

## SCHEDULE 2

### SCOTTISH PARLIAMENTARY ELECTION RULES

#### PART II

#### STAGES COMMON TO CONTESTED AND UNCONTESTED ELECTIONS

##### *Nomination*

##### **Consent to nomination**

9.—(1) Subject to paragraph (3) below a person shall not be validly nominated as a candidate for return as a constituency member unless his 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) below, 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 his 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 from the United Kingdom it has not been reasonably practicable for his consent in writing to be given as mentioned above, a facsimile communication (or any similar means of communication) consenting to his nomination and purporting to have been sent by him shall be deemed for the purposes of this paragraph to be consent in writing given by him on the day on which it purports to have been sent, and attestation of his consent shall not be required.

(4) A candidate's consent given under this rule—

- (a) shall state the day, month and year of his birth; and
- (b) shall state—
  - (i) that he is aware of the provisions of sections 15 to 18 of the 1998 Act and of any Order in Council made under section 15 of that Act;
  - (ii) that to the best of his knowledge and belief he is not disqualified for membership of the Scottish Parliament;
  - (iii) in the case of a candidate for return as a constituency member, that he is aware of the provisions of section 5(2) and 9(6) of the 1998 Act and that, to the best of his knowledge and belief, he may stand as a candidate to be a member for that constituency;

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (iv) in the case of a candidate on a registered party's regional list, that he is aware of the provisions of section 5(7) of the 1998 Act and that, to the best of his knowledge and belief, he may be included in that list;
- (v) in the case of an individual candidate for return as a regional member, that he is aware of the terms of section 5(8) of the 1998 Act and, to the best of his knowledge and belief, he may stand as an individual candidate to be a regional member for that region.