STATUTORY INSTRUMENTS

2002 No. 2779 (S. 11)

CONSTITUTIONAL LAW DEVOLUTION, SCOTLAND

The Scottish Parliament (Elections etc.) Order 2002

Made--6th November 2002Coming into force in accordance with article 1

THE SCOTTISH PARLIAMENT (ELECTIONS ETC.) ORDER 2002

PART I

GENERAL

- 1. Citation and commencement
- 2. Revocations
- 3. Interpretation

PART II

THE FRANCHISE AND ITS EXERCISE

- 4. Registers of electors etc
- 5. Registration appeals
- 6. Polling districts and places at elections
- 7. Rules for Scottish parliamentary elections
- 8. Manner of voting at Scottish parliamentary elections
- 9. Absent vote at Scottish parliamentary elections for an indefinite or a particular period
- 10. Absent vote at a particular Scottish parliamentary election and absent voters' list
- 11. Proxies at Scottish parliamentary elections
- 12. Voting as proxy
- 13. Absent voting at elections: miscellaneous
- 14. Combination of polls
- 15. Constituency returning officers
- 16. Officers of councils to be placed at disposal of returning officers
- 17. Returning officers: discharge of functions
- 18. Returning officers: general
- 19. Payments by and to returning officers

- 20. Taxation of returning officer's accounts
- 21. Loan of equipment for Scottish parliamentary elections
- 22. Effect of registers
- 23. Effect of misdescription
- 24. Discharge of registration duties
- 25. Payment of expenses of registration
- 26. Personation
- 27. Other voting offences
- 28. Breach of official duty
- 29. Tampering with nomination papers, ballot papers etc
- 30. Requirement of secrecy

PART III

THE ELECTION CAMPAIGN

- 31. Appointment of election agent
- 32. Nomination of sub agent
- 33. Office of election agent
- 34. Effect of default in election agent's appointment
- 35. Expenses of constituency candidate
- 36. Payment of expenses through election agent: constituency and individual candidates
- 37. Expenses which may be paid otherwise than by election agent
- 38. Expenses incurred otherwise than for election purposes
- Prohibition of expenses not authorised by election agent: candidates for return as constituency members and individual candidates for return as regional members
- 40. Limitation of election expenses: candidates
- 41. Time for sending in and paying claims
- 42. Disputed claims
- 43. Election agent's claim
- 44. Return as to election expenses: candidates for return as constituency members and individual candidates for return as regional members
- 45. Declarations as to election expenses: candidates for return as constituency members and individual candidates for return as regional members
- 46. Declarations as to election expenses: candidates on a registered party's regional list
- 47. Where no return and declaration is needed
- 48. Penalty for failure as respects return of declarations
- 49. Penalty for sitting or voting where no return and declaration is transmitted
- 50. Authorised excuses for failure as to return and declarations
- 51. Court's power to require information from election agent or sub agent
- 52. Duty of appropriate returning officer to forward returns and declarations to Electoral Commission
- 53. Publication of time and place of inspection of returns and declarations
- 54. Inspection of returns and declarations: candidates
- 55. Meaning of Election Expenses
- 56. Incurring of election expenses for purposes of article 55
- 57. Property, goods, services etc provided free of charge or at a discount
- 58. Right to send election address post free
- 59. Remuneration for free postal services provided
- 60. Broadcasting from outside United Kingdom
- 61. Broadcasting of local items during election period

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

- 62. Imitation poll cards and notifications
- 63. Schools and rooms for Scottish parliamentary election meetings: candidates for return as constituency members
- 64. Schools and rooms for Scottish parliamentary election meetings: candidates for return as regional members
- 65. Disturbances at Scottish parliamentary election meetings
- 66. Officials not to act for candidates
- 67. Illegal canvassing by police officers
- 68. False statements as to candidates
- 69. Corrupt withdrawal from candidature
- 70. Payments for exhibition of election notices
- 71. Printer's name and address on election publications
- 72. Prohibition of paid canvassers
- 73. Providing money for illegal purposes
- 74. Bribery
- 75. Treating
- 76. Undue influence
- 77. Rights of creditors
- 78. Savings as to Scottish parliamentary elections
- 79. Interpretation of Part III
- 80. Computation of time for purposes of Part III

PART IV

LEGAL PROCEEDINGS

81. Application of certain provisions for Scottish parliamentary elections

PART V

MISCELLANEOUS AND SUPPLEMENTAL

- 82. Vacancies: constituency seats
- 83. Vacancies: regional member seats
- 84. Modification of section 10 of the 1998 Act
- 85. Dissolution of Parliament: minimum period
- 86. Advertisements
- 87. Forms: variations
- 88. Sending of applications, notices etc
- 89. Interference with notices etc
- 90. Premises used for election purposes
- 91. Effect of demise of the Crown
- 92. Consequential amendment Signature

SCHEDULE 1 — ELECTORS REGISTERS:

