standing nominated in the statement required by rule 18, or if the poll is countermanded or abandoned by reason of the candidate's death, the deposit shall be returned as soon as practicable after the publication of the statement or after the candidate's death, as the case may be.

(5) Where—

- (a) a registered party or an individual candidate for return as a regional member is not shown as standing nominated in the statement prepared under rule 19; or
- (b) in the case of an individual candidate, that candidate dies,

the deposit shall be returned as soon as practicable after the publication of that statement or the time when the RRO is satisfied of the candidate's death, as the case may be.

(6) Subject to paragraph (4), the deposit made by or on behalf of a candidate for return as a constituency member shall be forfeited if a poll is taken and, after the counting of the votes by the CRO (including any re-count) is completed, the candidate is found not to have polled more than one twentieth of the total number of votes polled by all the candidates.

(7) Subject to paragraph (5), the deposit made by or on behalf of any individual candidate for return as a regional member or any registered party standing nominated shall be forfeited if after the total number of regional votes given for each registered party and each individual candidate in all of the constituencies included in the region has been calculated (or recalculated) under rule 64, the registered party or individual candidate is found not to have polled more than one twentieth of the total number of votes polled by all the registered parties and individual candidates in all of the constituencies included in the region and has not been allocated a seat under section 8 of the 1998 Act.

(8) Forfeited deposits are to be paid into the Scottish Consolidated Fund.