

*These notes relate to the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14) which received Royal Assent on 1 August 2006*

# **LOCAL ELECTORAL ADMINISTRATION AND REGISTRATION SERVICES (SCOTLAND) ACT 2006**

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## **EXPLANATORY NOTES**

### **THE ACT**

#### **Part 1: Electoral Administration**

##### **Performance of local authorities in relation to elections etc.**

###### ***Section 1 Setting of performance standards***

4. **Section 1** enables Scottish Ministers to set and publish performance standards for returning officers relating to the administration of a local government election. After they are published the performance standards must be laid before the Scottish Parliament.

###### ***Section 2 Returns and reports on performance standards***

5. **Section 2** enables Scottish Ministers to direct returning officers to submit reports regarding their level of performance against the standards set under section 1. Ministers are required to specify to whom the direction is issued and may also specify the elections to which the report relates and the form in which the report is to be provided. It further requires Ministers, upon receipt of such reports, to publish assessments of the level of performance of the returning officer (or officers) against the standards set.

###### ***Section 3 Provision of information about expenditure on elections***

6. This section gives Scottish Ministers powers to direct returning officers to provide information on expenditure at local government elections. The direction can specify which elections the information is to cover and the form in which and the date by which the information is to be provided.

###### ***Section 4 Correction of procedural errors***

7. This section allows returning officers to correct errors or omissions that arise during the preparation for and conduct of elections. These errors and omissions are those made by those administering the elections and those supplying goods and services to the administrators. The provisions of this section do not allow a returning officer to recount votes at an election after the result has been declared. Subsection (4) provides that a returning officer will not be guilty of the offence of breach of official duty set out in section 53 of the Representation of the People Act 1983 if the act or omission causing the breach of official duty is remedied in full.