- 1. Supply of free copy of full register for electoral purposes
- 2. Supply of full register etc under paragraphs 3 and 4: general provisions
- 3. Supply of full register etc to elected representatives for electoral purposes and restrictions on use
- 4. Supply of full register etc to certain candidates and restrictions on use

SCHEDULE 2 — SCOTTISH PARLIAMENTARY ELECTION RULES

- 1. Timetable
- 2. Timetable Election to fill a vacancy in a constituency seat
- 3. Computation of time
 - PART II STAGES COMMON TO CONTESTED AND UNCONTESTED ELECTIONS

Notice of election

4. Notice of election

Nomination

- 5. Nomination of candidate for return as a constituency member
- 6. Nomination of individual candidate for return as a regional member
- 7. Nomination of candidates on a regional list
- 8. Constituency nomination papers: name of registered party
- 9. Nomination papers and regional lists: miscellaneous
- 10. Consent to nomination
- 11. Deposit
- 12. Place for delivery of constituency nomination papers
- 13. Place for delivery of individual nomination papers and regional lists
- 14. Right to attend nomination
- 15. Decisions as to validity of constituency nomination papers
- 16. Decisions as to validity of individual nomination papers
- 17. Decisions as to validity of regional lists and as to the validity of nominations included on such a list
- 18. Withdrawal of candidates
- 19. Publication of statement of persons nominated as candidates for return as a constituency member
- 20. Publication of statement of persons and parties nominated for return as regional members
- 21. Disqualification by Representation of the People Act 1981: candidates for return as constituency members
- 22. Disqualification by Representation of the People Act 1981: candidates for return as regional members
- 23. Adjournment of nomination proceedings in the case of riot
- 24. Method of election: candidates for return as constituency members
- 25. Method of election: candidates for return as regional members PART III — CONTESTED ELECTIONS

General Provisions

- 26. Poll to be taken by ballot
- 27. The ballot paper: constituency candidates
- 28. The ballot paper: regional candidates
- 29. Colour of ballot papers
- 30. The official mark
- 31. Prohibition of disclosure of vote
- 32. Use of schools and public rooms

Action to be taken before the poll

- 33. Notice of poll
- 34. Postal ballot papers
- 35. Provision of polling stations

- 36. Appointment of presiding officers and clerks
- 37. Issue of official poll cards and notifications
- 38. Equipment of polling stations
- 39. Appointment of polling and counting agents
- 40. Notification of requirement of secrecy

The Poll

- 41. Admission to polling station
- 42. Keeping of order in station
- 43. Sealing of ballot boxes
- 44. Questions to be put to voters
- 45. Challenge of voter
- 46. Voting procedure
- 47. Votes marked by presiding officer
- 48. Voting by persons with disabilities
- 49. Tendered ballot papers
- 50. Spoilt ballot papers
- 51. Adjournment of poll in case of riot
- 52. Procedure on close of poll

Counting of votes

- 53. Attendance at counting of votes
- 54. The count
- 55. Re-count: constituency election
- 56. Re-count: regional votes in a constituency
- 57. Rejected ballot papers
- 58. Decisions on ballot papers
- 59. Equality of votes: election for return of constituency members
- 60. Conveying results of count etc. to regional returning officer

PART IV — FINAL PROCEEDINGS IN CONTESTED AND UNCONTESTED ELECTIONS

- 61. Declaration of result: constituency members
- 62. Attendance at allocation of seats for regional members
- 63. Allocation of seats
- 64. Equality of votes at poll for return of regional members
- 65. Declaration of results: regional members
- 66. Return or forfeiture of deposit

PART V — DISPOSAL OF DOCUMENTS

- 67. Sealing up of ballot papers
- 68. Delivery of documents to the sheriff clerk
- 69. Orders for production of documents
- 70. Retention and public inspection of documents PART VI — DEATH OF CANDIDATE
- 71. Countermand or abandonment of poll etc. on death of candidate PART VII — MISCELLANEOUS
- 72. Return of members and record of returns etc.

SCHEDULE 3 — ABSENT VOTING

- 1. General requirements for applications
- 2. Additional requirements for applications on grounds of physical incapacity
- 3. Additional requirements for applications based on occupation, service or employment

- 4. Additional requirements for applications for proxy votes in respect of a particular election
- 5. Additional requirements for applications for appointment of a proxy
- 6. Closing dates for applications
- 7. Grant or refusal of applications
- 8. Notice of appeal
- 9. Cancellation of proxy appointment
- 10. Inquiries by registration officer
- 11. Records and lists kept under articles 9, 10 and 12
- 12. Marked register for polling stations

SCHEDULE 4 — ISSUE AND RECEIPT OF POSTAL BALLOT PAPERS

1. Interpretation

Issue of postal ballot papers

- 2. Combination of polls
- 3. Form of declaration of identity
- 4. Persons entitled to be present at proceedings on issue of postal ballot papers
- 5. Persons entitled to be present at receipt of postal ballot papers
- 6. Notification of requirement of secrecy
- 7. Time when postal ballot papers are to be issued
- 8. Procedures on the issue of postal ballot papers
- 9. Refusal to issue postal ballot paper
- 10. Envelopes
- 11. Delivery of postal ballot papers
- 12. Sealing up of special lists and counterfoils
- 13. Spoilt postal ballot paper
- 14. Lost postal ballot paper

