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STATUTORY INSTRUMENTS

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**2007 No. 937**

**The Scottish Parliament (Elections etc.) Order 2007**

**PART III**

**THE ELECTION CAMPAIGN**

**Effect of default in election agent's appointment**

**36.**—(1) If no person's name and address is given as required by article 33 as the election agent of—

- (a) a candidate who remains validly nominated; or
- (b) a registered party submitting a regional list,

at the latest time for delivery of notices of withdrawal of candidature—

- (i) in the case of a candidate for return as a constituency member or an individual candidate for return as a regional member, the candidate shall be deemed at that time to have named himself as election agent and to have revoked any appointment of another person as his election agent; and
- (ii) in the case of a registered party, the candidate who is highest in that party's regional list shall be deemed at that time to have named himself as election agent and to have revoked any appointment of another person as that party's election agent.

(2) This paragraph applies if—

- (a) the person whose name and address have been so given as those of an election agent for a candidate (not being the candidate himself) or of a registered party dies; and
- (b) a new appointment is not made on the day of the death or on the following day.

(3) Where paragraph (2) applies—

- (a) in the case of a candidate for return as a constituency member or an individual candidate for return as a regional member, he shall be deemed to have appointed himself as from the time of death; and
- (b) in the case of the death of an election agent for a registered party—
  - (i) the candidate who is highest in that party's regional list shall be deemed to have appointed himself from the time of the death; or
  - (ii) where paragraph (2) applies through the death of such a candidate, the candidate whose name is next highest in that registered party's regional list shall be deemed to have been appointed from the time of the death.

(4) If the appointment of an election agent is revoked without a new appointment being made—

- (a) in the case of a candidate for return as a constituency member or an individual candidate for return as a regional member, the candidate himself shall be deemed to have been appointed (or re appointed) election agent; and

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

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- (b) in the case of a registered party, the candidate who is highest in that party's regional list shall be deemed to have been appointed (or re appointed) election agent.
- (5) The deemed appointment of an election agent may be revoked as if it were an actual appointment.
- (6) Where a candidate for return as a constituency member is by virtue of this article to be treated as an election agent he shall be deemed to have his office at his address as given in the statement of persons nominated as candidates for return as a constituency member.
- (7) Where an individual candidate for return as a regional member or a candidate on a registered party's regional list is by virtue of this article to be treated as an election agent he shall be deemed to have his office at the address given in the statement of persons and parties standing nominated.
- (8) The appropriate returning officer, on being satisfied that a person is by virtue of this article to be treated as an election agent, shall forthwith proceed to give such like notice as if the name and address of the person and the address of his office had been duly given to him under article 33.