



Local Electoral Administration and Registration Services (Scotland) Act 2006

2006 asp 14

PART 1

LOCAL GOVERNMENT ELECTIONS

Offences relating to voting

14 Undue influence

- (1) Section 115 of the 1983 Act (offence of undue influence), so far as it applies to a local government election in Scotland, is amended as follows.
- (2) In subsection (2)(b)—
 - (a) after “prevents” insert “, or intends to impede or prevent,” and
 - (b) after “prevails upon” insert “, or intends so to compel, induce or prevail upon,”.

15 Offences relating to applications for postal and proxy votes

Before section 63 of the 1983 Act (breach of official duty) insert—

“62B Scottish local government elections: offences relating to applications for postal and proxy votes

- (1) This section applies in relation to a local government election in Scotland.
- (2) A person commits an offence if he—
 - (a) engages in any of the acts specified in subsection (3) below at the election; and
 - (b) intends, by doing so, to deprive another of an opportunity to vote or to make for himself or another a gain of a vote to which he or the other is not otherwise entitled or a gain of money or property.
- (3) The acts referred to in subsection (2)(a) above are—

Status: This is the original version (as it was originally enacted).

- (a) applying for a postal or proxy vote as some other person (whether that other person is living or dead or is a fictitious person);
 - (b) otherwise making a false statement in, or in connection with, an application for a postal or proxy vote;
 - (c) inducing the registration officer or returning officer to send a postal ballot paper or any communication relating to a postal or proxy vote to an address which has not been agreed to by the person entitled to the vote;
 - (d) causing a communication relating to a postal or proxy vote or containing a postal ballot paper not to be delivered to the intended recipient.
- (4) In subsection (2)(b) above, property includes any description of property.
- (5) In subsection (3) above a reference to a postal vote or a postal ballot paper includes a reference to a proxy postal vote or a proxy postal ballot paper (as the case may be).
- (6) A person who commits an offence under subsection (2) above or who aids, abets, counsels or procures the commission of such an offence is guilty of a corrupt practice.”.