Receipt of postal ballot papers

- 15. Notice of opening of postal ballot paper envelopes
- 16. Postal ballot boxes and receptacles
- 17. Receipt of covering envelope
- 18. Opening of postal voters' ballot box
- 19. Opening of covering envelopes
- 20. Procedure in relation to declarations of identity
- 21. Opening of ballot paper envelopes
- 22. Lists of rejected postal ballot papers
- 23. Checking of lists kept under paragraph 22
- 24. Sealing of receptacles
- 25. Abandoned poll
- 26. Forwarding of documents

SCHEDULE 5 — COMBINATION OF POLLS

- PART 1 GENERAL
- 1. Returning officers and polling stations
- 2. Functions at combined polls
- 3. Modification of provisions about expenses in this Order and the 1983 Act
 - PART II MODIFICATIONS OF THE SCOTTISH PARLIAMENTARY ELECTION RULES TO APPLY WHERE THE POLL AT A SCOTTISH PARLIAMENTARY ELECTION IS TAKEN

TOGETHER WITH A POLL AT A LOCAL GOVERNMENT ELECTION UNDER ARTICLE 14(1) OR (2)

- 4. Modifications of the Scottish Parliamentary Election Rules: general provision
- 5. Rule 29 (colour of ballot papers)
- 6. Rule 33 (notice of poll)
- 7. Rule 37 (issue of official poll cards and notifications)
- 8. Rule 38 (equipment of polling stations)
- 9. Rule 39 (appointment of polling and counting agents)
- 10. Rule 44 (questions to be put to voters)
- 11. Rule 46 (voting procedure)
- 12. Rule 47 (votes marked by presiding officer)
- 13. Rule 48 (voting by persons with disabilities)
- 14. Rule 49 (tendered ballot papers)
- 15. Rule 51 (adjournment of poll in case of riot)
- 16. Rule 52 (procedure on close of poll)
- 17. Rule 53 (attendance at counting of votes)
- 18. Rule 54 (the count)
- 19. Rule 68 (delivery of documents to the sheriff clerk)
- 20. Rule 71 (countermand or abandonment of poll etc. on death of candidate)
- 21. Form of directions for the guidance of the voters in voting in Schedule 5 PART III — MODIFICATIONS OF THE SCOTTISH LOCAL GOVERNMENT ELECTIONS RULES 2002 TO APPLY WHERE THE POLL AT A LOCAL GOVERNMENT ELECTION IS TAKEN TOGETHER WITH A POLL AT A SCOTTISH PARLIAMENTARY ELECTION
 - UNDER ARTICLE 14(1) OR (2)
- 22. Modifications of the local elections rules: general provision
- 23. Rule 1 of the local elections rules (timetable)
- 24. Rule 13 of the local elections rules (the ballot papers)
- 25. Rule 17 of the local elections rules (notice of poll)
- 26. Rule 21 of the local elections rules (issue of official poll cards and notifications)
- 27. Rule 22 of the local elections rules (equipment of polling stations)
- 28. Rule 23 of the local elections rules (appointment of polling and counting agents)
- 29. Rule 28 of the local elections rules (questions to be put to voters)
- 30. Rule 30 of the local elections rules (voting procedure)
- 31. Rule 31 of the local elections rules (votes marked by presiding officer)
- 32. Rule 32 of the local elections rules (voting by persons with disabilities)
- 33. Rule 33 of the local elections rules (tendered ballot papers)
- 34. Rule 35 of the local elections rules (adjournment of poll in case of riot)
- 35. Rule 36 of the local elections rules (procedure on close of poll)
- 36. Rule 37 of the local elections rules (attendance at counting of votes)
- 37. Rule 38 of the local elections rules (the count)
- 38. Rule 45 of the local elections rules (delivery of documents)
- 39. Rule 48 of local elections rules (countermand or abandonment of poll on death of candidate)
- 40. Local elections rules: declaration of identity
- 41. Local elections rules: elector's official poll card and notification
- 42. Local elections rules: declaration to be made by the companion of a voter with disabilities

SCHEDULE 6 — LEGAL PROCEEDINGS

PART I — ELECTION OR RETURN OF CONSTITUENCY MEMBER PART II — ELECTION OR RETURN OF REGIONAL MEMBER

SCHEDULE 7 — USE FOR ELECTION MEETINGS OF ROOMS IN SCHOOL PREMISES AND OF MEETING ROOMS

- 1. Use of rooms in school premises
- 2. Lists of rooms in school premises
- 3. Inspection etc. of lists

APPENDIX OF — ARRANGEMENT OF FORMS FORMS

Explanatory Note