



# Scottish Elections (Reform) Act 2020

## 2020 asp 12

### PART 2

#### ELECTORAL COMMISSION

##### *Codes of practice*

#### 9 Expenditure of candidates at Scottish parliamentary elections

In the Political Parties, Elections and Referendums Act 2000, after section 6G insert—

##### **“6H Code of practice on expenditure of candidates at Scottish parliamentary elections**

- (1) The Commission may prepare, and from time to time revise, a code of practice giving guidance as to—
  - (a) the matters which are, or are not, to be regarded as election expenses,
  - (b) the cases or circumstances in which expenses are, or are not, to be regarded as incurred,for the purposes of any order under section 12(1) of the Scotland Act 1998 in so far as regulating the incurring of expenses for the purposes of a candidate’s election at a Scottish Parliamentary general election or an election under section 9 of the Scotland Act 1998 (constituency vacancies).
- (2) Once the Commission have prepared a draft code under this section, the Commission must submit it to the Scottish Ministers for their approval.
- (3) The Scottish Ministers may approve a draft code either without modification or with such modifications as they may determine.
- (4) Once the Scottish Ministers have approved a draft code, they must lay a copy of the draft before the Scottish Parliament, either—
  - (a) in its original form, or
  - (b) in a form which incorporates any modifications determined under subsection (3).

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*Status: This is the original version (as it was originally enacted).*

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- (5) If the draft incorporates any modifications determined under subsection (3), the Scottish Ministers must at the same time lay before the Scottish Parliament a statement of their reasons for making the modifications.
- (6) If, within the 40-day period, the Scottish Parliament resolves not to approve the draft code, the Scottish Ministers must take no further steps in relation to the draft code.
- (7) If no such resolution is made within the 40-day period—
  - (a) the Scottish Ministers must issue the code in the form of the draft laid before the Scottish Parliament, and
  - (b) the Commission must arrange for it to be published in such manner as the Commission think appropriate.
- (8) Subsection (6) does not prevent a new draft code from being laid before the Scottish Parliament.
- (9) In this section, “the 40-day period”, in relation to the draft code, means the period of 40 days beginning with the day on which the draft code is laid before the Scottish Parliament (taking no account of any time during which the Parliament is dissolved or in recess for more than 4 days).
- (10) In this section, references to a draft code include references to a draft revised code.”.