
STATUTORY INSTRUMENTS

1990 No. 262 (S.25)

REPRESENTATION OF THE PEOPLE

The Scottish Local Elections Amendment Rules 1990

Made - - - - 14th February 1990

Laid before Parliament 16th February 1990

Coming into force in accordance with rule 2

The Secretary of State, in exercise of the powers conferred upon him by section 42 of the Representation of the People Act 1983⁽¹⁾, and of all other powers enabling him in that behalf, hereby makes the following Rules:

Citation and extent

1. These Rules may be cited as the Scottish Local Elections Amendment Rules 1990 and shall extend to Scotland only.

Commencement

2. These Rules shall come into force on 9th March 1990, except that—
- (a) rule 3(3) shall only apply in respect of an election with respect to which section 1 of the Local Government and Housing Act 1989⁽²⁾ has effect; and
 - (b) rules 3(4) and (5) and 4(5) and (6) shall not apply in respect of an election if the date by which notice of election for that election is required to be published preceded that day.

Amendment of the Scottish Local Elections Rules 1986

3.—(1) The rules in Schedule 2 to the Scottish Local Elections Rules 1986⁽³⁾ shall be amended as follows.

- (2) In rule 7(7) (decisions as to validity of nomination papers) the word “paper” shall be omitted.
- (3) In the Appendix of forms, in the form of the nomination paper—
 - (a) in the front of the form—
 - (i) in sub-paragraph (b) of the declaration made by local government electors nominating a candidate, after the words “on the back hereof” there shall be added the

(1) 1983 c. 2.
(2) 1989 c. 42.
(3) S.I. 1986/2213.

words “and is not disqualified for election by reason of holding a politically restricted post within the meaning of Part I of the Local Government and Housing Act 1989, under a local authority, within the meaning of that Part.”;

(ii) in the declaration as to disqualification for being nominated, after the words “printed overleaf” there shall be added the words “and I am not disqualified for election by reason of holding a politically restricted post within the meaning of Part I of the Local Government and Housing Act 1989, under a local authority, within the meaning of that Part.”; and

(iii) in Note 1, after the reference “(S.I.1986/2213)” there shall be added the words “, the Scottish Local Elections Amendment Rules 1990 (S.I. 1990/262) and to the disqualification provisions relating to persons holding politically restricted posts under a local authority contained in Part I of the Local Government and Housing Act 1989.”.

(b) in the back of the form, after the words “Local Government (Scotland) Act 1973” there shall be added the words “, as amended from time to time, and of section 1(1) of the Local Government and Housing Act 1989.”.

(4) In the Appendix of forms, in the form of declaration of identity –

(a) in the front of the form–

(i) the words “(or mark)” and “(or marked)” shall be omitted, and

(ii) for the words “(CAPITAL LETTERS)” in both places where they occur, there shall be substituted the words “(WRITE CLEARLY)”;

(b) in the back of the form–

(i) in paragraph 1, the words “(or mark)” shall be omitted, and

(ii) in paragraph 4, the words “, in order to be counted,” shall be omitted.

(5) In the Appendix of forms, in the form of elector’s official poll card, for the first paragraph on the back of the card there shall be substituted –

“This card is for information only. You can vote without it, but it will save time if you take it to the polling station and show it to the clerk there.”.

4.—(1) Schedule 3 to the Scottish Local Elections Rules 1986 (modification of election rules for combined polls under section 15(1) or (2) of the Representation of the People Act 1985(4) shall be amended as follows.

(2) In the provision added by paragraph 9 of that Schedule, after the words “paragraph (1)(d) above” there shall be inserted the words “or in the list of proxies under paragraph (1)(e) above” and before the words “so as to identify” there shall be inserted the words “or, as the case may be, list”.

(3) In paragraph (1) of rule 38, as substituted by paragraph 18 of that Schedule, in subparagraph (g) after the word “deliver” there shall be inserted the words “or cause to be delivered”.

(4) In paragraph (2A)(a) of rule 38, as substituted by paragraph 18 of that Schedule, before the words “open each” there shall be inserted the words “in the presence of the counting agents”.

(5) In the form set out in paragraph 21(2) of that Schedule–

(a) in the front of the form–

(i) the words “(or mark)” and “(or marked)” shall be omitted, and

(ii) for the words “(CAPITAL LETTERS)” in both places where they occur, there shall be substituted the words “(WRITE CLEARLY)”;

- (b) in the back of the form—
 - (i) in paragraph 1 the words “(or mark)” shall be omitted;
 - (ii) in the final sentence of paragraph 2, for the words “paper, or your vote” there shall be substituted the words “papers, or your votes”;
 - (iii) in the first sentence of paragraph 3, for the words “the ballot” there shall be substituted the words “each ballot”, and
 - (iv) in the final sentence of paragraph 4, the words “, in order to be counted,” shall be omitted.
- (6) In the form set out in paragraph 21(3) of that Schedule—
 - (a) in the front of the form—
 - (i) the words “(or mark)” and “(or marked)” shall be omitted, and
 - (ii) for the words “(CAPITAL LETTERS)” in both places where they occur, there shall be substituted “(WRITE CLEARLY)”, and
 - (b) in the back of the form—
 - (i) in paragraph 1 the words “(or mark)” and “(or marked)” shall be omitted, and
 - (ii) for paragraph 4 there shall be substituted the following paragraph:—

“4. Different colours are used for the ballot papers for each election. Each ballot paper has its own ballot paper envelope (the smaller envelope marked “A”), declaration of identity and covering envelope (the larger envelope marked “B”). The covering envelope and declaration of identity for a particular ballot paper are those which refer to the colour of that ballot paper. It is important that you use the correct envelopes and declaration of identity, otherwise your vote may not be counted. You may find it helpful to sort the documents into separate sets, each consisting of a ballot paper, ballot paper envelope, declaration of identity and covering envelope. Then proceed as follows:—

 - (a) place each ballot paper in the correct smaller envelope and seal it;
 - (b) put that envelope, together with the correct declaration of identity, in the correct covering envelope and seal it;
 - (c) return the covering envelopes without delay. Ballot papers must be received by the returning officer not later than the close of the poll.”.

St. Andrew’s House,
Edinburgh
14th February 1990

James Douglas-Hamilton
Parliamentary Under Secretary of State, Scottish
Office

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of these Rules)

These Rules amend the Scottish Local Elections Rules 1986 which apply in respect of the election of regional, islands area or district councillors in Scotland. Rule 3(3) of these Rules amends the form of nomination paper in consequence of the disqualification introduced by Part I of the Local Government and Housing Act 1989.

Rules 3(2), (4) and (5) and 4(2) to (6) either seek to clarify the drafting of the Scottish Local Elections Rules 1986, including the forms of the official poll card and declarations of identity, or correct errors or omissions in those Rules.