



Scottish Elections (Reform) Act 2020

2020 asp 12

PART 2

ELECTORAL COMMISSION

Codes of practice

10 Expenditure of candidates at Scottish local government elections

In schedule 4B of the Representation of the People Act 1983 (Scottish local government elections: election expenses) (as inserted by section 17(4) of the Local Electoral Administration and Registration Services (Scotland) Act 2006), after paragraph 12 insert—

“PART 2A

GUIDANCE BY THE ELECTORAL COMMISSION

- 12A (1) The Commission may prepare, and from time to time revise, a code of practice giving—
- (a) guidance as to the matters which do, or do not, fall within Part 1 or Part 2 of this schedule,
 - (b) guidance (supplementing the definition in section 90ZB) as to the cases or circumstances in which expenses are, or are not, to be regarded as incurred for the purposes of a candidate's election.
- (2) Once the Commission have prepared a draft code under this paragraph, the Commission must submit it to the Scottish Ministers for their approval.
- (3) The Scottish Ministers may approve a draft code either without modification or with such modifications as they may determine.
- (4) Once the Scottish Ministers have approved a draft code, they must lay a copy of the draft before the Scottish Parliament, either—
- (a) in its original form, or

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- (b) in a form which incorporates any modifications determined under sub-paragraph (3).
- (5) If the draft incorporates any modifications determined under sub-paragraph (3), the Scottish Ministers must at the same time lay before the Scottish Parliament a statement of their reasons for making them.
- (6) If, within the 40-day period, the Scottish Parliament resolves not to approve the draft code, the Scottish Ministers must take no further steps in relation to the draft code.
- (7) If no such resolution is made within the 40-day period—
 - (a) the Scottish Ministers must issue the code in the form of the draft laid before the Scottish Parliament, and
 - (b) the Commission must arrange for it to be published in such manner as the Commission think appropriate.
- (8) Sub-paragraph (6) does not prevent a new draft code from being laid before the Scottish Parliament.
- (9) In this paragraph, “the 40-day period”, in relation to the draft code, means the period of 40 days beginning with the day on which the draft code is laid before the Scottish Parliament (taking no account of any time during which the Parliament is dissolved or in recess for more than 4 days).
- (10) In this Part, references to a draft code include references to a draft revised code.”.

Commencement Information

II S. 10 in force at 29.9.2021 by S.S.I. 2021/311, reg. 2, sch. (with reg. 3)

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