

**SCOTTISH BORDERS COUNCIL  
SELKIRKSHIRE BY-ELECTION  
THURSDAY 22 FEBRUARY 2018**

**List of contents and checklist for nomination packs**

<b>DESCRIPTION</b>	<b>DOCUMENTS TO BE RETURNED</b>
Candidate's Information Sheet	✓
Election timetable	
Notes for Candidates	
Candidates Checklist	
Nomination Paper (plus spare copy)	✓
Certificate of Authorisation	✓
Request for Emblem	✓
Notice of Appointment of Election Agent	✓
Notice of Withdrawal of Nomination	
Notice of Appointment of Polling Agents	✓
Request for Register of Electors/Absent Voters	✓
Ward Map/List of Polling Places	

If you require any further assistance please do not hesitate to contact the election office on 01835 825005.



**SCOTTISH BORDERS COUNCIL  
SELKIRKSHIRE BY-ELECTION  
THURSDAY 22 FEBRUARY 2017**

To assist the Election Office it would be appreciated if the following information could be supplied when submitting your nomination paper.

<b>Candidate's full name:</b>	
<b>Candidate's address:</b>	
<b>Telephone No.:</b>	
<b>Mobile No.:</b>	
<b>E-mail address:</b>	
<b>Election Agent's Name:</b>	
<b>Election Agent's Contact Details:</b>	
<b>Are you standing for a registered political party?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Candidate's description:</b> <i>(registered description or name of registered party)</i>	

Tracey Logan  
Returning Officer



# SELKIRKSHIRE WARD

## BY-ELECTION – 22 FEBRUARY 2018

### TIMETABLE

Event	Date
Publication of Election Notice	Thursday, 4 January 2018
Delivery of nomination papers	From Friday, 5 January - 9 am to 4pm each working day until the deadline for the delivery of nomination papers
Deadline for the delivery of nomination papers	4pm on Monday 22 January 2018
Deadline for withdrawals of nomination	4pm on Monday 22 January 2018
Deadline for the notification of appointment of election agents	4pm on Monday 22 January 2018
Publication of notice of poll	As soon as practicable after 4pm on Monday 22 January 2018
Registration deadline	Tuesday 6 February 2018
Deadline for new postal vote applications and for changes to existing postal or proxy votes	5pm on Wednesday 7 February 2018
Deadline for new applications to vote by proxy (not postal proxy), except for medical emergencies	5pm on Wednesday 14 February 2018
Deadline for notification of appointment of polling and counting agents	Thursday 15 February 2018
First date that electors can apply for replacements for lost postal votes	Friday 16 February 2018
<b>POLLING DAY</b>	<b>7am to 10pm on Thursday 22 February 2018</b>
Last time for re-issue of spoilt and lost postal votes	5pm on Thursday 22 February 2018
Deadline for emergency proxy applications	5pm on Thursday 22 February 2018
Last time to alter the register due to clerical error or court appeal	9pm on Thursday 22 February 2018
<b>COUNTING OF VOTES</b>	<b>10.30 a.m. on Friday 23 February 2018</b>
Last day to submit election spending returns	Friday 30 March 2018



**SCOTTISH BORDERS COUNCIL  
SELKIRKSHIRE BY-ELECTION  
THURSDAY 22 FEBRUARY 2018**

**NOTES for the Guidance of  
Prospective Candidates.**

-----

1. The following summary notes have been prepared for the guidance of prospective candidates at the Selkirkshire By-Election on **22 February 2018**. A more comprehensive Guide for Candidates and Agents has been prepared by the Electoral Commission and is available to download from <http://www.electoralcommission.org.uk/i-am-a/candidate-or-agent/local-council-elections-in-scotland-2017>

These notes are intended to be only a very brief guide to some of the matters connected with the elections; they are not in any way exhaustive or of any legal effect. Any person wishing further information should consult the statutory documents mentioned above, an independent legal adviser, or the Elections Office.

**STATUTORY PROVISIONS**

2. The statutory provisions relating to local government elections and any by-elections are contained in:-
- Local Government (Scotland) Act 1973
  - Representation of the People Act 1983
  - Local Government and Housing Act 1989
  - Political Parties, Elections & Referendums Act 2000
  - Ethical Standards in Public Life etc (Scotland) Act 2000
  - Local Governance (Scotland) Act 2004
  - Electoral Administration Act 2006
  - Local Electoral Administration and Registration Services (Scotland) Act 2006
  - Representation of the People (Postal Voting for Local Government Elections (Scotland) Regulations 2007
  - Representation of the People (Postal Voting at Local Government Elections) Amendment Regulations 2009
  - Local Electoral Administration (Scotland) Act 2011
  - The Scottish Local Government Elections Order 2011
  - The Scottish Local Government Elections Amendment Order 2016
  - The Scottish Local Government Elections Amendment (No. 2) Order 2016

**RETURNING OFFICER**

3. The Returning Officer appointed to conduct the By-Election are

Returning Officer	- Tracey Logan, Chief Executive, Scottish Borders Council, Council Headquarters, Newtown St. Boswells.
-------------------	--

For enquiries in respect of election matters please contact Louise McGeoch (01835 825005) or email [elections@scotborders.gov.uk](mailto:elections@scotborders.gov.uk).

**PROGRAMME**

4. The principal dates in the Election Programme are as detailed in the Timetable.

**NOMINATION PAPERS**

5. Two copies of the Nomination Paper are contained within this pack, and any additional Nomination Papers may be obtained from the Elections Office, Democratic Services, Council Headquarters, Newtown St. Boswells, TD6 0SA, either by application by post, by telephone (01835 825005) or in person. Completed nomination papers must be returned to the Elections Office no later than **4 p.m. on Monday, 22 January 2018**.

