



# Scottish Elections (Reform) Act 2020

## 2020 asp 12

### PART 3

#### ELECTORAL MANAGEMENT BOARD FOR SCOTLAND

#### 24 **Electoral Management Board for Scotland: general functions**

In section 1 of the Local Electoral Administration (Scotland) Act 2011 (Electoral Management Board for Scotland)—

(a) for subsection (2) substitute—

“(2) The Board has the general functions of co-ordinating the administration of—

- (a) Scottish parliamentary elections, and
- (b) local government elections in Scotland.”,

(b) for subsection (3) substitute—

“(3) Those functions include—

- (a) assisting regional returning officers, constituency returning officers, local authorities and other persons in carrying out their functions in relation to Scottish parliamentary elections,
- (b) assisting returning officers, local authorities and other persons in carrying out their functions in relation to local government elections, and
- (c) promoting best practice in Scottish parliamentary elections and local government elections by providing information, advice or training (or otherwise).”.

#### 25 **Directions to returning officers: Scottish parliamentary elections**

Before section 5 of the Local Electoral Administration (Scotland) Act 2011 (but after the italic heading preceding that section) insert—

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*Status: This is the original version (as it was originally enacted).*

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**“4A Directions to returning officers: Scottish parliamentary elections**

- (1) The convener may give directions in writing to regional returning officers and constituency returning officers about the exercise of their functions in relation to—
  - (a) Scottish parliamentary elections generally, or
  - (b) a particular Scottish parliamentary election.
- (2) A direction may require a returning officer to provide the convener with information.
- (3) A returning officer to whom a direction is given must comply with the direction.”.

**26      Directions to electoral registration officers: Scottish parliamentary elections**

After section 5 of the Local Electoral Administration (Scotland) Act 2011 insert—

**“5A Directions to electoral registration officers: Scottish parliamentary elections**

- (1) The convener may give directions in writing to electoral registration officers about the exercise of their functions in relation to a particular Scottish parliamentary election.
- (2) But a direction is of no effect if it is inconsistent with any direction given under section 52 of the 1983 Act.
- (3) An electoral registration officer to whom a direction is given must comply with the direction.”.

**27      Electoral Management Board for Scotland: miscellaneous amendments**

- (1) The Local Electoral Administration (Scotland) Act 2011 is amended as follows.
- (2) In section 2(4), for “different local authority areas (including different kinds of areas) throughout Scotland” substitute “—
  - (a) different local authority areas (including different kinds of areas) throughout Scotland, and
  - (b) the different constituencies and regions provided for Scottish parliamentary elections by schedule 1 of the Scotland Act 1998 (including different kinds of constituencies and regions).”.
- (3) The title of section 5 becomes “Directions to returning officers: local government elections”.
- (4) The title of section 6 becomes “Directions to electoral registration officers: local government elections”.
- (5) In section 7 (consultation before giving direction), for “5” substitute “4A, 5, 5A”.
- (6) In section 9 (interpretation of Part 1)—
  - (a) after the definition of “the 1983 Act” insert—

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- “constituency returning officer” means an officer appointed by order in accordance with section 12(1) of the Scotland Act 1998,”
- (b) after the definition of “local government election” insert—
- “regional returning officer” means an officer appointed by order under section 12(6) of the Scotland Act 1998,”
- (c) for the definition of “returning officer” substitute—
- “returning officer” means an officer who is—
- (a) appointed under section 41(1) of the 1983 Act,
- (b) a constituency returning officer, or
- (c) a regional returning officer,”
- (d) after that definition insert—
- ““Scottish parliamentary election” means an election for membership of the Scottish Parliament.”.