
SCOTTISH STATUTORY INSTRUMENTS

2020 No. 426

**The Scottish Parliament (Elections etc.)
(Miscellaneous Amendments) Order 2020**

Amendment of the Scottish Parliament (Elections etc.) Order 2015

15.—(1) Schedule 2 (Scottish parliamentary election rules) is amended as follows.

(2) After rule 1 (timetable) insert—

“Application of timetable where proceedings at a Scottish parliamentary election are postponed

1A.—(1) Paragraph (2) applies where—

- (a) a notice of election which specifies the date of the poll in an election has been published in accordance with the timetable in rule 1 of this schedule but the statement of persons nominated has not been published,
- (b) the date of the poll has been postponed by proclamation under section 2(5) or section 3(2B) of the 1998 Act⁽¹⁾, and
- (c) the date proposed by proclamation (“the new date”) is less than five days after the date of the poll specified in the notice of election.

(2) The CRO or RRO must—

- (a) publish a notice stating that the date has changed and specifying the new date, and
- (b) comply with the requirements of this schedule in accordance with the new date.

(3) Paragraphs (4) and (5) apply where—

- (a) a notice of election which specifies the date of the poll in an election has been published in accordance with the timetable in rule 1 of this schedule but the statement of persons nominated has not been published,
- (b) the date of the poll has been postponed by proclamation under section 2(5) or section 3(2B) of the 1998 Act, and
- (c) the date proposed by proclamation (“the new date”) is five days or more after the date of the poll specified in the notice of election.

(4) The CRO or RRO must—

- (a) publish a notice stating that the date has changed and specifying the new date, and
- (b) comply with the requirements of this schedule in accordance with the new date.

(5) Notwithstanding sub-paragraph (4)(b), nomination papers, objections to nomination papers and notices of withdrawal of candidature already received by the CRO or RRO in accordance with the timetable in rule 1 of this schedule prior to the postponement of the poll will be valid in relation to the poll to be held on the new date.

(1) Section 2(5) was amended by section 5(5) of the Scotland Act 2016 (c.11) and section 3(2)(a) of the Scottish Elections (Reform) Act 2020 (asp 12) (“the 2020 Act”). Section 3(2B) of the 1998 Act was added by section 3(3) of the 2020 Act.

- (6) Paragraphs (7) and (8) apply where—
- (a) the statement of persons nominated has been published in accordance with the timetable in rule 1 of this schedule, and
 - (b) the date of the poll has been postponed by proclamation under section 2(5) or section 3(2B) of the 1998 Act.
- (7) The CRO or RRO must—
- (a) publish a notice stating that the date has changed and specifying the new date,
 - (b) publish a new statement of persons nominated as candidates for return as a constituency member required by rule 18 or, as the case may be, statement of persons and parties nominated for return as regional members required by rule 19,
 - (c) publish a new notice of poll to accompany the statements of persons nominated as required by rule 33, and
 - (d) comply with the requirements of this schedule in accordance with the new date.
- (8) Notwithstanding sub-paragraph (7)(b) to (d), nomination papers, objections to nomination papers and notices of withdrawal of candidature already received by the CRO or RRO in accordance with the timetable in rule 1 of this schedule prior to the postponement of the poll will be valid in relation to the postponed poll to be held on the new date.
- (9) In this rule—
- (a) “nomination papers” includes constituency nomination papers, individual nomination papers and regional lists,
 - (b) any reference to a period of time is to be interpreted in accordance with rule 2 (computation of time).

Use of printed election materials where proceedings at a Scottish parliamentary election are postponed.

1B. Where a Scottish parliamentary election has been postponed by proclamation under section 2(5) or section 3(2B) of the 1998 Act⁽²⁾, the CRO or RRO may, as they see fit, make use of materials printed for use at the originally scheduled date in accordance with the rules provided in this schedule for the purposes of the new date.”.

- (3) After paragraph (2) of rule 37 (issue of official poll cards) insert—
- “(2A) Paragraph (2) does not apply to an elector to whom section 3(1A) of the 1983 Act (exception to disenfranchisement for offenders sentenced to term not exceeding 12 months) applies and the CRO may send such an elector’s official poll card to the place where the elector is detained in legal custody.”.
- (4) After paragraph (2) of rule 39 (appointment of polling and counting agents) insert—
- “(2A) The CRO must not limit the number of counting agents under paragraph (2) so that the number allowed to a candidate for return as a constituency member is (except in special circumstances) less than the number obtained by dividing the number of clerks employed on the counting by the number of candidates.”.
- (5) After paragraph (3) of rule 39 insert—
- “(3A) The CRO must not limit the number of counting agents under paragraph (3) so that the number allowed to an individual candidate for return as regional member or registered party standing nominated is (except in special circumstances) less than the number obtained

(2) Section 2(5) was amended by section 5(5) of the Scotland Act 2016 (c.11) and section 3(2)(a) of the Scottish Elections (Reform) Act 2020 (asp 12) (“the 2020 Act”). Section 3(2B) of the 1998 Act was added by section 3(3) of the 2020 Act.

by dividing the number of clerks employed on the counting by the total number of individual candidates for return as regional members and registered parties standing nominated.”.

(6) After rule 74 (constituency candidate: death of party candidate) insert—

“Regional election: effect of countermand or abandonment of constituency poll

74A.—(1) This rule applies where at a Scottish parliamentary general election there is a contested election for return of regional members and the poll or declaration of result at a constituency election for a constituency in that region is postponed in accordance with rule 72 or 74.

(2) For the purposes of rule 64(1) (allocation of seats), the RRO is to be treated as having received the statements prepared under rule 61 (conveying results of count etc. to RRO) and the notifications under rule 62(3) (notification of constituency member returned) from each CRO in that region when the RRO has received those statements and notifications in respect of the constituencies in the region for which the polls or declarations of result have not been so postponed.

(3) Section 7(1) of the 1998 Act (calculation of regional figures) will apply with the modification that the reference in that subsection to “constituencies included in the region” must be read as excluding the constituencies for which the polls or declarations of result have been so postponed.

(4) The subsequent election of a candidate for the constituency will have no effect upon the validity of the election and return of any regional member.”.