

PLANNING ETC. (SCOTLAND) ACT 2006

EXPLANATORY NOTES

THE ACT – SECTION BY SECTION

Part 9 – Business Improvement Districts

Section 46 – Regulations about ballots

210. This section allows the Scottish Ministers to make regulations governing the ballot process, particularly, but not exclusively, in relation to:
- (a) the timing of ballots,
 - (b) the allocation of votes cast by persons entitled to vote,
 - (c) the question to be asked in a ballot,
 - (d) the form that ballots may take,
 - (e) the persons who are to hold ballots,
 - (f) the conduct of ballots,
 - (g) allowing Ministers to declare ballots void in cases of material irregularity,
 - (h) enabling a local authority to recover the costs of a ballot
211. Subsection (2)(b) allows for regulations to make particular provision for the persons entitled to vote in a ballot to alter or renew BID arrangements (Regulations under the Act may not require to provide further for the types of persons entitled to vote in an original ballot to approve BID arrangements, because a BID proposal may state that only eligible persons in respect of properties of a particular description will be involved in a BID (section 39(3)).)
212. Subsection (4) defines a “ballot” for the purposes of the section. A ballot renewing or altering BIDs arrangements is particularly dealt with in section 46(2)(b) (persons entitled to vote in a ballot).