

## SCHEDULE 1

### SCOTTISH LOCAL GOVERNMENT ELECTIONS RULES

## PART II

### STAGES COMMON TO CONTESTED AND UNCONTESTED ELECTIONS

#### Notice of election

##### Notice of election

3.—(1) The returning officer shall publish notice of the election in the form set out in Form 1, or a form to the like effect, stating—

- (a) the place and times at which nomination papers are to be delivered;
  - (b) that forms of such nomination papers may be obtained at that place and at those times; and
  - (c) the date of the poll in the event of a contest.
- (2) The notice of election shall state the day by which—
- (a) applications to vote by post or by proxy; and
  - (b) other applications and notices about postal or proxy voting,

must reach the electoral registration officer in order that they may be effective for the election.

#### Nomination

##### Nomination of candidates

4.—(1) Each candidate shall be nominated by a separate nomination paper, in the form set out in Form 2, or a form to the like effect, delivered at the place fixed for the purpose by the returning officer.

(2) The nomination paper shall state the full name of the candidate (with the surname first) and the candidate's home address in full.

(3) If a candidate commonly uses a surname or forename in addition to or instead of any other surname or forename the candidate has, the nomination paper may state the commonly used surname or forename in addition to or instead of the other name, as the case may be.

(4) The particulars of a candidate given in a nomination paper may, if desired, include a description in addition to the particulars required by paragraphs (2) and (3); but the description (if any) must consist of either—

- (a) a description which is authorised as mentioned in paragraphs (5), (6) or (7); or
- (b) the word “Independent”.

(5) A nomination paper may not include a description of a candidate which is likely to lead electors to associate the candidate with a registered political party unless the party is a qualifying party in relation to the local government area and the description is authorised by a certificate—

- (a) issued by or on behalf of the registered nominating officer of the party; and
- (b) received by the returning officer at some time during the period for delivery of nomination papers set out in the timetable in rule 1.

(6) An authorised description may be either—

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- (a) the name of the party registered under section 28 of the Political Parties, Elections and Referendums Act 2000(1); or
- (b) a description of the party registered under section 28A(2) of that Act.

(7) A nomination paper may not include a description of a candidate which is likely to lead electors to associate the candidate with two or more registered political parties unless the parties are each qualifying parties in relation to the local government area and the description is a registered description authorised by a certificate—

- (a) issued by or on behalf of the registered nominating officer of each of the parties; and
- (b) received by the returning officer at some time during the period for delivery of nomination papers set out in the timetable in rule 1.

(8) For the purposes of paragraph (7), a description is a registered description if it is a description registered for the use by the parties under section 28B of the Political Parties, Elections and Referendums Act 2000.

(9) For the purposes of the application of this rule in relation to an election—

- (a) “registered political party” means a party which was registered under Part II of the Political Parties, Elections and Referendums Act 2000 on the day (“the relevant day”) which is two days before the last day for the delivery of nomination papers at the election; and
- (b) a registered political party is a qualifying party in relation to a local government area if the party was on the relevant day registered in respect of Scotland in the Great Britain register mentioned under that Part of that Act.

### **Consent to nomination**

5. A person shall not be validly nominated unless that person’s consent to nomination is given in writing on the nomination paper on, or within one month before, the last day for the delivery of nomination papers.

### **Subscription of nomination paper**

6.—(1) The nomination paper shall be subscribed by the candidate and by a witness to the candidate’s signature.

(2) The returning officer—

- (a) shall supply any person with a nomination paper at the place and during the time for delivery of nomination papers; and
- (b) shall at any person’s request prepare a nomination paper for signature,

but it is not necessary for a nomination to be on a form supplied by the returning officer.

(3) The nomination paper shall state the name and home address of the witness to the candidate’s signature.

### **Decisions as to validity of nomination papers**

7.—(1) Where a nomination paper is delivered in accordance with these rules, the candidate shall be deemed to stand nominated unless and until—

- (a) the returning officer decides that the nomination paper is invalid;
- (b) proof is given to the returning officer’s satisfaction of the candidate’s death; or

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(1) 2000 c.41.

(2) Section 28A and 28B were added by section 49 of the Electoral Administration Act 2006 (c.22).

(c) the candidate withdraws.

