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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2015 No.**

**The Scottish Parliament (Elections etc.) Order 2015**

**PART 4**

**LEGAL PROCEEDINGS**

**Application of certain provisions for Scottish parliamentary elections**

**82.**—(1) The provisions of the 1983 Act which are specified in the left hand column of Part 1 of Schedule 6 shall apply—

- (a) as if amended in accordance with the modifications and exceptions specified in relation to those provisions in the right hand column of that Schedule;
- (b) subject to paragraph (3); and
- (c) as if amended in accordance with such modifications as are necessary in consequence of those provisions,

for the purposes of a Scottish parliamentary election but only in relation to the election or return of a constituency member of the Scottish Parliament.

(2) The provisions of the 1983 Act which are specified in the left hand column of Part 2 of Schedule 6 shall apply—

- (a) as if amended in accordance with the modifications and exceptions specified in relation to those provisions in the right hand column of that Schedule;
- (b) subject to paragraph (3); and
- (c) as if amended in accordance with such modifications as are necessary in consequence of those provisions,

for the purposes of a Scottish parliamentary election but only in relation to the election or return of a regional member of the Scottish Parliament.

(3) Unless the context otherwise requires, in the provisions applied by Schedule 6—

- (a) any provision relating to a local government election or local government electors and associated references (including a reference to a petition questioning an election under the Local Governance (Scotland) Act 2004<sup>(1)</sup>) shall be disregarded;
- (b) any reference to a parliamentary election shall be construed as a reference to a Scottish parliamentary election (except the reference in section 160(4) of the 1983 Act<sup>(2)</sup>) and any reference to a general election shall accordingly be construed as a reference to a Scottish parliamentary general election;
- (c) any reference to a constituency (or parliamentary constituency) shall be construed—
  - (i) in relation to any election or return of a constituency member, as a reference to a Scottish parliamentary constituency;

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(1) 2004 asp 9.

(2) Section 160(4) was substituted by the 2000 Political Parties Act, Schedule 17, paragraph 8.

- (ii) in relation to any election or return of a regional member, as a reference to a region;
- (d) any reference to promoting or procuring the election of a candidate shall be construed as a reference to promoting or procuring the giving of a vote for a particular candidate or registered party at the election;
- (e) any reference to a candidate, other than the one referred to in sub-paragraph (d), shall be construed as a reference to either—
  - (i) a candidate on a registered party’s regional list; or
  - (ii) an individual candidate,as the case may be;
- (f) any reference to a parliamentary elector shall be construed as a reference to an elector at a Scottish parliamentary election;
- (g) any reference to a member in the context of a Member of Parliament shall be construed as a reference to a member of the Scottish Parliament;
- (h) any reference to a parliamentary election petition (except in the context of the rota for the trial of parliamentary election petitions) shall be construed as a reference to a Scottish parliamentary election petition;
- (i) any reference to the High Court shall be construed as a reference to the Court of Session and any reference to the County Court or a judge of that Court shall be construed as a reference to the sheriff;
- (j) any reference to the Director of Public Prosecutions or the Attorney General shall be construed as a reference to the Lord Advocate;
- (k) any reference to a return in the context of a return to the writ of election (and the return to Parliament) shall be construed as a reference to the declaration of the result by the returning officer under rule 62 or, as the case may be, rule 65 of the Scottish Parliamentary Election Rules;
- (l) any reference to an enactment or instrument made under an enactment shall be construed as a reference to that enactment or instrument as applied by this Part of this Order; and
- (m) any reference to an offence under the 1983 Act or to a practice, payment, employment or hiring made corrupt or illegal by any provision of that Act shall be construed, subject to any necessary modifications, as a reference to the offence under, or practice, payment, employment or hiring made illegal by, the corresponding provision of this Order.