



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.

1 Setting of performance standards

- (1) The Scottish Ministers may—
 - (a) determine standards of performance for returning officers, and
 - (b) publish, in such form and in such manner as they consider appropriate, the standards so determined.
- (2) The standards of performance are to be such standards as the Scottish Ministers think ought to be achieved by returning officers in the administration of a local government election.
- (3) When the Scottish Ministers publish standards under subsection (1) they must lay a copy of the published standards before the Scottish Parliament.

2 Returns and reports on performance standards

- (1) The Scottish Ministers may issue directions to returning officers to provide the Scottish Ministers with such reports regarding their level of performance against the standards determined under section 1(1) as may be specified in the direction.
- (2) A direction under subsection (1)—
 - (a) must specify the returning officer or officers to whom it is issued,
 - (b) may require the report or reports to relate to such elections as may be specified in the direction, and
 - (c) may require the report or reports to be provided in a form specified in the direction.

- (3) A report provided to the Scottish Ministers in pursuance of subsection (1) may be published by the returning officer to whom it relates.
- (4) The Scottish Ministers must prepare and publish (in such manner as they may determine) assessments of the level of performance by returning officers against the standards determined under section 1(1).
- (5) An assessment under subsection (4)—
 - (a) must specify the returning officer or officers to whom it relates,
 - (b) must specify the period to which it relates, and
 - (c) may specify the elections to which it relates.
- (6) The Scottish Ministers must not prepare an assessment under subsection (4) unless they have received reports in pursuance of subsection (1) from the returning officer or officers for the matters to which the assessment relates.
- (7) Before publishing an assessment under subsection (4), the Scottish Ministers must—
 - (a) provide to each returning officer a copy of those parts of the assessment which relate to that returning officer, and
 - (b) have regard to any comments made by the returning officer regarding the factual accuracy of the assessment.

3 Provision of information about expenditure on elections

- (1) The Scottish Ministers may issue a direction to a returning officer to provide the Scottish Ministers with such expenditure information as may be specified in the direction.
- (2) Expenditure information is information relating to expenditure in connection with the local government election or elections for which a returning officer is appointed.
- (3) A direction under subsection (1)—
 - (a) may require the information to relate to such elections as may be specified in the direction, and
 - (b) may require the information to be provided—
 - (i) in such form, and
 - (ii) by such time,as may be so specified.

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.

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

- (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.
- (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.