

Draft Order laid before the Scottish Parliament under section 20(3) of the Local Electoral Administration (Scotland) Act 2011, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2012 No.

REPRESENTATION OF THE PEOPLE

**The Local Electoral Administration (Scotland) Act
2011 (Consequential Amendments) Order 2012**

Made - - - -

Coming into force in accordance with article 2

The Scottish Ministers make the following Order in exercise of the powers conferred by section 20(1) of the Local Electoral Administration (Scotland) Act 2011⁽¹⁾ and all other powers enabling them to do so.

In accordance with section 20(3) of the Local Electoral Administration (Scotland) Act 2011, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1. This Order may be cited as the Local Electoral Administration (Scotland) Act 2011 (Consequential Amendments) Order 2012.

2. This Order comes into force on the day after the day on which it is made.

Amendment of the Representation of the People Act 1983

3. Section 66(1)(d) (persons subject to the requirement of secrecy) of the Representation of the People Act 1983⁽²⁾ is repealed.

Amendment of the Local Electoral Administration and Registration Services (Scotland) Act 2006

4. Paragraph 2 of schedule 2 to the Local Electoral Administration and Registration Services (Scotland) Act 2006⁽³⁾ is repealed.

(1) 2011 asp 10.

(2) 1983 c.2; section 66(1)(d) was inserted by the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), schedule 2, paragraph 2.

(3) 2006 asp 14.

Amendment of the Representation of the People (Postal Voting for Local Government Elections) (Scotland) Regulations 2007

5. The Representation of the People (Postal Voting for Local Government Elections) (Scotland) Regulations 2007(4) are amended as follows.

6. In regulation 5 (persons entitled to be present at proceedings on issue of postal ballot papers) for “section 8, 9 or 10 of the Local Electoral Administration and Registration Services (Scotland) Act 2006” substitute “sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000(5)”.

7. In regulation 6 (persons entitled to be present at proceedings on receipt of postal ballot papers) for “section 8, 9 or 10 of the Local Electoral Administration and Registration Services (Scotland) Act 2006” substitute “sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000”.

8. In regulation 31(4) (forwarding of documents) for “the Scottish Ministers” substitute “the Electoral Commission”.

St Andrew’s House,
Edinburgh
Date

Name
Authorised to sign by the Scottish Ministers

(4) S.S.I. 2007/263.

(5) 2000 c.41; sections 6A to 6D were inserted by the Electoral Administration Act 2006 (c.22), section 29.

EXPLANATORY NOTE

(This note is not part of the Order)

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

Article 3 repeals section 66(1)(d) of the 1983 Act as the provisions referred to there have themselves been repealed by the 2011 Act. The persons covered by those repealed provisions (observers at Scottish local government elections) are now covered by provisions referred to elsewhere in section 66 of the 1983 Act.

Article 4 repeals paragraph 2 of schedule 2 to the Local Electoral Administration and Registration Services (Scotland) Act 2006, which inserted section 66(1)(d) into the 1983 Act.

Articles 5 to 8 update references in the Representation of the People (Postal Voting for Local Government Elections) (Scotland) Regulations 2007 in consequence of the Electoral Commission’s role at Scottish local government elections.