
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2011 No.

**The Crofting Commission (Elections)
(Scotland) Regulations 2011**

PART II

ELECTIONS

Disqualification of candidates

10.—(1) A person is disqualified from being a candidate at an election if, on the day on which the election notice is published—

- (a) the person is, or has at any time during the previous year been, a member of—
 - (i) the House of Commons;
 - (ii) the Scottish Parliament; or
 - (iii) the European Parliament;
- (b) the Commission has determined under section 22 of the 1993 Act that, being a crofter, the person is not ordinarily resident on, or within 16 kilometres of, the croft or decided under section 26C(5) of the 1993 Act that the residency duty is not being complied with by the person; and either—
 - (i) the Commission has not granted consent under section 21B of the 1993 Act for the person to be absent from the croft or owner-occupied croft; or
 - (ii) that person has not complied with an undertaking in relation to the residency duty;
- (c) the person holds any paid office or employment with the Commission or any other place of profit in the gift or disposal of the Commission;
- (d) the person is insolvent;
- (e) the person has been convicted of a criminal offence in the period of 5 years preceding the day on which the election notice is published in relation to which the candidate has been sentenced to imprisonment for a period of 3 months or more whether suspended or not;
- (f) the person is unable to perform properly the functions of a member of the Commission by reason of physical illness or mental disorder; or
- (g) the election takes place by virtue of regulation 54(4)(b) and the person holds office as an elected member of the Commission.

(2) A person who was previously a member of the Commission is disqualified from being a candidate at the next election under regulation 8 (and any election under regulation 54(4)(b) preceding or immediately following such an election) if he or she was absent from meetings of the Commission without the permission of the convener for a period exceeding 6 months.

(3) The reference in paragraph (1)(c) to paid office with the Commission does not include the office of member of the Commission.

(4) Unless disqualified under paragraph (1) or (2), an existing or previous member of the Commission is not disqualified from being a candidate at an election.

(5) For the purpose of paragraph (1)(d), a person is insolvent when—

- (a) the person's estate is sequestrated;
- (b) the person is adjudged bankrupt;
- (c) a voluntary arrangement proposed by the person is approved;
- (d) the person enters into a debt arrangement programme under Part 1 of the Debt Arrangement and Attachment (Scotland) Act 2002⁽¹⁾ as the debtor; or
- (e) the person grants a trust deed for creditors.

⁽¹⁾ 2002 asp 17.