

Status: Point in time view as at 09/02/2012.

Changes to legislation: There are currently no known outstanding effects for the Local Electoral Administration and Registration Services (Scotland) Act 2006. (See end of Document for details)

VALID FROM 28/09/2021

SCHEDULE 1

(introduced by section 17(4))

SCHEDULE TO BE INSERTED BEFORE SCHEDULE 5 TO THE 1983 ACT

“SCHEDULE 4B

SCOTTISH LOCAL GOVERNMENT ELECTIONS: ELECTION EXPENSES

PART 1

LIST OF MATTERS

- 1 Advertising of any nature (whatever the medium used). Expenses in respect of such advertising include agency fees, design costs and other costs in connection with preparing, producing, distributing or otherwise disseminating such advertising or anything incorporating such advertising and intended to be distributed for the purpose of disseminating it.
- 2 Unsolicited material addressed to electors (whether addressed to them by name or intended for delivery to households within any particular area). Expenses in respect of such material include design costs and other costs in connection with preparing, producing or distributing such material (including the cost of postage).
- 3 Transport (by any means) of persons to any place. Expenses in respect of the transport of such persons include the costs of hiring a means of transport for a particular period.
- 4 Public meetings (of any kind). Expenses in respect of such meetings include costs incurred in connection with the attendance of persons at such meetings, the hire of premises for the purposes of such meetings or the provision of goods, services or facilities at them.
- 5 The services of an election agent or any other person whose services are engaged in connection with the candidate's election.
- 6 Accommodation and administrative costs.

PART 2

GENERAL EXCLUSIONS

- 7 The publication of any matter, other than an advertisement, relating to the election in—
 - (a) a newspaper or periodical;
 - (b) a broadcast made by the British Broadcasting Corporation;
 - (c) a programme included in any service licensed under Part 1 or 3 of the Broadcasting Act 1990 (c. 42) or Part 1 or 2 of the Broadcasting Act 1996 (c. 55).

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- 8 The provision of any facilities provided in pursuance of any right conferred on candidates at an election by this Act other than facilities in respect of which expenses fall to be defrayed by virtue of section 96(4) above.
- 9 The provision by an individual of his own services which he provides voluntarily in his own time and free of charge.
- 10 (1) Accommodation which is the candidate's sole or main residence.
 (2) The provision by any other individual of accommodation which is his sole or main residence if the provision is made free of charge.
- 11 (1) Transport by a means of transport which was acquired by the candidate principally for his own personal use.
 (2) Transport provided free of charge by any other individual if the means of transport was acquired by him principally for his own personal use.
- 12 (1) Computing or printing equipment which was acquired by the candidate principally for his own personal use.
 (2) The provision by any other individual of computing or printing equipment which was acquired by the individual principally for his own personal use if the provision is made free of charge.

PART 3

POWER TO AMEND PARTS 1 AND 2

- 13 (1) The Scottish Ministers may by order made by statutory instrument make such amendment of Part 1 or 2 of this Schedule as they consider appropriate.
 (2) An order under sub-paragraph (1) may contain such incidental, supplemental, saving or transitional provisions as the Scottish Ministers think fit.
 (3) No order is to be made under sub-paragraph (1) unless a draft of the instrument containing the order has been laid before and approved by resolution of the Scottish Parliament.”

SCHEDULE 2

(introduced by section 35)

PART 1: MINOR AND CONSEQUENTIAL MODIFICATIONS

Representation of the People Act 1983 (c. 2)

- 1 The 1983 Act is amended as follows.

Commencement Information

- II** [Sch. 2 para. 1](#) wholly in force at 17.2.2007, see [s. 63\(2\)](#) and [S.S.I. 2007/26](#), [art. 3\(1\)\(i\)](#) (with transitional provisions in [art. 3\(2\)](#))

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F12

Textual Amendments

F1 Sch. 2 para. 2 repealed (9.2.2012) by The Local Electoral Administration (Scotland) Act 2011 (Consequential Amendments) Order 2012 (S.S.I. 2012/31), arts. 2, 4

PROSPECTIVE

3 In section 73(5)(d) (payment of expenses through election agent), for “section 90A(5)(b)” substitute “ section 90ZB(7) ”.

PROSPECTIVE

4 In section 74A (expenses which may be paid otherwise than by election agent)—
(a) in subsection (1)(b), for “section 90A(1)” substitute “ section 90ZB(2) ”,
(b) in subsection (2), the words “(determined in accordance with section 90B below)” are repealed,
(c) in subsection (3), for “sections 90A to” substitute “ section 90ZB and ”.

5 In section 76A(2) (application of power to vary provisions about election expenses)
—
(a) the word “or” immediately following paragraph (c) is repealed,
(b) after paragraph (c) insert—
“(ca) section 75A(5) above; or”.

Commencement Information

I2 Sch. 2 para. 5 wholly in force at 17.2.2007, see s. 63(2) and S.S.I. 2007/26, art. 3(1)(i) (with transitional provisions in art. 3(2))

6 In section 81 (return as to election expenses)—
(a) in subsection (2)(c), after “section 75(2)” insert “ or 75A(6) ”,
(b) in subsection (9)—
(i) for “subsection (3)” substitute “ subsection (4A) ”, and
(ii) the words “of each such matter” are repealed.

7 In section 89 (inspection of returns and declarations)—
(a) in subsection (1), after “section 75,” insert “ 75A, ”,
(b) in subsection (3), after “section 75” insert “ or 75A ”.

Commencement Information

I3 Sch. 2 para. 7 wholly in force at 17.2.2007, see s. 63(2) and S.S.I. 2007/26, art. 3(1)(i) (with transitional provisions in art. 3(2))

8 In section 90C(2) (property, goods, services etc. provided free of charge or at a discount), for “section 90A(3)” substitute “ section 90ZB(4) ”.

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PROSPECTIVE

- 9 In section 118 (interpretation of Part 2), in the definition of “election expenses” for “sections 90A” substitute “ sections 90ZB ”.
- 10 In section 129(7)(b) (time for presentation or amendment of petition questioning local election), after “section 75” insert “ or 75A ”.

Commencement Information

- I4** Sch. 2 para. 10 wholly in force at 17.2.2007, see s. 63(2) and S.S.I. 2007/26, art. 3(1)(i) (with transitional provisions in art. 3(2))

- 11 In section 168(1)(a)(i) (prosecution for corrupt practices), before “above” insert “ or 62B ”.
- 12 In section 179 (offences by associations), after “section 110” insert “ or 110A ”.

Commencement Information

- I5** Sch. 2 para. 12 wholly in force at 17.2.2007, see s. 63(2) and S.S.I. 2007/26, art. 3(1)(i) (with transitional provisions in art. 3(2))

- 13 The amendments made by paragraphs 3, 4, 6(b), 8 and 9 apply to the 1983 Act only so far as it applies to a local government election in Scotland.

Commencement Information

- I6** Sch. 2 para. 13 wholly in force at 17.2.2007, see s. 63(2) and S.S.I. 2007/26, art. 3(1)(i) (with transitional provisions in art. 3(2))

Scottish Local Government (Elections) Act 2002 (asp 1)

- 14 In section 5(4) of the Scottish Local Government (Elections) Act 2002, for “75(1)” substitute “ 75A(2) ”

Commencement Information

- I7** Sch. 2 para. 14 wholly in force at 17.2.2007, see s. 63(2) and S.S.I. 2007/26, art. 3(1)(i) (with transitional provisions in art. 3(2))

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