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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2003 No.**

**The Cairngorms National Park Elections (Scotland) Order 2003**

**PART III**

**ISSUE AND RECEIPT OF BALLOT PAPERS**

**Countermand or abandonment of poll on death of candidate**

**50.**—(1) If at a contested election proof is given to the returning officer's satisfaction before the result of the election is declared that one of the persons named or to be named as candidate in the ballot papers has died, then the returning officer shall countermand notice of the poll or, if ballot papers have been issued, direct that the poll be abandoned, and the provisions of article 8 of this Order apply in respect of filling any such vacancy as then exists.

(2) The provisions of this Order as to the inspection, production, retention and destruction of ballot papers and other documents relating to a poll at an election apply to any such documents relating to a poll abandoned by reason of a candidate's death, with the following modifications:—

- (a) ballot papers on which the votes were neither counted nor rejected shall be treated as counted ballot papers; and
- (b) no order shall be made for the production or inspection of any ballot papers unless the order is made by a court with reference to a prosecution.