



Local Government (Scotland) Act 1947

1947 CHAPTER 43

PART II

GENERAL PROVISIONS AS TO MEMBERS OF LOCAL AUTHORITIES AND ELECTIONS.

Miscellaneous Provisions as to Elections.

60 Right of candidate to use of schoolroom, and &c. at election.

- (1) A candidate at an election of a county councillor for any electoral division of a county or of town councillors of a burgh or of an elected district councillor shall be entitled for the purpose of holding public meetings in furtherance of his candidature to use free of charge, after reasonable notice and at all reasonable times during the period commencing on the day on which the notice of election is given and ending on the day preceding the day of election, any suitable room in a grant-aided school situated in the electoral area in which he is a candidate (or if there is no such school in the area, in such a school in an adjacent electoral area), or any suitable room the expense of maintaining which is payable by a district council:

Provided that—

- (a) nothing in this section shall authorise the use of a room used as part of a private dwelling-house or authorise any interference with the use of a school for educational purposes; and
- (b) any expenses reasonably incurred by the authority or person having control over the room or any damage done to the room or its contents or to the school in consequence of the room being so, used shall be defrayed by the person by whom or on whose behalf the meeting was convened.
- (2) Any question as to what is reasonable or suitable under this section shall be determined where the question arises in relation to a room in a school by the authority or person having control of the school, and in the case of a room maintained by a district council by that council.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

61 Election not invalidated by non-compliance in certain cases.

- (1) An election held under this Act shall not be invalidated—
- (a) by non-compliance with the provisions of the Second Schedule to this Act or by mistake in the use of any of the forms therein mentioned, if it appears to the court having cognizance of the question that the election was conducted in accordance with the principles laid down in this Act and that the noncompliance or mistake did not affect the result of the election; or
 - (b) by reason of a defect in the title or want of title of the person presiding at or conducting the election if that person was then in actual possession of or acting in the office giving the right to preside at or conduct the election.
- (2) Any misnomer or inaccurate description of any person or place named in any register of electors, nomination paper, ballot paper or notice shall not affect the full operation of that document with respect to that person or place in any case where the description of the person or place is such as to be commonly understood.
- (3) The election of a member of a local authority shall not be affected by reason only of any nullity or irregularity in the election of any other member of the authority.

62 Election valid unless questioned by election petition.

An election held under this Act or under any enactment repealed by this Act, unless questioned by election petition within the period fixed by law for those proceedings, shall be deemed to have been to all intents a good and valid election.

63 Election where poll countermanded on account of death of candidate.

If at an election of members of a local authority the poll is countermanded in accordance with the provisions of the Second Schedule to this Act by reason of the death of a candidate before the commencement of the poll or in accordance with any enactment repealed by this Act, the returning officer shall order an election to be held as soon as practicable thereafter on a date to be fixed by him, and the provisions of this Act with respect to the holding of elections shall apply with the substitution of such dates as the returning officer may fix for the dates set forth in Part II of the Second Schedule to this Act and subject to any other necessary modifications and adaptations, so however that no fresh nomination shall be necessary in the case of a candidate who remained validly nominated for the election which was not held.

64 Provision in case of non-election of local authority, and &c.

- (1) If for any reason a local authority or members of a local authority are not elected in accordance with the provisions of this Act and the case is not otherwise provided for in this Act, or if there is for any reason no legally constituted local authority for any area or the number of members of a local authority then in office is less than the quorum ascertained in accordance with the provisions of the Third Schedule to this Act, the Secretary of State may by order direct the holding of an election for filling such vacancies as exist, and (except where the election relates to county councillors representing a burgh) the election shall be held as soon as practicable thereafter on a date to be fixed by the Secretary of State, and the provisions of this Act with respect to the holding of elections shall apply with the substitution of such dates as the Secretary of State may fix for the dates set forth in Part II of the Second Schedule to this Act and subject to such other modifications and adaptations as may be specified in the order.

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- (2) The Secretary of State may by order make such provision as seems to him expedient for authorising any person to act in place of a local authority pending the election of members of the authority under the preceding subsection.

65 Provisions as to ballot boxes.

- (1) Any ballot boxes, fittings and compartments provided for parliamentary elections out of moneys provided by Parliament may on request be lent to the returning officer at an election under this Act upon such terms and conditions as the Treasury may determine.
- (2) Any ballot boxes, fittings and compartments provided by or belonging to a local authority shall on request and if not required for immediate use by that authority, be lent to the returning officer at an election held under this Act on such terms and conditions as may be agreed.

66 Saving for Elections (Scotland) (Corrupt and Illegal Practices) Act, 1890.

Save as otherwise expressly provided, nothing in this Act shall affect the provisions of the Elections (Scotland) (Corrupt and Illegal Practices) Act, 1890.