

LOCAL GOVERNANCE (SCOTLAND) ACT 2004

EXPLANATORY NOTES

THE ACT — SECTION BY SECTION

Part 3 – Miscellaneous and general

Section 14 – Election expenses etc.

34. [Section 14](#) amends certain sections of the [Political Parties, Elections and Referendums Act 2000 \(c.41\)](#) to extend to local government elections sections 90A to 90D of the 1983 Act (meaning of “election expenses”) and section 118A of that Act (meaning of “candidate”). The new meanings already apply, by virtue of the 2000 Act, for Parliamentary elections.
35. Subsections (3) and (4) also repeal section 82(4) of the 1983 Act and, in so doing, remove the requirement for a declaration of election expenses to be made before a justice of the peace or the proper officer of a local authority.

Section 15 – Ancillary provision

36. This section gives Scottish Ministers a power to make orders containing such ancillary provision as they consider necessary or expedient for the purposes or in consequence of the Act.

Section 16 – Orders and regulations

37. Subsection (1) provides that powers to make orders or regulations under this Act shall be exercisable by statutory instrument. Subsection (4) provides that any statutory instrument containing an order or regulations made under the Act will be subject to negative resolution procedure with the exception of instruments containing an order made under section 17(2) (commencement) and those specified in subsection (5). Subsection (5) provides that statutory instruments containing the orders and regulations specified in that subsection will be subject to affirmative resolution procedure.