**Candidates are requested to consider lodging their nomination paper at the earliest possible date and to telephone in advance to make an appointment. If an appointment is not made, staff may not be available to check the nomination paper in the presence of either the candidate or his/her agent.**

6. Should a candidate wish to withdraw their nomination they must complete a Notice of Withdrawal of Nomination and return it to the Returning Officer no later than **4 p.m. on Monday, 22 January 2018**
7. The qualifications for being nominated as a candidate for the Council are that the candidate
- must have attained the age of 18 at the day of nomination
  - must be a British subject or other Commonwealth citizen, a citizen of the Republic of Ireland, or a citizen of another Member State of the European Union, and
  - must not be subject to any legal incapacity.

They should not be disqualified from being nominated as a candidate –

- by reason of any of the disqualifications set out in Section 31(1), (2), and (3) of the Local Government (Scotland) Act 1973
- by reason of holding a politically restricted post (within the meaning of Part I of the Local Government and Housing Act 1989)
- by reason of Section 12 of the Local Governance (Scotland) Act 2004 or
- by reason of Section 19 of the Ethical Standards in Public Life etc (Scotland) Act 2000

**It is a criminal offence if you make a statement as to your qualification as a candidate which you know to be false.**

In terms of Section 29(1) of the 1973 Act, a person can be nominated as a candidate for election as a member of a local authority if:-

- (a) he/she is, on the day on which he/she is nominated as a candidate, a local government elector for the area of the local authority; or
- (b) he/she has, during the whole of the twelve months preceding the day on which he/she is nominated as a candidate, occupied as owner or tenant any land or other premises in the area of the local authority; or
- (c) his/her principal or only place of work in the twelve months preceding the day on which he/she is nominated as a candidate has been in the area of the local authority; or
- (d) he/she has, during the whole of the twelve months preceding the day on which he/she is nominated as a candidate, resided in the area of the local authority.

8. Persons who have been sequestered, or convicted of any offence within the past 5 years resulting in a prison sentence of not less than 3 months, or convicted of a corrupt or illegal practice under the Representation of the People Act 1983, are disqualified from membership of a Scottish Council.
9. Details of the qualifications and disqualifications are set out in more detail on the Nomination Paper
10. The Nomination Paper requires to be signed by the candidate and one witness.

## 11. **Candidates' Descriptions**

In terms of the Political Parties, Elections and Referendums Act 2000, only the following persons can be nominated for a Council election;

- A person standing in the name of a qualifying registered party i.e. a party which has registered with the Electoral Commission and has registered in respect of elections in Scotland; or
- A person who does not purport to represent any party and does not wish to use any description other than the word 'Independent' on the ballot paper

(a) Political Party Candidates

Candidates are only allowed to use a description which associates them with a registered political party if they obtain a Certificate of Authorisation from the registered political party.

The Certificate should be in the style attached and must be delivered to the Returning Officer by **4pm on Monday, 22 January 2018**. Failure to do so will result in the nomination being ruled as invalid. If the registered political party has its own style of certificate, the information provided **must** contain the same details as the style attached.

It is possible for a candidate who has received a Certificate of Authorisation from a registered political party to ask that one of the party's registered **emblems** be put on the ballot paper alongside his/her name.

This request must be made in writing by the candidate **by 4pm on Monday, 22 January 2018** and must indicate which of the emblems has to be put on the ballot paper alongside his/her name.

The use of emblems applies only to candidates from registered political parties. No other candidates are allowed to have emblems on the ballot paper.

(b) Independents

A person does not claim to represent any party if either

- the description of the candidate given in his nomination paper, is "Independent" or
- no description is given in the nomination paper

### **ELECTION AGENTS**

12. Every candidate should appoint an election agent, though the candidate may act as his or her own agent. The appointment of an election agent must be in writing, must be accepted in writing by the election agent and must be delivered to the Returning Officer no later than **4 p.m. on Monday, 22 January 2018**. A form of appointment is enclosed and this also requires to be signed by the election agent accepting the appointment. If an election agent is not appointed by **4 p.m. on Monday, 22 January 2018**, the candidate will be deemed to have appointed himself or herself. The election agent must have an "office" within the Council area. The house of the candidate or of the election agent may competently be declared to be his or her "office".

### **ELECTORAL REGISTERS**

13. In terms of Regulation 107 of the Representation of the People (Scotland) Regulations 2001 (as amended), a candidate is entitled to one free copy of the Register of Electors for the electoral ward for which he/she has been nominated. This can be obtained by completing the enclosed form and returning it to the **Electoral Registration Office, Scott House, Sprouston Road, Newtown St. Boswells, TD6 0QS**. Unless a specific request for a paper copy is made the information will be supplied in electronic format. If a paper copy is required **at least 24 hours notice** must be given.

Please note that Regulation 107(5) states that no candidate to whom a copy of the electoral register has been supplied may:

- (a) supply a copy of the full register to any person;
- (b) disclose any information contained in it (that is not contained in the edited register) or
- (c) make use of any such information,

except for electoral purposes.

While it is a matter for each candidate to take advice on their own behalf about the implications of this Regulation, candidates should note that using information or copying or disclosing the information (so far as not included in the edited register) for any other purpose than that described above is a criminal offence.

### **POSTAL OR PROXY VOTING**

14. Applications for postal votes or to change or cancel an existing postal or proxy vote must be made to the Electoral Registration Officer no later than **5 p.m. on Wednesday, 7 February 2018** if they are to be effective at this election. Applications for a new proxy vote (except in medical emergencies) must be made no later than **5 p.m. on Wednesday, 14 February 2018**.
15. The address of the Electoral Registration Officer is:-

Electoral Registration Officer  
Old School Building  
Newtown St. Boswells  
MELROSE  
TD6 0SA  
(Tel. 01835 825100)  
(Fax. 01835 825101)

### **COMMITTEE ROOMS**

16. No part of any premises licensed for the sale of intoxicating liquor (other than a permanent political club), may be used as Committee Rooms unless where the part of the premises so used is in the habit of being let for such things as public meetings and it does not have any direct connection with the licensed part of the premises. There is also a prohibition against the use of schools as Committee Rooms.

