



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

2006 asp 14

## PART 1

### LOCAL GOVERNMENT ELECTIONS

#### *Miscellaneous*

#### **29 Details to appear on election publications**

- (1) Section 110 of the 1983 Act (printer's name and address on election publications), so far as applying in relation to a local government election in Scotland, is repealed.
- (2) Before section 111 of the 1983 Act insert—

#### **“110A Scottish local government elections: details to appear on election publications**

- (1) This section applies to any material which can reasonably be regarded as intended to promote or procure the election of a candidate at a local government election in Scotland (whether or not it can be so regarded as intended to achieve any other purpose as well).
- (2) No material to which this section applies is to be published unless—
  - (a) in the case of material which is, or is contained in, such a document as is mentioned in subsection (4), (5) or (6) below, the requirements of that subsection are complied with; or
  - (b) in the case of any other material, any requirements falling to be complied with in relation to the material by virtue of regulations under subsection (7) below are complied with.
- (3) For the purposes of subsections (4) to (6) below the following details are “the relevant details” in the case of any material falling within subsection (2)(a) above, namely—
  - (a) the name and address of the printer of the document;

---

*Status: This is the original version (as it was originally enacted).*

---

- (b) the name and address of the promoter of the material; and
  - (c) the name and address of any person on whose behalf the material is being published (and who is not the promoter).
- (4) Where the material is a document consisting (or consisting principally) of a single side of printed matter, the relevant details must appear on the face of the document.
- (5) Where the material is a printed document other than one to which subsection (4) above applies, the relevant details must appear on either the first or the last page of the document.
- (6) Where the material is an advertisement contained in a newspaper or periodical—
  - (a) the name and address of the printer of the newspaper or periodical must appear on either its first or last page; and
  - (b) the relevant details specified in subsection (3)(b) and (c) above must be included in the advertisement.
- (7) The Scottish Ministers may by regulations make provision for and in connection with the imposition of requirements as to the inclusion in material falling within subsection (2)(b) above of the following details, namely—
  - (a) the name and address of the promoter of the material; and
  - (b) the name and address of any person on whose behalf the material is being published (and who is not the promoter).
- (8) Regulations under subsection (7) above may, in particular, specify—
  - (a) the manner and form in which such details are to be included in any such material for the purpose of complying with any such requirement;
  - (b) circumstances in which—
    - (i) any such requirement does not have to be complied with by a person of any description specified in the regulations; or
    - (ii) a breach of any such requirement by a person of any description so specified is not to result in the commission of an offence under this section by that person or by a person of any other such description;
  - (c) circumstances in which material is, or is not, to be taken for the purposes of the regulations to be published or (as the case may be) published by a person of any description so specified.
- (9) Regulations under subsection (7) may contain such incidental, supplemental, saving or transitional provision as the Scottish Ministers think fit.
- (10) A statutory instrument containing regulations under subsection (7) above is subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (11) Where any material falling within subsection (2)(a) above is published in contravention of subsection (2), then (subject to subsections (13) and (14) below)—
  - (a) the promoter of the material;
  - (b) any other person by whom the material is so published; and
  - (c) the printer of the document,

---

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

---

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(12) Where any material falling within subsection (2)(b) above is published in contravention of subsection (2), then (subject to regulations made by virtue of subsection (8)(b) above and to subsections (13) and (14) below)—

- (a) the promoter of the material; and
- (b) any other person by whom the material is so published,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(13) It shall be a defence for a person charged with an offence under this section to prove—

- (a) that the contravention of subsection (2) above arose from circumstances beyond his control; and
- (b) that he took all reasonable steps, and exercised all due diligence, to ensure that that contravention would not arise.

(14) Where a candidate or his election agent would (apart from this subsection) be guilty of an offence under subsection (11) or (12) above, he shall instead be guilty of an illegal practice.

(15) In this section—

“print” means print by whatever means, and “printer” shall be construed accordingly;

“the promoter”, in relation to any material to which this section applies, means the person causing the material to be published;

“publish” means make available to the public at large, or any section of the public, in whatever form and by whatever means.

(16) For the purpose of determining whether any material is material such as is mentioned in subsection (1) above, it is immaterial that it does not expressly mention the name of any candidate.”