



# Scottish Independence Referendum Act 2013

2013 asp 14

## *Conduct*

### **5 Chief Counting Officer**

- (1) The Scottish Ministers must, in writing, appoint a Chief Counting Officer for the referendum.
- (2) The Chief Counting Officer is to be the person who, immediately before this section comes into force, is the person appointed as the convener of the Electoral Management Board for Scotland by virtue of section 2 of the Local Electoral Administration (Scotland) Act 2011.
- (3) But subsection (2) does not apply if—
  - (a) there is no person appointed as convener at that time, or
  - (b) that person is unable or unwilling to be appointed as the Chief Counting Officer.
- (4) The Chief Counting Officer may resign by giving notice in writing to the Scottish Ministers.
- (5) The Scottish Ministers may, by notice in writing, remove the Chief Counting Officer from office if—
  - (a) the Chief Counting Officer is convicted of any criminal offence, or
  - (b) they are satisfied that the Chief Counting Officer is unable to perform the Chief Counting Officer's functions by reason of any physical or mental illness or disability.
- (6) If the Chief Counting Officer dies, resigns or is removed from office, the Scottish Ministers must appoint another person to be the Chief Counting Officer.
- (7) The Chief Counting Officer may, in writing, appoint deputies to carry out some or all of the officer's functions and, so far as necessary for the purposes of carrying out those functions, any reference in this Act to the Chief Counting Officer is to be read as including a deputy.

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*Status: This is the original version (as it was originally enacted).*

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- (8) A person may be appointed to be—
- (a) the Chief Counting Officer,
  - (b) a deputy of the Chief Counting Officer,
- only if the person is or has been a returning officer appointed under section 41(1) of the 1983 Act.