### **ELECTION MEETINGS**

17. Candidates at local government elections are entitled, for the purpose of holding public meetings, to use, free of charge, any suitable room in any school in the Electoral Ward concerned, or any suitable room, the expense of maintaining which is payable by the Council. Rooms will be available until the date preceding the Election (i.e. until 21 February 2018) but reasonable notice as to the proposed use of the rooms must be given.

There can be no question of permission to use a school being granted during normal school hours. Any expenses incurred by the Council on account of damage done to the school premises or furniture etc. therein, must be paid by the candidate.

### **ELECTION EXPENSES**

18. It is for the candidate or candidate's election agent to appoint, if considered necessary, any Polling Agent, Clerk and Messenger employed for payment and to hire any Committee Room on behalf of the candidate. Generally speaking, all election expenses are to be paid by the election agent and receipts for all payments of £20 and over should be obtained. Any money provided by any person, other than the candidate, for election expenses whether by way of gift, loan, advance or deposit should be paid to the candidate or his or her election agent.
19. The candidate may pay any personal expenses incurred in connection with the Election and must notify the election agent of the amount of personal expenses so paid. No expenses should be incurred by any person other than the candidate, the election agent or persons authorised in writing by the election agent on account of the holding of public meetings or issuing advertisements or circulars.
20. There is a statutory limit to the amount that may be spent on any election by a candidate or the election agent. The limit is £740 plus 6p for every entry in the Register of Local Government Electors for the electoral Ward concerned. The Register to be used for the

calculation of expenses will be the Register of local Government electors in effect on 1 February 2018

21. A candidate or the election agent is under obligation, following the election, to send to the Returning Officer a return and a declaration as to election expenses within 35 calendar days of the result being declared which will be Friday, 30 March 2018 for this election. A form for this return will be sent to the candidates at a later date.

#### **CANVASSERS**

22. There is an absolute prohibition against the employment of paid canvassers.

#### **ELECTION NOTICES**

23. No payment can be made to an elector or a proxy for an elector for permission to exhibit any Election Notice on any house, land, building or premises.
24. Every bill, placard, poster or document issued by a candidate must bear upon the face of it, the name and address of the printer and publisher. This applies not only to printing but also to any other duplicating process.
25. It is the policy of this Council not to allow the display of any election notices on Council owned property, lamp posts etc. Any Notices found on Council property will be removed and the cost of such removal charged to the party/person responsible.

#### **CORRUPT PRACTICES**

26. At any local government election, a person shall be guilty of a corrupt practice if he or she is guilty of bribery, treating or undue influence. A person is guilty of treating if he or she pays, either in whole or in part, the expenses of giving or providing any meat, drink, entertainment or provision to any person for the purpose of influencing that person's vote.

#### **POSTAL VOTES**

27. The issue of Postal Ballot Papers is expected to take place around 11 February 2018. There is no entitlement for candidates or their agents to be present.
28. Details of the time and location for the opening of postal votes will be provided in due course. In addition to his/her election agent each candidate may appoint one agent to attend. The appointment should be intimated in writing to the Returning Officer before the time of the first opening.

#### **POLLING AGENTS**

29. Candidates may appoint Polling Agents to attend at polling stations for the purpose of detecting personation. Any number of Agents may be appointed, but only one may be in a polling station at any time. Forms of appointment are enclosed and should be returned to the Returning Officer by **Thursday, 15 February 2018**. Polling Agents should be advised that Polling Staff have been instructed not to allow any Agent access to a polling station if they do not have with them the card issued by the Returning Officer.

#### **HOURS OF POLL**

30. The hours of poll are from **7.00 a.m. to 10.00p.m.** on **Thursday, 22 February 2018**.

#### **CONVEYANCE OF VOTERS**

31. A person must not let, lend for the conveyance of electors or their proxies to or from the Poll any public stage or hackney carriage or any carriage kept or used for the purpose of letting out for hire. Candidates or their election agents must not make any payment either before, during or after the Election, on account of the conveyance of voters or their proxies to or from the Poll whether for the hire of carriages or for 'bus fares' or otherwise. It is not necessary for a licence to be taken out in respect of any carriage used without payment or promise of a payment, for the conveyance of voters or their proxies to or from the Poll.
32. The prohibitions against the hire of a carriage do not prevent an elector, or several electors jointly from hiring any vehicle to take them to the Poll.

### **COUNTING OF VOTES**

33. The counting of the ballot papers will take place on **Friday, 23 February 2018 commencing at 10.00 a.m.** and further information regarding the location of the count will be provided once this has been confirmed. The votes will be counted electronically and further information regarding this process will be issued in due course.
34. Candidates may appoint Counting Agents to attend the counting of votes, but this will be subject to a maximum for each candidate which will be determined by the Returning Officer, having regard to the number of candidates. Forms of appointment for Counting Agents will be issued in due course.

