



# Scottish Local Government (Elections) Act 2009 2009 asp 10

**The Bill for this Act of the Scottish Parliament was passed by the Parliament on 17th June 2009 and received Royal Assent on 21st July 2009**

An Act of the Scottish Parliament to make provision as respects the year in which local government elections fall to be held; and to make provision in relation to the publication of information about votes cast at local government elections.

## **1 Year of local government elections**

- (1) In section 5 of the Local Government etc. (Scotland) Act 1994 (c.39) (elections etc. of councillors), after subsection (1) insert—
  - “(1A) Following the ordinary election of councillors held in 2007 the next ordinary election of councillors shall take place in 2012.
  - (1B) After the ordinary election of councillors in 2012 the next ordinary election shall take place in 2017, and ordinary elections shall take place every fourth year after that.”
- (2) The schedule to this Act, which contains consequential modifications and the repeal of certain enactments already obsolete or unnecessary, has effect.

## **2 Voting information from local government elections**

- (1) In the Local Governance (Scotland) Act 2004 (asp 9), after section 3 insert—

**“3A Voting information from local government elections**

  - (1) The Scottish Ministers may by order make provision as to the publication of information about votes cast at elections of councillors.
  - (2) Such an order may, in particular—
    - (a) specify information to which the provisions shall apply,
    - (b) make provision about access to information to facilitate publication,
    - (c) specify limitations on the publication of information,
    - (d) make provision relating to votes cast in part of an electoral ward.

- (3) Nothing may be done by virtue of an order under this section which would make it possible to ascertain whether or not a particular elector voted.
  - (4) An order under this section may make provision which applies to any voting information held by virtue of this Act in relation to the local government elections held in 2007.”.
- (2) In section 16 of that Act (orders and regulations)—
- (a) in subsection (3) after “3(1)” insert “, 3A”,
  - (b) in subsection (5), at the end of paragraph (a) insert—  
“(aa) order containing provisions made under section 3A,”.

### **3 Short title and commencement**

- (1) This Act may be cited as the Scottish Local Government (Elections) Act 2009.
- (2) This section comes into force on Royal Assent.
- (3) The remaining provisions of this Act come into force on such day as the Scottish Ministers may by order made by statutory instrument appoint; and different days may be appointed for different purposes.

SCHEDULE  
*(introduced by section 1(2))*

CONSEQUENTIAL MODIFICATIONS

*Representation of the People Act 1983 (c.2)*

- 1 (1) Section 43 of the Representation of the People Act 1983 (day of ordinary local elections in Scotland, and other timing provisions) is amended in accordance with this paragraph.
- (2) In subsection (1B)—
  - (a) paragraph (a) and the word “or” immediately following are repealed,
  - (b) in paragraph (b) for “that Act” substitute “the Scotland Act 1998 (c.46) (“the 1998 Act”)”.
- (3) In subsection (1C)—
  - (a) the definition “ordinary general election” is repealed,
  - (b) for “5(3)” substitute “5(1A) or (1B)”.

*Local Government etc. (Scotland) Act 1994 (c.39)*

- 2 In section 5 of the Local Government etc. (Scotland) Act 1994, subsections (2) and (3) are repealed.

*Scottish Local Government (Elections) Act 2002 (asp 1)*

- 3 Section 1 of the Scottish Local Government (Elections) Act 2002 is repealed.