(2) The returning officer is entitled to hold a nomination paper invalid only on one or more of the following grounds:—

- (a) the paper does not bear to be subscribed by the candidate;
- (b) the particulars of the candidate are not as required by these rules;
- (c) the paper does not bear to have been subscribed by a witness; or
- (d) the paper does not bear to include the name of the witness or the home address of the witness.

(3) Subject to paragraph (4) the returning officer shall examine each nomination and decide whether the candidate has been validly nominated—

- (a) as soon as practicable after delivery of the nomination paper; and
- (b) in any event, before the end of the period of 24 hours starting with the close of the period for delivery of nomination papers set out in the timetable in rule 1.

(4) If in the returning officer's opinion a nomination paper contravenes rule 4(4) to (7), the returning officer shall give a decision to that effect—

- (a) as soon as practicable after the delivery of the nomination paper; and
- (b) in any event, before the end of the period of 24 hours starting with the close of the period for delivery of nomination papers set out in the timetable in rule 1.

(5) Where the returning officer decides that a nomination paper is invalid, the returning officer shall endorse and sign on the paper the fact and the reasons for such decision.

(6) The returning officer shall send notice of such decision that a nomination paper is valid or invalid to each candidate at the candidate's home address as given in such nomination paper.

(7) The returning officer's decision that a nomination paper is valid shall be final and shall not be questioned in any proceeding whatsoever.

(8) Subject to paragraph (7), nothing in this rule prevents the validity of a nomination being questioned on an election petition.

### **Withdrawal of candidates**

**8.** A candidate may withdraw candidature by notice of withdrawal—

- (a) signed by such candidate and attested by one witness; and
- (b) delivered to the returning officer at the place for delivery of nomination papers.

### **Nomination in more than one electoral ward**

**9.** If at an election of councillors for the council of a local government area a candidate is validly nominated for more than one electoral ward, such candidate shall withdraw from candidature in all but one of those electoral wards; and if such candidate does not so withdraw within the time for the delivery of notices of withdrawal, such candidate shall be deemed to have withdrawn as a candidate for election to that council.

### **Correction of errors in nomination papers**

**10.—(1)** A returning officer may correct minor errors in a nomination paper before the end of the period of 24 hours starting with the close of the period for delivery of nomination papers set out in the timetable in rule 1.

(2) Errors which may be corrected include—

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- (a) errors as to a person's electoral number; and
  - (b) obvious errors of spelling in relation to the details of a candidate.
- (3) Returning officers must have regard to any guidance issued by the Electoral Commission on the correction of minor errors in nomination papers for the purposes of this rule.
- (4) Anything done by a returning officer in pursuance of this rule shall not be questioned in any proceedings other than proceedings on an election petition.

### **Inspection of nomination papers**

**11.** Any person may inspect and take copies of, or extracts from, nomination papers during ordinary office hours on any day, other than a day specified in rule 2(1), after expiry of the 24 hour period after the latest time for delivery of nomination papers but before the date of the poll.

### **Method of election and notice of uncontested election**

**12.—**(1) If after the expiry of the time for the delivery of notices of withdrawal of nomination, more candidates remain validly nominated for an electoral ward than the number of councillors to be returned for that electoral ward, the councillors for that electoral ward shall be elected from among them at a poll under Part III of this Schedule.

(2) If the number of candidates validly nominated for an electoral ward is equal to, or less than, the number of councillors to be returned for that electoral ward, the returning officer shall cause public notice to be given that there will be no poll in that electoral ward, and that on the day of election those candidates shall be declared elected in accordance with the provisions of paragraph (3).

(3) Where notice of an uncontested election has been given under paragraph (2), the returning officer shall—

- (a) not later than 11 a.m. on the day of election declare to be elected the validly nominated candidates referred to in the said notice of uncontested election;
- (b) give notice of the names of the persons to whom sub-paragraph (a) applies to the proper officer of the council for which the election was held; and
- (c) give public notice of the names of such persons, and such public notice may be combined with a public notice given under rule 56.

(4) The public notice to be given under paragraph (2) shall be in the form as set out in Form 3, or a form to the like effect and shall, except where in the circumstances it is not appropriate, be combined with the public notice of poll to be given under rule 20.