
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2011 No.

**The Crofting Commission (Elections)
(Scotland) Regulations 2011**

PART IV

COUNTING OF VOTES AND DECLARATION OF RESULT

Death of candidate

54.—(1) If, in relation to a contested election, proof is given to the returning officer's satisfaction before the result of the election is declared that one of the persons named or to be named as candidate in the ballot papers has died, the returning officer must direct that the election be abandoned; and, subject to paragraph (2), no further steps are to take place under Part II, III or IV in respect of it.

(2) The provisions of these Regulations as to the inspection, production, retention and destruction of ballot papers and other documents relating to a count at an election apply to any such documents relating to an election abandoned by reason of a candidate's death, with the modification that ballot papers on which the votes were neither counted nor rejected are to be treated as counted ballot papers.

(3) If, in relation to an election, only one candidate remains validly nominated at the close of nominations and proof is given to the returning officer's satisfaction that the candidate has died, the returning officer must direct that the election be abandoned; and no further steps are to take place under regulation 18(2) or 48(2) in respect of it.

(4) Where, under paragraph (1) or (3), the returning officer directs that an election be abandoned—

- (a) the returning officer must, as soon as practicable, give public notice of that fact in such form as he or she thinks fit; and
 - (b) another election in respect of the constituency concerned must then take place.
- (5) Where an election is to take place by virtue of paragraph (4)(b)—
- (a) the election notice is to be published within one month of the date on which the direction of abandonment was given;
 - (b) the day of the count is to be a day fixed by the returning officer for a date no later than 3 months after the date of the publication of the election notice; and
 - (c) if it is inefficient to provide an electronic counting system for the purposes of conducting the count, the returning officer may make arrangements for the count to be conducted by other means,

but in all other respects the election takes place as if it were any other election under these Regulations.

(6) For the purpose of regulation 8(3) the day of the count at the next election in respect of the constituency concerned following an election by virtue of paragraph (4)(b) is the first Friday occurring 5 years after the day when the count at the original election would have been held or, as the case may be, the candidate would have been declared elected under regulation 48.