STATUTORY INSTRUMENTS

1985 No. 1427 (S.109)

SHERIFF COURT, SCOTLAND

Act of Sederunt (Local Government) (Election Petitions) 1985

Made - - - - - 10*th September* 1985

Coming into Operation 1*st October* 1985

The Lords of Council and Session, under and by virtue of the powers conferred on them by section 32 of the Sheriff Courts (Scotland) Act 1971**(a)**, section 182(3) of the Representation of the People Act 1983**(b)** and of all other powers enabling them in that behalf, after consultation with the Sheriff Court Rules Council, do hereby enact and declare:—

Citation and commencement

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Local Government) (Election Petitions) 1985 and shall come into operation on 1st October 1985.

(2) This Act of Sederunt shall be inserted in the Books of Sederunt.

Amendment of Codifying Act of Sederunt

2.—(1) Chapter X of Book L of the Codifying Act of Sederunt **(c)** shall be amended as follows.

(2) For the heading of Chapter X, substitute the following heading:—

"CHAPTER X—PROCEEDINGS UNDER THE REPRESENTATION OF THE PEOPLE ACT 1983".

(3) In section 1 (intimation of proceedings)—

(*a*) omit the words from "The date of the deliverance" to the words "section 33 of this Act";

(*b*) after the word "made", insert the words "of a notice of the presentation of the petition, a notice of the nature and amount of the security and a copy of the petition"; and

(*c*) after the word "respondent", insert the words "and the Lord Advocate".

(4) In section 2(*b*) (security for expenses), after the word "lodged", insert the words "within 14 days from service of the notice of the nature and amount of the security".

(a) 1971 c.58.

(b) 1983 c.2, as amended by the Representation of the People Act 1985 (c.50), Sch. 4, Part II.

(c) S.R. & O. 1913/638.

(5) In section 3 (amendment of pleadings), for the words "subsection 2 of section 32 of the Act" substitute "section 129(6) of the Representation of the People Act 1983".

(6) In section 7 (appeals), for the words "subsection 7 of section 36 of the Act", substitute "section 146(1) of the Representation of the People Act 1983".

(7) In section 8 (list of votes), after the word "party", insert the words "and the Lord Advocate".

(8) In section 9 (petition against undue returns), after the word "petitioner" insert the words "and the Lord Advocate".

(9) In section 10 (witnesses' charges), for the words "subsection 2 of section 42 of the Act", substitute "section 155(2) of the Representation of the People Act 1983".

(10) In sections 14 (application to be admitted as respondent) and 15 (public notice of abandonment), for the words "section 40 of the Act" wherever they occur, substitute "section 153(1) of the Representation of the People Act 1983".

(11) In section 18 (expenses), omit the words from "and the taxation" to "1878".

(12) Section 19**(a)** shall be omitted.

(13) In Schedules A, B and C, for the words "Elections (Scotland) (Corrupt and Illegal Practices) Act 1890", wherever they occur, substitute "Representation of the People Act 1983".

(14) For the words "His Majesty's Advocate" wherever they occur, substitute the words "the Lord Advocate".

(15) After the word "sheriff" wherever it occurs (except in section 1), insert the word "principal".

Emslie,
Lord President, IPD

Edinburgh.
10th September 1985.

(a) As amended by S.R. & O. 1919/378.

EXPLANATORY NOTE

(This Note is not part of the Act of Sederunt.)

This Act of Sederunt amends Chapter X of Book L of the Codifying Act of Sederunt of 1913 relating to Local Government election petitions—

(*a*) to give effect to amendments to the Representation of the People Act 1983 in the Representation of the People Act 1985—

(i) by requiring the petitioner to serve on the Lord Advocate, a notice of the presentation of the petition, a notice of the nature and amount of the security for expenses and a copy of the petition (paragraph 2(3));

(ii) by extending to 14 days the period within which a respondent may object to the petitioner's security (paragraph 2(4));

(iii) by requiring intimation to be made to the Lord Advocate of the list of voters (paragraph 2(7)) and the list of objections upon which the respondent intends to rely (paragraph 2(8));

(iv) by omitting section 19 of the Codifying Act of Sederunt (paragraph 2(12));

(*b*) to substitute references to the Representation of the People Act 1983 for references to the Elections (Scotland) (Corrupt and Illegal Practices) Act 1890 (c.55) (paragraph 2 (2), (5), (6), (9), (10), and (13));

(*c*) to omit the reference to the scale of fees (paragraph 2 (11)); and

(*d*) by making minor consequential amendments (paragraphs 2(14) and (15)).

SI 1985/1427
ISBN 0-11-057427-3

