
STATUTORY INSTRUMENTS

2002 No. 2779

The Scottish Parliament (Elections etc.) Order 2002

PART IV

LEGAL PROCEEDINGS

Application of certain provisions for Scottish parliamentary elections

81.—(1) The provisions of the 1983 Act which are specified in the left hand column of Part I of Schedule 6 to this Order shall apply—

- (a) as if amended in accordance with the modifications and exceptions specified in relation to those provisions in the right hand column of that Schedule;
- (b) subject to paragraph (3) below; and
- (c) as if amended in accordance with such modifications as are necessary in consequence of those provisions,

for the purposes of a Scottish parliamentary election but only in relation to the election or return of a constituency member of the Scottish Parliament.

(2) The provisions of the 1983 Act which are specified in the left hand column of Part II of Schedule 6 to this Order shall apply—

- (a) as if amended in accordance with the modifications and exceptions specified in relation to those provisions in the right hand column of that Schedule;
- (b) subject to paragraph (3) below; and
- (c) as if amended in accordance with such modifications as are necessary in consequence of those provisions,

for the purposes of a Scottish parliamentary election but only in relation to the election or return of a regional member of the Scottish Parliament.

(3) Unless the context otherwise requires, in the provisions applied by Schedule 6 to this Order—

- (a) any provision relating to a local government election or local government electors and references in connection therewith (including a reference to a petition questioning an election under the Local Government (Scotland) Act 1973) shall be disregarded;
- (b) any reference to a parliamentary election (except the references specified in paragraph (4) below) shall be construed as a reference to a Scottish parliamentary election and any reference to a general election shall accordingly be construed as a reference to a Scottish parliamentary general election;
- (c) any reference to a constituency (or parliamentary constituency) shall be construed—
 - (i) in relation to any election or return of a constituency member, as a reference to a Scottish parliamentary constituency;
 - (ii) in relation to any election or return of a regional member, as a reference to a region;

- (d) any reference to promoting or procuring the election of a candidate shall be construed as a reference to promoting or procuring the giving of a vote for a particular candidate or registered party at the election;
 - (e) any reference to a candidate, other than the one referred to in sub paragraph (d) above, shall be construed as a reference to either—
 - (i) a candidate on a registered party’s regional list; or
 - (ii) an individual candidate,as the case may be;
 - (f) any reference to a parliamentary elector shall be construed as a reference to an elector at a Scottish parliamentary election;
 - (g) any reference to a member in the context of a Member of Parliament shall be construed as a reference to a member of the Scottish Parliament;
 - (h) any reference to a parliamentary election petition (except in the context of the rota for the trial of parliamentary election petitions) shall be construed as a reference to a Scottish parliamentary election petition;
 - (i) any reference to the High Court shall be construed as a reference to the Court of Session and any reference to the County Court or a judge of that Court shall be construed as a reference to the sheriff;
 - (j) any reference to the Director of Public Prosecutions or the Attorney General shall be construed as a reference to the Lord Advocate;
 - (k) any reference to a return in the context of a return to the writ of election (and the return to Parliament) shall be construed as a reference to the declaration of the result by the returning officer under rule 61 or, as the case may be, 65 of the Scottish Parliamentary Election Rules;
 - (l) any reference to an enactment or instrument made under an enactment shall be construed as a reference to that enactment or instrument as applied by this Part of this Order; and
 - (m) any references to an offence under the 1983 Act or to a practice (or payment, employment or hiring) made corrupt or illegal by any provision of that Act shall be construed, subject to any necessary modifications, as a reference to the offence under, or practice, payment, employment or hiring made illegal by, the corresponding provision of this Order.
- (4) The references to “parliamentary election” to which paragraph (3)(b) above does not apply are those in section 60(4) of the 1983 Act and the first reference in section 160(5) of that Act.