### **POLLING PROCEDURES – GENERAL**

35. (a) For the purposes of these notes:-
- “polling place” = any school, hall or other building used for polling, the grounds of and any buildings ancillary to such school, hall or other building, and the walls, railings or fences surrounding such school, hall or other building.
- “polling station” = the room or hall in a polling place where polling takes place.
- (b) In terms of Rule 28 of the Scottish Local Government Elections Rules 2011, only the following may be admitted to a polling station:-
- (i) voters;
  - (ii) persons under the age of 18 who accompany voters to the polling station;
  - (iii) the candidates and their election agents;
  - (iv) the polling agents appointed to attend at the polling station;
  - (v) the police officers on duty;
  - (vi) the companions of voters with disabilities;
  - (vii) the Returning Officer and the Returning Officer's staff; and
  - (viii) persons entitled to attend in accordance with Sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000.
- (c) Election Agents and Polling Agents are reminded that they must have the appropriate admission card, otherwise admission will not be granted.
- (i) The offering of literature or any attempt by whatever means to influence voters as to how they cast their votes **WITHIN A POLLING PLACE IS STRICTLY FORBIDDEN.**
  - (ii) Poll cards are the property of voters. They are not required to surrender them to agents and must not be pressurised to do so. Any cards surrendered to Presiding Officers will be destroyed forthwith.
- (d) Tellers
- (i) Tellers must not give the impression that they are employed by the Returning Officer. They should concern themselves **ONLY** with checking who has voted. **THEY MUST NOT ASK VOTERS WHO THEY INTEND TO VOTE FOR OR HOW THEY HAVE VOTED.**
  - (ii) **VOTERS MUST NOT BE APPROACHED UNTIL AFTER THEY HAVE LEFT THE POLLING STATION.**
  - (iii) The usual means of telling is to ask voters for the poll card. If a voter does not have a poll card and does not know his or her electoral number, tellers may ask the voter's name and address but must not give the impression that the information must be provided for official purposes; **IF THE VOTER REFUSES HE OR SHE MUST NOT BE PRESSED.** Voters must not be asked to re-enter the

polling station to ascertain their electoral number. TELLERS MUST NOT IN ANY WAY IMPEDE OR OBSTRUCT VOTERS ON THEIR WAY INTO OR OUT OF THE POLLING STATION OR THE BUILDING IN WHICH IT IS SITUATED.

- (iv) Tellers are only permitted inside a building in which a polling station is situated AT THE PRESIDING OFFICER'S DISCRETION. **They are not permitted, as tellers, to enter a polling station.** Tellers must respect the Presiding Officer's decision as to their location. Since that decision will be based in part on ensuring that access for voters is not obstructed, it is likely to vary from polling place to polling place.
  
- (f) The fixing of bills to any part of a polling place, i.e. walls, railings, fences, etc. is not allowed. Bills will normally be allowed on the pavements outside a polling place provided that they are positioned so as not to cause any obstruction to pedestrian or vehicular traffic. Any question of obstructions will be wholly within the jurisdiction of the Police.
- (g) Rosettes may be worn within a polling place provided they do not have on them, or in any way incorporate or represent any words or logo or letters (e.g. name or initials of candidate or party) or any party or other insignia.
- (h) Cars displaying election material are not normally allowed within the polling place. Such cars, however, which bring disabled or infirm persons to the poll, may, where local conditions permit, be allowed to bring those persons to the door of the polling place. In such circumstances the cars should not wait in a conspicuous place while the persons are voting and should leave the polling place without delay as soon as the persons have voted.
- (i) While there is no specific entitlement to Candidates or Agents being informed of the number of persons who have voted, it will normally be possible for Presiding Officers to give Candidates or Agents a note of the actual number of persons who have voted from time to time throughout the day. Information as to whether or not a particular person has or has not voted shall not be given. The Presiding Officers shall ensure that meeting these requests does not interfere with their official duties.

#### **FURTHER INFORMATION**

35. The Returning Officer will be pleased to provide any further information required by the candidates.

Tracey Logan  
Returning Officer  
Council Headquarters,  
NEWTOWN ST. BOSWELLS,  
TD6 0SA.



## Council Election

## Candidate Checklist

This checklist is designed to assist candidates standing in a local government election in Scotland in preparing to submit their nomination, and should be read alongside the Electoral Commission's [Guidance for candidates and agents](#).

Task	Tick
<b>Nomination paper</b>	
Add the name of the electoral ward you are standing in	
Add your full name – surname in the first box and all other names in the second	
Optional - Use the commonly used name(s) boxes if you are commonly known by a name other than your full name and want it to be used on the ballot paper instead of your full name	
Description – Party candidates can use a party name or description registered with the Electoral Commission and supported by a certificate of authorisation from that party; others can use 'Independent' or leave this blank	
Add the full home address of the candidate	
You must be a British, Commonwealth or other European Union Citizen and not require leave to remain in the United Kingdom or have indefinite leave to remain. You must also be 18 years old or older on the date you sign this form.	
You must meet at least one of the listed qualifications (a, b, c or d). Complete in full the details for all the qualifications that you meet in the space provided within the relevant box(es).	
You must not sign the form if you are disqualified to stand. Make sure that you read the Electoral Commission guidance on standing for election as well as the legislation listed. If you are not sure if you are able to stand you should contact the Electoral Commission or take your own legal advice.	
Sign and date the document in the presence of another person	
Get the other person to complete and sign the witness section	
Method of submitting the nomination form (which must include all pages of legislation) to the RO: by hand (it cannot be submitted by post, fax, e-mail or other electronic means), by any person	
<b>Certificate of authorisation (party candidates only)</b>	
Ensure the certificate contains the candidate's full name	
Check the certificate allows the registered party name or description given on the nomination paper to be used (or allows the candidate to choose to use the party name or any registered description)	
Ensure it is issued by the party Nominating Officer (or someone that they have authorised to issue it on their behalf)	
Method of submitting the certificate of authorisation to the RO: by hand (by any person) or by post (it cannot be submitted by fax, e-mail or other electronic means)	
<b>Request for party emblem (party candidates only)</b>	
Write the name or description of an emblem registered by the party and published on the Electoral Commission's website	
Ensure the request is made by the candidate	
Method of submitting the emblem request to the RO: by hand (by any person) or by post (it cannot be submitted by fax, e-mail or other electronic means)	
<b>Appoint an election agent</b>	
Give the name, address and office address of the appointed election agent	
Give your name and signature (or the signature of a person authorised to act on your behalf)	
Ensure the appointed agent signs the form showing their acceptance (you do not need to sign the form again if you are appointing yourself as the election agent)	
Method of submitting the notification of election agent to the RO: by hand or by post (it cannot be submitted by fax, e-mail or other electronic means)	



