



Local Electoral Administration and Registration Services (Scotland) Act 2006

2006 asp 14

PART 1

LOCAL GOVERNMENT ELECTIONS

Access to election documents

5 Access to election documents

- (1) This section and sections 6 and 7 apply in relation to a local government election.
- (2) The proper officer in relation to the election must—
 - (a) make relevant election documents available for inspection by members of the public, and
 - (b) in relation to such description of documents mentioned in paragraph (a) as the Scottish Ministers may by regulations prescribe, supply, on the request of a member of the public, copies of or extracts from the documents.
- (3) The proper officer must, on the request of any of the following persons, supply the person with a copy of the marked copies of the register, the postal voters list, the list of proxies and the proxy postal voters list relating to the election—
 - (a) a registered party,
 - (b) a person who was a candidate at the election.
- (4) The Scottish Ministers may by regulations impose conditions in relation to—
 - (a) the inspection of any document in pursuance of subsection (2)(a),
 - (b) the supply of any document or part of a document in pursuance of subsection (2)(b),
 - (c) the supply of any document or part of a document in pursuance of subsection (3).
- (5) The Scottish Ministers may by regulations also make provision—
 - (a) as to the form in which any such document or part is supplied,
 - (b) for the payment of a fee in respect of the supply of a document or part.

Status: This is the original version (as it was originally enacted).

- (6) Conditions which may be imposed for the purposes of subsection (4)(a) or (b) include conditions as to—
- (a) whether a person may take a copy of any document which the person is permitted to inspect,
 - (b) the manner in which any such copy is to be taken,
 - (c) the purposes for which information contained in any document or part of a document which is inspected or supplied in pursuance of subsection (2) may be used.
- (7) Conditions which may be imposed for the purposes of subsection (4)(b) or (c) include conditions as to the extent to which a person to whom a document or part of a document has been supplied may—
- (a) supply that document or part to any other person,
 - (b) disclose to any other person any information contained in the document or part,
 - (c) use any such information for a purpose other than that for which the document or part was supplied to the person.
- (8) The Scottish Ministers may by regulations also impose conditions corresponding to those mentioned in subsection (7) in respect of persons who have obtained a document or part of a document mentioned in subsection (3)—
- (a) which was supplied to another person in pursuance of subsection (3), or
 - (b) otherwise than in accordance with regulations under this section.

6 Access to election documents: contravention of regulations

- (1) A person who fails to comply with any condition imposed in pursuance of regulations under section 5 is guilty of an offence.
- (2) A person—
- (a) who is an appropriate supervisor of another person who fails to comply with such a condition, and
 - (b) who failed to take appropriate steps,
- is guilty of an offence.
- (3) The other person referred to in subsection (2)(a) is not guilty of an offence under subsection (1) if that person has complied with all the requirements imposed on that person by the appropriate supervisor.
- (4) A person who does not have an appropriate supervisor is not guilty of an offence under subsection (1) if the person takes all reasonable steps to ensure that the person complies with the conditions.
- (5) In subsections (2), (3) and (4)—
- (a) an appropriate supervisor in relation to another person is a person who is a director of a company or concerned in the management of an organisation in which the other person is employed or under whose direction or control that person is,
 - (b) appropriate steps are such steps as it was reasonable for the appropriate supervisor to take to secure the operation of procedures designed to prevent, so far as reasonably practicable, the occurrence of a failure to comply with the conditions.

- (6) A person guilty of an offence as mentioned in subsection (1) or (2) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

7 Access to election documents: supplementary

- (1) The following provisions apply for the purposes of the interpretation of sections 5 and 6 and this section.
- (2) The proper officer in relation to an election is such officer of the local authority in whose area the election is held as is appointed by the local authority for the purposes of those sections.
- (3) The relevant election documents are such documents relating to the election as the proper officer is required by or under any enactment to retain for any period except—
- (a) ballot papers,
 - (b) completed corresponding number lists,
 - (c) certificates as to employment on the day of the election.
- (4) A party is a registered party if it is registered for the purposes of Part 2 of the Political Parties, Elections and Referendums Act 2000 (c. 41).
- (5) The marked copy of the register is a copy of the register of electors marked in the prescribed manner.
- (6) The marked copy of the list of proxies is a copy of that list marked in the prescribed manner.
- (7) The marked copy of the postal voters list or the proxy postal voters list is a copy of that list marked in the prescribed manner.
- (8) The completed corresponding number list is a list prepared and completed in the prescribed manner.
- (9) In this section “prescribed” means prescribed by an order made by the Scottish Ministers.