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STATUTORY INSTRUMENTS

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**2009 No. 1978**

**The Scottish Parliament (Elections  
etc.) (Amendment) Order 2009**

**PART 3**

**AMENDMENT OF THE SCOTTISH PARLIAMENTARY ELECTION RULES**

**Provisions as to time**

**8.**—(1) Schedule 2 (Scottish parliamentary election rules) is amended as follows.

(2) In rule 1(1) (timetable), in the first entry in the second column of the table, for “twenty-eighth” substitute “thirty-fifth” and for “twenty-first” substitute “twenty-eighth”.

(3) In rule 1(1), in the second entry in the second column, for “sixteenth” substitute “twenty-third”.

**Stages common to contested and uncontested elections**

**9.**—(1) Schedule 2 is further amended as follows.

(2) In rule 5(5)(a) (use of name of registered party as description on constituency nomination paper), add at the end “which may be preceded (disregarding, for this purpose, the word “the” where it is the first word of the registered name) by the word “Scottish” if that word is not used in the name so registered”.

(3) Omit rule 5(5)(b) (use of registered description on constituency nomination paper).

(4) After rule 5(5), insert—

“(5A) If any constituency nomination paper includes the name of a registered party that has been preceded by the word “Scottish” by virtue of paragraph 5(5)(a), then these Rules shall apply as if the name of the registered party of the relevant candidate included that word.”.

(5) In rule 7(2) (inclusion of name of registered party or registered description on regional list), for “or” where that word first appears substitute “and, if desired,”.

(6) In rule 7(2), for “name or description” substitute “name and, where applicable, description”.

(7) After rule 7(2) insert—

“(2A) The name of the registered party authorised by the nominating officer in accordance with paragraph (2) may be preceded (disregarding, for this purpose, the word “the” where it is the first word of the name) by the word “Scottish” if that word is not used in the name of the party registered under section 28 of the 2000 Political Parties Act.

(2B) If the name of any registered party authorised by the nominating officer has been preceded by the word “Scottish” in accordance with paragraph (2A), then these Rules shall apply as if the name of the registered party included that word.”.

(8) In rule 20(2) (order of names, etc. of parties and party candidates on statement of persons and parties nominated for return as regional members), for “or” substitute “and”.

(9) In rule 20(5) (order of names, etc. of individual candidates on statement of persons and parties nominated for return as regional members), for “names or descriptions” substitute “names and descriptions”.

### **Contested elections**

**10.**—(1) Schedule 2 is further amended as follows.

(2) In rule 28(3)(a) (regional ballot paper to contain names or descriptions of parties), for “or, as the case may be,” substitute “and, where applicable,” and omit “(being, in each case, the name or description by which that party wishes to be known for the purposes of the election)”.

(3) In rule 28(4) (order in which names or descriptions of parties and individual candidates are to appear on the regional ballot paper), omit “or, as the case may be, descriptions”.

(4) In rule 28(5) (placement of a registered party’s registered emblem), omit both occurrences of “or description”.

(5) Omit rules 28(7) (printing of regional and constituency ballot papers on same sheet) and 28(8) (layout where regional and constituency ballot papers printed on same sheet).

(6) In rule 30(1) (the official mark), omit from “, but at a Scottish parliamentary general election” to the end.

(7) In rule 38(1) (equipment of polling stations: ballot boxes), omit “if the constituency ballot paper and the regional ballot paper are not printed on the same sheet,”.

(8) In rule 38(13) (equipment of polling stations: notice describing method of voting), for “paragraphs (14) and (15)” substitute “paragraph (14)”.

(9) Omit rule 38(15) (equipment of polling stations: notice describing method of voting for combined constituency and regional ballot papers).

(10) In rule 46(1) (voting procedure: application for ballot papers), omit “if the constituency ballot paper and regional ballot paper are not printed on the same sheet,”.

