

SCHEDULES

SCHEDULE 3

Section 11.

AMENDMENT AND MODIFICATION OF ELECTION LAW

House of Commons (Redistribution of Seats) Act 1949

- 1 In Schedule 2 (Rules for redistribution of seats), for paragraph 4(1)(b) there shall be substituted the following—
- “(b) in Scotland, regard shall be had to the boundaries of local authority areas ;”;
- and in paragraph 4(2), before the definition of " county ", there shall be inserted the following—
- “" area " and " local authority " have the same meanings as in the Local Government (Scotland) Act 1973.”.

Representation of the People Act 1949

- 2 For section 6(3) (electoral registration officers in Scotland) there shall be substituted the following subsection:—
- “(3) In Scotland, the council of every region and islands area shall appoint an officer of the council for their area or for any adjoining region or islands area, or an officer appointed by any combination of such councils, to be registration officer for any constituency or part of a constituency which is situated within that region or islands area.”
- 3 (1) In section 11 (polling districts and polling places), in subsection (2)(b), the words " or, in Scotland, each electoral division " shall cease to have effect, and after subsection (2)(b) there shall be added the following paragraph—
- “(bb) In Scotland, each electoral area established for the purpose of local government elections which is within the constituency, and that part within the constituency of any such area which is partly within the constituency and partly within another constituency, shall, in the absence of special circumstances, be a separate polling district or districts ; ””
- (2) In subsection (4) of section 11, in the definition of "interested authority ", for the words " any county, town or district council " there shall be substituted the words "the council of any region, islands area or district " .
- 4 In section 22 (polling districts and polling stations at local government elections), after subsection (1) there shall be inserted the following subsection—
- “(1A) In Scotland, for elections of regional or islands councillors the regional or islands council may divide an electoral division into polling districts and may alter any polling district, and for elections of district councillors the district council may divide a ward into polling districts and may alter any polling

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district; but in the absence of special circumstances the said polling districts shall be those which were last designated for the purpose of parliamentary elections under section 11 of this Act.”

5 In section 40(2) (person responsible for making out corrupt and illegal practices list), the words from " in England" to " in Scotland " shall cease to have effect.

6 (1) In section 41(2) (deputy registration officers), the words " Except in Scotland " shall cease to have effect, and after the words " Secretary of State " there shall be inserted the words " or in Scotland by the council which appointed the registration officer ".

(2) In section 41, after subsection (5) there shall be inserted the following subsection:—

“(5A) In Scotland, the council of a region or islands area may assign officers to assist the registration officer in carrying out any of his duties in relation to the registration of electors upon such terms as may be agreed between the council and the person carrying out the duties.”

7 In section 43 (payment of expenses of registration) in subsection (1) the words from " and there shall be paid" onwards, and subsection (8) shall cease to have effect.

8 In section 52(2) (offences in connection with nomination papers) in paragraph (a) the words "or, in the case of an election of town councillors, to the town clerk " shall cease to have effect, and in paragraph (b) for the words from "proposer" to "therein" there shall be substituted the words " in any other capacity certifies the truth of any statement contained therein, knowing such statement ".

9 In section 55(6) (meaning of " appropriate officer " in Part II), in paragraph (b) the words " in England and Wales " and paragraph (c) shall cease to have effect.

10 In section 83(1)(b) (use of schools and rooms for local election meetings) for the words " a district council" there shall be substituted the words " the council of an islands area or district " , and in section 83(4) the word " district" shall cease to have effect.

11 In section 86(4) (officials not to act for candidates) the words "town clerk or town clerk depute" (where they first occur) shall cease to have effect, and for the words from " county " onwards there shall be substituted the words " sheriff court district for which he is sheriff clerk ".

12 In section 113(3) (person to whom petition questioning local election is presented), for paragraph (b) there shall be substituted the following paragraph—

“(b) in Scotland, to the sheriff principal of the sheriffdom in which the election took place or, where the election was in respect of a local authority whose area is situated within more than one sheriffdom, to the sheriffs principal of the sheriffdoms in which the area of the authority is situated.”

