



Local Electoral Administration and Registration Services (Scotland) Act 2006

2006 asp 14

The Bill for this Act of the Scottish Parliament was passed by the Parliament on 22nd June 2006 and received Royal Assent on 1st August 2006

An Act of the Scottish Parliament to make provision in relation to the administration and conduct of local government elections; to reorganise local registration services; to amend the law in relation to the registration of births and deaths and the procedure in relation to marriages and civil partnerships; to provide for the recording of certain events occurring outwith Scotland in relation to persons who have a Scottish connection; to make available certain information and records held by the Registrar General; and for connected purposes.

PART 1

LOCAL GOVERNMENT ELECTIONS

Performance of returning officers in relation to elections etc.

^{F1} **Setting of performance standards**

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Textual Amendments

- F1** Ss. 1-3 repealed (29.6.2011) by [Local Electoral Administration \(Scotland\) Act 2011 \(asp 10\)](#), ss. 13(2), 21(1); S.S.I. 2011/277, art. 2(b)

^{F2} **Returns and reports on performance standards**

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Status: This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Local Electoral Administration and Registration Services (Scotland) Act 2006. (See end of Document for details)

Textual Amendments

- F1** Ss. 1-3 repealed (29.6.2011) by [Local Electoral Administration \(Scotland\) Act 2011 \(asp 10\)](#), **ss. 13(2)**, 21(1); S.S.I. 2011/277, art. 2(b)

F13 Provision of information about expenditure on elections

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Textual Amendments

- F1** Ss. 1-3 repealed (29.6.2011) by [Local Electoral Administration \(Scotland\) Act 2011 \(asp 10\)](#), **ss. 13(2)**, 21(1); S.S.I. 2011/277, art. 2(b)

4 Correction of procedural errors

- (1) A returning officer for a local government election may take such steps as the officer thinks appropriate to remedy any act or omission on the officer's part, or on the part of a relevant person, which—
 - (a) arises in connection with any function the returning officer or relevant person has in relation to the election, and
 - (b) is not in accordance with—
 - (i) provision as to the conduct of elections of councillors made in an order under section 3(1) of the Local Governance (Scotland) Act 2004 (asp 9), or
 - (ii) any other requirements applicable to the election.
- (2) But a returning officer may not under subsection (1) re-count the votes given at an election after the result has been declared.
- (3) For the purposes of subsection (1), each of the following is a relevant person—
 - (a) an electoral registration officer,
 - (b) a presiding officer,
 - (c) a person providing goods or services to the returning officer,
 - (d) a deputy of any person mentioned in paragraph (a) or (b),
 - (e) a person appointed to assist or, in the course of the person's employment, assisting any person mentioned in paragraphs (a) to (c) in connection with any function that person has in relation to the election.
- (4) A returning officer for a local government election is not guilty of an offence under section 63 of the 1983 Act (breach of official duty) by virtue of an act or omission in breach of the officer's official duty if the officer remedies that act or omission in full by taking steps under subsection (1) of this section.
- (5) Subsection (4) does not affect any conviction, or any penalty imposed, before the date on which the act or omission is remedied in full.

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Commencement Information

- II** S. 4 wholly in force at 17.2.2007, see s. 63(2) and [S.S.I. 2007/26](#), [art. 3\(1\)\(a\)](#) (with transitional provisions in [art. 3\(2\)](#))

Access to election documents

5 Access to election documents

- (1) This section and sections 6 and 7 apply in relation to a local government election.
- (2) The proper officer in relation to the election must—
 - (a) make relevant election documents available for inspection by members of the public, and
 - (b) in relation to such description of documents mentioned in paragraph (a) as the Scottish Ministers may by regulations prescribe, supply, on the request of a member of the public, copies of or extracts from the documents.
- (3) The proper officer must, on the request of any of the following persons, supply the person with a copy of the marked copies of the register, the postal voters list, the list of proxies and the proxy postal voters list relating to the election—
 - (a) a registered party,
 - (b) a person who was a candidate at the election.
- (4) The Scottish Ministers may by regulations impose conditions in relation to—
 - (a) the inspection of any document in pursuance of subsection (2)(a),
 - (b) the supply of any document or part of a document in pursuance of subsection (2)(b),
 - (c) the supply of any document or part of a document in pursuance of subsection (3).
- (5) The Scottish Ministers may by regulations also make provision—
 - (a) as to the form in which any such document or part is supplied,
 - (b) for the payment of a fee in respect of the supply of a document or part.
- (6) Conditions which may be imposed for the purposes of subsection (4)(a) or (b) include conditions as to—
 - (a) whether a person may take a copy of any document which the person is permitted to inspect,
 - (b) the manner in which any such copy is to be taken,
 - (c) the purposes for which information contained in any document or part of a document which is inspected or supplied in pursuance of subsection (2) may be used.
- (7) Conditions which may be imposed for the purposes of subsection (4)(b) or (c) include conditions as to the extent to which a person to whom a document or part of a document has been supplied may—
 - (a) supply that document or part to any other person,
 - (b) disclose to any other person any information contained in the document or part,

