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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**

**Time for sending in and paying claims**

**44.**—(1) Every claim against—

- (a) a candidate for return as a constituency member or the candidate's election agent; or
- (b) an individual candidate for return as a regional member or the candidate's election agent,

in respect of election expenses which is not sent in to the election agent not later than 21 days after the day on which the result of the election is declared shall be barred and not paid.

(2) All election expenses shall be paid not later than 28 days after that day.

(3) Subject to paragraph (4) and (5), a person who pays a claim in contravention of paragraph (1) or makes a payment in contravention of paragraph (2) shall be guilty of an illegal practice.

(4) Where the election court reports that it has been proved to the court that any payment made was by an election agent without the sanction or connivance of a candidate—

- (a) the candidate's election shall not be void; nor
- (b) shall the candidate be subject to any incapacity under this Order by reason only of that payment having been made in contravention of this article.

(5) The following person or persons, namely—

- (a) a claimant;
- (b) a candidate for return as a constituency member or such a candidate's election agent; or
- (c) an individual candidate for return as a regional member or such a candidate's election agent,

may apply to the Court of Session or to the sheriff for leave to pay a claim for any election expenses although sent in after the period of 21 days or although sent in to a candidate and not the election agent, and the court on cause shown to their satisfaction may by order grant leave.

(6) Any sum specified in the order of leave may be paid, in the case of a candidate for return as a constituency member or an individual candidate for return as a regional member, by such candidate or the candidate's election agent, and the amount paid in pursuance of the order shall not be deemed to be in contravention of paragraph (2).

(7) The jurisdiction vested by paragraph (5) in the sheriff may be exercised otherwise than in open court.

(8) An appeal lies to the Court of Session from any order of the sheriff made by virtue of paragraph (5).