13 In section 117 (constitution of election court, etc.):—

(a) in subsection (1), for the words after " tried " there shall be substituted the following words—

“(a) by the sheriff principal of the sheriffdom within which the challenged election took place ; or

(b) where the election was in respect of a local authority whose area is situated within more than one sheriffdom, by the sheriffs principal of the sheriffdoms in which the area of the authority is situated ; and where in such a

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- case the sheriffs principal are unable to reach a unanimous decision, they shall state a case for the Court of Session and the Court may pronounce any deliverance which it would have been competent for the sheriffs to make.”;
- (b) in subsection (2), for the words " by the court" there shall be substituted the words " (unless imposed or made by the Court of Session in consequence of a case stated under subsection (1) above) ";
- (c) for subsection (3) there shall be substituted the following subsection—
- “(3) The place of trial shall be such place within the sheriffdom or sheriffdoms in which the area of the local authority is situated as the election court may determine.”;
- (d) in subsection (4), for the word " sheriffdom " there shall be substituted the words " said sheriffdom or sheriffdoms ".
- 14 In section 139(3) (incapacity of candidate guilty of corrupt or illegal practice) for the words " a county, town or district council" there shall be substituted the words " any local authority ".
- 15 In section 166 (local elections in Scotland excluded from Parts II and III of Act), for the word " 1947 " there shall be substituted the word " 1973 ".
- 16 In section 173 (general application to Scotland):—
- (a) in subsection (2), the words from the beginning to " town councillor, and " shall cease to have effect;
- (b) subsection (3) shall cease to have effect;
- (c) in subsection (8), the definitions of " assessor ", " burgh ", " large burgh " and " small burgh ", and " elected district councillor " shall cease to have effect; in the definition of "electoral area" for the words "burgh, ward or other area " there shall be substituted the words " or ward "; in the definition of " local elections rules" for the words "local elections rules in the Third Schedule to this Act" there shall be substituted the words " rules made under section 7 of the Local Government (Scotland) Act 1973 " ; in the definition of " local government Act" for the word " 1947 " there shall be substituted the word " 1973 " ; and in the definition of " local government area " for the words " county, burgh" there shall be substituted the words " region, islands area ".
- 17 In Schedule 2, in rule 11 of the Parliamentary Elections Rules (place for delivery of nomination papers), at the beginning of sub-paragraph (2) there shall be inserted the words " Except in Scotland, " and at the end there shall be added the following sub-paragraph :—
- “(3) In Scotland the place shall be in—
- (a) the constituency, or
- (b) the district or (if more than one) any of the districts in which the constituency is situated, or
- (c) any district adjoining the district or districts (as the case may be) in which the constituency is situated.”
- 18 In Schedule 7, in paragraph 6(b) (duty to keep lists of meeting rooms, etc.) for the words from " town clerk " to " burgh or county " there shall be substituted the words " proper officer of the council of every islands area and district to prepare and keep for each constituency wholly situated in the area of the council ".

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House of Commons (Redistribution of Seats) Act 1958

- 19 In section 4(4) (objections by interested persons to Boundary Commission recommendations) for the words from " for the reference " onwards there shall be substituted the words " local authority means the council of a region, islands area or district. "

Representation of the People Act 1969

- 20 In section 11 (election agents and polling agents), in subsection (3), at the beginning, there shall be inserted the words " Except in Scotland, " and the words " or, in Scotland, an electoral division" shall cease to have effect, and after subsection (3) there shall be inserted the following subsection—

“(3A) In Scotland, the office of the election agent for a parliamentary election shall be within the constituency or an adjoining constituency or in a district which is partly comprised in or adjoins the constituency, and that of a sub-agent shall be in the area within which he is appointed to act; and the office of an election agent for a local government election shall be within the local government area, or in the constituency or one of the constituencies in which the area is comprised, or in a district which adjoins the area.”

- 21 (1) In section 13(1) (countermand or abandonment of poll on death of candidate), in paragraph (b), after the date " 1949 " there shall be inserted the words " or, in Scotland, of section 9 of the Local Government (Scotland) Act 1973, ".
 (2) In section 13(3) (application of Schedules 2 and 3 to the Act of 1949 to documents relating to an abandoned poll), for the words " Schedules 2 and 3 " there shall be substituted the words " Schedule 2 " ; section 13(4) shall cease to have effect; and in section 13(5) the words " and rule 18 of those in Schedule 3 " shall cease to have effect.
- 22 In section 14 (miscellaneous amendments of elections rules), for the words " Schedules 2 and 3 " there shall be substituted the words " Schedule 2 " ; and the words " and the local elections rules " shall cease to have effect.
- 23 In Schedule 2 (consequential, etc. amendments of Act of 1949), in paragraph 25, sub-paragraph (1) shall cease to have effect, in sub-paragraph (2) the words "and rule 24 of the local elections rules in Schedule 3 " shall cease to have effect, and in head (b) for the words " each of those rules " there shall be substituted the words " that rule ".