

Status: Point in time view as at 06/05/2022.

Changes to legislation: Representation of the People Act 1983, SCHEDULE 4B is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

[^{F1}SCHEDULE 4B

SCOTTISH LOCAL GOVERNMENT ELECTIONS: ELECTION EXPENSES

Textual Amendments

- F1** Sch. 4B inserted (28.9.2021) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), s. 63(2), [sch. 1](#); [S.S.I. 2021/314](#), art. 2 (with art. 3)

PART 1

LIST OF MATTERS

- 1 Advertising of any nature (whatever the medium used). Expenses in respect of such advertising include agency fees, design costs and other costs in connection with preparing, producing, distributing or otherwise disseminating such advertising or anything incorporating such advertising and intended to be distributed for the purpose of disseminating it.
- 2 Unsolicited material addressed to electors (whether addressed to them by name or intended for delivery to households within any particular area). Expenses in respect of such material include design costs and other costs in connection with preparing, producing or distributing such material (including the cost of postage).
- 3 Transport (by any means) of persons to any place. Expenses in respect of the transport of such persons include the costs of hiring a means of transport for a particular period.
- 4 Public meetings (of any kind). Expenses in respect of such meetings include costs incurred in connection with the attendance of persons at such meetings, the hire of premises for the purposes of such meetings or the provision of goods, services or facilities at them.
- 5 The services of an election agent or any other person whose services are engaged in connection with the candidate's election.
- 6 Accommodation and administrative costs.

PART 2

GENERAL EXCLUSIONS

- 7 The publication of any matter, other than an advertisement, relating to the election in—
 - (a) a newspaper or periodical;
 - (b) a broadcast made by the British Broadcasting Corporation;

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- (c) a programme included in any service licensed under Part 1 or 3 of the Broadcasting Act 1990 (c. 42) or Part 1 or 2 of the Broadcasting Act 1996 (c. 55).
- 8 The provision of any facilities provided in pursuance of any right conferred on candidates at an election by this Act other than facilities in respect of which expenses fall to be defrayed by virtue of section 96(4) above.
- 9 The provision by an individual of his own services which he provides voluntarily in his own time and free of charge.
- 10 (1) Accommodation which is the candidate's sole or main residence.
 (2) The provision by any other individual of accommodation which is his sole or main residence if the provision is made free of charge.
- 11 (1) Transport by a means of transport which was acquired by the candidate principally for his own personal use.
 (2) Transport provided free of charge by any other individual if the means of transport was acquired by him principally for his own personal use.
- 12 (1) Computing or printing equipment which was acquired by the candidate principally for his own personal use.
 (2) The provision by any other individual of computing or printing equipment which was acquired by the individual principally for his own personal use if the provision is made free of charge.

[F2]PART 2A

GUIDANCE BY THE ELECTORAL COMMISSION

Textual Amendments

F2 Sch. 4B Pt. 2A inserted (29.9.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), [ss. 10, 35](#); [S.S.I. 2021/311](#), [reg. 2](#), [sch.](#) (with [reg. 3](#))

- 12A (1) The Commission may prepare, and from time to time revise, a code of practice giving—
- (a) guidance as to the matters which do, or do not, fall within Part 1 or Part 2 of this schedule,
 - (b) guidance (supplementing the definition in section 90ZB) as to the cases or circumstances in which expenses are, or are not, to be regarded as incurred for the purposes of a candidate's election.
- (2) Once the Commission have prepared a draft code under this paragraph, the Commission must submit it to the Scottish Ministers for their approval.
- (3) The Scottish Ministers may approve a draft code either without modification or with such modifications as they may determine.
- (4) Once the Scottish Ministers have approved a draft code, they must lay a copy of the draft before the Scottish Parliament, either—

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- (a) in its original form, or
 - (b) in a form which incorporates any modifications determined under sub-paragraph (3).
- (5) If the draft incorporates any modifications determined under sub-paragraph (3), the Scottish Ministers must at the same time lay before the Scottish Parliament a statement of their reasons for making them.
- (6) If, within the 40-day period, the Scottish Parliament resolves not to approve the draft code, the Scottish Ministers must take no further steps in relation to the draft code.
- (7) If no such resolution is made within the 40-day period—
- (a) the Scottish Ministers must issue the code in the form of the draft laid before the Scottish Parliament, and
 - (b) the Commission must arrange for it to be published in such manner as the Commission think appropriate.
- (8) Sub-paragraph (6) does not prevent a new draft code from being laid before the Scottish Parliament.
- (9) In this paragraph, “the 40-day period”, in relation to the draft code, means the period of 40 days beginning with the day on which the draft code is laid before the Scottish Parliament (taking no account of any time during which the Parliament is dissolved or in recess for more than 4 days).
- (10) In this Part, references to a draft code include references to a draft revised code.]

PART 3

POWER TO AMEND PARTS 1 AND 2

- 13 (1) The Scottish Ministers may by order made by statutory instrument make such amendment of Part 1 or 2 of this Schedule as they consider appropriate.
- (2) An order under sub-paragraph (1) may contain such incidental, supplemental, saving or transitional provisions as the Scottish Ministers think fit.
- (3) No order is to be made under sub-paragraph (1) unless a draft of the instrument containing the order has been laid before and approved by resolution of the Scottish Parliament.]

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