

SCHEDULE 2

SCOTTISH PARLIAMENTARY ELECTION RULES

PART II

STAGES COMMON TO CONTESTED AND UNCONTESTED ELECTIONS

Nomination

Decisions as to validity of regional lists and as to the validity of nominations included on such a list

17.—(1) Where a registered party's regional list and the consent of each candidate included in that list are delivered and a deposit is made in accordance with these Rules, the party and (subject to paragraphs (3) and (4)) each candidate on its list shall be deemed to stand nominated unless and until the regional returning officer decides that the regional list is invalid.

(2) The regional returning officer is entitled to hold a regional list invalid only on one of the following grounds:—

- (a) that the name stated under paragraph (2) of rule 7 breaches that rule;
- (b) that the number of candidates on the list is greater than 12;
- (c) that the list does not contain the statement referred to in rule 7(4).

(3) Where, in respect of a candidate included in a registered party's regional list—

- (a) proof is given to the regional returning officer's satisfaction of his death; or
- (b) he withdraws or his candidature is withdrawn in accordance with rule 18,

the regional returning officer shall delete the name and address of that candidate from the list.

(4) Where, in respect of a candidate included on a registered party's regional list—

- (a) his particulars in that list are not as required by law;
- (b) he is disqualified by virtue of the Representation of the People Act 1981; or
- (c) the consent to nomination of that candidate is not delivered in accordance with these Rules,

the regional returning officer shall delete the name and address of that candidate from the list.

(5) The regional returning officer shall give his decision on any objection in respect of a regional list—

- (a) as soon as practicable after it is made; and
- (b) in any event, before the end of the period of 24 hours starting with the close of the period for delivery of nomination papers set out in the Table in rule 1.

(6) Where the regional returning officer decides that—

- (a) a regional list is invalid; or
- (b) the name and address of a candidate shall be deleted from a regional list,

he shall endorse and sign on the list that fact and the reasons for his decision.

(7) The regional returning officer's decision that—

- (a) a regional list is valid; or
- (b) the name and address of a candidate should not be removed from a party list,

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shall not be questioned in any proceeding whatsoever.

(8) Subject to paragraph (7), nothing in this paragraph prevents the validity of a nomination being questioned on an election petition.