
STATUTORY INSTRUMENTS

1999 No. 492 (S. 34)

REPRESENTATION OF THE PEOPLE

The Scottish Local Elections Amendment (No.2) Rules 1999

<i>Made</i>	- - - -	<i>1st March 1999</i>
<i>Laid before Parliament</i>		<i>2nd March 1999</i>
<i>Coming into force</i>	- -	<i>in accordance with rule 1(2)</i>

The Secretary of State, in exercise of the powers conferred upon him by section 42 of the Representation of the People Act 1983(1), and of all other powers enabling him in that behalf, hereby makes the following Rules:

Citation commencement and extent

- 1.—(1) These Rules may be cited as the Scottish Local Elections Amendment (No.2) Rules 1999.
- (2) Rules 1 to 3 of these Rules shall come into force on 24th March 1999 except for the purposes of any election the notice of which is published before that date.
- (3) Rule 4 of these Rules shall come into force on 24th March 1999.
- (4) These Rules shall extend to Scotland only.

Application

2. Rule 3(8)(b) shall not apply in any case in which the poll at a local government election is taken with the poll at a Scottish Parliamentary election under article 13 of the Scottish Parliament (Elections etc.) Order 1999(2).

Amendment of the Scottish Local Elections Rules 1986

- 3.—(1) The rules in Schedule 2 to the Scottish Local Elections Rules 1986(3) shall be amended as follows.
- (2) After rule 4 there shall be inserted the following rule:—

(1) 1983 c. 2. Section 42 was modified by S.I. 1986/1111 and was repealed in part by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40) section 74, Schedule 8.

(2) S.I. 1999/787.

(3) S.I. 1986/2213 amended by S.I. 1990/262.

“Nomination papers: name of registered political party

4A.—(1) 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 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.

(2) A person shall be guilty of a corrupt practice if he fraudulently purports to be authorised to issue a certificate under paragraph (1) on behalf of a registered political party’s nominating officer.

(3) In the application of this rule in relation to an election “registered political party” means a party which was registered under the Registration of Political Parties Act 1998(4) at the time by which the notice of election is required to be published by virtue of rule 1.”.

(3) At the beginning of rule 7(3) there shall be inserted the words “Subject to paragraph (3A)”.

(4) After rule 7(3) there shall be inserted the following rule:—

“(3A) If in the returning officer’s opinion a nomination paper breaks rule 4A(1), he 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.”.

(5) In rule 7(4) for the words “Where he” there shall be substituted the words “Where the returning officer”.

(6) After rule 13(2) there shall be inserted the following rule:—

“(2A) If a candidate who is the subject of a party’s authorisation under rule 4A(1) so requests, the ballot paper shall contain, against the candidate’s particulars, the party’s registered emblem (or, as the case may be, one of the party’s registered emblems).

(2B) The request must—

- (a) be made in writing to the returning officer, and
- (b) be received by him before the last time for the delivery of nomination papers set out in the Table in rule 1.”.

(7) In the Appendix of Forms, for the form of the front of the ballot paper there shall be substituted the form set out in the Schedule to these Rules.

(8) In the Directions as to printing the ballot paper in the Appendix of Forms—

- (a) in paragraph 2(a) for the words “and the particulars of the candidates” substitute the words “, the particulars of the candidates and words forming part of emblems”, and
- (b) after paragraph 3 there shall be added:—

“**3A.** Where an emblem is to be printed against a candidate’s particulars—

- (a) it shall be printed between the candidate’s particulars and the vertical rule separating the candidate’s particulars from the spaces where the vote is to be marked, and
- (b) its size as printed shall not exceed two centimetres square.”.

Revocation

4. The Scottish Local Election Amendment Rules 1999 are hereby revoked(5).

(4) 1998 c. 48.

(5) S.I. 1999/406.

St Andrew's House,
Edinburgh
1st March 1999

Helen Liddell
Minister of State

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

SCHEDULE






Rule 3(7)

FORM OF FRONT OF BALLOT PAPER

VOTE FOR ONE CANDIDATE ONLY

Counterfoil No.

NOTE: - The counterfoil is to have a number to correspond with that on the back of the ballot paper.

1	<p>BROWN William Ian 23 High Street, Anytown Scottish Green Party</p>	
2	<p>CRANSTON Helen 912 Main Street, Anytown Scottish Liberal Democrat</p>	
3	<p>FRAME Donald Alexander 4 Elgin Avenue, Anytown The Scottish Labour Party</p>	
4	<p>GORDON Peter Martin 93 Holyrood Road, Anytown The Scottish Conservative and Unionist Party</p>	
5	<p>MacDONALD Michael Gordon 45 Easter Road, Anytown Independent</p>	
6	<p>WALLACE Walter Alan 112 South Gyle Avenue, Anytown Scottish National Party</p>	

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Scottish Local Elections Rules 1986, in consequence of the Registration of Political Parties Act 1998 which makes provision for a system of registration for political parties. The 1986 Rules apply to elections of councillors for local government areas in Scotland.

The Rules make provision equivalent to that which the amendments in Schedule 2 to the 1998 Act make to the parliamentary election rules in Schedule 1 to the Representation of the People Act 1983.

The amendments give returning officers the power to reject nomination papers which include a description which is likely to lead voters to associate the candidate with a registered political party unless that description is authorised by or on behalf of the registered nominating officer of that party. They also provide for the inclusion of emblems of registered political parties on ballot papers.

Rule (3)(8)(b) of these Rules which makes provision for the position and size of the emblem on the ballot paper does not apply if the poll at a local election is taken together with the poll at a Scottish Parliamentary election. Those circumstances are dealt with in the Scottish Parliament (Elections etc.) Order 1999 (S.I.1999/787).

These Rules supersede and revoke the Scottish Local Elections Amendment Rules 1999 (S.I. 1999/406) which were due to come into force on 26th March 1999 because of an error in the commencement date and application of those Rules.