



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

2006 asp 14

## PART 1

### LOCAL GOVERNMENT ELECTIONS

#### *False information*

#### **12 False information in applications relating to absent voting**

Before section 13D of the 1983 Act (provision of false information) insert—

**“13CA Scottish local government elections: false information in connection with applications for absent voting**

- (1) A person who provides false information in connection with an application mentioned in subsection (2) below commits an offence.
- (2) The application referred to in subsection (1) above is an application—
  - (a) relating to a local government election in Scotland; and
  - (b) to which any of the following provisions of Schedule 4 to the Representation of the People Act 2000 (c. 2) applies, namely—
    - (i) paragraph 3(1) or (2);
    - (ii) paragraph 4(1) or (2);
    - (iii) paragraph 7(4).
- (3) In relation to a signature, “false information” for the purposes of subsection (1) above means a signature which—
  - (a) is not the usual signature of; or
  - (b) was written by a person other than, the person whose signature it purports to be.
- (4) A person does not commit an offence under subsection (1) above if the person did not know, and had no reason to suspect, that the information was false.

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*Status: This is the original version (as it was originally enacted).*

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- (5) Where sufficient evidence is adduced to raise an issue with respect to the defence under subsection (4) above, the court must assume that the defence is satisfied unless the prosecutor proves beyond reasonable doubt that it is not.
- (6) A person guilty of an offence under subsection (1) above is liable on summary conviction to (either or both)—
  - (a) imprisonment for a term not exceeding 6 months;
  - (b) a fine not exceeding level 5 on the standard scale.”.