
EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which revokes and replaces the Scottish Local Elections Rules 2002 as amended (“the 2002 Rules”), provides for the conduct of elections of members of local authorities.

Article 3 provides that such elections shall be conducted in accordance with the rules set out in Schedule 1 to the Order. Article 2 defines various terms used in the Order. Article 1(2) and Article 6 make transitional arrangements. The Order applies to the elections to be held on 3rd May 2007 and subsequent elections but not to any election held before that date, to which the 2002 Rules will continue to apply.

Schedule 1 to the Order sets out the rules which apply for the purpose of the conduct of local government elections. The rules in Schedule 1 differ from the 2002 Rules by including changes introduced by the provisions of the Local Electoral Administration and Registration Services (Scotland) Act 2006 and follow amendments made to the parliamentary elections rules by the Electoral Administration Act 2006.

In particular, the provisions of rule 1 (timetable), rule 4 (nomination of candidates), rule 7 (decisions as to validity of nomination papers), rule 10 (corrections of errors in nomination papers), rule 14 (the ballot papers), rule 16 (security marking), rule 20 (postal ballot papers), rule 23 (issue of official poll cards and notifications), rule 24 (equipment of polling stations), rule 27 (admission to polling station), rule 35 (tendered ballot papers), rule 40 (attendance at counting of votes) and rule 59 (retention of documents) have been amended.

The rules have also been amended to reflect the introduction of the single transferable vote (“STV”) system for local government elections in Scotland from May 2007. In addition to revising the format of the ballot paper, the rules dealing with the counting of votes (rules 40 to 54) have been substantially altered to reflect the change to multi-member council wards with either 3 or 4 members together with the introduction of electronic counting.

In addition to the ballot paper, the forms in Schedule 1 have been revised to take account of changes to electoral procedures and the introduction of the STV system.

Schedule 2 to this Order modify the rules in Schedule 1 where the poll at a local government election is taken together with a poll at UK parliamentary or European parliamentary elections under section 15(1) or (2) of the Representation of the People Act 1985. Section 15(1) requires the poll at an ordinary local government election to be taken together with the poll at a parliamentary or European Parliament general election when those polls are to be taken on the same day. Section 15(2) allows the returning officers at two or more elections for related areas (within the meaning of section 15(3)), the polls at which are taken on the same day, to agree to those polls being taken together. Schedule 2 makes provision equivalent to the modifications to the parliamentary elections rules made by regulation 98 of the Representation of the People (Scotland) Regulations 1986.

Schedules 3 and 4 contain, respectively, a form of the corresponding number list and the form of a postal voting statement associated with the modifications prescribed in Schedule 2.