

# **Candidate Nomination Forms**

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## **The Moray Council Local Government By-Election Ward 6 – Elgin North**

**Date of Poll: Thursday 11 December 2014**

**Close of nominations: 4pm on Friday 7 November 2014**

The forms provided in this document are:

- Candidate Checklist
- Candidate Nomination Form
- Certificate of Party Authorisation
- Request for Party Emblem
- Notification of Appointment of Election Agent

Guidance for Candidates & Agents is provided by the Electoral Commission at the web address <http://www.electoralcommission.org.uk/i-am-a/candidate-or-agent/local-council-elections-in-scotland>

Candidates are **strongly recommended to contact The Moray Council Elections Office** using the details below; there are a number of other documents included in the printed nomination pack available from the Election Office including information about statutory campaign spending returns, campaigning, ward maps, code of conduct, conduct of poll and information from the Returning Officer and the Chief Executive, which is not provided here due to the volume of information.

Should you wish a hard copy of the full nomination pack sent to you or to discuss any aspect of nomination, or to make an appointment to lodge the candidate's nomination please contact:

**Depute Returning Officer**

Elections Office

The Moray Council

Council Offices

High Street

ELGIN

IV30 1BX

01343 563334

[election.enquiries@moray.gov.uk](mailto:election.enquiries@moray.gov.uk)

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](#).

You **do not need** to bring it when you submit your nomination papers – it is for your guidance only.

Task	Tick
<b>Nomination paper</b>	
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 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	
<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)	
<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	
<b>Appoint an election agent</b>	
Give the name, address and office address of the appointed election agent (even if it is yourself)	
Ensure the appointed agent signs the form showing their acceptance	

	Date received	Time received	Initials	No.
Office Use only				

<b>1</b>	<b>Local government by-election</b>	<b>Nomination paper</b>
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ELECTION OF COUNCILLORS for		
Electoral ward:	<b>Ward 6 – Elgin City North</b>	
of	<b>The Moray</b>	Council
Day and date of election	<b>Thursday 11 December 2014</b>	

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) <i>(see Note 6 below)</i>	
Commonly used forenames (if any) <i>(see Note 6 below)</i>	
Description (if any) <i>(see Note 6 below)</i>	
Home address in full	

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

electoral ward:	<b>Ward 6 – Elgin City North</b>	
of	<b>The Moray</b>	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) <i>(give description and address(es) of land or premises)</i> :
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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> ):
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	

Deliver to the **Returning Officer** by **no later than 4pm on Friday 7 November 2014**.

A candidate who is qualified by more than one qualification may complete all of those that may 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.
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## 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 1985.

(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 56A of the Bankruptcy (Scotland) Act 1985);
- (b) a bankruptcy restrictions undertaking entered into under section 56G of that Act;
- (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.

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## **Local Government & Housing Act 1989: Political restrictions of officers & 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.

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## **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.
- (2) Those regulations may include provision as to—
- (a) the amounts of severance payments and the methods of calculating those amounts,
  - (b) the procedure for applying for severance payments and for dealing with such applications.
- (3) Where the Scottish Ministers have made a requirement under subsection (2) of section 13 in relation to a matter specified in subsection (3)(b) of that section they shall, before making regulations under subsection (1) of this section, consider any information, advice or recommendations given to them by the Scottish Local Authorities Remuneration Committee in response to the requirement.
- (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.”

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## **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
  - (c) where the member is the Water Industry Commissioner for Scotland, impose the sanction in section 25(12)(b) below.
- (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.



Office Use only	Date received	Time received	Initials	No.

2

Local government by-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 (<https://pefonline.electoralcommission.org.uk>).

Details of candidate to be authorised and the allowed description/party name			
Ward:	<b>Ward 6 – Elgin City North</b>	Date of election:	<b>11 December 2014</b>
I hereby certify that			
The candidate (name in full):			
Is authorised to stand for:	<i>Name of political party registered with the Electoral Commission</i>		
The candidate may include the following registered description/party name in their nomination paper:			
Note: It is an offence to make a false declaration. The maximum penalty is one year's imprisonment.			
Signature of party's registered Nominating Officer (or person authorised by the registered Nominating Officer):			
PRINT Name of person signing this form:			
Date:			

This form must be delivered for candidates standing on behalf of a political party to the **Returning Officer** by no later than 4pm on the last day for delivery of nomination papers being Friday 7 November 2014.

Office Use only	Date received	Time received	Initials	No.

3

Local government by-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 <https://pefonline.electoralcommission.org.uk>.

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

Candidate's request for use of an emblem			
Ward:	<b>Ward 6 – Elgin City North</b>	Date of election:	<b>11 December 2014</b>
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 <i>(Please use name or description as on Electoral Commission website):</i>			
Candidate's signature:			
Date:			

This form is only effective if delivered for a candidate standing on behalf of a political party to the **Returning Officer** by no later than 4pm on the last day for delivery of nomination papers being Friday 7 November 2014.

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 you are standing for. Please indicate the name of the party and the emblem name in the 'Emblem to be used' box above.

Office Use only	Date received	Time received	Initials	No.

4

Local government by-election

Notification of Election Agent

<b>Ward:</b>	<b>Ward 6 – Elgin City North</b>	<b>Date of election:</b>	<b>11 December 2014</b>
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**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 (will not be published)**

Home telephone:

Work telephone:

Mobile telephone:

Email address:

Deliver to the **Returning Officer** by 4pm on the last day for the delivery of nomination papers being Friday 7 November 2014.