

## SCHEDULES

### SCHEDULE 17

#### AMENDMENTS RELATING TO ELECTION PETITIONS

##### *Consequences of finding by election court of corrupt or illegal practice*

- 7 In section 159 (candidate reported guilty of corrupt or illegal practice)—
- (a) subsection (2) shall be omitted, and
  - (b) for subsection (3) there shall be substituted—
    - “(3) A candidate at a local government election in Scotland who is reported personally guilty or guilty by his agents of any corrupt or illegal practice shall also be incapable from the date of the report of holding the office of councillor of any local authority in Scotland—
      - (a) for ten years, if reported personally guilty of a corrupt practice,
      - (b) for three years, if reported guilty by his agents of a corrupt practice, or
      - (c) during the period for which the candidate was elected to serve or for which if elected he might have served, if reported personally guilty or guilty by his agents of an illegal practice,and if at the date of the report he holds any such office, then the office shall be vacated as from that date.”
- 8 In section 160 (candidate or other person reported personally guilty of corrupt practice or illegal practice), for subsections (4) and (5) there shall be substituted—
- “(4) Subject to the provisions of subsection (4A) and section 174 below, a candidate or other person reported by an election court personally guilty of a corrupt or illegal practice—
    - (a) shall during the relevant period specified in subsection (5) below be incapable of—
      - (i) being registered as an elector or voting at any parliamentary election in the United Kingdom or at any local government election in Great Britain,
      - (ii) being elected to the House of Commons, or
      - (iii) holding any elective office; and
    - (b) if already elected to a seat in the House of Commons, or holding any such office, shall vacate the seat or office as from the date of the report.
- (4A) The incapacity imposed by subsection (4)(a)(i) above applies only to a candidate or other person reported personally guilty of a corrupt practice under section 60 above or of an illegal practice under section 61 above.

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*Status: This is the original version (as it was originally enacted).*

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(5) For the purposes of subsection (4) above the relevant period is the period beginning with the date of the report and ending—

- (a) in the case of a person reported personally guilty of a corrupt practice, five years after that date, or
- (b) in the case of a person reported personally guilty of an illegal practice, three years after that date.

(5A) Subject to the provisions of section 174 but in addition to any incapacity arising by virtue of subsection (4) above, a candidate or other person reported by an election court personally guilty of a corrupt practice—

- (a) shall for the period of five years beginning with the date of the report, be incapable of holding any public or judicial office in Scotland, and
- (b) if already holding such an office, shall vacate it as from that date.”

9 In section 166 (votes to be struck off for corrupt or illegal practices), in subsection (3) (person’s vote to be void if he is subject to any incapacity to vote), for “public office” there shall be substituted “elective office or to any public office in Scotland”.

10 In section 185(1) (interpretation of Part III of the Act)—

- (a) after the definition of “declaration as to election expenses” there shall be inserted—

““elective office” means any office to which a local government election is held in England or Wales;”;

- (b) in the definition of “public office” for “ “public office” means any office —” substitute “ “public office” in relation to Scotland means any office held in Scotland—”.