



# Local Electoral Administration (Scotland) Act 2011 2011 asp 10

## PART 2

### ELECTORAL COMMISSION: LOCAL GOVERNMENT ELECTIONS

#### *Financing and reports etc.*

#### **16 Financing of Commission**

- (1) The 2000 Act is amended as follows.
- (2) In section 13—
  - (a) in subsection (8), the words from “but” to “Ministers” are repealed,
  - (b) subsections (9) to (11) are repealed.
- (3) After section 13 insert—

#### **“13A Reimbursement of costs by Scottish Ministers etc.**

- (1) The Scottish Ministers must reimburse the Commission for any expenditure incurred by them which is attributable to the exercise of the functions mentioned in subsection (2).
- (2) The functions are the Commission’s functions under this Part in relation to local government elections in Scotland.
- (3) The total expenditure incurred in any financial year by the Commission in performing the functions mentioned in subsection (2) must not exceed such sum as is for the time being specified by an order made by the Scottish Ministers.
- (4) The power to make an order under subsection (3) is exercisable by statutory instrument subject to annulment in pursuance of a resolution of the Scottish Parliament.”

(4) In paragraph 14(1)(a) of Schedule 1, for “13(9)” substitute “13A”.

## **17 Reports on Commission’s functions**

(1) Schedule 1 to the 2000 Act is amended as follows.

(2) In paragraph 20 (reports), after sub-paragraph (2) insert—

“(3) The functions referred to in sub-paragraph (1) do not include the Commission’s functions under Part 1 in relation to local government elections in Scotland.”.

(3) After paragraph 20 insert—

“20A (1) The Commission must, as soon after the end of each financial year as may be practicable, prepare and lay before the Scottish Parliament a report about the performance of the functions mentioned in sub-paragraph (3) during that financial year.

(2) On laying the report, the Commission must publish the report in such manner as they may determine.

(3) The functions are the Commission’s functions under Part 1 in relation to local government elections in Scotland.”.

## **18 Consequential amendments**

The Scottish Public Services Ombudsman Act 2002 is amended as follows—

(a) in section 7 (restrictions on investigations), after subsection (6C) insert—

“(6D) The Ombudsman must not investigate action taken by or on behalf of the Electoral Commission unless the action taken concerned local government elections in Scotland.”,

(b) in Part 2 of schedule 2 (listed authorities), after paragraph 91B insert—

“91BA The Electoral Commission.”.