



Local Governance (Scotland) Act 2004

2004 asp 9

PART 1

LOCAL GOVERNMENT ELECTIONS

3 Power to make further provision about local government elections

- (1) The Scottish Ministers must by order make provision as to—
- the conduct of elections of councillors,
 - the questioning of such an election and the consequences of irregularities.
- (2) Such an order must, in particular—
- specify the manner in which the number of votes which will secure the return of a candidate as a councillor is to be calculated,
 - provide for any candidate with a number of votes which equals or exceeds the number so calculated to be deemed to be elected as a councillor,
 - make provision as to circumstances in which one or more of the candidates is to be excluded from the election on the basis of the number of votes then credited to those candidates,
 - make provision as to the transfer of ballot papers from candidates deemed to be elected as councillors or excluded from the election,
 - specify the value, or the method for calculating the value, to be given to a vote on a transferred ballot paper.

[^{F1}(2A) For the avoidance of doubt, not every order made under subsection (1) need include provision of the type mentioned in subsection (2).]

[^{F2}(2B) The references to “ballot papers” and “transferred ballot paper” in subsection (2) are to be read as including any paper or electronic form used to record a vote communicated by electronic means.]

- (3) Such an order may, in particular—
- make provision about the limitation of the election expenses of candidates,
 - apply, with or without modifications or exceptions, any provision made by or under any enactment.

*Changes to legislation: There are currently no known outstanding effects for the
Local Governance (Scotland) Act 2004, Section 3. (See end of Document for details)*

- (4) Provision made by such an order by virtue of subsection (1)(b) must include provision applying Part III of the Representation of the People Act 1983 (c. 2) (“the 1983 Act”) (with such modifications or exceptions as the order may specify).
- (5) The return of a councillor may be questioned only under Part III of the 1983 Act as applied by an order under subsection (1).

Textual Amendments

- F1** S. 3(2A) inserted (29.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), [ss. 34\(6\)](#), 63(2); S.S.I. 2007/26, art. 2(1)(m)
- F2** S. 3(2B) inserted (1.10.2020) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), [ss. 6\(3\)](#), 35; S.S.I. 2020/278, reg. 2, sch.
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Commencement Information

- I1** S. 3 in force at 14.9.2006 by [S.S.I. 2006/470](#), [art. 2](#)

Changes to legislation:

There are currently no known outstanding effects for the Local Governance (Scotland) Act 2004, Section 3.