

2007 No. 379

REPRESENTATION OF THE PEOPLE

**The Scottish Local Government Elections Amendment
Order 2007**

<i>Made</i>	- - - -	<i>14th August 2007</i>
<i>Laid before the Scottish Parliament</i>		<i>15th August 2007</i>
<i>Coming into force</i>		<i>16th August 2007</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 3(1) and 16(2) of the Local Governance (Scotland) Act 2004(a) and all other powers enabling them to do so.

Citation and commencement

1. This Order may be cited as the Scottish Local Government Elections Amendment Order 2007 and shall come into force on 16th August 2007.

Amendment of the Scottish Local Government Elections Order 2007

2. In rule 58 of Schedule 1 to the Scottish Local Government Elections Order 2007(b) (orders for production of documents), after paragraph (7), insert—

“(7A) The Electoral Commission may require the production of any information held on an electronic copy of information made pursuant to rule 56(1), but only—

- (a) in connection with any review which they are conducting as part of assistance provided at the request of the Scottish Executive (whether before or after the commencement of this sub-paragraph) in terms of section 10 of the Political Parties, Elections and Referendums Act 2000, and
- (b) if the Scottish Ministers have requested (whether before or after the commencement of this sub-paragraph) that they examine such information as part of that review.

(a) 2004 asp 9. Section 3 was amended by section 34(6) of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14).
(b) S.S.I. 2007/42.

(7B) In their scrutiny of any information to which they have access by virtue of paragraph (7A) the Electoral Commission shall take care to ensure that the way in which a particular elector has given his or her vote is not ascertained and at the termination of their scrutiny the Electoral Commission shall reseal in their packets the electronic copies of the information made pursuant to rule 56(1), return them to the proper officer and cause to be destroyed any copies made of the information provided to them.”.

JOHN SWINNEY

A member of the Scottish Executive

St Andrews House,
Edinburgh
14th August 2007

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Scottish Local Government Elections Order 2007 to allow the Electoral Commission to require the production of copies of information stored in the electronic counting system as part of a review conducted at the request of the Scottish Ministers.

Rules 56 to 59 of Schedule 1 to the Scottish Local Government Elections Order 2007 provide that on the completion of counting at a contested election the ballot papers and various other documents and records shall be sealed up and delivered for safe-keeping to the proper officer of the council for which the election was held. Those rules also prescribe circumstances in which the documents and records can be scrutinised, and the parameters of such scrutiny.

This Order enables scrutiny of the electronic record by the Electoral Commission, where they have been asked by the Scottish Ministers to undertake a review of local government elections in Scotland and, as part of that review, to examine the electronic copies of information made pursuant to Rule 56(1). Safeguards to protect the secrecy of the vote are provided. These include the omission of any right of access to the sealed packets of the completed corresponding number lists, which link the numbers or barcodes on the ballot papers with the identifying numbers for electors.

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