

**2007 No. 26 (C. 5)**

**REPRESENTATION OF THE PEOPLE**

**The Local Electoral Administration and Registration Services  
(Scotland) Act 2006 (Commencement No. 2 and Transitional  
Provisions) Order 2007**

*Made* - - - -

*25th January 2007*

The Scottish Ministers, in exercise of the powers conferred by sections 61(2), 62(1)(b) and 63(2) of the Local Electoral Administration and Registration Services (Scotland) Act 2006<sup>(a)</sup> and of all other powers enabling them in that behalf, hereby make the following Order:

**Citation and interpretation**

**1.**—(1) This Order may be cited as the Local Electoral Administration and Registration Services (Scotland) Act 2006 (Commencement No. 2 and Transitional Provision) Order 2007.

(2) In this Order “the Act” means the Local Electoral Administration and Registration Services (Scotland) Act 2006.

**Provisions coming into force on 29th January 2007 and transitional provisions**

**2.**—(1) The following provisions of the Act shall come into force on 29th January 2007—

- (a) section 12 (False information in applications relating to absent voting);
- (b) section 13 (False information in nomination papers etc.);
- (c) section 14 (Undue influence);
- (d) section 15 (Offences relating to applications for postal and proxy votes);
- (e) section 16 (Prohibition of expenses not authorised by election agent);
- (f) section 18 (Financial limits applying to candidates’ election expenses);
- (g) section 20 (Anonymous registration: miscellaneous amendments);
- (h) section 25 (Photographs on ballot papers: piloting);
- (i) section 28 (Election campaigns and proceedings: miscellaneous amendments);
- (j) section 29 (Details to appear on election publications);
- (k) section 30 (Repeal of reference to Maundy Thursday);
- (l) section 33 (Power to make regulations as to preparation of special lists and records etc.);
- (m) section 34(2), (3) and (6) (Miscellaneous amendments);
- (n) section 35 (Part 1: minor and consequential modifications) for the purpose of commencing the provisions referred to in sub-paragraph (p) and article 3(1)(i);

- (o) section 36 (interpretation of Part 1); and
- (p) paragraphs 6, 8 and 11 of schedule 2 (Part 1: minor and consequential modifications).

(2) The provision referred to in paragraph (1)(j) does not have effect in relation to any election where the day of the poll is on or before 2nd May 2007 (or, in the case of an uncontested election, would have been had the election been contested).

**Provisions coming into force on 17th February 2007 and transitional provisions**

3.—(1) The following provisions of the Act shall come into force on 17th February 2007—

- (a) sections 1 to 4 (Performance of returning officers in relation to elections etc.);
- (b) sections 5 to 7 (Access to election documents) subject to paragraph (3) below;
- (c) sections 8 to 11 (Observers);
- (d) section 26 (Encouraging electoral participation);
- (e) section 27 (Tendered votes in certain circumstances);
- (f) section 31 (Translations etc. of certain documents);
- (g) section 32 (Certain voters entitled to vote in person);
- (h) section 34(1), (4) and (5) (Miscellaneous amendments); and
- (i) paragraphs 1, 2, 5, 7, 10, 12, 13 and 14 of schedule 2 (Part 1: minor and consequential modifications).

(2) The provisions referred to in paragraph (1) do not have effect in relation to any election where the day of the poll is on or before 2nd May 2007 (or, in the case of an uncontested election, would have been had the election been contested).

(3) Section 5(2)(a) of the Act is commenced for the purpose of inspection of paper documents only.

*TOM McCABE*  
A member of the Scottish Executive

St Andrew's House,  
Edinburgh  
25th January 2007

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order appoints days for the coming into force of provisions in Part 1 of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (“the Act”).

Article 2 provides that sections 12 to 16, 18, 20, 25, 28, 29, 30, 33, 34(2), (3) and (6), 35 (for certain paragraphs of the therein mentioned schedule), 36 and paragraphs 6, 8 and 11 of schedule 2 of the Act shall come into force on 29th January 2007. Sections 1 to 4, 5 to 7, 8 to 11, 26, 27, 31, 32, 34(1), (4) and (5) and paragraphs 1, 2, 5, 7, 10, 12, 13 and 14 of schedule 2 of the Act shall come into force on 17th February 2007 in accordance with Article 3. Article 3(2) provides that where any elections take place before 3rd May 2007, the existing law will continue to apply to those elections.

