
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2015 No.

The Scottish Parliament (Elections etc.) Order 2015

PART 2

THE FRANCHISE AND ITS EXERCISE

False statements in nomination papers etc.

30.—(1) A person (“P”) is guilty of a corrupt practice if, at a Scottish parliamentary election, P causes or permits to be included in a document delivered or otherwise furnished to a CRO or a RRO for use in connection with the election—

- (a) a statement of the name or home address of a candidate at the election which P knows to be false in any particular;
- (b) anything which purports to be the signature of a person who subscribes a nomination paper but which P knows—
 - (i) was not written by the person by whom it purports to have been written; or
 - (ii) if written by that person, was not written by that person for the purpose of subscribing that nomination paper;
- (c) a certificate under rule 6(2) of the Scottish Parliamentary Election Rules authorising the use by a registered party of a name or description if P knows that a candidate on that party’s list of candidates is also, in relation to a poll which is to be held on the same day as the election to which the certificate relates—
 - (i) included in any other such list for the region or another region;
 - (ii) an individual candidate to be a regional member for the region or another region;
 - (iii) a candidate to be a constituency member for a constituency not included in the region; or
 - (iv) a candidate to be a constituency member for a constituency included in the region but is not a candidate of that party; or
- (d) a certificate under rule 7(1) of the Scottish Parliamentary Election Rules authorising the use by a constituency candidate of a description if P knows that the candidate is a candidate in another Scottish parliamentary constituency election in which the poll is to be held on the same day as the election to which the certificate relates.

(2) A person (“Q”) is guilty of a corrupt practice if, in the case of a constituency election, Q makes in any document in which Q consents to nomination as a candidate—

- (a) a statement of Q’s date of birth;
- (b) a statement as to Q’s qualification for membership of the Scottish parliament; or
- (c) a statement that Q is not a candidate at an election for any other constituency the poll for which is to be held on the same day as the poll at the election to which the consent relates, which Q knows to be false in any particular.

(3) A person (“R”) is guilty of a corrupt practice if, in the case of an individual candidate at a regional election, R makes in any document in which R consents to nomination as a candidate—

- (a) a statement of R’s date of birth;
- (b) a statement as to R’s qualification for membership of the Scottish parliament; or
- (c) a statement that R is not a party list candidate at that regional election nor a candidate in another Scottish parliamentary election the poll for which is to be held on the same day as the poll at the election to which the consent relates,

which R knows to be false in any particular.

(4) A person (“S”) is guilty of a corrupt practice if, in the case of a party list candidate at a regional election, S makes in any document in which S consents to nomination as a candidate—

- (a) a statement of S’s date of birth;
- (b) a statement as to S’s qualification for membership of the Scottish parliament; or
- (c) a statement that S is not an individual candidate or a candidate on the list submitted by another registered party at that regional election or a candidate at another Scottish parliamentary election in which the poll is to be held on the same day as the poll at the election to which the consent relates,

which S knows to be false in any particular.

(5) For the purposes of paragraphs (2), (3) and (4) a statement as to a candidate’s qualification is a statement—

- (a) that the candidate is qualified for being elected;
- (b) that the candidate will be qualified for being elected; or
- (c) that to the best of the candidate’s knowledge and belief the candidate is not disqualified from being elected.