STATUTORY INSTRUMENTS

2007 No. 937

The Scottish Parliament (Elections etc.) Order 2007

PART II

THE FRANCHISE AND ITS EXERCISE

Registration appeals

5.—(1) An appeal lies to the sheriff from any decision under this Order of the registration officer disallowing a person's application to vote–

   (a) by proxy or by post as elector; or

   (b) by post as proxy,

in any case where the application is not made for a particular Scottish parliamentary election only.

   (2) An appeal lies on any point of law from any decision of the sheriff under this article to the court of three judges constituted under section 57(2) of the 1983 Act.

   (3) An appeal made by virtue of this article or section 56 of the 1983 Act which is pending when notice of an election is given shall not prejudice the operation as respects that election of the decision appealed against, and anything done in pursuance of the decision shall be as good as if no such appeal had been brought and shall not be affected by the decision of the appeal.

   (4) Notice shall be sent to the registration officer by recorded delivery post of the decision of the sheriff or of the Court of three judges referred to in paragraph (2) on any appeal by virtue of this article, and the registration officer shall make such alterations in the–

   (a) record kept under article 9(4); or

   (b) record kept under article 12(5),

as may be required to give effect to the decision.

   (5) Where, as a result of the decision on an appeal under this article or section 56 of the 1983 Act, an alteration in the register is made which takes effect under this article or under section 13(5), 13A(2) or 13B(3) or (3B) of the 1983 Act on or before the date of the poll for an election, paragraph (3) does not apply to that appeal as respects that election.

   (6) The registration officer shall on an appeal brought under this article be deemed to be a party to the proceedings, and the registration expenses payable to a registration officer shall include any expenses properly incurred by him by virtue of this paragraph.