



Local Government (Scotland) Act 1947

1947 CHAPTER 43

PART II

GENERAL PROVISIONS AS TO MEMBERS OF LOCAL AUTHORITIES AND ELECTIONS.

Offences.

67 Failure of returning officer, and &c. to conduct elections.

- (1) If a person whose duty it is to act as returning officer at or to take part in the conduct of an election under this Act neglects or refuses to conduct the election or to declare the result of or to take part in the conduct of the election as required by this Act, he shall for every such offence be liable on summary conviction to a fine not exceeding one hundred pounds.
- (2) If any returning officer or officer appointed by the returning officer under the Second Schedule to this Act or the partner or clerk of any such officer shall act as a polling or counting agent under the said Schedule in contravention of the provisions of paragraph 48 of Part III of that Schedule, he shall be liable on summary conviction to a fine not exceeding fifty pounds.
- (3) If any person acts in contravention of, or fails to comply with, any of the provisions of paragraph 53 of Part III of the Second Schedule to this Act, he shall in respect of each contravention or failure be liable on summary conviction to imprisonment for a term not exceeding six months.

68 Offences in relation to nomination papers, ballot papers and ballot boxes.

If any person—

- (a) forges or fraudulently defaces or fraudulently destroys any nomination paper or delivers to the returning officer or the town clerk, as the case may be, any nomination paper knowing it to be forged; or
- (b) signs any nomination paper as candidate or proposer or as a solicitor on behalf of a candidate, knowing any of the statements contained therein to be false; or

Status: This is the original version (as it was originally enacted).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

- (c) forges or fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper; or
- (d) without due authority supplies a ballot paper to any person; or
- (e) fraudulently puts into a ballot box any paper other than the ballot paper which he is authorised by law to put in; or
- (f) fraudulently takes out of the polling station any ballot paper; or
- (g) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of an election; or
- (h) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts;

he shall—

- (i) if he is a returning officer or an officer appointed to assist in taking the poll or counting the votes, be liable on conviction on indictment to imprisonment for a term not exceeding two years; and
- (ii) in any other case be liable on conviction on indictment or on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding fifty pounds or to both such imprisonment and fine.

69 Offence of personation.

If any person—

- (a) applies for a ballot paper in the name of some other person, whether that name be the name of a person living or dead or of a fictitious person; or
- (b) having voted once at an election applies at the same election for a ballot paper in his own name;

he shall be guilty of the crime of personation and shall be liable—

- (i) on conviction on indictment to imprisonment for a period not exceeding two years; or
- (ii) on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding fifty pounds or to both such imprisonment and fine.

70 Penalty for voting in more than one electoral division or ward.

If any person, at an election held under this Act—

- (a) of county councillors of a county, votes in more than one electoral division in the county; or
- (b) of town councillors of a burgh, votes in more than one ward of the burgh; or
- (c) of elected district councillors of a district, votes in more than one electoral division or ward in the district; or
- (d) asks for a ballot paper for the purpose of so voting;

he shall (except in the case to which subsection (7) of section fifty-nine of this Act applies) be liable on summary conviction to a fine not exceeding fifty pounds:

Provided that the fact that any person has asked for a ballot paper in any of the said electoral areas in circumstances which entitled him only to mark a tendered ballot paper in pursuance of paragraph 23 of Part III of the Second Schedule to this Act, shall not, if he does not exercise that right, prevent his voting or asking for a ballot paper in another electoral area.