



UNTO THE RIGHT HONOURABLE THE LORDS OF COUNCIL AND SESSION

The Petition of

(FIRST) ALEXANDER ROWLEY, 38 Mossgreen Street, Kelty, Fife

And

(SECOND) GORDON BROWN MP, 21 Ferryhills Road, North Queensferry, Fife

For

An order pursuant to Section 86 of the Representation of the People Act 1983 ("the Act")

HUMBLY SHEWETH

1. The First Petitioner resides at 38 Mossgreen Street, Kelty, Fife. He was election agent on behalf of the Second Respondent in the General Election on 5 May 2005. The Second Respondent was the candidate for the constituency of Kirkcaldy and Cowdenbeath in said election. This Court has jurisdiction. The said constituency is in Scotland. The Petitioners are unaware of any proceedings relative to the subject matter hereof in any other Court.
2. The First Petitioner was appointed election agent by the Second Petitioner on 8 April 2005. Following the election on 5 May 2005 the First Petitioner made the statutorily required Return of Election Expenses on 31 May 2005 in respect of the said constituency. Invoices in respect of election expenses required to be submitted to the First Petitioner by 26 May 2005 pursuant to section 78 of the Act. The mandatory payment date for said invoices was by 9 June 2005.

3. The Return of Election Expenses at "List 9 - paid for hire of rooms for Committee Rooms" specified "Hire of Office-Fife Council £634.59". The said return was in error. It omitted a non-domestic rate charge in respect of the office of £200.50. The First Petitioner was unaware that a rate charge was due in respect of the office. The demand notice for said charge dated 31 May 2005 was sent by Fife Council to Mrs Rhona White who was on holiday from 31 May 2005 to 21 June 2005. The First Petitioner discovered said charge had been made on about 23 June 2005 when he received said demand notice from Mrs Rhona White. He thereafter ascertained said charge was payable and on about 27 June 2005 made payment thereof by way of cheque. Said cheque cleared the bank on 1 July 2005. The First Petitioner did not appreciate that he should have applied for relief pursuant to Section 86 of the Act prior to making said payment. The additional expenses of £200.50 did not cause the limit on election expenses pursuant to section 76 of the Act to be breached.

4. The Second Petitioner had inspected the Return of Election Expenses and had believed it to be full and accurate and in proper form. He relied on the First Petitioner to prepare said Return and in making the relative Declaration. As a result of the erroneous Return, the Declaration was in error as a consequence. The Second Petitioner was unaware of the error referred to in Statement 3 until early July 2005 when he was informed thereof by the First Petitioner. He was informed by the First Petitioner that he was seeking legal advice in respect of the error on 8 July 2005.

5. The aforementioned errors arose by reason of inadvertence on the part of the First Petitioner. The error did not arise by reason of any want of good faith by the Petitioners. Reference is made to sections 78, 81 and 86 of the Act and Rules of Court 14.2 and 14.5.