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STATUTORY INSTRUMENTS

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**2007 No. 937**

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

**PART V**

**MISCELLANEOUS AND SUPPLEMENTAL**

**Correction of procedural errors**

**93.**—(1) A constituency or regional returning officer may take such steps as he thinks appropriate to remedy any act or omission on his part, or on the part of a relevant person, which—

- (a) arises in connection with any function that returning officer or relevant person has in relation to the Scottish parliamentary election, and
- (b) is not in accordance with the rules or any other requirements applicable to the election.

(2) But a constituency or regional returning officer may not under paragraph (1) re count the votes given at a Scottish parliamentary election—

- (a) for return of a constituency member after the result of the poll for the return of a constituency member has been declared, or
- (b) for the return of regional members, after the publication of the statement required by rule 61 of the Scottish Parliamentary Election Rules.

(3) These are the relevant persons—

- (a) a registration officer;
- (b) a presiding officer;
- (c) a person providing goods or services to a constituency or regional returning officer;
- (d) a deputy of any person mentioned in sub paragraphs (a) to (c) or a person appointed to assist, or in the course of his employment assisting, such a person in connection with any function he has in relation to the Scottish parliamentary election.

(4) Where a constituency or regional returning officer is guilty of an act or omission in breach of his official duty, but remedies that act or omission in full by taking steps under paragraph (1), he shall not be guilty of any offence under paragraph (1) of Article 29, but this paragraph shall not affect any conviction which takes place, or any penalty which is imposed, before the date on which the act or omission is remedied in full.