(11) In rule 46(7) (voting procedure: marking of copy of register of electors), omit “if the constituency ballot paper and regional ballot paper are not printed on the same sheet,”.

(12) In rule 47(5) (marking of list of votes marked by the presiding officer), omit “if the constituency ballot paper and regional ballot paper are not printed on the same sheet,”.

(13) In rule 48(9) (marking of list of voters with disabilities assisted by companions), omit “if the constituency ballot paper and regional ballot paper are not printed on the same sheet,”.

(14) In rule 53(3) (the ballot paper account), for “if at a Scottish parliamentary general election the constituency ballot paper and regional ballot paper are not printed on the same sheet,” substitute “,except in the case of a poll to fill a vacancy in the seat of a constituency member,”.

(15) For rule 55(1)(a) (the count: opening ballot boxes and recording number of ballot papers), substitute the following—

“(a) in the presence of the counting agents appointed for the purposes of the election open each ballot box and count and record separately the number of constituency ballot papers and the number of regional ballot papers there are in each box;”.

(16) For rule 55(1)(c) (the count: recording returned postal ballot papers), substitute the following—

“(c) count such of the postal ballot papers as have been duly returned and record separately the number of constituency postal ballot papers counted and the number of regional postal ballot papers counted.”.

- (17) For rule 55(4) (the count: mixing of ballot papers), substitute the following—
- “(4) The constituency returning officer shall not count the votes given on any ballot papers until—
- (a) in the case of constituency postal ballot papers, they have been mixed with constituency ballot papers from at least one ballot box;
  - (b) in the case of constituency ballot papers from a ballot box, they have been mixed with constituency ballot papers from at least one other ballot box;
  - (c) in the case of regional postal ballot papers; they have been mixed with regional ballot papers from at least one ballot box; and
  - (d) in the case of regional ballot papers from a ballot box, they have been mixed with regional ballot papers from at least one other ballot box.”
- (18) Omit rule 58(2) (rejection of combined constituency and regional ballot papers).
- (19) Omit rule 58(3) (checking of official mark or unique identifying mark).
- (20) In rule 58(6) (recording of rejected ballot papers and objections), omit “or an electronic copy thereof”.

### **Disposal of Documents**

- 11.**—(1) Schedule 2 is further amended as follows.
- (2) In rule 68(1) (sealing up of ballot papers), omit sub-paragraph (a), and in paragraph (b) omit “where the votes have been counted by manual means”.
- (3) Omit rule 68(3) (removal of original electronic data and records from an electronic counting system).
- (4) In rule 69(1) (delivery of documents to the sheriff clerk), in sub-paragraph (g), at the end add “and”.
- (5) In rule 69(1)(h), omit “; and” at the end.
- (6) Omit rule 69(1)(i).
- (7) In rule 70(1) (orders by Court of Session or sheriff for production of documents and records), in sub-paragraph (a) at the end, insert “or”.
- (8) In rule 70(1)(b), omit “or” at the end.
- (9) Omit rule 70(1)(c).
- (10) In rule 70(2) (orders by election court for production of documents and records), omit sub-paragraph (b).
- (11) In rule 70(6) (evidence that the produced documents relate to specified election), for “document, record or electronic copy of information” substitute “document or record” and in sub-paragraph (a) for each occurrence of “document, record or electronic copy” substitute “document or record”.
- (12) In rule 70(7A) (requirement by Electoral Commission for production of documents and records), omit “and of any sealed packet containing an electronic copy of information made pursuant to rule 68(1)(a)”.
- (13) In rule 70(7B) (care, resealing and destruction of copies of documents and records produced to Electoral Commission), omit “or records” and both occurrences of “and records”.
- (14) In rule 70(8) (prohibition of inspecting rejected or counted ballot papers, etc.), omit from “, or to examine” to the end.
- (15) In rule 71(1) (retention of documents), omit “and records”.

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

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(16) Omit rule 71(3) (electronic copy of information stored on electronic counting system not to be open to public inspection).