**NOMINATION PAPER**  
**ELECTION OF COUNCILLOR**  
**for the**  
**Selkirkshire Electoral Ward**  
**of SCOTTISH BORDERS COUNCIL**  
**THURSDAY, 22 FEBRUARY 2018**

**Name** \_\_\_\_\_

**THE PLACE FIXED FOR THE RECEIPT OF NOMINATION PAPERS IS:-**

**SCOTTISH BORDERS COUNCIL  
COUNCIL HEADQUARTERS  
NEWTOWN ST. BOSWELLS  
MELROSE, TD6 0SA**

**NOMINATION PAPERS MUST BE LODGED NOT LATER THAN  
4 PM ON MONDAY, 22 JANUARY 2018**

-----

***FOR OFFICIAL USE***

**Date Lodged** \_\_\_\_\_

**Time** \_\_\_\_\_

**Signed** \_\_\_\_\_

## Council Election

## Nomination paper

### ELECTION OF COUNCILLORS for

**Electoral Ward:** Selkirkshire

**of Scottish Borders Council**

**Day and date of election** Thursday, 22 February 2018

I, the undersigned, am hereby nominated as a candidate at the said election.

#### Candidate's Details

Candidate's surname

Other names in full

Commonly used surname (if any)  
*(see Note 3 below)*

Commonly used forenames (if any)  
*(see Note 3 below)*

Description (if any)  
*(see Note 6 below)*

Home address in full

I, the nominee for election, consent to being nominated as a candidate for the

**Electoral Ward:** Selkirkshire

**of Scottish Borders Council**

I declare that I am qualified to be elected, that I have attained the age of 18 years and am a qualifying Commonwealth citizen, a citizen of the Irish Republic or a relevant citizen of the European Union; that I am not subject to any legal incapacity; and that in terms of Section 29 of the Local Government (Scotland) Act 1973:

\*a. I am registered as a local government elector for the local government area named above as in the register of electors in respect of the following address *(give qualifying address in full)*:

and my electoral number *(see Note 5 below)* is:

and / or \*b. I have during the whole of the 12 months preceding the day of nomination occupied as owner or tenant land or premises at the following address(es) *(give description and address(es) of land or premises)*:

and / or	*c. I have during the 12 months preceding the day of my nomination had my principal or only place of work at the following address(es) ( <i>give address(es) of place of work and, where appropriate, name of employer</i> ):
and / or	*d. I have during the whole of the 12 months preceding my nomination resided at the following address(es) ( <i>give address(es) in full</i> ):
* delete where applicable	
I declare that	
<p>a. I am not disqualified from being nominated as a candidate for election as a local government councillor by reason of any of the disqualifications in Section 31 of the Local Government (Scotland) Act 1973, a copy of which is printed overleaf;</p> <p>b. I am not disqualified for election by reason of holding a politically restricted post in terms of Section 1(1) of the Local Government and Housing Act 1989, under a local authority within the meaning of Part 1 of that Act; and</p> <p>c. I am not disqualified from being nominated as a candidate for election as a local government councillor by reason of having received a severance payment within the meaning of Section 12 of the Local Governance (Scotland) Act 2004; and</p> <p>d. I am not disqualified from being nominated as a candidate for election as a local government councillor by reason of any sanction imposed by the Standards Commission for Scotland in terms of Section 19(1)(d) of the Ethical Standards in Public Life etc. (Scotland) Act 2000</p>	
Candidate's signature	
Date	
Witness: I confirm the above-mentioned candidate signed the declaration in my presence.	
Witness's signature:	
Witness (name in full):	
of (address in full):	
Date	

This form must be delivered to the Returning Officer by no later than 4pm on Wednesday, 29 March 2017 being the last day for delivery of nomination papers.

A candidate who is qualified by more than one qualification should complete all of those that apply.

\* Delete where inapplicable

## Notes

1. The attention of candidates and local government electors is drawn to the rules for completing nomination papers and other provisions relating to the nominations contained in the local government election rules contained in Schedule 1 to the Scottish Local Government Elections Order 2011.
2. Where a candidate is commonly known by some title they may be described by their title as if it were their surname.
3. If a candidate's nomination paper gives a commonly used surname or forename in addition to or instead of another name the nomination paper may state the commonly used forename or surname in addition to or instead of the other name.
4. But in terms of rule 14(7) and (8) the ballot paper will not show the other name if the Returning Officer thinks:
  - (a) that the use of the commonly used name may be likely to mislead or confuse electors; or
  - (b) that the commonly used name is obscene or offensive.
5. A person's electoral number consists of the distinctive letter or letters (or number or numbers) of the polling district in which the candidate is registered together with the number in the register to be used at the election, except that before publication of the register the distinctive letter or letters (or number or numbers) of the polling district in which the candidate is entitled to be registered together with the number (if any) in the electors lists for that register shall be used instead.
6. Description (if any) and commonly used surname / forename (if any) must be read in terms of rule 4 of the election rules. See the Electoral Commission's [Guidance for candidates and agents](#) for full details.

# Local Government (Scotland) Act 1973: Disqualifications

## **31 – Disqualifications for nomination, election and holding office as member of local authority**

(1) Subject to subsections (2) and (3) below, a person shall be disqualified for being nominated as a candidate for elections as, or for being elected, or for being a member of a local authority if –

- (a) *[This has been removed and no longer applies]*
- (b) he is a person whose estate has been sequestrated by a court in Scotland or who has been adjudged bankrupt elsewhere than in Scotland; or
- (ba) he is subject to a bankruptcy restrictions order;
- (c) he has, within five years before the day of nomination, or election or since his election, as the case may be, been convicted in the United Kingdom, the Channel Islands, the Isle of Man or the Irish Republic of any offence and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine; or
- (d) he is disqualified for being elected or for being a member of that authority under Part III of the Representation of the People Act 1983.

(1A) A person is disqualified for being a member of a joint board if he or a partner of his holds any paid office or employment (other than the office of convener or depute convener of the board) or other place of profit in the gift or disposal of the board.

