



# Local Electoral Administration (Scotland) Act 2011

2011 asp 10

## PART 1 **S**

### ELECTORAL MANAGEMENT BOARD FOR SCOTLAND

#### *Establishment of Board etc.*

#### **1 Electoral Management Board for Scotland **S****

(1) There is established a committee to be known as the Electoral Management Board for Scotland.

[<sup>F1</sup>(2) The Board has the general functions of co-ordinating the administration of—

- (a) Scottish parliamentary elections, and
- (b) local government elections in Scotland.]

[<sup>F2</sup>(3) Those functions include—

- (a) assisting regional returning officers, constituency returning officers, local authorities and other persons in carrying out their functions in relation to Scottish parliamentary elections,
- (b) assisting returning officers, local authorities and other persons in carrying out their functions in relation to local government elections, and
- (c) promoting best practice in Scottish parliamentary elections and local government elections by providing information, advice or training (or otherwise).]

#### **Textual Amendments**

**F1** S. 1(2) substituted (1.10.2020) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\), ss. 24\(a\), 35; S.S.I. 2020/278, reg. 2, sch.](#)

**F2** S. 1(3) substituted (1.10.2020) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\), ss. 24\(b\), 35; S.S.I. 2020/278, reg. 2, sch.](#)

*Changes to legislation: There are currently no known outstanding effects for the Local Electoral Administration (Scotland) Act 2011, Part 1. (See end of Document for details)*

#### Commencement Information

**I1** S. 1 in force at 29.6.2011 by [S.S.I. 2011/277](#), **art. 2(a)**

## 2 Membership **S**

- (1) The Board is to have—
  - (a) a convener, who must be a returning officer,
  - (b) 8 other members of whom—
    - (i) 5 are to be returning or depute returning officers,
    - (ii) 3 are to be electoral registration officers.
- (2) The Scottish Ministers are to appoint the convener.
- (3) The convener is to appoint the other members.
- (4) When appointing members, the convener is to have regard to the desirability of the membership taken as a whole having a broad range of experience in relation to<sup>F3</sup>—
  - (a) different local authority areas (including different kinds of areas) throughout Scotland, and
  - (b) the different constituencies and regions provided for Scottish parliamentary elections by schedule 1 of the Scotland Act 1998 (including different kinds of constituencies and regions).]

#### Textual Amendments

**F3** Words in s. 2(4) substituted (1.10.2020) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), **ss. 27(2)**, **35**; [S.S.I. 2020/278](#), **reg. 2**, **sch.**

#### Commencement Information

**I2** S. 2 in force at 29.6.2011 by [S.S.I. 2011/277](#), **art. 2(a)**

## 3 Duration of appointment **S**

- (1) A person is to be appointed to the Board for a period of 4 years.
- (2) A person may be reappointed to the Board (once or more).

#### Commencement Information

**I3** S. 3 in force at 29.6.2011 by [S.S.I. 2011/277](#), **art. 2(a)**

## 4 Procedure etc. **S**

- (1) It is for the Board to regulate its own procedure (and quorum).
- (2) The convener may (with the agreement of the other members of the Board) invite a person to attend a meeting of the Board for the purpose of providing advice or otherwise assisting the Board in carrying out its functions.

*Changes to legislation: There are currently no known outstanding effects for the Local Electoral Administration (Scotland) Act 2011, Part 1. (See end of Document for details)*

#### Commencement Information

**I4** S. 4 in force at 29.6.2011 by [S.S.I. 2011/277](#), **art. 2(a)**

#### Directions

#### [<sup>F4</sup>4A **Directions to returning officers: Scottish parliamentary elections** **S**

- (1) The convener may give directions in writing to regional returning officers and constituency returning officers about the exercise of their functions in relation to—
  - (a) Scottish parliamentary elections generally, or
  - (b) a particular Scottish parliamentary election.
- (2) A direction may require a returning officer to provide the convener with information.
- (3) A returning officer to whom a direction is given must comply with the direction.]

#### Textual Amendments

**F4** S. 4A inserted (1.10.2020) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), **ss. 25, 35**; [S.S.I. 2020/278](#), **reg. 2, sch.**

#### 5 [<sup>F5</sup>Directions to returning officers: local government elections] **S**

- (1) The convener may give directions in writing to returning officers about the exercise of their functions in relation to—
  - (a) local government elections generally, or
  - (b) a particular local government election.
- (2) A direction may require a returning officer to provide the convener with information.
- (3) A returning officer to whom a direction is given must comply with the direction.

