

SCHEDULE 2

SCOTTISH LOCAL GOVERNMENT ELECTIONS RULES RULES FOR CONDUCT OF A SCOTTISH LOCAL GOVERNMENT ELECTION WHERE THE POLL IS NOT TAKEN TOGETHER WITH THE POLL AT ANOTHER ELECTION

PART II

STAGES COMMON TO CONTESTED AND UNCONTESTED ELECTIONS

Nomination

Nomination of candidates

4.—(1) Each candidate shall be nominated by a separate nomination paper, in the form in the Appendix to this Schedule, delivered at the place fixed for the purpose by the returning officer.

(2) The nomination paper shall state either—

- (a) the name of the candidate as it appears in the register of local government electors for any local government area within the area of the council for which such candidate is nominated together with the address and number on the register of the candidate, the surname being placed first; or

(b) the full name of the candidate (with the surname first) and the home address in full.

(3) The particulars of a candidate given in a nomination paper shall, if desired, include a description in addition to the particulars required by paragraph (2) above; but the description (if any) must consist of either—

(a) a description (of not more than 6 words in length) which is authorised as mentioned in paragraph (4) below; or

(b) the word “Independent”.

(4) A nomination paper may not include a description of a candidate which is likely to lead voters to associate the candidate with a registered political party unless the party is a qualifying party in relation to the local government area and the description is authorised by a certificate—

(a) issued by or on behalf of the registered nominating officer of the party, and

(b) received by the returning officer at some time during the period for delivery of nomination papers set out in the table in rule 1.

(5) A person shall be guilty of a corrupt practice if that person fraudulently purports to be authorised to issue a certificate under paragraph (4) above on behalf of a registered political party’s nominating officer.

(6) For the purposes of the application of this rule in relation to an election—

(a) “registered political party” means a party which was registered under Part II of the Political Parties, Elections and Referendums Act 2000(1) at the time by which the notice of election is required to be published by virtue of rule 1 above (“the relevant time”); and

(b) a registered political party is a qualifying party in relation to a local government area if the party was at the relevant time registered in respect of Scotland in the Great Britain register mentioned under that Part of that Act.

(1) 2000 c. 41.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Consent to nomination

5. A person shall not be validly nominated unless that person's consent to nomination is given in writing on the nomination paper on or within one month before the last day for the delivery of nomination papers.

Subscription of nomination paper

6.—(1) The nomination paper shall be subscribed by the candidate and by a witness to the candidate's signature.

(2) As soon as practicable after each nomination paper has been delivered, the returning officer shall examine it and decide whether the candidate has been validly nominated.

(3) The returning officer—

(a) shall supply any person with a nomination paper at the place and during the time for delivery of nomination papers, and

(b) shall at any person's request prepare a nomination paper for signature,

but it is not necessary for a nomination to be on a form supplied by the returning officer.

Decisions as to validity of nomination papers

7.—(1) Where a nomination paper is delivered in accordance with these Rules, the candidate shall be deemed to stand nominated unless and until—

(a) the returning officer decides that the nomination paper is invalid;

(b) proof is given to the returning officer's satisfaction of the candidate's death; or

(c) the candidate withdraws.

(2) The returning officer is entitled to hold a nomination paper invalid only on one of the following grounds:—

(a) that the particulars of the candidate or the witness signing the paper are not as required by law; or

(b) that the paper is not witnessed as so required.

(3) Subject to paragraph (4) below as soon as practicable after each nomination has been delivered, the returning officer shall examine it and decide whether the candidate has been validly nominated.

(4) If in the returning officer's opinion a nomination paper breaks rule 4(4) above, the returning officer shall give a decision to that effect as soon as practicable after the last time for the delivery of nomination papers set out in the table in rule 1 above.

(5) Where the returning officer decides that a nomination paper is invalid, the returning officer shall endorse and sign on the paper the fact and the reasons for such decision.

(6) The returning officer shall send notice of such decision that a nomination paper is valid or invalid to each candidate at the candidate's home address as given in such nomination paper.

(7) The returning officer's decision that a nomination paper is valid shall be final and shall not be questioned in any proceeding whatsoever.

(8) Subject to paragraph (7) above, nothing in this rule prevents the validity of a nomination being questioned on an election petition.

Withdrawal of candidates

8. A candidate may withdraw candidature by notice of withdrawal—

- (a) signed by such candidate and attested by one witness, and
- (b) delivered to the returning officer at the place for delivery of nomination papers.

Nomination in more than one electoral ward

9. If at an election of councillors for the council of a local government area a candidate is validly nominated for more than one electoral ward, such candidate shall withdraw from candidature in all but one of those electoral wards; and if such candidate does not so withdraw within the time for the delivery of notices of withdrawal, such candidate shall be deemed to have withdrawn as a candidate for election to that council.

Inspection of nomination papers

10. Any person may inspect and take copies of, or extracts from, nomination papers during ordinary office hours on any day, other than a day specified in rule 2(1) above, after the latest time for delivery of nomination papers and before the date of the poll.

Method of election and notice of uncontested election

11.—(1) If after the expiry of the time for the delivery of notices of withdrawal of nomination, two or more candidates remain validly nominated for an electoral ward, the councillor for that electoral ward shall be elected from among them at a poll under Part III of these Rules.

(2) If one candidate only remains validly nominated as aforesaid, the returning officer shall cause public notice to be given that there will be no poll in that electoral ward, and that on the day of election that candidate shall be declared elected in accordance with the provisions of paragraph (3) below.

(3) Where notice of an uncontested election has been given under paragraph (2) above, the returning officer shall—

- (a) not later than 11.00 a.m. on the day of election declare to be elected the validly nominated candidate referred to in the said notice of uncontested election;
- (b) give notice of the name of the person to whom sub-paragraph (a) above applies to the proper officer of the council for which the election was held; and
- (c) give public notice of the name of such person, and such public notice may be combined with a public notice given under rule 43 below.

(4) The public notice to be given under paragraph (2) above shall be in the form contained in the Appendix to this Schedule, or a form to the like effect and shall, except where in the circumstances it is not appropriate, be combined with the public notice of poll to be given under rule 17 below.