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STATUTORY INSTRUMENTS

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**1999 No. 787**

**The Scottish Parliament (Elections etc.) Order 1999**

**PART III**

**THE ELECTION CAMPAIGN**

**Disputed claims**

**44.—**(1) If—

- (a) an election agent;
- (b) a nominating officer of a registered party; or
- (c) any other person in accordance with arrangements for which the nominating officer is responsible,

disputes any claim sent to him within the period of 21 days mentioned in article 43 above or refuses or fails to pay the claim within the period of 28 days so mentioned, the claim shall be deemed to be a disputed claim.

(2) The claimant may, if he thinks fit, bring an action for a disputed claim in any competent court and any sum paid by a candidate or such other person as is mentioned in paragraph (1)(a), (b) or (c) above, in pursuance of the judgement or order of the court shall not be deemed to be in contravention of article 36(1), 37(1) or (2) or 43(3) above.

(3) If the defender in the action admits his liability but disputes the amount of the claim, that amount shall, unless the court on the pursuer's application otherwise directs, be forthwith referred for taxation to the auditor of the Court of Session or, as the case may be, sheriff court and the amount found due on the taxation shall be the amount to be recovered in the action in respect of the claim.

(4) Article 43(7) to (10) above applies in relation to a disputed claim as it applies in relation to a claim for election expenses sent in after the period of 21 days.