
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2015 No.

The Scottish Parliament (Elections etc.) Order 2015

PART 5

MISCELLANEOUS AND SUPPLEMENTAL

Vacancies: constituency seats

83. Where the seat of a constituency member is vacant and the date of the poll at an election to fill that vacancy is fixed by the Presiding Officer of the Parliament under section 9 of the 1998 Act (constituency vacancies), the Presiding Officer shall forthwith send a notice to the CRO for that constituency stating—

- (a) that the vacancy exists; and
- (b) the date fixed for the poll at the election to fill that vacancy.

Dissolution of Parliament: minimum period

84. The “minimum period” for the purpose of section 2(3) of the 1998 Act (ordinary general elections) is a period of 28 days, computed in accordance with rule 2 of the Scottish Parliamentary Election Rules (computation of time).

Advertisements

85. The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984(1) shall have effect in relation to the display on any site in Scotland of an advertisement relating specifically to a Scottish parliamentary election as they have effect in relation to the display of an advertisement relating specifically to a parliamentary election.

Forms and documents: variations and translations

86.—(1) The forms set out in the Appendix may be used with such variations as the circumstances may require.

(2) Paragraphs (3) and (4) apply to any document which under or by virtue of this Order is required or authorised to be given to voters or displayed in any place.

(3) The person who is required or authorised to give or display the document must, as that person thinks appropriate, give or display or otherwise make available in such form as that person thinks appropriate—

- (a) the document in Braille;
- (b) the document in languages other than English;
- (c) graphical representations of the information contained in the document;

- (d) other means of making the information contained in the document accessible to persons who might not otherwise have reasonable access to the information.
- (4) The person required or authorised to give or display the document must also, as that person thinks appropriate, make available the information contained in the document in such audible form as that person thinks appropriate.
- (5) Paragraphs (3) and (4) do not apply to—
 - (a) the nomination paper;
 - (b) a ballot paper.
- (6) The CRO must cause to be displayed at every polling station an enlarged sample copy of a ballot paper.
- (7) The sample copy mentioned in paragraph (6) may include a translation of any instructions to voters into such other languages as the CRO thinks appropriate.
- (8) The CRO must provide at every polling station an enlarged hand held sample copy of a ballot paper for the assistance of voters who are partially sighted, which must be clearly marked as a specimen provided only for the guidance of voters.

Sending of applications, notices etc.

- 87.**—(1) Any application, notice, claim or objection which is required by this Order to be made to an ERO, CRO or RRO shall be made in writing and sent by post or delivered to that officer's office or to the address specified by that officer for the purpose.
- (2) Where an ERO, CRO or RRO is required by this Order to notify any person, such notification shall be in writing and may be sent by post—
- (a) in the case of a person other than a service voter, to the address provided by that person for the purpose of such notification or of any record or, if there is no such address, to the last known place of abode of that person;
 - (b) in the case of a service voter, to any address provided by that service voter for the purpose of such notification or of any record or to the address provided for the purpose by the appropriate government department (as defined by section 59(3B) of the 1983 Act⁽²⁾ (meaning of “the appropriate government department”) or, as the case may be, the British Council.
- (3) Any requirement in this Order that any application, notice or representation should be in writing is satisfied where (apart from the usual meaning of that expression) the text of it—
- (a) is transmitted by electronic means,
 - (b) is received in legible form, and
 - (c) is capable of being used for subsequent reference.

Interference with notices etc.

88. If any person without lawful authority destroys, mutilates, defaces or removes any notice published by an ERO, CRO or RRO in connection with that officer's duties under this Order or any copies of a document which have been made available for inspection in pursuance of those duties, that person shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) Section 59(3B) was inserted by the 2006 Act, section 13.

Premises used for election purposes

89. Section 98 of the 1983 Act⁽³⁾ (premises not affected for rates) shall have effect as if the reference to public meetings in furtherance of a person’s candidature at an election included a reference to public meetings promoting a particular result at a Scottish parliamentary election.

Correction of procedural errors

90.—(1) A CRO or RRO may take such steps as that officer thinks appropriate to remedy any act or omission on that officer’s part, or on the part of a relevant person, which—

- (a) arises in connection with any function that officer or relevant person has under this Order in relation to the Scottish parliamentary election, and
- (b) is not in accordance with the rules or any other requirements applicable to the election.

(2) But a CRO or RRO may not under paragraph (1) re-count the votes given at a Scottish parliamentary election—

- (a) for return of a constituency member after the result of the poll for the return of a constituency member has been declared, or
- (b) for the return of regional members, after the publication of the statement required by rule 61 of the Scottish Parliamentary Election Rules.

(3) These are the relevant persons—

- (a) an ERO;
- (b) a presiding officer;
- (c) a person providing goods or services to a CRO or RRO;
- (d) a depute of any person mentioned in sub-paragraphs (a) to (c) or a person appointed to assist, or in the course of that person’s employment assisting, such a person in connection with any function that person has in relation to the Scottish parliamentary election under this Order.

(4) Where a CRO or RRO is guilty of an act or omission in breach of that officer’s official duty, but remedies that act or omission in full by taking steps under paragraph (1), that officer shall not be guilty of any offence under article 28(1), but this paragraph shall not affect any conviction which takes place, or any penalty which is imposed, before the date on which the act or omission is remedied in full.

Effect of demise of the Crown

91. A proclamation dissolving the Parliament as mentioned in section 2(5) of the 1998 Act shall not be affected by the demise of the Crown.

Consequential amendment

92. In the definition of “election petition” in rule 69.1 of the Rules of the Court of Session 1994⁽⁴⁾ (interpretation of Chapter 69: election petitions), for “article 84 of and Schedule 6 to the Scottish Parliament (Elections etc.) Order 2010” substitute “article 82 of and Schedule 6 to the Scottish Parliament (Elections etc.) Order 2015”.

⁽³⁾ Section 98 was repealed for England and Wales by the Local Government Finance Act 1988 (c.41), section 149 and Schedule 13, Part 1, but that repeal does not extend to Scotland.

⁽⁴⁾ The Rules of the Court of Session 1994 are set out in Schedule 2 to S.I. 1994/1443. The definition of “election petition” was amended by S.I. 1999/787, S.I. 2002/2779, S.I. 2007/937 and S.I. 2010/2999. The definition of “Scottish parliamentary election” was added by S.I. 1999/787.

Revocations

93.—(1) The Orders specified in Schedule 9 (revocations) are revoked, to the extent specified in that Schedule.

(2) The Orders revoked by paragraph (1) shall continue to have effect on and after the day on which they are revoked as they had effect immediately before that day, for the purposes of any election to be held on or before 4th April 2016.