(2) Where a person is disqualified under subsection (1) by reason of his estate having been sequestrated, the disqualification shall cease if and when –

- (a) the sequestration of his estate is recalled or reduced; or
- (b) he is discharged under or by virtue of the Bankruptcy (Scotland) Act 2016.

(3) Where a person is disqualified under subsection (1) above by reason of having been adjudged bankrupt, then –

- (a) if the bankruptcy is annulled on the ground that he ought not to have been adjudged bankrupt or on the ground that his debts have been paid in full, the disqualification shall cease on the date of the annulment;
- (b) if he is discharged with a certificate that the bankruptcy was caused by misfortune without any misconduct on his part, the disqualification shall cease on the date of his discharge; and
- (c) if he is discharged without such a certificate, his disqualification shall cease on the expiration of five years from the date of his discharge.

(3A) A person who is for the time being an officer or employee of the Strathclyde Passenger Transport Authority or an employee of a subsidiary of that Authority shall be disqualified for being appointed or for being a member of the Strathclyde Passenger Transport Authority.

(3B) In subsection (1)(ba) above, “bankruptcy restrictions order” means –

- (a) a bankruptcy restrictions order made under section 155 of the Bankruptcy (Scotland) Act 2016;
- (b) *[This has been removed and no longer applies]*
- (c) a bankruptcy restrictions order made under paragraph 1 of Schedule 4A to the Insolvency Act 1986; or
- (d) a bankruptcy restrictions undertaking entered into under paragraph 7 of that Schedule.

**[The following section refers to candidates who are elected. Holders of posts mentioned in this section, except those in subsection (6), are not disqualified from standing for election, but must resign in compliance with this section]**

### **31A – Disqualification of officers, employees etc. from remaining members of local authority**

(1) A person elected a member of a local authority who is the holder of any paid office or employment or other place of profit in the gift or disposal of the authority is disqualified from remaining a member of the authority after the relevant day unless the person complies with subsection (2) below.

(2) A person complies with this subsection by resigning, not later than the relevant day, from that office, employment or, as the case may be, other place of profit.

(3) A resignation effected in pursuance of subsection (2) above terminates the holding of the office, employment or other place of profit with immediate effect notwithstanding any contrary provision in the terms and conditions under which the office, employment or place of profit is held.

(4) In this section the “relevant day” is the day first occurring after that on which the person elected a member of the local authority was, under the local elections rules, declared to be so elected (no account being taken of a day which is a Saturday or Sunday or Christmas Eve, Easter Monday, or a bank holiday in Scotland under the Banking and Financial Dealings Act 1971 or a day appointed for public thanksgiving or mourning in Scotland).

(5) In subsection (4) above, the “local elections rules” means an order made under section 3(1) of the Local Governance (Scotland) Act 2004.

(6) This section does not affect section 1 (disqualification and political restriction of certain local government officers and staff) of the Local Government and Housing Act 1989.

## **Local Government and Housing Act 1989: Political restrictions of officers and staff**

### **1 – Disqualification and political restriction of certain officers and staff**

(1) A person shall be disqualified from becoming (whether by election or otherwise) or remaining a member of a local authority if he holds a politically restricted post under that local authority or any other local authority in Great Britain.

## **Local Governance (Scotland) Act 2004: Membership of local authorities etc**

### **12 – Severance payments for councillors**

(1) The Scottish Ministers may, by regulations, provide for the making by local authorities of payments (“severance payments”) to persons who—

- (a) were, immediately prior to the date of an ordinary election, members of local authorities,
- (b) were not candidates to be councillor at that election, and
- (c) meet such other criteria as may be specified in the regulations.

[...]

- (4) In section 29 (qualifications for nomination, election and holding office as member of local authority) of the 1973 Act, after subsection (1) insert—

“(1A)A person who has received a severance payment (within the meaning of section 12 of the Local Governance (Scotland) Act 2004 (asp 9)) shall not be so qualified.”

- (5) In this section, “*ordinary election*” means an ordinary election of councillors for local government areas (within the meaning of section 6) in Scotland.

## Ethical Standards in Public Life etc. (Scotland) Act 2000: Enforcement

### 19 – Action on finding of contravention

- (1) Where the members of the Commission conducting a hearing find that a councillor has contravened the councillors’ code or a member of a devolved public body the members’ code, they shall impose one of the following sanctions—
- (a) censuring, but otherwise taking no action against, the councillor or member;
  - (b) suspending, for a period not exceeding one year, the councillor’s or member’s entitlement to attend one or more but not all of the following—
    - (i) all meetings of the council or body;
    - (ii) all meetings of one or more committees or sub-committees of the council or body;
    - (iii) all meetings of any other body on which the councillor or member is a representative or nominee of the council or body;
  - (c) suspending, for a period not exceeding one year, the councillor’s or member’s entitlement to attend meetings of the council or body and of any committee or sub-committee thereof and of any other body on which the councillor or member is a representative or nominee of the council or body;
  - (d) in the case of a councillor, disqualifying the councillor for a period not exceeding five years, from being, or from being nominated for election as, or from being elected, a councillor;
  - (e) in the case of a member of a devolved public body, removing the member from membership of the body and disqualifying the member, for a period not exceeding five years, from membership of the body.
- (2) A period of suspension imposed under subsection (1)(b) or (c) above which would continue until or after the day of the next following ordinary election of councillors shall end at the beginning of that day.
- (3) Disqualification imposed under subsection (1)(d) above—
- (a) has the effect of vacating the councillor’s office; and
  - (b) extends to the councillor’s membership of committees and sub-committees of the council of which the councillor was a member and any joint committee, joint board or other body on which the councillor is a representative or nominee of the council.
- (4) Where the members of the Commission disqualify, under subsection (1)(d) above, a councillor who is also a member of a devolved public body otherwise than as a representative or nominee of the council, they may also, in respect of that membership, remove and disqualify that person under subsection (1)(e) above and, where the councillor is also the Water Industry Commissioner for Scotland, they may also impose the sanction in section 25(12)(b) below.
- (5) The members of the Commission, on removing and disqualifying a member of a devolved public body under subsection (1)(e) above, may—
- (a) where the member is a councillor, disqualify that person under subsection (1)(d) above;

