
STATUTORY INSTRUMENTS

2002 No. 2779

The Scottish Parliament (Elections etc.) Order 2002

PART V

MISCELLANEOUS AND SUPPLEMENTAL

Modification of section 10 of the 1998 Act

84. Section 10 of the 1998 Act⁽¹⁾ shall be modified by substituting, for subsections (4) to (5A) of that section, the following:—

“(4) The regional returning officer shall ascertain from that party’s regional list the name and address of the person whose name appears highest on that list (“the first choice”) and shall take such steps as appear to him to be reasonable to contact the first choice to ask whether he will—

- (a) state in writing that he is willing and able to serve as a regional member for that region; and
- (b) deliver a certificate signed by or on behalf of the nominating officer of the registered party which submitted that regional list stating that the first choice may be returned as a regional member from that list.

(4A) Where—

- (a) within such period as the regional returning officer considers reasonable—
 - (i) he decides that the steps he has taken to contact the first choice have been unsuccessful; or
 - (ii) he has not received from that person the statement and certificate referred to in subsection (4); or
- (b) the first choice has—
 - (i) stated in writing that he is not willing to serve as a regional member for that region; or
 - (ii) failed to deliver the certificate referred to in subsection (4)(b),

the regional returning officer shall repeat the procedure required by subsection (4) in respect of the person (if any) whose name and address appears next in that list (“the second choice”) or, where sub paragraph (a) or (b) of this subsection applies in respect of that person, in respect of the person (if any) whose name and address appear next highest after the second choice in that list; and the regional returning officer shall continue to repeat the procedure until the regional returning officer has notified the Presiding Officer of the name of the person who is to fill the vacancy or the names in the list are exhausted.

⁽¹⁾ Section 10 was modified by [S.I. 1999/787](#), article 88.

Status: This is the original version (as it was originally made).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

(5) Where a person whose name appears on that list provides the statement and certificate referred to in subsection (4), the regional returning officer shall notify to the Presiding Officer the name of that person.

(5A) Where—

- (a) under subsection (4A), the regional returning officer has asked the second choice or a subsequent choice the questions referred to in subsection (4); and
- (b) the person who was asked those questions on an earlier occasion then provides the statement and certificate referred to in that subsection,

that statement and certificate shall have no effect unless and until the circumstances described in sub paragraph (a) or (b) of subsection (4A) apply in respect of the second choice or, as the case may be, of the subsequent choice.”.