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SCOTTISH STATUTORY INSTRUMENTS

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**2023 No. 81**

**REPRESENTATION OF THE PEOPLE**

The Scottish Local Government  
Elections Amendment Regulations 2023

<i>Made</i>	- - - -	<i>16th March 2023</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>20th March 2023</i>
<i>Coming into force</i>	- -	<i>15th May 2023</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2 of the Scottish Local Government Elections (Candidacy Rights of Foreign Nationals) Act 2022<sup>(1)</sup> and all other powers enabling them to do so.

**Citation, commencement and transitional provision**

1.—(1) These Regulations may be cited as the Scottish Local Government Elections Amendment Regulations 2023 and come into force on 15 May 2023.

(2) These Regulations have no effect in relation to an election for which the notice of election is published on or before the day on which these Regulations come into force.

**Amendment of the Scottish Local Government Elections Order 2011**

2.—(1) Schedule 1 of the Scottish Local Government Elections Order 2011<sup>(2)</sup> (Scottish local government election rules) is amended as follows.

(2) In Part VII (forms for use at Scottish local government elections), for Form 2 (Nomination Paper) substitute the Form 2 in the schedule of these Regulations.

St Andrew's House,  
Edinburgh  
16th March 2023

*GEORGE ADAM*  
Authorised to sign by the Scottish Ministers

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(1) 2022 asp 4.

(2) S.S.I. 2011/399, amended by S.S.I. 2012/60, S.S.I. 2012/342, S.S.I. 2016/7, S.S.I. 2016/354, S.S.I. 2020/239, S.S.I. 2021/437 and S.S.I. 2022/38.

*Status: This is the original version (as it was originally made).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

SCHEDULE

Regulation 2

Amended form for use at Scottish local government elections

Form 2

(Rule 4)

NOMINATION PAPER  
ELECTION OF COUNCILLORS

for the

(Name) Electoral Ward

of (Name) Council

Day of Election: (insert day and date)

I, the undersigned, am hereby nominated as a candidate at the said election.

**Candidate's surname**

**Other names in full**

**Commonly used surname (in terms of rule 4(3)) (if any)**

**Commonly used forenames (in terms of rule 4(3)) (if any)**

**Description (in terms of rule 4(6) to (9)) (if any)**

I, the nominee for election, consent to being nominated as a candidate for the (name) electoral ward of (name) Council.

I declare that I am qualified to be elected; that I have attained the age of 18 years and am a qualifying Commonwealth citizen or a citizen of the Irish Republic or a qualifying foreign national or a schedule 6A national; that I am not subject to any legal incapacity; and that in terms of Section 29 of the Local Government (Scotland) Act 1973:—

- \*(a) I am registered as a local government elector for the (Name of Council) local government area as in the register of electors and my electoral number is (see note 5).
- \*(b) I have during the whole of the twelve months preceding the day of nomination occupied as owner or tenant land or premises in the area named above.
- \*(c) I have during the twelve months preceding the day of my nomination had my principal or only place of work in the area named above.
- \*(d) I have during the whole of the twelve months preceding my nomination resided in the area named above.

\*Delete where inapplicable

I declare that

- (a) I am not disqualified from being nominated as a candidate for election as a local government councillor by reason of any of the disqualifications in section 31 of the Local Government (Scotland) Act 1973(a), a copy of which is printed overleaf;

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(a) 1973 c. 65.

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- (b) I am not disqualified for election by reason of holding a politically restricted post in terms of section 1(1) of the Local Government and Housing Act 1989(a), under a local authority within the meaning of Part 1 of that Act;
- (c) I am not disqualified from being nominated as a candidate for election as a local government councillor by reason of any sanction imposed by the Standards Commission for Scotland in terms of section 19(1)(d) of the Ethical Standards in Public Life etc. (Scotland) Act 2000(b).

**Signature of Candidate**

**Date**

**Signature of Witness**

**Name of witness**

**Date**

**Note 1** The attention of candidates and local government electors is drawn to the rules for filling up nomination papers and other provisions relating to the nominations in the local government elections rules contained in schedule 1 of the Scottish Local Government Elections Order 2011.

**Note 2** Where a candidate is commonly known by some title, the candidate may be described by the title as if it were the candidate's surname.

**Note 3** If a candidate's nomination paper gives a commonly used surname or forename in addition to or instead of another name the nomination paper may state the commonly used forename or surname in addition to or instead of the other name.

**Note 4** But in terms of rule 14(7) and (8) the ballot paper will not show the other name if the returning officer thinks—

- (a) that the use of the commonly used name is likely to mislead or confuse electors; or
- (b) that the commonly used name is obscene or offensive.

**Note 5** A person's electoral number consists of the distinctive letter or letters (or number or numbers) of the polling district in which the candidate is registered together with the number in the register to be used at the election, except that before publication of the register the distinctive letter or letters (or number or numbers) of the polling district in which the candidate is entitled to be registered together with the number (if any) in the electors lists for that register shall be used instead.

#### Back of nomination paper

(Here, print a copy of section 31 of the Local Government (Scotland) Act 1973, section 1(1) of the Local Government and Housing Act 1989, and section 19 of the Ethical Standards in Public Life etc. (Scotland) Act 2000.)

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- (a) 1989 c. 42.
  - (b) 2000 asp 7.

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## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Scottish Local Government Elections Order 2011.

They substitute a new standard Form 2 into that Order in consequence of certain foreign nationals being given the rights to stand as candidates at local government elections in Scotland as set out in schedule 6A of the Local Government (Scotland) Act 1973, added by the Scottish Local Government Elections (Candidacy Rights of Foreign Nationals) Act 2022.