#### Textual Amendments

**F5** S. 5 title substituted (1.10.2020) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), **ss. 27(3), 35**; [S.S.I. 2020/278](#), **reg. 2, sch.**

#### Commencement Information

**I5** S. 5 in force at 29.6.2011 by [S.S.I. 2011/277](#), **art. 2(a)**

#### [<sup>F6</sup>5A **Directions to electoral registration officers: Scottish parliamentary elections** **S**

- (1) The convener may give directions in writing to electoral registration officers about the exercise of their functions in relation to a particular Scottish parliamentary election.
- (2) But a direction is of no effect if it is inconsistent with any direction given under section 52 of the 1983 Act.

*Changes to legislation: There are currently no known outstanding effects for the Local Electoral Administration (Scotland) Act 2011, Part 1. (See end of Document for details)*

- (3) An electoral registration officer to whom a direction is given must comply with the direction.]

**Textual Amendments**

**F6** S. 5A inserted (1.10.2020) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), **ss. 26, 35**; S.S.I. 2020/278, **reg. 2, sch.**

**6** **[<sup>F7</sup>Directions to electoral registration officers: local government elections] S**

- (1) The convener may give directions in writing to electoral registration officers about the exercise of their functions in relation to a particular local government election.
- (2) But a direction is of no effect if it is inconsistent with any direction given under section 52 of the 1983 Act.
- (3) An electoral registration officer to whom a direction is given must comply with the direction.

**Textual Amendments**

**F7** S. 6 title substituted (1.10.2020) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), **ss. 27(4), 35**; S.S.I. 2020/278, **reg. 2, sch.**

**Commencement Information**

**I6** S. 6 in force at 29.6.2011 by [S.S.I. 2011/277](#), **art. 2(a)**

**7** **Consultation before giving direction S**

- Before giving a direction under section [<sup>F8</sup>4A, 5, 5A] or 6, the convener must consult—
- (a) the other members of the Board,
- (b) the Electoral Commission.

**Textual Amendments**

**F8** Words in s. 7 substituted (1.10.2020) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), **ss. 27(5), 35**; S.S.I. 2020/278, **reg. 2, sch.**

**Commencement Information**

**I7** S. 7 in force at 29.6.2011 by [S.S.I. 2011/277](#), **art. 2(a)**

*Annual report*

**8** **Annual report S**

- (1) The convener must, as soon as practicable after the end of each financial year, prepare a report on the carrying out of the Board's functions during the year.
- (2) After securing the Board's approval of the report, the convener must—

*Changes to legislation: There are currently no known outstanding effects for the Local Electoral Administration (Scotland) Act 2011, Part 1. (See end of Document for details)*

- (a) lay the report before the Scottish Parliament, and
- (b) send a copy of the report to the Scottish Ministers.

#### Commencement Information

**I8** S. 8 in force at 29.6.2011 by [S.S.I. 2011/277](#), **art. 2(a)**

### Interpretation

## 9 Interpretation of Part 1 **S**

In this Part—

“the 1983 Act” means the Representation of the People Act 1983,

[<sup>F9</sup>“constituency returning officer” means an officer appointed by order in accordance with section 12(1) of the Scotland Act 1998,]

“convener” means the convener of the Board,

“depute returning officer” means a person appointed under section 41(2) of the 1983 Act,

“electoral registration officer” means an officer appointed under section 8(3) of the 1983 Act,

“local government election” has the meaning given in section 204(1) of the 1983 Act,

[<sup>F10</sup>“regional returning officer” means an officer appointed by order under section 12(6) of the Scotland Act 1998,]

[<sup>F11</sup>“returning officer” means an officer who is—

- (a) appointed under section 41(1) of the 1983 Act,
- (b) a constituency returning officer, or
- (c) a regional returning officer,]

[<sup>F12</sup>“Scottish parliamentary election” means an election for membership of the Scottish Parliament.]

#### Textual Amendments

**F9** Words in s. 9 inserted (1.10.2020) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), **ss. 27(6)(a)**, 35; [S.S.I. 2020/278](#), **reg. 2**, **sch.**

**F10** Words in s. 9 inserted (1.10.2020) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), **ss. 27(6)(b)**, 35; [S.S.I. 2020/278](#), **reg. 2**, **sch.**

**F11** Words in s. 9 substituted (1.10.2020) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), **ss. 27(6)(c)**, 35; [S.S.I. 2020/278](#), **reg. 2**, **sch.**

**F12** Words in s. 9 inserted (1.10.2020) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), **ss. 27(6)(d)**, 35; [S.S.I. 2020/278](#), **reg. 2**, **sch.**

#### Commencement Information

**I9** S. 9 in force at 29.6.2011 by [S.S.I. 2011/277](#), **art. 2(a)**

**Changes to legislation:**

There are currently no known outstanding effects for the Local Electoral Administration (Scotland) Act 2011, Part 1.