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- (c) use any such information for a purpose other than that for which the document or part was supplied to the person.
- (8) The Scottish Ministers may by regulations also impose conditions corresponding to those mentioned in subsection (7) in respect of persons who have obtained a document or part of a document mentioned in subsection (3)—
 - (a) which was supplied to another person in pursuance of subsection (3), or
 - (b) otherwise than in accordance with regulations under this section.

Commencement Information

- I2** S. 5 wholly in force at 17.2.2007, see s. 63(2) and [S.S.I. 2007/26](#), [art. 3\(1\)\(b\)](#) (with transitional provisions in [art. 3\(2\)](#) and subject to [art. 3\(3\)](#))

6 Access to election documents: contravention of regulations

- (1) A person who fails to comply with any condition imposed in pursuance of regulations under section 5 is guilty of an offence.
- (2) A person—
 - (a) who is an appropriate supervisor of another person who fails to comply with such a condition, and
 - (b) who failed to take appropriate steps,
 is guilty of an offence.
- (3) The other person referred to in subsection (2)(a) is not guilty of an offence under subsection (1) if that person has complied with all the requirements imposed on that person by the appropriate supervisor.
- (4) A person who does not have an appropriate supervisor is not guilty of an offence under subsection (1) if the person takes all reasonable steps to ensure that the person complies with the conditions.
- (5) In subsections (2), (3) and (4)—
 - (a) an appropriate supervisor in relation to another person is a person who is a director of a company or concerned in the management of an organisation in which the other person is employed or under whose direction or control that person is,
 - (b) appropriate steps are such steps as it was reasonable for the appropriate supervisor to take to secure the operation of procedures designed to prevent, so far as reasonably practicable, the occurrence of a failure to comply with the conditions.
- (6) A person guilty of an offence as mentioned in subsection (1) or (2) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Commencement Information

- I3** S. 6 wholly in force at 17.2.2007, see s. 63(2) and [S.S.I. 2007/26](#), [art. 3\(1\)\(b\)](#) (with transitional provisions in [art. 3\(2\)](#))

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7 Access to election documents: supplementary

- (1) The following provisions apply for the purposes of the interpretation of sections 5 and 6 and this section.
- (2) The proper officer in relation to an election is such officer of the local authority in whose area the election is held as is appointed by the local authority for the purposes of those sections.
- (3) The relevant election documents are such documents relating to the election as the proper officer is required by or under any enactment to retain for any period except—
 - (a) ballot papers,
 - (b) completed corresponding number lists,
 - (c) certificates as to employment on the day of the election.
- (4) A party is a registered party if it is registered for the purposes of Part 2 of the Political Parties, Elections and Referendums Act 2000 (c. 41).
- (5) The marked copy of the register is a copy of the register of electors marked in the prescribed manner.
- (6) The marked copy of the list of proxies is a copy of that list marked in the prescribed manner.
- (7) The marked copy of the postal voters list or the proxy postal voters list is a copy of that list marked in the prescribed manner.
- (8) The completed corresponding number list is a list prepared and completed in the prescribed manner.
- (9) In this section “prescribed” means prescribed by an order made by the Scottish Ministers.

Commencement Information

- I4** S. 7 wholly in force at 17.2.2007, see s. 63(2) and [S.S.I. 2007/26](#), [art. 3\(1\)\(b\)](#) (with transitional provisions in [art. 3\(2\)](#))

Observers

^{F2}8 Observers: individuals

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Textual Amendments

- F2** Ss. 8-11 repealed (29.6.2011) by [Local Electoral Administration \(Scotland\) Act 2011](#) (asp 10), [ss. 11\(7\)](#), [21\(1\)](#); [S.S.I. 2011/277](#), [art. 2\(b\)](#)

^{F2}9 Observers: organisations

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