



# Local Electoral Administration and Registration Services (Scotland) Act 2006

2006 asp 14

## PART 1

### LOCAL GOVERNMENT ELECTIONS

#### *Offences relating to voting*

#### **14 Undue influence**

- (1) Section 115 of the 1983 Act (offence of undue influence), so far as it applies to a local government election in Scotland, is amended as follows.
- (2) In subsection (2)(b)—
  - (a) after “prevents” insert “, or intends to impede or prevent,” and
  - (b) after “prevails upon” insert “, or intends so to compel, induce or prevail upon,”

#### **15 Offences relating to applications for postal and proxy votes**

Before section 63 of the 1983 Act (breach of official duty) insert—

##### **“62B Scottish local government elections: offences relating to applications for postal and proxy votes**

- (1) This section applies in relation to a local government election in Scotland.
- (2) A person commits an offence if he—
  - (a) engages in any of the acts specified in subsection (3) below at the election; and
  - (b) intends, by doing so, to deprive another of an opportunity to vote or to make for himself or another a gain of a vote to which he or the other is not otherwise entitled or a gain of money or property.
- (3) The acts referred to in subsection (2)(a) above are—

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*Status: Point in time view as at 29/01/2007.*

**Changes to legislation:** *There are currently no known outstanding effects for the Local Electoral Administration and Registration Services (Scotland) Act 2006, Cross Heading: Offences relating to voting. (See end of Document for details)*

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- (a) applying for a postal or proxy vote as some other person (whether that other person is living or dead or is a fictitious person);
  - (b) otherwise making a false statement in, or in connection with, an application for a postal or proxy vote;
  - (c) inducing the registration officer or returning officer to send a postal ballot paper or any communication relating to a postal or proxy vote to an address which has not been agreed to by the person entitled to the vote;
  - (d) causing a communication relating to a postal or proxy vote or containing a postal ballot paper not to be delivered to the intended recipient.
- (4) In subsection (2)(b) above, property includes any description of property.
- (5) In subsection (3) above a reference to a postal vote or a postal ballot paper includes a reference to a proxy postal vote or a proxy postal ballot paper (as the case may be).
- (6) A person who commits an offence under subsection (2) above or who aids, abets, counsels or procures the commission of such an offence is guilty of a corrupt practice.”.

**Status:**

Point in time view as at 29/01/2007.

**Changes to legislation:**

There are currently no known outstanding effects for the Local Electoral Administration and Registration Services (Scotland) Act 2006, Cross Heading: Offences relating to voting.