

Draft Order laid before the Scottish Parliament under section 16(5) of the Local Governance (Scotland) Act 2004, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2012 No.

REPRESENTATION OF THE PEOPLE

The Scottish Local Government
Elections Amendment Order 2012

Made - - - - 2012
Coming into force - - 2012

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 3(1), 3A and 16(2) of the Local Governance (Scotland) Act 2004⁽¹⁾ and all other powers enabling them to do so.

In accordance with section 7(2)(j) of the Political Parties, Elections and Referendums Act 2000⁽²⁾, they have consulted the Electoral Commission.

In accordance with section 16(5) of the Local Governance (Scotland) Act 2004⁽³⁾, a draft of this Order has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1. This Order may be cited as the Scottish Local Government Elections Amendment Order 2012 and comes into force on the day after the day on which it is made.

Amendment of the Scottish Local Government Elections Order 2011

2.—(1) The Scottish Local Government Elections Order 2011⁽⁴⁾ is amended as follows.

(2) In article 5 (amendments)—

(a) after paragraph (2)(a), insert—

“(aa) in regulation 8 (notification of the requirement of secrecy), for “section 66(4) and (6) of the Representation of the People Act 1983” substitute “rule 27””; and

(1) 2004 asp 9. Section 3A was inserted by section 2(1) of the [Scottish Local Government \(Elections\) Act 2009 \(asp 10\)](#).
(2) 2000 c.41. Section 7(2)(j) was inserted by the [Local Electoral Administration \(Scotland\) Act 2011 \(asp 10\)](#).
(3) Section 16(5) was amended by section 2(2) of the [Scottish Local Government \(Elections\) Act 2009](#) and modified by paragraph 5 of schedule 3 to the [Interpretation and Legislative Reform \(Scotland\) Act 2010 \(asp 10\)](#).
(4) S.S.I. 2011/399.

- (b) in paragraph (3)(a) for “paragraph (1)” substitute “paragraph (2)”.
- (3) In rule 61 of Schedule 1 (publication of voting information)—
 - (a) in paragraph (1), for “paragraphs (2) and (4)” substitute “paragraph (2)”;
 - (b) in paragraph (2), omit sub-paragraphs (b) to (e);
 - (c) after paragraph (2) insert—
 - “(2A) For the purposes of this rule, all postal ballot papers cast in a ward must be treated as if cast at a further polling station in that ward.”;
 - (d) omit paragraphs (4) and (5); and
 - (e) in paragraph (7) omit “and the postal ballot information”.

Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Scottish Local Government Elections Order 2011 (“the principal Order”).

Article 2(2) amends article 5 of the principal Order to insert a further amendment to the Representation of the People (Postal Voting for Local Government Elections) (Scotland) Regulations 2007, in consequence of updated material in the principal Order. It also makes a minor correction to one of the amendments contained in article 5.

Article 2(3) amends rule 61 of Schedule 1 to the principal Order to provide that information relating to postal votes is to be treated in the same way as polling station information. This means that where less than 200 postal votes are received in a ward, the information relating to those votes shall be aggregated with the information from at least one of the polling stations within that ward, so that the aggregated information will include no less than 200 votes. This is to protect the secrecy of individual votes should a low number of postal votes be cast in a ward. The publication requirements are simplified by removing material which is already published at ward level (under rule 56 of the principal Order) and which it is onerous to produce at polling station level.