



Scottish Elections (Reform) Act 2020

2020 asp 12

PART 2

ELECTORAL COMMISSION

Expenses and donations for local government elections

20 Electoral Commission: election expenses at Scottish local government elections

- (1) In section 26 of the Electoral Administration Act 2006 (return as to election expenses), subsection (2) is repealed and accordingly the amendments made by that section apply to local government elections in Scotland.
- (2) Section 19 of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (return as to election expenses) is repealed.
- (3) In section 81 of the Representation of the People Act 1983 (return as to election expenses)—
 - (a) after subsection (3A) insert—

“(3B) In the application of paragraph (c) of subsection (3A) in relation to a local government election in Scotland, any regulations under that paragraph are to be made by the Scottish Ministers and such regulations are subject to the affirmative procedure.”,
 - (b) subsection (10B) is repealed.
- (4) In section 7(2) of the Political Parties, Elections and Referendums Act 2000 (Electoral Commission to be consulted on changes to electoral law), after paragraph (e) insert—

“(eza) regulations to be made by the Scottish Ministers under section 81(3A) (c) of the Representation of the People Act 1983 (other matters to be included in election expenses return in relation to local government elections in Scotland);”.

21 Electoral Commission: donations to candidates at local government elections

- (1) In section 130 of the Political Parties, Elections and Referendums Act 2000 (control of donations to candidates), subsection (4) is repealed and accordingly the amendments made by that section have effect in relation to local government elections in Scotland.
- (2) In schedule 2A of the Representation of the People Act 1983 (“the 1983 Act”) (control of donations to candidates)—
 - (a) in paragraph 3 (sponsorship), after sub-paragraph (4) insert—

“(4A) But any modification of sub-paragraph (2) or (3) by order under sub-paragraph (4) has no effect in relation to local government elections in Scotland.”,
 - (b) in paragraph 10 (statement of relevant donations)—
 - (i) after sub-paragraph (2) insert—

“(2A) In the application of sub-paragraph (2) in relation to a local government election in Scotland, the reference to the Secretary of State is to be read as if it were a reference to the Scottish Ministers, and regulations made by the Scottish Ministers under that sub-paragraph are subject to the affirmative procedure.”,
 - (ii) sub-paragraph (3) is repealed.
- (3) As a consequence of subsection (2)(b)(ii), paragraph 10(2) of schedule 2A of the 1983 Act and any regulations made under that paragraph apply to local government elections in Scotland.
- (4) The references in subsection (3) are to that paragraph and to those regulations as they had effect on the date that the Bill for this Act was introduced to the Scottish Parliament.
- (5) Regulations made by the Scottish Ministers under paragraph 10(2) of schedule 2A of the 1983 Act may amend or revoke the regulations described under subsection (3) in so far as they apply to local government elections in Scotland.
- (6) In section 7(2) of the Political Parties, Elections and Referendums Act 2000 (Electoral Commission to be consulted on changes to electoral law), after paragraph (eza) (as inserted by section 20(4) of this Act) insert—

“(ezb) regulations to be made by the Scottish Ministers under paragraph 10(2) of schedule 2A of the Representation of the People Act 1983 (evidence of donor’s anonymous registration to accompany statement of relevant donations in relation to local government elections in Scotland);”.