

SCHEDULE 2

SCOTTISH PARLIAMENTARY ELECTION RULES

PART 7

MISCELLANEOUS

Return of members and record of returns etc.

77.—(1) The Clerk of the Parliament shall on receipt of a certificate delivered under rule 62 or 65 (declaration of results) enter the details specified in paragraph (2) in a book kept for that purpose at the Parliament (in this rule referred to as “the returns book”).

(2) The details are the name of each member returned contained in the certificate and the member’s registered party, the word “Independent” or the words “no description” as appropriate.

(3) Where the Presiding Officer of the Parliament—

(a) sends a notice under article 83 (vacancy in a constituency seat); or

(b) concludes that an election to fill a vacancy in the seat of a constituency member shall not be held because section 9(4) of the 1998 Act (constituency vacancy where latest date for holding the poll would fall in three months before next ordinary general election) applies,

the Presiding Officer shall record in the returns book the fact of the vacancy and, where subparagraph (b) applies, that no election shall be held to fill the vacancy because section 9(4) of the 1998 Act applies.

(4) Where the Presiding Officer of the Parliament sends a notice under article 86 of the Scottish Parliament (Elections etc.) Order 2010(1) (vacancy in a seat of a regional member returned from a registered party’s regional list), the Presiding Officer shall record in the returns book the fact of the vacancy and, on receipt of a notification under section 10(3) of the 1998 Act, the name of the member returned and the member’s registered party.

(5) Where it comes to the notice of the Presiding Officer of the Parliament that—

(a) the seat of a regional member is vacant; and

(b) the person was returned as an individual candidate,

the Presiding Officer shall record in the returns book the fact of the vacancy and that the seat (in accordance with section 10(2) of the 1998 Act (regional vacancies which are to remain vacant)) is to remain vacant until the next ordinary election.

(6) For the period referred to in paragraph (7) the returns book shall be open to public inspection at reasonable times and any person may, on payment of a reasonable fee, obtain copies from the book.

(7) That period is the period starting on the day on which the first entry is made in the returns book and ending on the day on which the Parliament is dissolved or such later date as the Presiding Officer of the Parliament may, in writing, direct.

(8) A direction given by the Presiding Officer of the Parliament under paragraph (7) may be varied or revoked by a subsequent direction.

(1) S.I. 2010/2999.