

EXECUTIVE NOTE

THE LOCAL ELECTORAL ADMINISTRATION (SCOTLAND) ACT 2011 (CONSEQUENTIAL AMENDMENTS) ORDER 2012

SSI 2012/31

The above Instrument, if approved, will be made by Scottish Ministers in exercise of the powers conferred by section 20(1) of the Local Electoral Administration (Scotland) Act 2011 and all other powers enabling them to do so.

Policy Objectives

This Order amends the Representation of the People Act 1983, the Local Electoral Administration and Registration Services Act 2006 and the Representation of the People (Postal Voting for Local Government Elections) (Scotland) Regulations 2007, all in consequence of provisions contained in the Local Electoral Administration (Scotland) Act 2011 (“the 2011 Act”).

The Order repeals section 66(1)(d) of the Representation of the People Act 1983 (“the 1983 Act”) as it is no longer required. The provisions referred to in section 66(1)(d) have themselves been repealed by the 2011 Act and the persons covered by those repealed provisions (observers at Scottish local government elections) are now covered by section 66(1)(c) of the 1983 Act..

Having repealed section 66(1)(d) of the 1983 Act, it is also appropriate to repeal paragraph 2 of Schedule 2 to the Local Electoral Administration and Registration Services (Scotland) Act 2006 (“the 2006 Act”), which inserted section 66(1)(d) into the 1983 Act.

The Representation of the People (Postal Voting for Local Government Elections) (Scotland) Regulations 2007 are amended to update references in those regulations in consequence of the Electoral Commission’s role at Scottish Local Government elections.

Regulation 5 (persons entitled to be present at proceedings on issue of postal ballot papers) and regulation 6 (persons entitled to be present at proceedings on receipt of postal ballot papers) are amended to replace references to sections 8-10 of the 2006 Act (which related to observers at local government elections in Scotland and were repealed by the 2011 Act), with references to sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000 as these provisions now cover observers at these elections.

Regulation 31(4) (forwarding of documents) has been amended to show that postal ballot paper returns should be forwarded to the Electoral Commission rather than Scottish Ministers. This reflects the Commission’s statutory responsibility for Scottish Local Government elections.

Consultation

No Consultation was required for these amendments.

Impact Assessments

A Business Regularity Impact Assessment is deemed not be required in this instance as policy changes will not lead to costs or savings for business, third or public sector organisations, regulators or consumers. There is no additional cost on the public sector as the Scottish Government would continue to meet the costs of associated activity whether or not it was in the legislation and there is no transfer of costs or benefits from one group to another.

An Equality Impact Assessment is not required for this Order.

Financial Effects

There are no financial affects related to the amendments this Order will make.

Scottish Government Constitution and International Directorate
December 2011