

SCOTTISH INDEPENDENCE REFERENDUM ACT 2013

EXPLANATORY NOTES

COMMENTARY

Observers

279. [Section 18](#) deals with Electoral Commission observers (anyone who is a member of the Commission, or a member of staff, or is appointed by the Commission for the purposes of this section) and gives them a right to attend any proceedings which are the responsibility of the CCO or a counting officer, or to observe any of their work carried out under this Act.
280. [Section 19](#) allows anyone aged 16 or over to apply to the Commission to be accredited as an observer, which permits them to be present at the issue or receipt of postal ballot papers, proceedings at the poll, or at the count. Accredited observers are subject to all rules contained in the Act regarding their attendance at these proceedings. The application should be made in the form specified by the Commission and, if granted, may be revoked at any time by them. The Commission must give reasons for the refusal of an application or for revocation of an accreditation.
281. [Section 20](#) provides for organisations to apply to be accredited to allow them to nominate observers, who may attend the proceedings described in the previous paragraph on their behalf. Any observers so nominated must be members of the organisation and the Commission may specify a limit to the number of nominees. The same provision as in section 19 applies to applications.
282. [Section 21](#) allows a CCO, counting officer, or any person authorised by them, to limit the number of people in attendance at proceedings under sections 19 or 20, or to cancel the entitlement to attend in case of misconduct. The presiding officer has the same power in relation to proceedings at a polling station.
283. [Section 22](#) requires the Commission to prepare a code of practice on the attendance of representatives of the Commission; accredited observers; and nominated members of accredited organisations at proceedings related to the referendum. The code must specify the manner in which applications for accreditation by individuals or organisations are to be made to the Commission, and the criteria that will be taken into the account by the Commission when deciding whether to grant or refuse such applications. In addition to giving guidance to persons observing proceedings, it should also give guidance to relevant officers as to the exercise of their powers to limit the number of people in attendance at proceedings or to remove a person's entitlement to attend proceedings because of an act of misconduct. The Commission must consult the Scottish Ministers before preparing the code, and must lay the code before the Scottish Parliament. The provisions also allow the Commission to revise the code at any time, subject to the same requirements for consultation and laying before the Scottish Parliament.