SCOTTISH STATUTORY INSTRUMENTS

2002 No. 457

REPRESENTATION OF THE PEOPLE

The Scottish Local Government Elections Rules 2002

Made - - - -	*8th October 2002*
Laid before Parliament	*9th October 2002*
Coming into force in accordance with rule 1(2)	

The Scottish Ministers, in exercise of the powers conferred by section 42 of the Representation of the People Act 1983(**1**), and of all other powers enabling them in that behalf, hereby make the following Rules:

Citation, commencement and extent

1.—(1) These Rules may be cited as the Scottish Local Government Elections Rules 2002.

(2) These Rules shall come into force on 13th November 2002 except for the purposes of any election where the last day for the publication of the notice of election in respect of that election precedes that date.

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(3) These Rules shall extend to Scotland only.

Revocations

2. The rules specified in Schedule 1 to these Rules are revoked.

Interpretation

3. In these Rules–

"elector" means a person who is registered in the register to be used at the election as a local government elector for the local government area in which the election is held, and includes a person shown in the register as below voting age if (but only if) it appears from it that such person will be of voting age on the day fixed for the poll;

(**1**) 1983 c. 2. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

"local authority" means a council constituted by section 2 of the Local Government etc. (Scotland) Act 1994(**2**);

"local government area" means the area of a local authority.

Local government elections rules

4.—(1) Subject to paragraph (2) below, elections of councillors for local government areas shall be conducted in accordance with the local government elections rules set out in Schedule 2 to these Rules being the parliamentary elections rules(**3**) in Schedule 1 to the Representation of the People Act 1983(**4**) with adaptations, alterations and exceptions.

(2) In the application of the local government elections rules set out in Schedule 2 to these Rules to any election where the poll is taken together with the poll at another election under section 15(1) or (2) of the Representation of the People Act 1985(**5**) the modifications set out in Schedules 3 and 4 to these Rules shall apply.

St Andrew's House,Edinburgh
8th October 2002

PETER PEACOCK
Authorised to sign by the Scottish Ministers

(**2**) 1994 c. 39.
(**3**) The parliamentary elections rules were amended, so far as is relevant, by section 19(5) of, paragraphs 4 to 7 of Schedule 2 to, paragraphs 74 to 86 of Schedule 4 to, and Schedule 5 to, the Representation of the People Act 1985 (c. 50), paragraph 6(a) of Schedule 2 to the Registration of Political Parties Act 1998 (c. 48), section 38(2) of, and paragraph 1 of Schedule 22 to, the Political Parties, Elections and Referendums Act 2000 (c. 41), section 13 of, and paragraph 10(3) of Schedule 6 to, the Representation of the People Act 2000 (c. 2), and, where the poll at a parliamentary election is taken together with the poll at a local government election or a European Parliamentary election, by regulation 98 of the Representation of the People (Scotland) Regulations 1986 (S.I. 1986/1111).
(**4**) 1983 c. 2.
(**5**) 1985 c. 50.

SCHEDULE 1 Rule 2

REVOCATIONS

Rules revoked	*References*
The Scottish Local Elections Rules 1986	S.I.1986/2213
The Scottish Local Elections Amendment (No. 2) Rules 1999	S.I. 1999/492

SCHEDULE 2 Rule 4(1)

SCOTTISH LOCAL GOVERNMENT ELECTIONS RULES
RULES FOR CONDUCT OF A SCOTTISH LOCAL GOVERNMENT ELECTION WHERE THE POLL IS NOT TAKEN TOGETHER WITH THE POLL AT ANOTHER ELECTION

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3. Notice of election.

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PART I

PROVISIONS AS TO TIME

Timetable

1.—(1) Subject to paragraphs (2) and (3) below, the proceedings at the election shall be conducted in accordance with the following table:–

Timetable

Proceeding	*Time*
1. Publication of notice of election	Not earlier than the twenty-eighth day before the date of the poll and not later than the twenty-first day before the date of the poll.
2. Delivery of nomination papers	Not later than 4.00 p.m. on any day after the date of the publication of the notice of election but not later than the sixteenth day before the date of the poll.
3. Delivery of notice of withdrawal of nomination	Within the time for the delivery of nomination papers at the election.
4. Notice in case of uncontested election and notice of poll in contested election	Not later than the Thursday before the day of election.
5. Polling	Between the hours of 8.00 a.m. and 9.00 p.m. on the date of the poll.

(2) At any election held under section 37 (filling of casual vacancies) of the Local Government (Scotland) Act 1973(**6**), the timetable prescribed in paragraph (1) above shall apply subject to any modifications necessary to secure completion of the proceedings listed in items 1 to 4 in the first column of that timetable, before the date fixed as the day of election by the returning officer under sub-section (1) of the said section 37.

(**6**) 1973 c. 65.