
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 425

The Scottish Parliament (Elections etc.) Order 2015

PART 3

THE ELECTION CAMPAIGN

Limitation of pre-candidacy election expenses: constituency and individual regional candidates at Scottish Parliament general elections

43.—(1) This article applies where election expenses are incurred by or on behalf of a candidate for return as a constituency member or an individual candidate for return as a regional member at an election under—

- (a) section 2 of the 1998 Act (ordinary general elections); or
- (b) section 3 of that Act (extraordinary general elections),

and the expenses are incurred in respect of a matter which is used during the period beginning with the appropriate date and ending with the date on which the person becomes a candidate at that election.

(2) For the purposes of this article, article 58(1) (meaning of election expenses) has effect with the omission of “after the date when the candidate becomes a candidate at the election”.

(3) In paragraph (1) “the appropriate date” for an election under section 2 of the 1998 Act means the date which falls four months before the date of the poll where—

- (a) the date of the poll is that determined by section 2(2) of the 1998 Act⁽¹⁾;
- (b) no less than five months before the day on which the poll would have taken place under section 2(2) of that Act, the date of the poll is brought forward under section 2(5) of that Act; or
- (c) no less than four months before the day on which the poll would have taken place under section 2(2) of that Act, the date of the poll is postponed under section 2(5) of that Act;

but where the date of the poll is brought forward or postponed otherwise than as mentioned in subparagraph (b) or (c) “the appropriate date” means the date which falls four months before the date when the poll would have taken place under section 2(2) of that Act.

(4) In paragraph (1) “the appropriate date” for an election under section 3 of the 1998 Act means the date on which the Presiding Officer proposes a day for the poll for the election under section 3(1) of that Act.

(5) Election expenses incurred as mentioned in paragraph (1) must not in the aggregate exceed the permitted amount, which is—

- (a) for a candidate for return as a constituency member for a county constituency, £21,500 plus 6.3p for every entry in the register of electors;

⁽¹⁾ In relation to the ordinary general election that would otherwise have been held on 7th May 2015, section 2(2) is modified by section 4(2) of the Fixed-term Parliaments Act 2011 (c.14) so that it has effect as if providing for the poll to be held on 5th May 2016.

- (b) for a candidate for return as a constituency member for a burgh constituency, £21,500 plus 4.2p for every entry in the register of electors; and
- (c) for an individual candidate for return as a regional member, a sum calculated by adding together the maximum amounts (calculated in accordance with sub-paragraphs (a) and (b)) for a single candidate for return as a constituency member in each constituency included in the region.

(6) In paragraph (5) “the register of electors” means the register of local government electors for the area in question as it has effect on the last day for publication of the notice of the election.

(7) Where election expenses are incurred as mentioned in paragraph (1) in excess of the permitted amount, any candidate or election agent who—

- (a) incurred, or authorised the incurring of, the election expenses, and
- (b) knew or ought reasonably to have known that the election expenses would be incurred in excess of that amount,

shall be guilty of an illegal practice.

(8) The candidate’s personal expenses do not count towards the permitted amount.

(9) Paragraphs (9) and (10) of article 42 apply to this article as they do to that article.