Sections 1 and 2 of the Act provide for the setting of performance standards of returning officers in relation to elections. Section 3 enables the Scottish Ministers to obtain information about expenditure on elections from a returning officer. Section 4 allows returning officers to correct certain procedural errors. Sections 5 to 7 make provision concerning access to election documents. Sections 8 to 11 set out who can observe certain electoral proceedings and for a code of practice on attendance of observers.

Sections 12 to 15 set out offences in relation to voting. Section 16 prohibits expenses not authorised by an election agent and section 18 deletes section 132(6) of the Political Parties, Elections and Referendums Act 2000 (c.41) which deals with financial limits applying to candidates’ election expenses. Section 20 makes amendments relating to anonymous registration. Section 25 provides for piloting of photographs on ballot papers. Section 26 enables returning officers to take steps to encourage electoral participation. Section 27 allows tendered votes to be marked in certain specified circumstances. Section 28 makes miscellaneous amendments relating to election campaigns and proceedings. Section 29 sets out what details are to appear on election publications. Section 30 repeals references to Maundy Thursday. Section 31 makes provision for translations of certain documents. Section 32 sets out certain voters who are entitled to vote in person. Section 33 sets out a regulation making power as to the preparation of special lists and records. Section 34 contains various miscellaneous amendments. Section 35 and the paragraphs in schedule 2 which are commenced make a number of minor and consequential modifications. Section 36 covers interpretation of Part 1 of the Act.

The Act received Royal Assent on 1st August 2006. The first commencement order, the Local Electoral Administration and Registration Services (Scotland) Act 2006 (Commencement No. 1 and Transitional Provision) Order 2006 (S.S.I 2006/469) was made on 13th September 2006 and commenced various sections in Part 2 of the Act relating to registration services.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Act have been brought into force by commencement order (S.S.I. 2006/469) made before the date of this Order:—

<i>Provisions</i>	<i>Date of Commencement</i>
Sections 39 and 40 (partially)	1st October 2006
Section 41(1) (partially)	1st October 2006
Section 41(2)(a) and (3)	1st October 2006
Section 42 (partially)	1st October 2006
Section 43	1st October 2006
Section 44(1) (partially)	1st October 2006
Section 44(3) and (4)	1st October 2006
Section 44(5) (partially)	1st October 2006
Section 44(6) (partially)	1st October 2006
Section 45	1st October 2006
Section 46 (partially)	1st October 2006
Section 47(1) (partially)	1st October 2006
Section 47(3)	1st October 2006
Section 48(1) (partially)	1st October 2006
Section 48(7) and (9)(a), (b)(ii) and (c)	1st October 2006
Section 49 (partially)	1st October 2006
Section 50(1) (partially)	1st October 2006
Section 50(2) to (9) (partially)	1st October 2006
Section 50(10)	1st October 2006
Section 52(1) (partially)	1st October 2006
Section 52(2)(a) to (c) (partially)	1st October 2006
Section 52(2)(d) and (3)	1st October 2006
Section 52(4) (partially)	1st October 2006
Section 52(5)	1st October 2006
Section 52(6) (partially)	1st October 2006
Section 52(7)	1st October 2006
Section 53	1st October 2006
Sections 54 and 55 (partially)	1st October 2006
Sections 56 to 58	1st October 2006
Section 59(1)(b)	1st October 2006
Section 60	1st October 2006
Section 37	1st January 2007
Section 38	1st January 2007
Section 39(1) (partially)	1st January 2007
Section 39(2), (3)(c), (4), (5), (7) and (8)	1st January 2007
Section 40	1st January 2007
Section 41	1st January 2007
Section 42(1) (partially)	1st January 2007
Section 42(2), (3)(a)(iii) and (iv) and (c), (4), (5), (7) and (8)	1st January 2007
Section 44(1) (partially)	1st January 2007
Section 44(2), (7) and (8)	1st January 2007
Section 44(5) (partially)	1st January 2007

<i>Provisions</i>	<i>Date of Commencement</i>
Section 44(6)	1st January 2007
Section 46	1st January 2007
Section 47	1st January 2007
Section 48	1st January 2007
Section 49	1st January 2007
Section 50	1st January 2007
Section 51	1st January 2007
Section 52(1) (partially)	1st January 2007
Section 52(2)(a) to (c) and (4)	1st January 2007
Section 52(6) (partially)	1st January 2007
Section 59	1st January 2007

Note – “Partially” denotes that all of the provisions detailed in an entry in the table have been commenced for limited purposes.





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