- (b) direct that the removal from membership and disqualification apply also in respect of any other devolved public body of which the member is a member; or
- (6) The members of the Commission may, on imposing a suspension under subsection (1)(b) or (c) above on a member of a devolved public body, direct that any remuneration or allowance deriving from membership of the body that would be payable to the member be not paid or be reduced as they direct.
- (7) The powers to remove and disqualify a person from membership of a devolved public body under subsections (4) and (5)(b) above are exercisable as respects that body only after the members' code applicable to that body first has effect.
- (8) The Commission shall, after consulting such association of local authorities and any such other bodies or persons as it thinks fit, issue guidance to councils on the extent to which a councillor should engage in activities (other than those mentioned in subsection (1)(c) above) which are, or may be perceived to be, the activities of a councillor during a period of suspension.

## Council Election

## Certificate of Authorisation

To accompany the nomination of a candidate standing **on behalf of a registered political party**. Candidates standing on behalf of two or more parties require a certificate from each party and each must allow the registered joint description to be used.

This certificate must be authorised by the registered Nominating Officer of the party or by a person authorised to sign on their behalf.

The Nominating Officer can authorise the candidate to use either the name of the party or a particular description registered with the Electoral Commission, or to use 'any registered description or the party name as registered with the Electoral Commission'. Party names and registered descriptions are listed on the Electoral Commission website (<http://search.electoralcommission.org.uk>).

Details of candidate to be authorised and the allowed description/party name			
Ward:	Selkirkshire	Date of election:	22 February 2018
I hereby certify that			
The candidate (name in full):			
Is authorised to stand for:	Name of political party registered with the Electoral Commission		
The candidate may include the following registered description/party name in their nomination paper:			
Note: An incorrect or fraudulently completed form may lead to the rejection of the nomination form as invalid			
Signature of party's registered Nominating Officer (or person authorised by the registered Nominating Officer):			
Name of person signing this form:			
Date:			

This form must be delivered for a candidate standing on behalf of a political party to the **Returning Officer** by no later than 4pm on Monday, 22 January 2018.



## Council Election

## Request for a Party Emblem

This form is for a candidate of a political party who has been given a certificate of authorisation and who wishes to have a party emblem printed on the ballot paper next to their name.

The registered emblems of a political party can be found on the Commission's website at <http://search.electoralcommission.org.uk>.

**This form must be signed by the candidate.**

Candidate's request for use of an emblem			
Ward:	Selkirkshire	Date of election:	22 February 2018
Candidate's name in full:			
I request that the ballot paper shall contain, against my name, the following registered emblem (please identify which emblem if the party has registered more than one):			
Emblem to be used (please use name or description as on the <a href="http://www.electoralcommission.org.uk">Electoral Commission website</a> ):			
Candidate's signature:			
Date:			

This form must be delivered for a candidate standing on behalf of a political party to the Returning Officer by no later than 4pm on Monday, 22 January 2018.

Candidates standing on behalf of more than one political party and using a joint description may choose one emblem from one of the parties that they are standing for. Please indicate the name of the party and the emblem name in the 'Emblem to be used' box above.



**Council Election****Notification of Election Agent**

Ward:	Selkirkshire	Date of election:	22 February 2018
-------	--------------	-------------------	------------------

**Candidate's notification of their election agent**

I, (Candidate's name in full):

Hereby declare that the name and address of my election agent is

Agent's name:

Agent's address (in full):

The office address of my election agent to which all claims, notices, legal process and other documents may be sent is:

Agent's office address  
in full:Candidate's signature  
(or of a person authorised to act  
on behalf of candidate):

Date:

**Confirmation of acceptance by election agent**

I [agent named above] confirm my acceptance as the election agent for the above named candidate.  
I understand that I must carry out my duties according to law. I understand that there are penalties if I fail to fulfil my duties according to law.

Agent's signature:

Date:

**Agent's other details in case of query (Optional – will not be published)**

Home telephone:

Work telephone:

Mobile telephone:

Email address:

Deliver to the **Returning Officer** by 4pm on Monday, 22 January 2018.



## Council Election

## Notice of Withdrawal

Election of Councillor	
Electoral Ward	Selkirkshire
of Scottish Borders Council	
Date of Election:	22 February 2018

To be completed by candidates withdrawing their nomination and delivered to the Returning Officer at the place fixed for the delivery of nomination papers by 4pm on Monday, 22 January 2018. If the candidate is outside the United Kingdom please contact the Returning Officer.

I (candidate's name)	
of (address of candidate)	
having been nominated, <b>withdraw</b> my nomination as a candidate for the above election.	

### Section 1 – To be completed by the candidate in the presence of a witness

Signature of candidate		Date	
------------------------	--	------	--

### SECTION 2 – TO BE COMPLETED BY WITNESS

Signature of witness		Date	
Print name of witness (in BLOCK CAPITALS)			

### *For official use only*

*Lodged* \_\_\_\_\_ *(date)* \_\_\_\_\_ *(time)* \_\_\_\_\_



## Appointment of polling agents

Polling agents can be appointed using this form by the candidate or their election agent. Please return this form to the Election Office by **5 p.m. on Thursday, 15 February 2018**

Local authority:

**SCOTTISH BORDERS COUNCIL**

Name of Ward

Selkirkshire

Name of candidate

Signature of candidate or election agent:

I appoint the following people as polling agents:

Name and address of polling agent  
(include postcode)

List of polling stations to which they are appointed

Name and address of polling agent (include postcode)	List of polling stations to which they are appointed

Name and address of polling agent (include postcode)	List of polling stations to which they are appointed

Please continue on further sheets as required.

