



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

2006 asp 14

## PART 1

### LOCAL GOVERNMENT ELECTIONS

#### *Observers*

#### **8 Observers: individuals**

- (1) A person who is aged 16 or over may apply to the returning officer for a local government election for permission to be an observer at any of the following proceedings relating to the election—
  - (a) proceedings at the issue or receipt of postal ballot papers,
  - (b) proceedings at the poll,
  - (c) proceedings at the counting of votes.
- (2) If the returning officer grants the permission sought, the applicant may attend and observe the proceedings referred to in subsection (1).
- (3) An application under subsection (1) must be made in the manner specified in the code of practice issued under section 11.
- (4) The returning officer may at any time revoke any permission granted under this section.
- (5) If the returning officer—
  - (a) refuses an application under subsection (1), or
  - (b) revokes the permission granted under this section,the officer's decision together with reasons for the refusal or revocation must be given to the applicant.
- (6) The decision and reasons under subsection (5) must be given by the returning officer in the manner specified in the code of practice issued under section 11.

- (7) The rights conferred by subsection (2) are subject to any enactment which regulates attendance at the proceedings in question.

## **9 Observers: organisations**

- (1) An organisation may apply to the returning officer for a local government election for permission for nominated members of the organisation to be observers at any of the following proceedings relating to the election—
- (a) proceedings at the issue or receipt of postal ballot papers,
  - (b) proceedings at the poll,
  - (c) proceedings at the counting of votes.
- (2) An application under subsection (1) must specify the names of the members who are nominated and such other information relating to them as is specified in the code of practice issued under section 11.
- (3) If the returning officer grants the permission sought, the members of the organisation nominated in the application may attend and observe the proceedings referred to in subsection (1).
- (4) But, in granting the permission sought, the returning officer may impose a limit on the number of observers nominated by the organisation who may attend proceedings or particular proceedings by virtue of this section at any one time.
- (5) An application under subsection (1) must be made in the manner specified in the code of practice issued under section 11.
- (6) If the returning officer refuses an application under subsection (1), the officer must at the same time give reasons for the refusal to the organisation.
- (7) The returning officer may at any time revoke any permission granted under this section.
- (8) If the returning officer revokes any such permission, the officer must—
- (a) at the same time, give reasons for the revocation to the nominated member,
  - (b) as soon as practicable, give the reasons to the organisation.
- (9) Reasons under subsection (6) or (8) must be given by the returning officer in the manner specified in the code of practice issued under section 11.
- (10) The rights conferred by subsection (3) are subject to any enactment which regulates attendance at the proceedings in question.

## **10 Attendance of observers**

- (1) A relevant officer may limit the number of observers who may be present at any proceedings at any one time in pursuance of section 8 or 9.
- (2) In this section and section 11—
- “observers” means persons entitled to exercise the rights conferred by section 8(2) or 9(3),
  - “a relevant officer” means—
- (a) in the case of proceedings at a polling station, the presiding officer,
  - (b) in the case of any other proceedings, the returning officer,

- (c) such other person as a person mentioned in paragraph (a) or (b) authorises for the purposes of the proceedings mentioned in that paragraph.

## **11 Code of practice on attendance of observers at elections etc.**

- (1) The Scottish Ministers must prepare a code of practice on the attendance of observers at local government elections.
- (2) The code must in particular—
  - (a) specify the manner in which applications under sections 8(1) and 9(1) are to be made to the returning officer,
  - (b) specify the manner in which decisions and reasons must be given by the returning officer under sections 8(5) and 9(6) and (8),
  - (c) give guidance to returning officers as to the criteria to be taken into account by them in determining applications under sections 8(1) and 9(1),
  - (d) give guidance to returning officers as to the criteria to be taken into account by them in determining whether to revoke any permission under section 8(4) or 9(7),
  - (e) give guidance to relevant officers as to the exercise of the power conferred by section 10(1),
  - (f) give guidance to such officers as to the exercise, in relation to observers, of any power under any enactment to control the number of persons present at any proceedings relating to a local government election,
  - (g) give guidance to returning officers and observers on the exercise of the rights conferred by sections 8(2) and 9(3).
- (3) The code may make different provision for different purposes.
- (4) The Scottish Ministers must—
  - (a) lay the code before the Scottish Parliament, and
  - (b) publish the code in such manner as they may determine.
- (5) Returning officers and other relevant officers must have regard to the code in exercising any function conferred by section 8, 9 or 10.
- (6) The Scottish Ministers may at any time revise the code.
- (7) Subsections (4) and (5) apply in relation to a revision of the code as they apply in relation to the code.