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STATUTORY INSTRUMENTS

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**2010 No. 2999**

**The Scottish Parliament (Elections etc.) Order 2010**

**PART 3**

**THE ELECTION CAMPAIGN**

**Limitation of election expenses: constituency and individual regional candidates**

**42.**—(1) The election expenses incurred by or on behalf of—

- (a) a candidate for return as a constituency member; or
- (b) an individual candidate for return as a regional member,

at an election must not in the aggregate exceed the maximum amount specified in this article.

(2) The maximum amount is (in a case other than that to which paragraph (3) applies)—

- (a) for a candidate for return as a constituency member for a county constituency<sup>(1)</sup>, £7,150 together with an additional 7p for every entry in the register of electors;
- (b) for a candidate for return as a constituency member for a burgh constituency, £7,150 together with an additional 5p for every entry in the register of electors; and
- (c) for an individual candidate for return as a regional member, a sum calculated by adding together the maximum amounts (calculated in accordance with sub-paragraphs (a) and (b)) for a single candidate for return as a constituency member in each constituency included in the region.

(3) The maximum amount for a candidate at an election under section 9 of the 1998 Act (constituency vacancies) is £100,000.

(4) Where any election expenses are incurred in excess of the maximum amount specified in paragraph (2) or, as the case may be, paragraph (3), any candidate or election agent who—

- (a) incurred, or authorised the incurring of, the election expenses, and
- (b) knew or ought reasonably to have known that the expenses would be incurred in excess of that maximum amount,

shall be guilty of an illegal practice.

(5) In paragraph (2) “the register of electors” means the register of local government electors, for the area in question as it has effect on the last day for publication of notice of the election.

(6) The candidate’s personal expenses do not count towards the maximum amount.

(7) Where a poll for the return of a constituency member is countermanded or abandoned by reason of a candidate’s death, the maximum amount of election expenses shall, for any of the other candidates who then remain validly nominated, be twice, or if there has been a previous increase under this paragraph, three times what it would have been but for any increase under this paragraph.

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<sup>(1)</sup> Constituencies (other than those of the Orkney Islands and the Shetland Islands) may be specified as being “county” or “burgh” constituencies in an Order in Council made under paragraph 6 of Schedule 1 to the 1998 Act as substituted by section 1(1) of the Scottish Parliament (Constituencies) Act 2004 (c.13).

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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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(8) The maximum amount specified in paragraph (2) or (3) for a candidate shall not be affected by a change in the timing of a Scottish parliamentary election or of any step in the proceedings at such an election.

(9) In this article “county constituency” includes the constituency of the Orkney Islands and the constituency of the Shetland Islands.

(10) Paragraph (11) has effect until an Order in Council under paragraph 6 of Schedule 1 to the 1998 Act<sup>(2)</sup> (orders in council giving effect to recommendations contained in reports from the Boundary Commission for Scotland) comes into force.

(11) In this article—

“county constituency” means, subject to paragraph (9), a constituency which is coterminous with a parliamentary constituency specified as being a county constituency in the Parliamentary Constituencies (Scotland) Order 1995<sup>(3)</sup> as at 11 April 1995 (the day it was made); and

“burgh constituency” means a constituency which is coterminous with a parliamentary constituency specified as being a burgh constituency in that Order as at that date.

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<sup>(2)</sup> Schedule 1 was substituted by the Scottish Parliament (Constituencies) Act 2004 (c.13), section 1(1).

<sup>(3)</sup> S.I. 1995/1037.