

SCHEDULE 2

SCOTTISH PARLIAMENTARY ELECTION RULES

PART 6

DEATH OF CANDIDATE

Constituency election: death of party candidate

74.—(1) This rule applies if—

- (a) at a contested constituency election proof is given to the CRO's satisfaction before the result of the election is declared that one of the persons named or to be named as a candidate on the ballot paper has died; and
- (b) that person is standing in the name of a registered party.

(2) The CRO must—

- (a) countermand the notice of poll; or
- (b) if polling has begun, direct that the poll be abandoned.

(3) At a Scottish parliamentary general election, the CRO must forthwith notify the RRO for the region containing that constituency that the notice of the poll at that constituency election has been countermanded or, as the case may be, that the poll has been abandoned and that no member is returned for that constituency.

(4) The proceedings with reference to the election must be commenced afresh subject to the following provisions of this rule.

(5) A new notice of the election (“the new notice”) must be published on the first working day after the end of the period of seven days starting on the day the proof is given to the CRO.

(6) No fresh nomination is necessary in the case of a person shown in the previous statement of persons nominated.

(7) No other nomination may be made except for a person standing in the name of the same registered party in whose name the deceased candidate was standing.

(8) The time before which a nomination mentioned in paragraph (7) may be delivered is 4 pm on the seventh working day after the day on which the new notice is published.

(9) The time before which a notice of withdrawal of candidature by a person who stands nominated by virtue of paragraph (6) or in pursuance of paragraph (7) may be delivered is 4 pm on the seventh working day after the day on which the new notice is published.

(10) Subject to paragraphs (11) and (12), the poll is to be held on a day fixed by the CRO, which day must be in the period (“the first period”) which starts 21 working days after the day on which the new notice is published and ends 28 working days after that day.

(11) If a day in the first period is 22nd December or 3rd January, the CRO may fix the day of the poll to be held in the period which starts 25 working days after the day on which the new notice is published and ends 32 working days after that day.

(12) If the last day of the first period would fall within the period of three months referred to in section 9(4) of the 1998 Act, then no poll is to be held.

(13) For the purposes of this rule—

- (a) a person stands in the name of a registered party if that person's nomination paper contains a description which is the name of a registered party;

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- (b) a working day is a day which is not a day specified in rule 2; and
- (c) “previous statement of persons nominated” means the statement of persons nominated and standing nominated published under rule 18 in operation at the time of the death of the deceased candidate.