



# Local Electoral Administration and Registration Services (Scotland) Act 2006

2006 asp 14

## PART 1

### LOCAL GOVERNMENT ELECTIONS

#### *Performance of returning officers in relation to elections etc.*

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

- (1) A returning officer for a local government election may take such steps as the officer thinks appropriate to remedy any act or omission on the officer's part, or on the part of a relevant person, which—
- (a) arises in connection with any function the returning officer or relevant person has in relation to the election, and
  - (b) is not in accordance with—
    - (i) provision as to the conduct of elections of councillors made in an order under section 3(1) of the Local Governance (Scotland) Act 2004 ([asp 9](#)), or
    - (ii) any other requirements applicable to the election.
- (2) But a returning officer may not under subsection (1) re-count the votes given at an election after the result has been declared.
- (3) For the purposes of subsection (1), each of the following is a relevant person—
- (a) an electoral registration officer,
  - (b) a presiding officer,
  - (c) a person providing goods or services to the returning officer,
  - (d) a deputy of any person mentioned in paragraph (a) or (b),
  - (e) a person appointed to assist or, in the course of the person's employment, assisting any person mentioned in paragraphs (a) to (c) in connection with any function that person has in relation to the election.

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*Status: This is the original version (as it was originally enacted).*

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- (4) A returning officer for a local government election is not guilty of an offence under section 63 of the 1983 Act (breach of official duty) by virtue of an act or omission in breach of the officer's official duty if the officer remedies that act or omission in full by taking steps under subsection (1) of this section.
- (5) Subsection (4) does not affect any conviction, or any penalty imposed, before the date on which the act or omission is remedied in full.