
STATUTORY INSTRUMENTS

2002 No. 2779

The Scottish Parliament (Elections etc.) Order 2002

PART II

THE FRANCHISE AND ITS EXERCISE

Breach of official duty

28.—(1) If a person to whom this article applies is, without reasonable cause, guilty of any act or omission in breach of his official duty, he shall be liable on summary conviction to a fine not exceeding the amount specified as level 5 on the standard scale.

(2) No person to whom this article applies shall be liable for breach of his official duty to any penalty at common law and no action for damages shall lie in respect of the breach by such a person of his official duty.

(3) The persons to whom this article applies are—

- (a) any sheriff clerk, registration officer, returning officer or presiding officer;
- (b) any official designated by a universal postal service provider (being a universal service provider as defined by section 4(3) of the Postal Services Act 2000); and
- (c) any deputy of a person mentioned in sub paragraph (a) or (b) or any person appointed to assist or in the course of his employment assisting a person so mentioned in connection with his official duties,

and “official duty” shall for the purpose of this article be construed accordingly, but shall not include duties imposed otherwise than by the law relating to Scottish parliamentary elections or the registration of local government electors.