
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 385

**Act of Sederunt (Rules of the Court of Session
Amendment No. 6) (Miscellaneous) 2011**

Election petitions

- 2.—(1) The Rules are amended in accordance with the following subparagraphs.
- (2) In rule 69.1 (interpretation of Chapter 69)(1)—
- (a) after the definition of “the Act of 1983” insert —
- ““the 2004 Regulations” means the European Parliamentary Elections Regulations 2004”(2);
- (b) for the definition of “election petition” substitute—
- ““election petition” means a petition presented under—
- (a) section 121 of the Act of 1983 (whether or not the petition also includes any application under section 167 of the Act of 1983);
- (b) section 121 of the Act of 1983 as applied and modified by article 84 of, and Schedule 6 to, the Scottish Parliament (Elections etc.) Order 2010(3) (whether or not the petition also includes any application under section 167 of the Act of 1983, as so applied and modified); or
- (c) regulation 89 of the European Parliamentary Elections Regulations 2004(4) (whether or not the petition also includes any application under regulation 108 of those Regulations).”.
- (3) In rule 69.2(2) (form of election petitions)—
- (a) in subparagraph (a)(ii), after “the Act of 1983” insert “or regulation 89(2) of the 2004 Regulations, as the case may be”; and
- (b) in subparagraph (b)(i), after “the Act of 1983” insert “or regulation 89(1) of the 2004 Regulations”.
- (4) In rule 69.4 (security for expenses)—
- (a) in paragraph (1)(b), after “the Act of 1983” insert “or regulation 94(4) of the 2004 Regulations”; and
- (b) in paragraph (3), after “the Act of 1983” insert “or regulation 94 of the 2004 Regulations”.
- (5) In rule 69.5 (service and intimation of election petition)(5)—
- (a) in paragraphs (1) and (2), after “the Act of 1983” insert “or regulation 94(3) of the 2004 Regulations”; and
- (b) in paragraph (3), after “the Act of 1983” insert “or regulation 94 of the 2004 Regulations”.

(1) Rule 69.1 was amended by [S.I. 1999/787](#), [2007/937](#) and [2010/2999](#).

(2) [S.I. 2004/293](#), last amended by [S.I. 2011/2085](#).

(3) [S.I. 2010/2999](#).

(4) Regulation 89 was amended by [S.I. 2009/186](#).

(5) Rule 69.5 was amended by [S.I. 1999/1386](#) and [S.S.I. 2009/450](#).

- (6) In rule 69.6 (objections to form of security)—
- (a) in paragraph (1), after “the Act of 1983” insert “or regulation 94(4) of the 2004 Regulations”; and
 - (b) in paragraph (3), after “the Act of 1983” insert “or regulation 94(6) of the 2004 Regulations”.
- (7) In rule 69.12(1) (evidence under section 139(5) of the Act of 1983)(6), after “the Act of 1983” insert “or regulation 96(4) of the 2004 Regulations”.
- (8) In rule 69.17 (expenses of witnesses), in paragraphs (1), (2) and (3), after “the Act of 1983” insert “or regulation 99(1) of the 2004 Regulations”.
- (9) In rule 69.18 (applications for special case), after “the Act of 1983” insert “or regulation 101(1) of the 2004 Regulations”.
- (10) In rule 69.19 (applications for leave to withdraw election petitions)(7), after “the Act of 1983” insert “or regulation 102(2) of the 2004 Regulations”.
- (11) In rule 69.28 (expenses in election petitions), after “the Act of 1983” insert “or the 2004 Regulations”.
- (12) In the Appendix—
- (a) for Form 69.2 (form of Parliamentary, European Parliamentary or Scottish Parliamentary election petition) substitute the Form set out in Schedule 1 to this Act of Sederunt;
 - (b) in the headings to Form 69.4 (form of bond of caution in election petition), Form 69.15 (form of warrant to cite witnesses in election petition), Form 69.19-A (form of notice of intention to withdraw election petition) and Form 69.19-B (form of application for leave to withdraw election petition), after “Representation of the People Act 1983” insert “[or the European Parliamentary Elections Regulations 2004]”;
 - (c) in Form 69.4, after “section 136 of the Representation of the People Act 1983” insert “[or regulation 94 of the European Parliamentary Elections Regulations 2004]”; and
 - (d) for Form 69.5 (form of notice of the presentation of an election petition and of the nature of the proposed security) substitute the Form set out in Schedule 2 to this Act of Sederunt.

(6) Rule 69.12 was amended by [S.I. 1999/1386](#).

(7) Rule 69.19 was amended by [S.I. 1999/787](#) and [1999/1386](#).