

SCHEDULE 6

LEGAL PROCEEDINGS

PART II

ELECTION OR RETURN OF REGIONAL MEMBER

<i>Provision applied</i>	<i>Modification</i>
Section 120 (method of questioning parliamentary election)	At the end insert— “(3) No election petition may be brought on the grounds of the commission of corrupt or illegal practices or of illegal payments, employments or hirings. (4) No election petition may be brought in any case in which an application may be made under section 18 of the Scotland Act 1998”.
Section 121 (presentation and service of parliamentary election petition)	For subsection (2) substitute— “(2) If the petition complains of the conduct of— (a) the regional returning officer, (b) any constituency returning officer, the officer (or officers) in question shall be deemed to be the respondent (or respondents), together with any regional member returned at the election.”.
Section 122 (time for presentation or amendment of parliamentary election petition)	For the section substitute— “ 122. An election petition shall be presented within 21 days after the day on which the result of the election was declared under rule 65 of the Scottish Parliamentary Election Rules in Schedule 2 to the Order.”
Section 123 (constitution of election court and place of trial)	Omit subsections (3) and (4).
Section 125 (judges' expenses and reception: Scotland)	
Section 126 (attendance of House of Commons of shorthand writer)	In subsection (1) for the words from the beginning to “deputy” substitute “A shorthand writer”. In subsection (2) for “Speaker” substitute “Clerk of the Scottish Parliament”.
Section 136 (security for costs)	
Section 137 (petition at issue)	

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Section 139 (trial of election petition)	<p>In subsection (3) for the words from “the acceptance” to the end substitute “that one (or more) of the respondents is no longer a member of the Scottish Parliament.”.</p> <p>Omit subsection (4).</p> <p>In subsection (6), the reference to the Parliamentary Election Rules shall be construed as a reference to the Scottish Parliamentary Election Rules in Schedule 2 to this Order.</p>
Section 140 (witnesses)	Omit subsection (6).
Section 141 (duty to answer relevant questions)	
Section 143 (expenses of witnesses)	
Section 144 (conclusion of trial of parliamentary election petition)	<p>In subsection (1) for the words from “the member” to “void” substitute—</p> <ul style="list-style-type: none"> “(a) the member or members whose election is complained of, was or were duly elected, (b) some other person or persons should have been declared to be elected, or (c) the election of all members for that region was void.”. <p>In subsection (2) for “Speaker” substitute “Clerk of the Scottish Parliament”.</p> <p>For subsection (3) substitute—</p> <p>“(3) If the judges constituting the election court differ as to any matter which they are required to determine, they shall certify that difference and, to the extent that there is such a difference, the result of the election shall stand.”.</p> <p>Omit subsections (4) to (7).</p>
Section 154 (costs of petition)	
Section 155 (neglect or refusal to pay costs)	
Section 157 (appeals and jurisdiction), subsections (3) and (7)	
Section 160 (persons reported personally guilty of corrupt or illegal practices)	<p>Omit subsections (1) to (3) and (6).</p> <p>In subsection (4)—</p> <ul style="list-style-type: none"> (a) for the words “reported by an election court personally guilty” substitute “convicted”;

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	(b) after “Kingdom” insert “or election to the Scottish Parliament”;
	(c) after “Kingdom” insert “or election to the Scottish Parliament”; and
	(d) after “Commons”, in each place where it occurs, insert “or the Scottish Parliament”.
Section 167 (application for relief)	Omit subsection (5).
Section 168 (prosecutions for corrupt practices)	In subsection (1)(b) for “6 months” substitute “3 months” and for “statutory maximum” substitute “amount specified as level 5 on the standard scale”.
Section 169 (prosecutions for illegal practices)	For the words from the beginning to “prosecution” substitute— “A person who is guilty of an illegal practice shall be liable— (a) in the case of an illegal practice under article 40 or 45 of the Order (as applied by article 81 of the Order), on conviction on indictment to a fine; (b) in the case of any illegal practice (including the ones mentioned in paragraph (a) above), on summary conviction, to a fine not exceeding the amount specified as level 5 on the standard scale; and on a prosecution”.
Section 170 (conviction of illegal practice on charge of corrupt practice etc.)	
Section 173A (incapacity to hold public or judicial office in Scotland)	
Section 174 (mitigation and remission etc.)	Omit subsections (1) to (4). In subsection (5) omit— (a) “or the report of an election court”; and (b) “or report”, in both places where the words occur.
Section 175 (illegal payments)	In subsection (2) omit the words from “and if” to the end.
Section 176 (time limit for prosecutions)	
Section 178 (prosecution of offences committed outside United Kingdom)	
Section 179 (offences by associations)	
Section 180 (evidence by certificate of holding of elections)	Omit paragraph (b).

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Section 180A (evidence by certificate of electoral registration)	After paragraph (ii) insert “and (iii) that a registered party named in the certificate submitted a regional list at the election.”.
Section 181 (Director of Public Prosecutions)	Omit subsections (2) to (6).
Section 183 (costs)	
Section 184 (service of notices)	
Section 185 (interpretation of Part III)	At the end, insert “the Order” means the Scottish Parliament (Elections etc.) Order 2002.”.
Section 186 (computation of time for purposes of Part III)	The reference to “section 119 above” shall be construed as a reference to article 80 and the reference to “Part II of this Act” shall be construed as reference to Part III of this Order.