ELECTORAL REGISTRATION OFFICER  
SCOTTISH BORDERS COUNCIL

**Council By-Election**  
**WARD 4**  
**SELKIRKSHIRE WARD**

**Thursday 22 February 2018**

---

---

**REQUEST FOR FREE SUPPLY OF FULL REGISTER OF ELECTORS  
AND/OR ABSENT VOTERS LISTS**

---

---

Separate requests are required to be made to the Electoral Registration Officer for each of the above documents. This form has been produced to try to simplify the request process by ensuring the statutory requirements are met and that the registers and lists issued are in the format the applicant requires, subject to the Electoral Registration Officer's ability to meet that request. The legislation requires only that the data is provided in a format held by the Registration Officer.

**PART 1 - REQUEST FOR FREE COPY OF THE ELECTORAL REGISTER**

The Representation of the People (Scotland) (Amendment) Regulations 2001 (as amended) provide for the supply of the Full Register of Electors at Local Government Elections.

The entitlement is conferred on candidates and agents.

This means that the appropriate boxes below must be completed to indicate the capacity of the person making the application. The form also requires to be signed in Part 3 by that person.

Candidates and agents should note the following restrictions on the use of registers provided to them.

**THEY MAY NOT SUPPLY A COPY OF THE FULL REGISTER TO ANY PERSON, DISCLOSE ANY INFORMATION CONTAINED IN IT THAT IS NOT INCLUDED IN THE EDITED REGISTER OR MAKE USE OF ANY SUCH INFORMATION OTHER THAN FOR ELECTORAL PURPOSES.**

I,

a \* Candidate / Election Agent  
*(Please delete as appropriate)*

wish to request a copy of the register of electors and any notice of alteration to it. I understand that this will be provided in the form of a consolidated register subject to the fact that further alterations may take place after the supply of the register.

In either case above, please enter the name of the relevant political party, or "Independent", in the box.

**CONFIRMATION  
BY RETURNING  
OFFICER**

*To speed up the processing of a request a candidate or agent may seek the signature of a member of the Returning Officer's staff. In the absence of such a signature the candidature will require to be confirmed by the ERO prior to the issue of the register.*

Returning Officer's Signature

Cont'd Over/....

<p>Unless you indicate, by the entry of an "X" in the box, that you wish your copy of the register to be issued in paper format it will be issued in data format.</p>	<p>Paper copy required Enter an 'X' below</p> <div style="text-align: center;"><input type="checkbox"/></div>
<p>If you wish your copy in data format by e-mail please indicate, by entering an "X" in the box.</p>	
<p><b>E-Mail</b>      <b>Please provide e-mail address (BLOCK LETTERS)</b></p>	<div style="display: flex; align-items: center;"> <input style="width: 30px; height: 20px; margin-right: 5px;" type="checkbox"/> <input style="width: 670px; height: 25px;" type="text"/> </div>
<p>The data will be supplied in CSV format.</p>	
<b>PART 2 - REQUEST FOR FREE COPY OF ABSENT VOTERS LISTS</b>	
<p>These are supplied free of charge by the ERO on written request under Regulation 61(1) of The Representation of the People (Scotland) Regulations 2001. In this case, the qualifying applicants are as described above. If you wish to request the issue of Absent Voting Lists please enter an "X" in the box. It will, whenever possible, be issued in the same format (either data or paper) as the register.</p>	
<div style="border: 1px solid black; width: 40px; height: 25px; margin-left: auto;"></div>	
<b>PART 3 - CANDIDATES OR AGENTS DETAILS</b>	
<p>Candidate's or Agent's Name</p>	<input style="width: 510px; height: 25px;" type="text"/>
<p>Candidate's or Agent's Signature</p>	<div style="display: flex; align-items: center;"> <input style="width: 370px; height: 25px; margin-right: 10px;" type="text"/> <p style="margin: 0;">Date</p> <input style="width: 150px; height: 25px; margin-left: 10px;" type="text"/> </div>
<p>Address</p>	<input style="width: 610px; height: 25px;" type="text"/> <input style="width: 610px; height: 25px;" type="text"/>
<p>Contact Telephone Number</p>	<input style="width: 560px; height: 25px;" type="text"/>
<p>Contact E-Mail Address if different from above</p>	<input style="width: 560px; height: 25px;" type="text"/>
<p><b>NOTE - WITHDRAWAL OF CANDIDATES</b> Should a candidate to whom a register has been issued subsequently not stand or withdraw from an election, any Register in hard copy or on disk should be returned to the ERO. Any copy provided by e-mail should be destroyed. In such circumstances any usage of the register, for any purpose, may be in contravention of the legislation.</p>	
<p><b>PART 4 - DELIVERY INSTRUCTIONS</b>      <i>Copies of the register will be issued as soon as possible after the receipt of your application. Paper copies may take longer to supply.</i></p>	
<p>1 If you want to collect it from the ERO's office please enter an "X" in the box. We will advise you by telephone or e-mail when it is available.</p>	<div style="border: 1px solid black; width: 40px; height: 25px; margin-left: auto;"></div>
<p>2 If you want to have it posted/delivered to the Candidate's or Agent's address shown above please enter an "X" in the box.</p>	<div style="border: 1px solid black; width: 40px; height: 25px; margin-left: auto;"></div>
<p>3 If you have requested supply by e-mail it will be issued to you as soon as possible.</p>	

**Please send this form to:**  
**THE ELECTORAL REGISTRATION OFFICER**  
**OLD SCHOOL BUILDING**  
**COUNCIL HEADQUARTERS**  
**NEWTOWN ST BOSWELLS, TD6 0SA**

If you need additional information please telephone (01835) 825 100 or email [ero@scotborders.gov.uk](mailto:ero@scotborders.gov.uk)